

PUBLIC COMMENT

RCEA Board of Directors

August 24, 2023

Regular Meeting

8.2 – Portfolio Content Category 3
Renewable Energy Certificate Purchase
from Humboldt Sawmill Company

From: [Sue Parsons](#)
To: [Public Comment](#)
Subject: Agenda Item 8.2
Date: Sunday, August 20, 2023 9:23:27 AM

Dear RCEA:

Re: Agenda Item 8.2, please act now to facilitate Humboldt's sawmill's transition to cleaner uses for its waste. Not to do so means that you are choosing to reward the sawmill's bad behavior and to ignore planet-warming. The biomass plant repeatedly violates the Clean Air and Clean Water Acts. Please act to stop that now.

RCEA's REC money should go to climate solutions and not to worsening the climate crisis.

Thank you,
Susan Parsons

[REDACTED]

Bayside, CA 95524

[REDACTED]

--

"A book, too, can be a star, explosive material capable of stirring up fresh life endlessly, a living fire to brighten the darkness, leading out into the expanding universe." - Madeleine L'Engle

From: [David Klass](#)
To: [Public Comment](#)
Subject: Humboldt Sawmill
Date: Sunday, August 20, 2023 10:25:18 PM

To Whom It May Concern:

I was stunned to find out that RCEA now proposes to give Humboldt Sawmill's biomass plant in Scotia more money. The plant won't produce more electricity in return. It is just receiving "credit" for the power it already generates for its own needs. "Renewable Energy Certificates" sold to RCEA represent this credit.

Please do **NOT** buy Renewable Energy Certificates from Humboldt Sawmill Company. That money should go for real Renewable Energy—solar, wind, battery storage, and geothermal.

The biomass plant repeatedly violates the Clean Air and Clean Water Acts, emitting more carbon than coal, fanning the flames of climate crisis. Supporting incinerated biomass electricity means less support for real solutions. And Humboldt Sawmill will never develop alternative ways of dealing with its woody waste as long as RCEA keeps supplying it with dollars.

Thank you for your consideration in this matter.

From: [Naomi Klass](#)
To: [Public Comment](#)
Subject: Humboldt Sawmill
Date: Sunday, August 20, 2023 10:24:41 PM

To Whom It May Concern:

I was stunned to find out that RCEA now proposes to give Humboldt Sawmill's biomass plant in Scotia more money. The plant won't produce more electricity in return. It is just receiving "credit" for the power it already generates for its own needs. "Renewable Energy Certificates" sold to RCEA represent this credit.

Please do **NOT** buy Renewable Energy Certificates from Humboldt Sawmill Company. That money should go for real Renewable Energy—solar, wind, battery storage, and geothermal.

The biomass plant repeatedly violates the Clean Air and Clean Water Acts, emitting more carbon than coal, fanning the flames of climate crisis. Supporting incinerated biomass electricity means less support for real solutions. And Humboldt Sawmill will never develop alternative ways of dealing with its woody waste as long as RCEA keeps supplying it with dollars.

Thank you for your consideration in this matter.
Naomi Klass

From: [Lori Taketa](#)
To: [Lori Taketa](#)
Subject: RE: Agenda item 8.2
Date: Monday, August 21, 2023 5:47:59 PM

From: Wendy Ring [REDACTED]
Sent: Sunday, August 20, 2023 11:38 AM
To: Public Comment <publiccomment@redwoodenergy.org>
Subject: Agenda item 8.2

I strongly oppose the purchase of Renewable Energy Certificates from Humboldt Sawmill's biomass plant. Diverting resources from clean energy to reward a source of global heating is a hell of a way to celebrate the hottest summer in recorded history. HSC's biomass plant emits close to 300,000 metric tons of CO₂e a year. It takes decades we don't have for tree regrowth to remove one year's worth of CO₂ from the atmosphere, and hundreds to thousands of years for the heating of oceans, glaciers, and permafrost it caused in the meantime to cool.

Humboldt Sawmill is a habitual polluter with multiple violations of the Clean Air and Clean Water Acts. If lying about its 700+ violations to get the contract was strike one, and the 12 air violations while under contract were strike 2, then the more than 37 water violations for polluting the Eel River should be more than enough for this company to strike out. There were so many water violations this past May that the inspector just gave examples for each of the 20 different sections of the permit that were violated, because there were too many to enumerate. Not all the violations belonged to the biomass side of the operation, but many had to do with piles of bottom ash left where they would leach into stormwater.

More air violations are coming, according to Brian Wilson at NCUAQMD, as a result of my findings from reviewing six years of air district documents pertaining to the plant. The air district also recently rejected Humboldt Sawmill's craven plan to underestimate its toxic emissions to avoid a community health risk assessment and any subsequent requirements to reduce emissions. These are not the actions of a company that cares about the community.

The argument will be made "if we don't buy them, someone else will." We learned in grade school that "everyone else is doing it" is not sufficient justification for wrongdoing. For everyone to stop buying dirty energy, someone has to go first, and I'd like to think we have the morals and common sense to do that. Price will also be presented as a reason. We all know that buying crappy stuff because it's cheap doesn't pay in the long run, especially when it causes harm instead of just falling apart (think cheap e-bikes with exploding batteries). Price considerations must also include the price society pays for externalized costs. The EPA's proposed Social Cost of Carbon is \$190 per ton, or around \$57 million for each year of HSC's emissions. That dwarfs EPA's estimate of health costs from HSC's particulates at \$3-7 million a year. Both of these costs should be factored in before deciding clean RECs are more expensive.

The HSC biomass plant burns mill waste, which would not otherwise be open burned or dumped in landfills because both of those actions are illegal. There is no data, evidence, or even an unequivocal statement from HSC that the plant burns significant amounts of wood thinned from fuel overloaded forests. This is unlikely given that the amount of fuel they burn has not substantially increased from years when they were less coy about their fuel sources and said it was all mill waste. Supporting HSC's biomass plant does not aid forest or human health. It just encourages HSC to put off investing in alternatives like a gasification plant that would pollute less and create products like hydrogen which displace

dirtier fuels. HSC has violated its MOU by refusing to share the report it commissioned on the viability of such a plant with RCEA. RCEA should not enter into new contracts or expand existing contracts with a company which doesn't honor its commitments.

Biomass RECs displace RECs for clean energy, just like biomass displaces clean energy from RCEA's renewable portfolio. Part of the reason RCEA needs RECs, aside from Sandrini and Uighurs, is because it previously squandered money on biomass that would have gone further if invested in the development of clean energy. It's too late to fix that mistake now, but we certainly shouldn't repeat it.

Attached are the Notices of Violation and a slide deck about air and climate pollution from the biomass plant which answers many of the questions I've heard RCEA board members ask. I hope you will take time to look at the slides and get comfortable in your understanding before making a decision about biomass RECs, even if that means putting it off until the next meeting. I'm happy to answer questions and explain my sources to board members either one on one or with the board as a whole.

