

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

COMPLAINT NO. R5-2007-0511

MANDATORY PENALTY
IN THE MATTER OF
COLLINS PINE COMPANY
CHESTER SAWMILL
PLUMAS COUNTY

This complaint to assess Mandatory Penalties pursuant to Water Code section 13385 (h) and (i) is issued to Collins Pine Company (hereafter Discharger) based on a finding of violation of Waste Discharge Requirements Order No. R5-2004-0012 (NPDES No. CA0004391).

The Executive Officer finds the following:

1. On 30 January 2004, the California Regional Water Quality Control Board, Central Valley Region, (Regional Water Board) adopted Waste Discharge Requirements Order No. R5-2004-0012 (NPDES No. CA0004391), for Collins Pine Company, to regulate discharges of waste from the Chester sawmill and cogeneration power plant.
2. Order No. R5-2004-0012 includes the following effluent limitations:

“B. Effluent Limitations

1. Effluent shall not exceed the following limits:

<u>Constituent</u>	<u>Unit</u>	<u>Daily Maximum</u>
Chemical Oxygen Demand	mg/L	40
Suspended Solids	mg/L	40

3. On 1 January 2006 an effluent suspended solids concentration was measured at 66 mg/L, or 65 percent greater than the allowed daily maximum of 40 mg/L in affect at the time.
4. On 28 February 2006 an effluent suspended solids concentration was measured at 59 mg/L, or 47.5 percent greater than the allowed daily maximum of 40 mg/L in affect at the time.
5. On 7 March 2006 an effluent chemical oxygen demand concentration was measured at 56 milligrams per liter (mg/L), or 40 percent greater than the allowed daily maximum of 40 mg/L in affect at the time.

6. On 2 May 2006 an effluent chemical oxygen demand concentration was measured at 43 milligrams per liter (mg/L), or 7.5 percent greater than the allowed daily maximum of 40 mg/L in affect at the time.
7. Water Code section 13385(h)(1) requires the Regional Water Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each serious violation. Water Code Section 13385(h)(2) defines a serious violation as an exceedance of 40% or more of a Group I pollutant as defined in 40 CFR 123.45 or an exceedance by 20% or more of a Group II pollutant as defined in 40 CFR 123.45. Suspended solids and chemical oxygen demand are Group I pollutants under 40 CFR 123.45, and the measured exceedances are therefore serious violations under Water Code section 13385 (h), and are subject to a mandatory minimum penalty of \$3,000 each, for a total of \$9,000.
8. Water Code section 13385(i)(1) requires the Regional Water Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if a discharger violates a waste discharge requirement effluent limitation four or more times in any period of six consecutive months. Water Code section 13385(i)(2) defines a period of six consecutive months as "the period commencing on the date that one of the violations described in this subdivision occurs and ending 180 days after that date." Violations of this frequency are termed chronic violations. The measured exceedance of chemical oxygen demand on 2 May 2006 was a chronic violation and is subject to a mandatory minimum penalty of \$3,000.
9. The total amount of the mandatory minimum penalty for the three serious violations and one chronic violation during the period beginning 1 January 2006 and ending 2 May 2007 is \$12,000.
10. There are no other violations pertinent to Water Code Section 13385 (h) and (i) at this time and the total amount of the mandatory penalty is therefore \$12,000.

COLLINS PINE COMPANY IS HEREBY GIVEN NOTICE THAT:

1. The Executive Officer of the Regional Water Board proposes that the Discharger be assessed a Mandatory Penalty in the amount of \$12,000.
2. The Discharge has waived the right to a hearing and has paid the Mandatory Penalty in full.

Original signed
PAMELA C. CREEDON, Executive Officer

9 May 2007
(Date)

WAIVER

The Executive Officer has issued to Collins Pine Company (Discharger) a complaint for a mandatory penalty pursuant to Water Code section 13385. The Discharger may waive its right to a hearing and pay the mandatory penalty specified in the complaint.

By signing this waiver, Collins Pine Company agrees to waive its right to a hearing before the California Regional Water Quality Control Board, Central Valley Region (Regional Water Board) and to remit twelve thousand dollars (\$12,000) by check for the mandatory penalty imposed. If Collins Pine Company wishes to waive its right to a hearing, an authorized person must sign below and return this waiver. Otherwise a hearing on this matter will be scheduled and held before the Regional Water Board.

The waiver will not be effective until 30 days from the date of this complaint to allow interested persons an opportunity to comment on this action. Collins Pine Company understands that it is giving up its rights to argue against the allegations made by the Executive Officer in this complaint, and against imposition of, and the amount of, the mandatory penalty imposed.

Signature

Title

Date