

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
Wednesday, November 14, 2018
Regional Water Board Office
5550 Skylane Blvd, Suite A
Santa Rosa, CA

ITEM: 3

SUBJECT: Public Hearing on Order No. R1-2018-0057 Modifying Cease and Desist Order No. R1-2013-0009 for the North Fork Lumber Company – Korbel Sawmill, WDID No. 1B800200HUM, NPDES No. CA005932 (Imtiaz-Ali Kalyan)

BOARD ACTION: The Board will consider adoption of Order No. R1-2018-0057 modifying Cease and Desist Order No. R1-2013-0009. The Order as proposed will extend the date for achieving compliance with the final copper and lead effluent limitations from July 1, 2018, to December 31, 2019.

BACKGROUND: North Fork Lumber Company, formerly known as California Redwood Company, (hereinafter Permittee) is the owner and operator of Korbel Sawmill (hereafter Facility), where Redwood and Douglas Fir logs are used for lumber manufacturing. The Facility is situated on approximately 150 acres within the town of Korbel. Historically, onsite operations included sawmilling operations, lumber planing, lumber drying in kilns with an associated boiler water system, lumber storage and shipping, wet and dry log decking and sorting, and byproduct generation and management. The Permittee decommissioned the boiler and kilns in August 2014 and the sawmill and planing operations in February 2015. Between May 2016 and December 2017, the Facility was completely modernized and full-time sawmill operations resumed in January 2018. Onsite operations now include decking and sprinkling fir logs; debarking and bucking; sawing, milling, and planing operations; lumber storage and shipping; and by-product generation.

ISSUES: Due to the Facility's inability to comply with copper and lead effluent limitations in their NPDES permit (Order No. R1-2013-0008), a Cease and Desist Order (CDO) was issued to the Permittee on May 2, 2013 and became effective on July 1, 2013. The CDO provided a compliance schedule for the Permittee to develop, submit, and implement methods of compliance, including the development and implementation of pollution prevention activities, or the construction of necessary treatment Facility upgrades to meet the new effluent limitations for copper and lead. The Facility was required to achieve full compliance with the copper and lead effluent limitations by July 1, 2018.

In 2013, 2014, and 2015 the Permittee implemented Facility modifications which effectively removed significant sources of copper and lead from the system. Additionally, to improve treatment efficiency of the constructed wetland, in the fall of 2017 and spring of 2018, the Permittee installed twenty "floating islands" that contain wetland plants. Despite these operational modifications, the Permittee determined that natural variability of wetland systems would likely make it problematic for the Facility to consistently rely on

the wetland for treatment to achieve compliance with final effluent limitations established in their NPDES permit. As a result, the Permittee proposed to derive site specific water quality criteria for copper and lead by conducting a Water Effect Ratio (WER) study as their preferred alternative to achieving compliance with final effluent limitations.

In its promulgation of aquatic life criteria for metals, the United States Environmental Protection Agency (EPA) recognized that the bioavailability of metals, and thus their toxicity, can vary substantially between site waters relative to the laboratory control waters used in the toxicity tests from which the aquatic life criteria were derived. A water-effect ratio (WER) accounts for this difference, and is expressed as the ratio of the effect threshold (e.g. EC50) for a metal in site water versus the effect threshold for the same metal in laboratory control water.

On June 26, 2018, the Permittee submitted their final WER report to the Regional Water Board. Results from the study concluded that the Facility's effluent for copper and lead has WER values greater than one (a condition where the metals are effectively less toxic to the primary test species, *Ceriodaphnia dubia* or water flea, in site water relative to the laboratory-controlled water). Results from the study also provided supporting information for the Regional Water Board to authorize the use the WER values for both copper and lead to calculate site specific California Toxics Rule (CTR) water quality criteria.

Using these site specific fresh water CTR values, the reasonable potential analysis (RPA) conducted on August 18, 2018, showed that both copper and lead do not exhibit reasonable potential to exceed the water quality objectives; therefore, the Facility's new proposed NPDES permit will not retain effluent limitations for copper and lead. However, until their new NPDES permit can be adopted with the removal of effluent limitations for copper and lead, the Permittee needs interim limitations established for the 2018-2019 discharge season to avoid accruing mandatory minimum penalties (MMPs) for discharge(s) exceeding current effluent limitations established in their existing NPDES permit (R1-2013-0008).

Order R1-2018-0057 proposes to modify Order No. R1-2013-0009 by extending the date for achieving compliance with final copper and lead effluent limitations from July 1, 2018, to December 31, 2019, when the Facility's new NPDES permit would likely become effective.

On October 29, 2018, Regional Water Board staff posted notice of the hearing and a copy of the proposed Modification Order No. R1-2018-0057 on the Regional Water Board website and sent additional notices by email to interested agencies and persons. The Regional Water Board will accept oral comments and evidence on the proposed Order at the public hearing. Regional Water Board staff expect this item to be uncontested.

RECOMMENDATION: Adopt Order No. R1-2018-0057, as proposed.

SUPPORTING DOCUMENTS:

1. Proposed Order No. R1-2018-0057
2. Public Notice