Wendy Ring MD, MPH

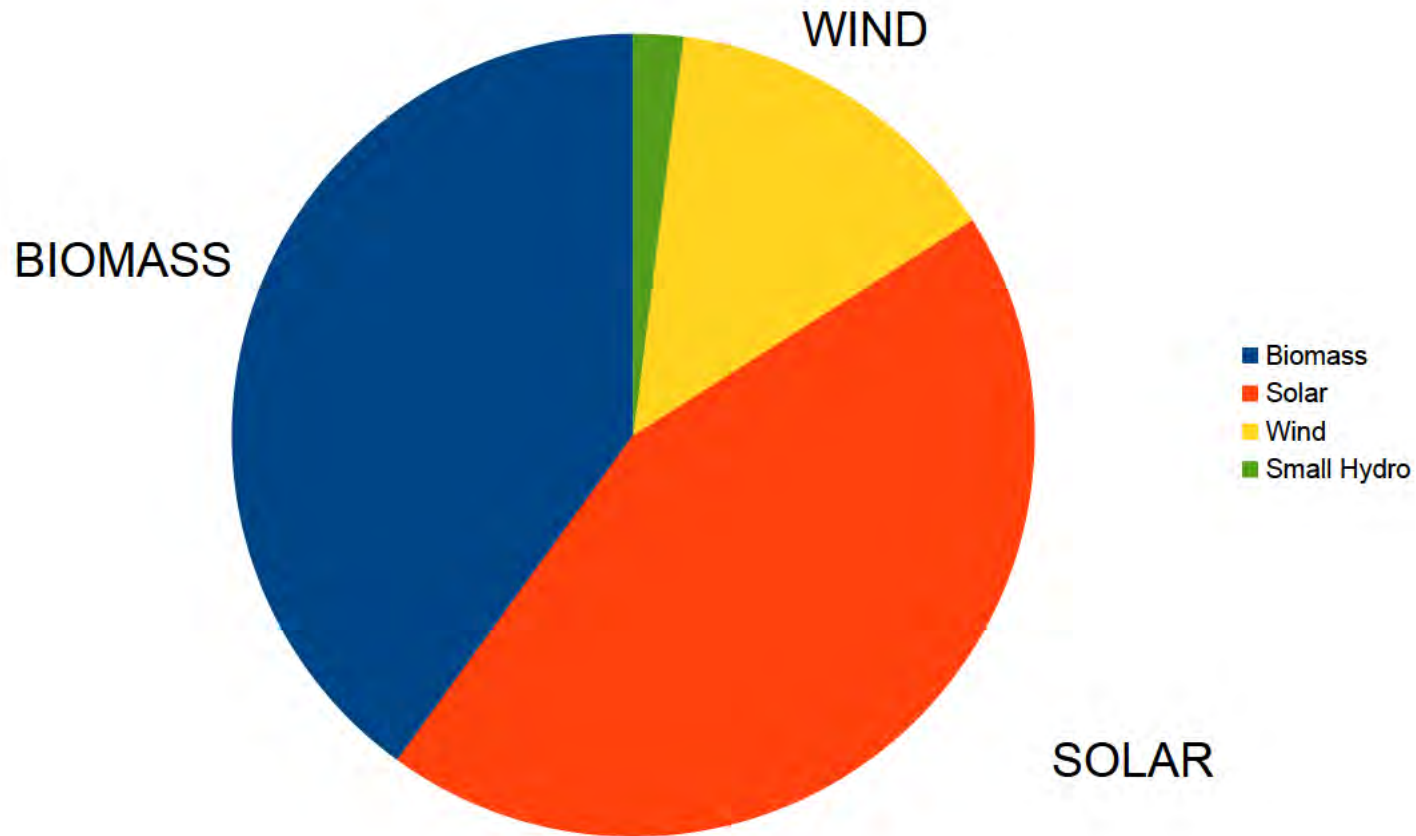
☐ [Violations Air District](#)

☐ [Violations Water Board](#)

Humboldt Coalition for Clean Energy

350 Humboldt
Humboldt Unitarian Climate Action Campaign
EPIC
Northcoast Environmental Center
Women's Intl League for Peace and Freedom-Humboldt
Humboldt Health Care for All
Buddhist Peace Fellowship
HOPE Coalition
Redwood Alliance
Lost Coast League
Sierra Club Redwoods North Group
Friends of the Eel River
Humboldt Green Party
Humboldt Democratic Central Committee
Humboldt Progressive Democrats
Climate Health Now
CA Alliance for Retired Americans-North State
CA Nurses for Environmental Health and Justice

Biomass is 40% of RCEA's Renewable Portfolio



\$15 million per year

Humboldt Redwood Company & Humboldt Sawmill Company Scotia, CA

On average in the US, 51% of a redwood sawlog ends up as waste



INCINERATING MILL WASTE is

Not cool.

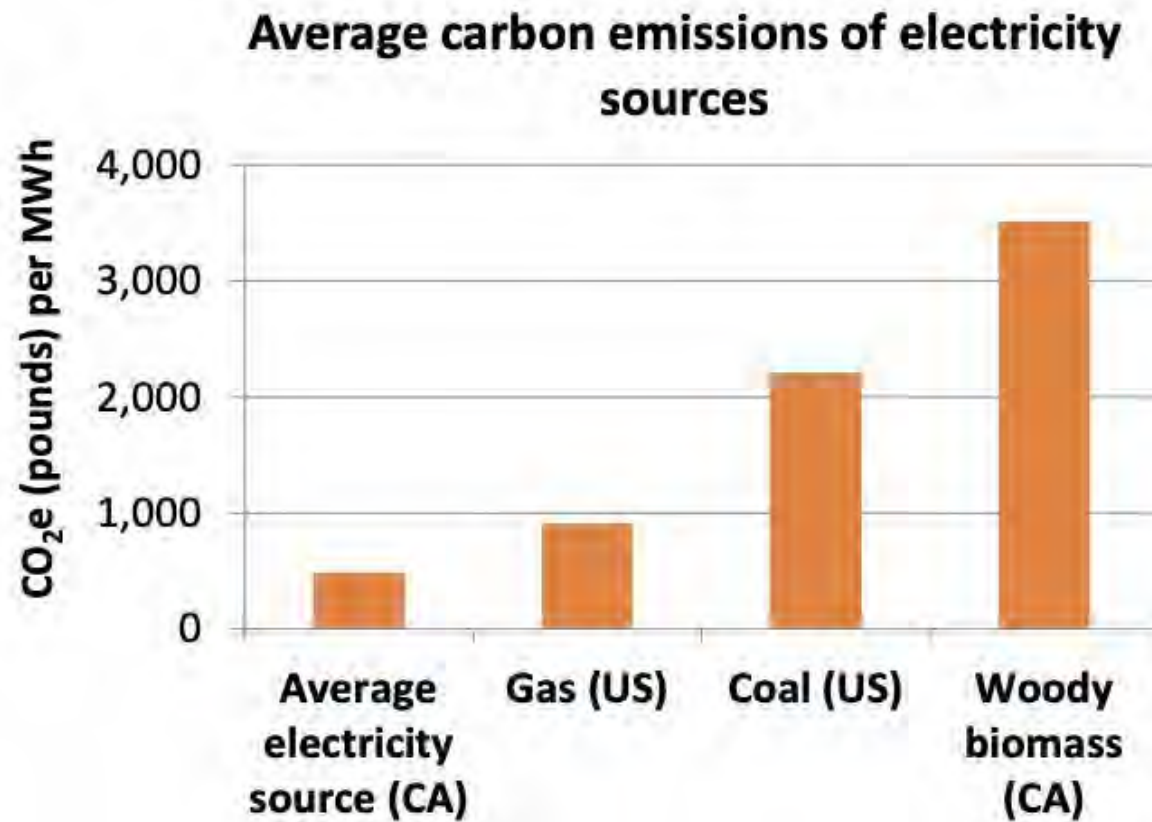
Not clean.

Not just.

Not necessary.



NOT COOL



from CPUC 2018

Now 50% less efficient than in 1980s



Scotia Biomass

2.27 MT CO₂e/MWh

**299,000 metric tons of
CO₂e/year**

**75% of emissions from
Humboldt's passenger
vehicles**

PGE + max upstream

0.77 MT CO₂e/MWh

Wheelabrator in Anderson
1.71 MT CO₂e/MWh

HSC biomass emits >800 tons of CO₂ every day.

Absorbing by regrowth takes decades.



Warming starts right away.

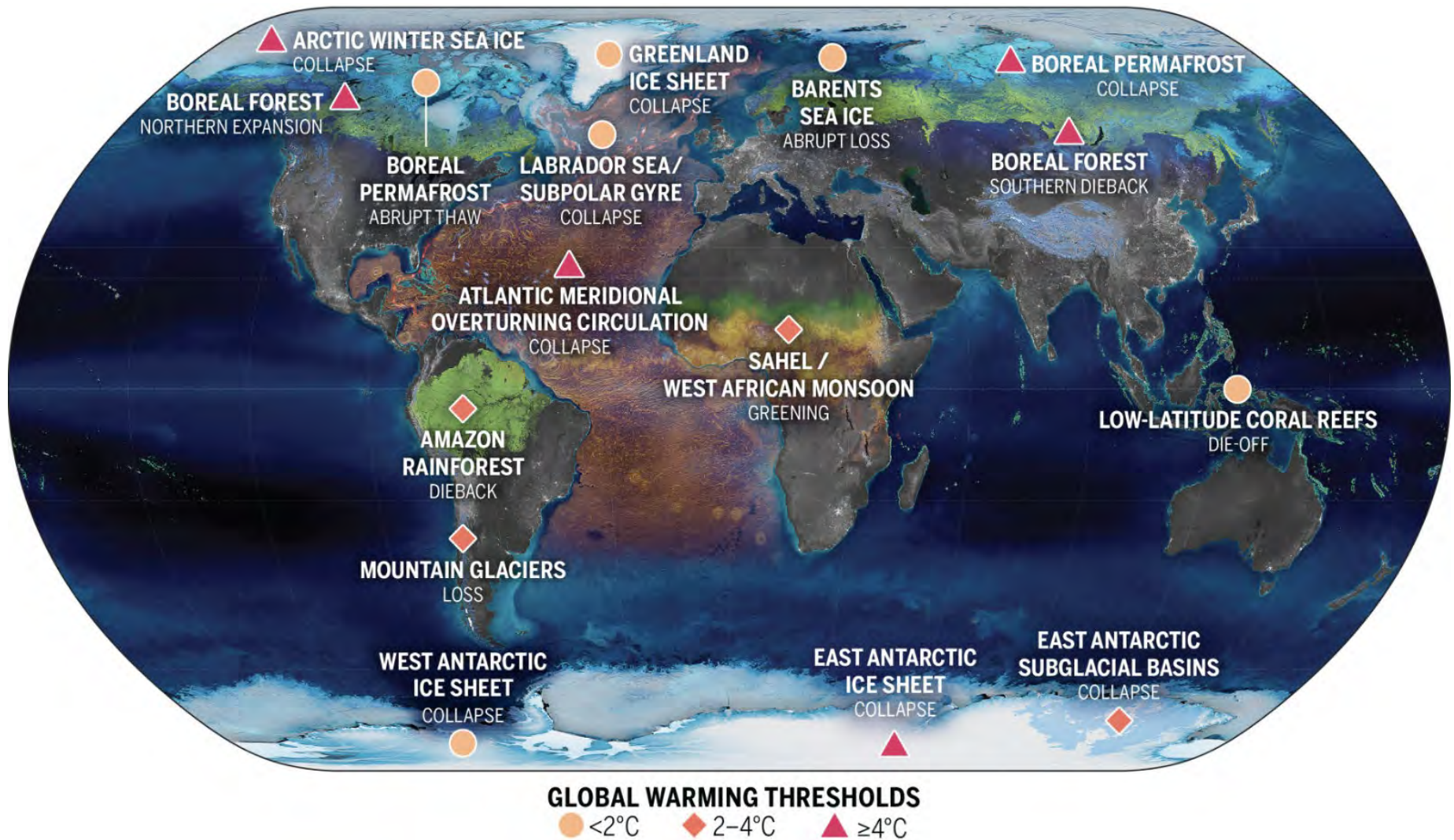
Climate Emergency Now



July 2023 Hottest month ever
Nearly 5,000 US heat and rainfall records broken

NOAA

NEXT DECADE: 6 GLOBAL TIPPING POINTS



National Resource Defense Council:

Burning forest biomass cannot reduce emissions compared with fossil fuels within timeframes relevant to averting the worst dangers of climate change.

Center for Biological Diversity:

Biomass could be a significant factor ... in pushing us past the point of no return.

California Sierra Club

Conventional biomass incineration is an irresponsible means of generating electricity.

NOT CLEAN.



LEGAL POLLUTION Biomass emits as much pollution as coal.

CLEAN AIR ACT

Not health based.

Average of the “cleanest” 12%

	BIOMASS	COAL
--	---------	------

PM	lb/mmbtu	.034	.039
-----------	----------	------	------

CO	ppm	1100	150
-----------	-----	------	-----

(proxy for air toxics)

Annual Tons Criteria Pollutants When Compliant

Particulates	32
SO ₂	39
VOCs	66
NO _x	239
Ammonia	560
Carbon Monoxide	634

Total

1,570 Tons/year



Health organizations oppose biomass.

Humboldt Del Norte Medical Society



American Academy
of Pediatrics



DEDICATED TO THE HEALTH OF ALL CHILDREN®



AMERICAN
LUNG
ASSOCIATION®



AMERICAN PUBLIC HEALTH ASSOCIATION

Advancing the science. Improving the health.



Asthma and Allergy
Foundation of America

NACCHO

National Association of County & City Health Officials



PSR



PHYSICIANS
FOR SOCIAL
RESPONSIBILITY

CO-Benefits Risk Assessment Health Impacts Screening and Mapping Tool (COBRA)

[CONTACT US](#)

[SHARE](#)



COBRA Web Edition



CO-Benefits Risk Assessment (COBRA) is a screening tool that enables state, local, and tribal government staff and others interested in the effects of air pollution to estimate the air quality and health benefits of different emissions scenarios.

Health impact from Scotia's 2021 pm_{2.5} emissions

\$3-7 million per year

ILLEGAL POLLUTION

“I stopped reporting. The guy always made excuses about "oh the sun's behind the plume that's why it seems more opaque. So I gave up.”

Scotia Resident



THE ENFORCER

North Coast Unified Air Quality Management District

Issue permits

Monitor emissions

Ensure compliance with state and federal regulations

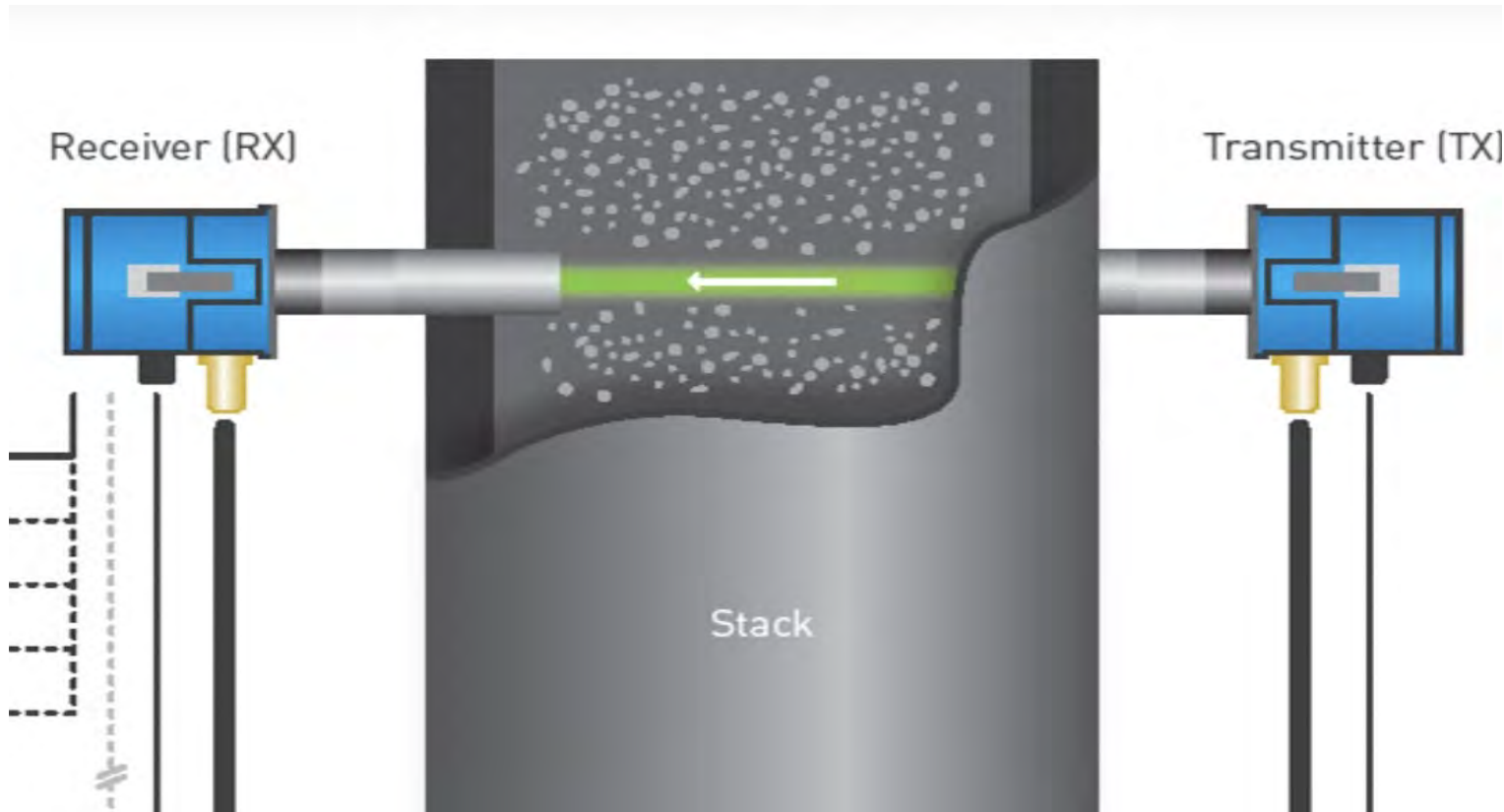
Issue Notices of Violation & negotiate settlements

Measure at the Source

Every 1-3 years (depending on prior results)



Continuous Monitoring



Continuous monitoring is most important.

Will Brieger, former attorney for EPA & CARB:
"Anyone can pass a stack test".

A relationship based on a lie

2015 HRC buys closed plant and restarts it

2016 HRC bid claims 1 air quality violation while withholding 12 months of monitoring data from Air District

2017

HSC Signed contract claiming “good standing under the Laws”

BOILER A 407 violations

**North Coast Unified
Air Quality Management District**
707 L Street, Eureka, CA 95501
Telephone (707) 443-3093 FAX (707) 443-3099
<http://www.ncuaqmd.org>



February 15, 2017

NOTICE of VIOLATIONS: NOV# 160203

FINDINGS OF FACT

- a) The Humboldt Redwood Company, LLC ("HRC") is the owner/operator of a biomass plant and sawmill ("Facility") located in Scotia, California, County of Humboldt.
- b) The HRC Facility provides steam and electricity generation from three biomass boilers, Boilers A, B, and C.
- c) The Facility is a major source of air pollutants and is subject to the requirements of a Title V operating permit issued by the District, Permit to Operate #NCU 060-12, in which Boiler A is operated pursuant to Equipment Permit #NS-074.
- d) Based on Continuous Opacity Monitoring System (COMS) data reported by HRC, Boiler A experienced 407 separate discharge events during the time period April 13, 2016 – December 31, 2016 that violate applicable opacity permit limits and District Regulation. These violations consist of 157 events in which averaging periods exceed the 20% opacity limit allowed by Permit #NS-074, Condition III(A), and 250 events in which averaging periods exceed the 40% limit allowed by District Regulation 1, Rule 104.

Overdue reports from all 3 boilers showed over 700 violations of pollution limits

ONE MONTH AFTER RCEA STAFF ADVISED BOARD TO CONTRACT WITH HUMBOLDT REDWOOD FOR BIOMASS

**North Coast Unified
Air Quality Management District**
707 L Street, Eureka, CA 95501
Telephone (707) 443-3093 FAX (707) 443-3099
<http://www.ncuaqmd.org>



April 14, 2017

Mr. Matthew Marshall
Executive Director
Redwood Coast Energy Authority (RCEA)
633 3rd Street
Eureka, CA 95501

Re: Status of HRC Non-Compliance and Notice of Violations

Dear Mr. Marshall:

This correspondence is in response to your inquiry as to the compliance status of the Humboldt Redwood Company (HRC) Title V Operating Permit #NCU 060-12 for the Scotia Sawmill (SSM) facility.

To date, the North Coast Unified Air Quality Management District (District) has issued numerous Notices of Violations (NOVs) to HRC for violations of its federally enforceable Title V Operating Permit at the SSM facility and additionally for its Hot Mix Asphalt Plant (#00974-1). To date, HRC has over 1,044 violations since its restart which are available to the public through a Public Records Request and are summarized as follows:

2017-2023

VIOLATIONS CONTINUE

12 Clean Air Act violations (cited by air district)

37 Clean Water Act violations

LAX ENFORCEMENT CONTINUES

HSC failed to test opacity monitors for accuracy for years

Air District allowed up to 20% opacity when EPA limit is 10%

Consequence: September 2022



PARTICLE EMISSIONS 2X EPA LIMIT

Neither HSC nor NCUAQMD detected elevated opacity

TABLE 1-2
SUMMARY OF AVERAGE COMPLIANCE RESULTS -
BOILERS A, B, AND C
SEPTEMBER 14-15, 2022

Parameter/Units	Boiler A Avg. Results	Boiler B Avg. Results	Boiler C Avg. Results	Emission Limits
Carbon Monoxide (CO)				
ppmvd	196	322	215	—
lb/MMBtu	0.32	0.37	0.27	1.2 ¹ / 0.8 ²
Nitrogen Oxides (NO_x as NO₂)				
ppmvd	57	90	97	—
lb/MMBtu	0.15	0.17	0.20	0.20 ¹ / 0.22 ²
Total Particulate Matter (TPM)				
gr/dscf	0.0279	0.0139	0.0200	—
lb/hr	18.9	6.80	9.83	—
lb/MMBtu	0.091	0.032	0.049	0.04

> 80 Air Toxics from Biomass

Benzene

Formaldehyde

Acrolein

Dioxin

Polycyclic aromatic hydrocarbons (PAH)

Arsenic

EPA, AP-42 1.6 Wood Residue Combustion in Boilers

CA Toxic Hot Spot Program

IS health based.

1. Toxic Emissions Inventory
2. Prioritization Score
3. Assess Health Risk to Community
4. Inform/Reduce or Repeat every 4 years

AT STEP ONE for last 20 years



[Calendar](#) [Help & FAQs](#) [Contact](#) [Careers](#) [English](#) [Español](#) [SEARCH CARB](#)

[ABOUT](#) [OUR WORK](#) [RESOURCES](#) [SERVICES](#) [RULEMAKING](#) [NEWS](#) [EQUITY](#)

City : Scotia

Zip : 95565

Phone : (707) 764-4390

County : Humboldt

Air Basin : North Coast

District : North Coast Unified Aqmd

Facility Prioritization

Inventory
Year

Above
High
Threshold?

District Prioritization Threshold

High

Low

Cancer
Prioritization

Yes

50

10

Chronic
Prioritization

Yes

50

10

Acute
Prioritization

Yes

50

10

**North Coast Unified
Air Quality Management District**
707 L Street, Eureka, CA 95501
Telephone (707) 443-3093 FAX (707) 443-3099
www.ncuaqmd.org



PUBLIC RECORDS REQUEST FORM

(Request records under the California Public Records Act, CA Gov Code §6250 et seq.)

Requesting Party Information:

Name: Wendy Ring		Company:	
Mailing Address: 2322 Golf Course Rd		City: Bayside	State: CA
		Zip: 95524	
Email Address: wring123@gmail.com			
Phone: 707 845-2466	Cell:	Fax:	

Specific Public Records requested for disclosure (permits, applications, reports, files, data, correspondence, emissions, notices of violation, etc.):

Air toxics inventories. HARP prioritization scores
Performance evaluations and audits of COMS
Site Specific Monitoring Plan
Notices of Violation
Exceedances of 10% opacity operating limit
Full Compliance Evaluation

Facility name or location/address for which this Public Records Request is made (facility name, property APN/address, source name, complainant name, etc.):

Humboldt Sawmill Company 108 Main Street Scotia, CA

Requested date range or period of interest for Records Request:

From: 01 / 01 / 2022 To: 6 / 15 / 2023

I am seeking to review the Public Records itemized via:

☒ Email ☐ U.S. Mail ☐ View* & Copy ☐ View* Only

* I would like to review the Public Records itemized in person by ____ / ____ / ____

Wendy Ring

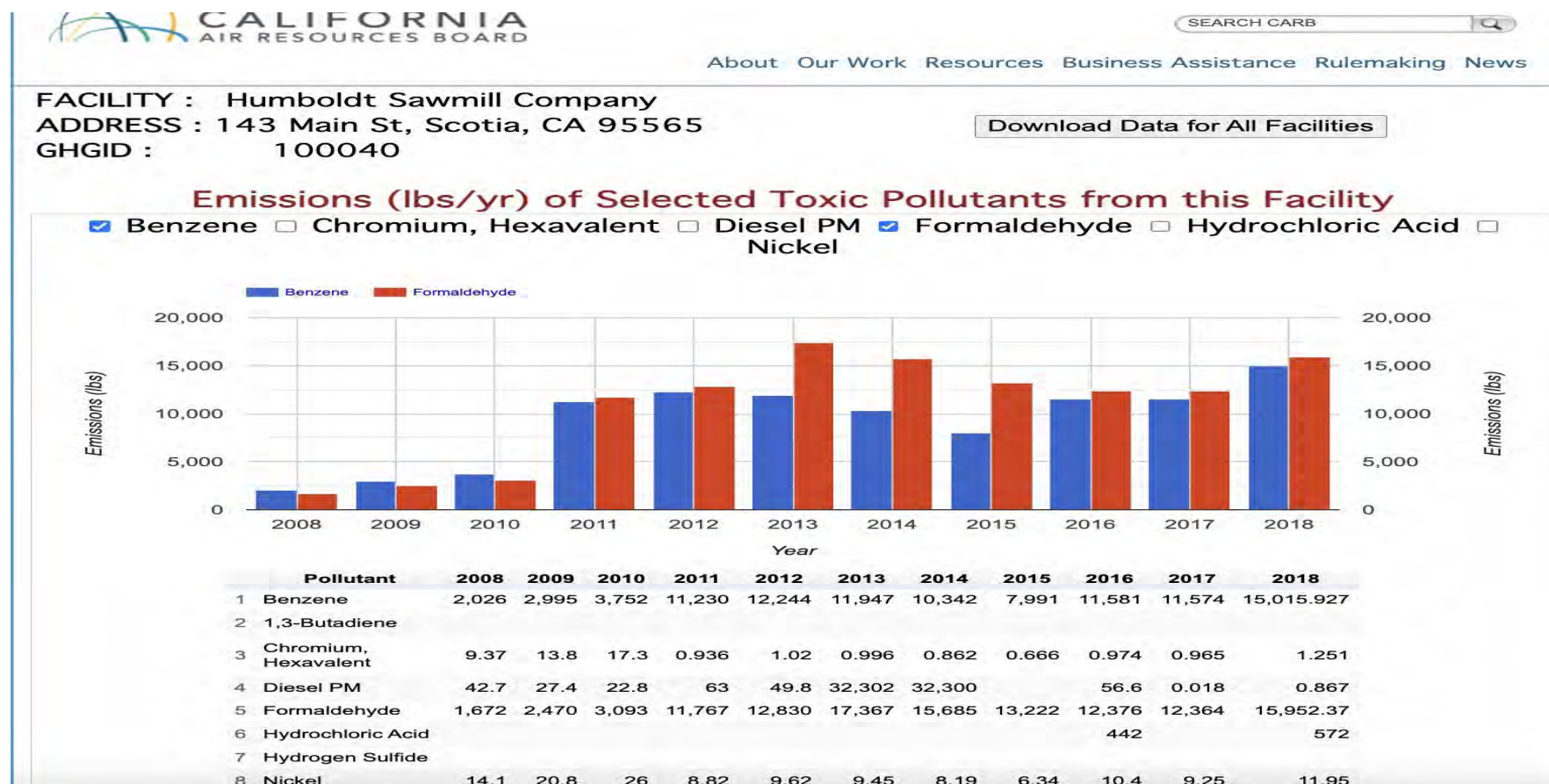
Signature of Applicant: _____ **Date:** 06 / 15 / 2023
5

District Public Records Disclosure Information

It is the policy of the NCUAQMD that all records not otherwise exempted from disclosure by statutory or case law, shall be open for public inspection with the least possible delay and expense to the requesting party. The NCUAQMD may require up to ten (10) days to locate and examine records potentially responsive to your request. The NCUAQMD charges document fees as per Rule 403, where the best estimates of actual costs for copying public records is \$2.00 for the first page and \$0.25 cents for each page thereafter. The requesting party will be given an estimate for record reproduction prior to copying and will be required to pay for records before receiving them. Typically, there is no charge for records that may be provided digitally, unless these records are only retained in hardcopy format.

From 2000 to 2020 the plant's Prioritization Score rose from 79 to 5,999

STILL STUCK AT STEP 1



Still waiting for a plan to do another inventory

7-8 years from Inventory Plan to Risk Reduced

NOT JUST.

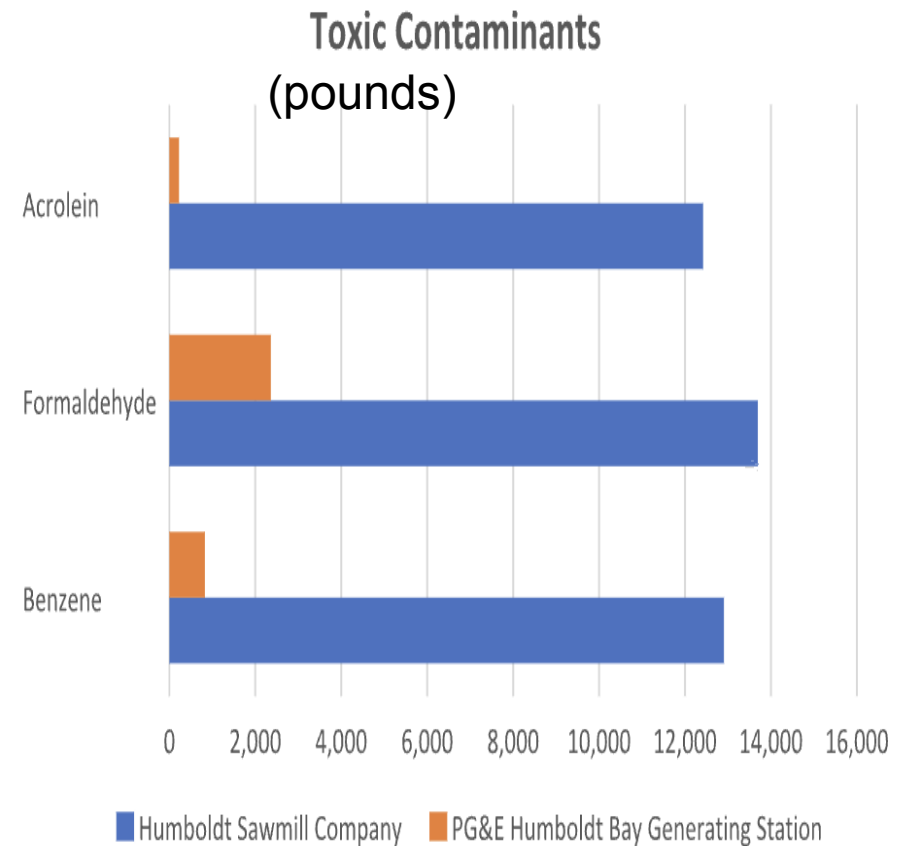
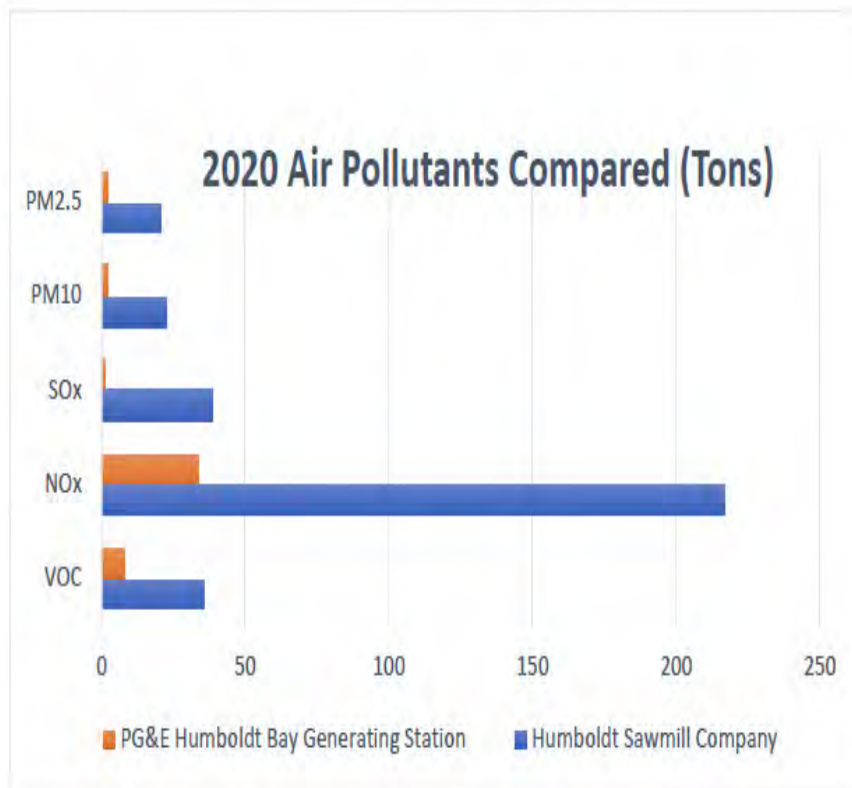


3 blocks from plant
Stanwood Murphy Elementary
178 students:
32% non-white,
74% economically disadvantaged

Groups At Risk	
Total Population:	136,754
Pediatric Asthma:	1,632
Adult Asthma:	8,751
COPD:	5,140
Lung Cancer:	56
Cardiovascular Disease:	7,360
Diabetes:	11,870
Children Under 18:	26,310
Adults 65 & Over:	23,544
Poverty Estimate:	26,262

Am. Lung Assoc. 2022

NOT NECESSARY
Compared to PGE gas plant
3x more CO₂/MWh
1/3 as much electricity & 10x more pollution



BEST: COMPOSTING

NET CARBON NEGATIVE, PROVEN AT SCALE, LOW COST

Sequesters 4 tons CO₂e per acre per year

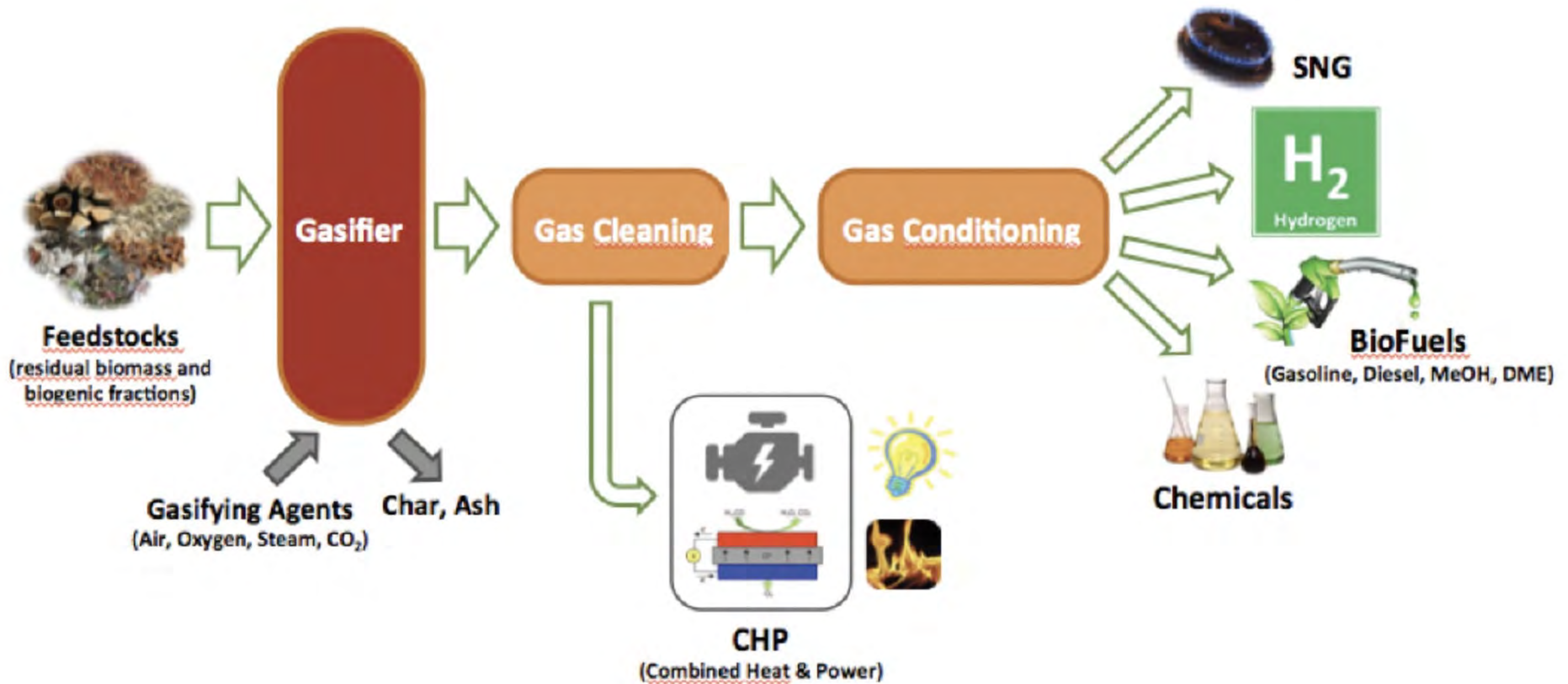
Increased resilience to drought and erosion



Source: California Air Resource Board

GASIFICATION

produces hydrogen, power, biofuels, & biochar



Much less pollution, same GHG but lower net emissions if displacing fuels that emit more carbon, like diesel.

GASIFICATION

6 woody biomass to H₂ plants in CA

Jet fuel & gasoline plants in ME, LA, MS, TX

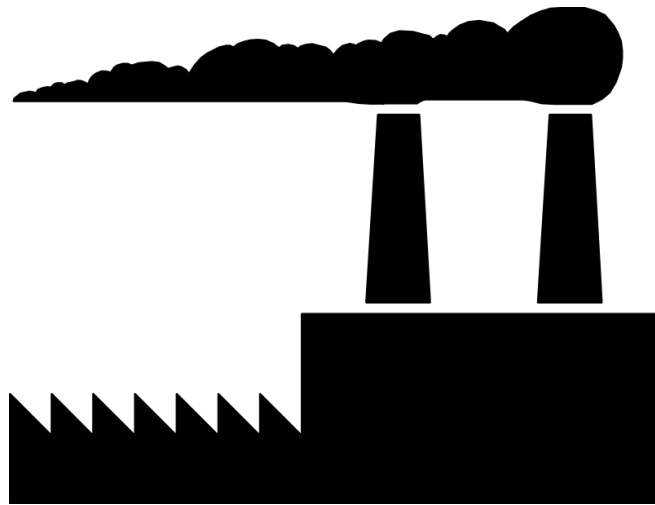
Petrochemical substitutes

OTHER USES

- Mulch post-fire restoration
- Animal bedding
- Chip exports for paper
- Compressed wood pallets, wood composites

Redwood Coast Energy Authority

In 2019 promised 100% clean by 2025



Extended biomass contract till 2031

**Violations allow RCEA to terminate early
& get back on track**

Let's keep our renewable energy clean



Pass resolution to terminate the biomass contract

**North Coast Unified
Air Quality Management District**
707 L Street, Eureka, CA 95501
Telephone (707) 443-3093 FAX (707) 443-3099
<http://www.ncuaqmd.org>



April 3, 2017

**NOTICE of VIOLATION:
NOV# 160209**

FINDINGS OF FACT

- a) The Humboldt Redwood Company, LLC ("HRC") is the owner/operator of a biomass plant and sawmill ("Facility") located in Scotia, California, County of Humboldt.
- b) The HRC Facility provides steam and electricity generation from three biomass boilers, Boilers A, B, and C.
- c) The Facility is a major source of air pollutants and is subject to the requirements of a Title V operating permit issued by the District, Permit to Operate #NCU 060-12, in which Boiler A is operated pursuant to Equipment Permit #NS-074.
- d) Based on Continuous Emissions Monitoring System (CEMS) data reported by HRC, **Boiler B** experienced 88 separate discharge events during the time period January 1, 2017 – February 28, 2017 that violate applicable opacity permit limits and District Regulations. These violations consist of 61 events in which averaging periods exceed the 20% opacity limit allowed by Permit #NS-074, Condition III(A), and 27 events in which averaging periods exceed the 40% limit allowed by District Regulation 1, Rule 104. Violations are determined from 6 minute averaging periods for all operational times except during periods of startup, shutdown and malfunction, and allow for one 6-minute period per hour of not more than 27 percent opacity. The violations are identified as follows:

Month	Date	Periods exceeding 20%	Periods exceeding 40%
January 2017	01/02/17	4	-
	01/03/17	3	1
	01/04/17	6	3
	01/05/17	5	1
	01/07/17	6	1
	01/10/17	-	1
	01/13/17	1	-
	01/14/17	1	1
	01/17/17	-	3
	01/18/17	14	7
	01/20/17	18	7
February 2017	02/17/17	1	2
	02/21/17	2	-

APPLICABLE PERMIT CONDITIONS AND DISTRICT REGULATIONS

Permit #NS-075 (Boiler B), Permit Conditions III, A - Emission limitations, Visible Emissions:

III EMISSIONS LIMITATIONS

A. Particulate Matter

2. *Visible emissions - The permittee shall not cause to be discharged into the atmosphere any gases that exhibit greater than 20 percent opacity (6-minute average), except for one 6-minute period per hour of not more than 27 percent opacity. The opacity standard applies at all times except during periods of startup, shutdown, or malfunction [40 CFR 60.43b(f) [Regulation 1, Rule 220(b) Authority to Construct dated 12/2/86 and reissued on 5/30/90 and 9/24/91].*

District Regulation 1, Rule 104 Prohibitions:

B. VISIBLE EMISSIONS:

1. *General Limitations: No person shall discharge into the atmosphere from any source whatsoever any air contaminant in excess of forty (40) percent opacity or Ringlemann 2, for more than twelve (12) individual readings recorded during any one hour period. Opacity observations shall be taken and recorded as described in EPA Reference Method 9.*

VIOLATION RESOLUTION

Violations of air pollution laws are subject to civil and/or criminal penalties as specified in the California Health and Safety Code §42402.1(a). Each day, or portion of a day during which a violation occurs, constitutes a separate offense even if no additional Notices of Violation are issued.

HRC may, upon request, confer with the District. The conference will allow HRC to present evidence bearing on the Notice of Violation, the nature of the violations, and any efforts it may have taken or proposes to take to achieve compliance. Inquiries concerning this NOV should be made in writing to:

North Coast Unified Air Quality Management District
Attn: Air Pollution Control Officer
707 L Street
Eureka, CA 95501

By: _____



Date: _____

4/3/17

Brian Wilson
Air Pollution Control Officer
North Coast Unified Air Quality Management District

**North Coast Unified
Air Quality Management District**
707 L Street, Eureka, CA 95501
Telephone (707) 443-3093 FAX (707) 443-3099
<http://www.ncuaqmd.org>



April 3, 2017

**NOTICE of VIOLATION:
NOV# 160208**

FINDINGS OF FACT

- a) The Humboldt Redwood Company, LLC ("HRC") is the owner/operator of a biomass plant and sawmill ("Facility") located in Scotia, California, County of Humboldt.
- b) The HRC Facility provides steam and electricity generation from three biomass boilers, Boilers A, B, and C.
- c) The Facility is a major source of air pollutants and is subject to the requirements of a Title V operating permit issued by the District, Permit to Operate #NCU 060-12, in which Boiler A is operated pursuant to Equipment Permit #NS-074.
- d) Based on Continuous Emissions Monitoring System (CEMS) data reported by HRC, **Boiler A** experienced 58 separate discharge events during the time period January 1, 2017 – February 28, 2017 that violate applicable opacity permit limits and District Regulation. These violations consist of 37 events in which averaging periods exceed the 20% opacity limit allowed by Permit #NS-074, Condition III(A), and 21 events in which averaging periods exceed the 40% limit allowed by District Regulation 1, Rule 104. Violations are determined from 6 minute averaging periods for all operational times except during periods of startup, shutdown and malfunction, and allow for one 6-minute period per hour of not more than 27 percent opacity. The violations are identified as follows:

Month	Date	Periods exceeding 20%	Periods exceeding 40%
January 2017	01/01/17	1	-
	01/04/17	2	6
	01/05/17	2	1
	01/06/17	-	1
	01/09/17	7	4
	01/20/17	17	8
February 2017	02/08/17	2	-
	02/16/17	1	-

APPLICABLE PERMIT CONDITIONS AND DISTRICT REGULATIONS

Permit #NS-074 (Boiler A), Permit Conditions III, A - Emission limitations, Visible Emissions:

III EMISSIONS LIMITATIONS

A. Particulate Matter

2. *Visible emissions* - The permittee shall not cause to be discharged into the atmosphere any gases that exhibit greater than 20 percent opacity (6-minute average), except for one 6-minute period per hour of not more than 27 percent opacity. The opacity standard applies at all times except during periods of startup, shutdown, or malfunction [40 CFR 60.43b(f) [Regulation 1, Rule 220(b) Authority to Construct dated 12/2/86 and reissued on 5/30/90 and 9/24/91].

District Regulation 1, Rule 104 Prohibitions:

B. VISIBLE EMISSIONS:

1. *General Limitations:* No person shall discharge into the atmosphere from any source whatsoever any air contaminant in excess of forty (40) percent opacity or Ringelmann 2, for more than twelve (12) individual readings recorded during any one hour period. Opacity observations shall be taken and recorded as described in EPA Reference Method 9.

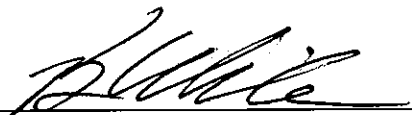
VIOLATION RESOLUTION

Violations of air pollution laws are subject to civil and/or criminal penalties as specified in the California Health and Safety Code §42402.1(a). Each day, or portion of a day during which a violation occurs, constitutes a separate offense even if no additional Notices of Violation are issued.

HRC may, upon request, confer with the District. The conference will allow HRC to present evidence bearing on the Notice of Violation, the nature of the violations, and any efforts it may have taken or proposes to take to achieve compliance. Inquiries concerning this NOV should be made in writing to:

North Coast Unified Air Quality Management District
Attn: Air Pollution Control Officer
707 L Street
Eureka, CA 95501

By: _____



Date: _____

4/3/17

Brian Wilson
Air Pollution Control Officer
North Coast Unified Air Quality Management District

**North Coast Unified
Air Quality Management District**
707 L Street, Eureka, CA 95501
Telephone (707) 443-3093 FAX (707) 443-3099
<http://www.ncuaqmd.org>



April 3, 2017

**NOTICE of VIOLATION:
NOV# 160207**

FINDINGS OF FACT

- a) The Humboldt Redwood Company, LLC ("HRC") is the owner/operator of a biomass plant and sawmill ("Facility") located in Scotia, California, County of Humboldt.
- b) The HRC Facility provides steam and electricity generation from three biomass boilers, Boilers A, B, and C.
- c) The Facility is a major source of air pollutants and is subject to the requirements of a Title V operating permit issued by the District, Permit to Operate #NCU 060-12, in which Boiler A is operated pursuant to Equipment Permit #NS-074.
- d) Based on Continuous Emissions Monitoring System (CEMS) data reported by HRC, **Boiler B** experienced 9 separate Carbon Monoxide (CO) violations during the time period December 1, 2016 – February 28, 2017 that violate applicable permit limits and District Regulations, where 9 violations exceeded the Tier 3 limit as required by Permit #NS-074, Condition III(B). The violations are identified as follows:

December 2016

12/03/16	1 exceedance	greater than Tier 3 (>3.0 lbs/MMBtu)
12/06/16	1 exceedance	greater than Tier 3 (>3.0 lbs/MMBtu)

January 2017

01/06/17	1 exceedance	greater than Tier 3 (>3.0 lbs/MMBtu)
01/07/17	1 exceedance	greater than Tier 3 (>3.0 lbs/MMBtu)
01/08/17	1 exceedance	greater than Tier 3 (>3.0 lbs/MMBtu)
01/09/17	1 exceedance	greater than Tier 3 (>3.0 lbs/MMBtu)
01/18/17	1 exceedance	greater than Tier 3 (>3.0 lbs/MMBtu)
01/23/17	1 exceedance	greater than Tier 3 (>3.0 lbs/MMBtu)
01/24/17	1 exceedance	greater than Tier 3 (>3.0 lbs/MMBtu)

APPLICABLE PERMIT CONDITIONS AND DISTRICT REGULATIONS

The following are the relevant permit conditions as listed in the operating permits:

Permit #NS-075 (Boiler B), Permit Conditions III B, Emission limitations – Carbon Monoxide:

III EMISSIONS LIMITATIONS

B. Carbon Monoxide - The permittee shall not discharge carbon monoxide into the atmosphere on a 24 hour average basis in excess of the following allowances:

Limits, lbs/mmbtu, 24 hr. avg.

Tier	CO	
1	1.2	Base limit
2	>1.2 – 2.0	
3	>2.0 – 3.0	

Tier 1 - Base limit, 24 hour average which is the lower limit, needs to be attained for the highest percentage of time.

The total 24 hourly averages per month of Tier 2, and Tier 3, which are greater than the Base limit may not exceed eight. In no case shall the total 24 hourly averages per month exceed 3 for Tier 3.

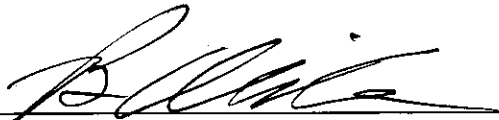
VIOLATION RESOLUTION

Violations of air pollution laws are subject to civil and/or criminal penalties as specified in the California Health and Safety Code §42402.1(a). Each day, or portion of a day during which a violation occurs, constitutes a separate offense even if no additional Notices of Violation are issued.

HRC may, upon request, confer with the District. The conference will allow HRC to present evidence bearing on the Notice of Violation, the nature of the violations, and any efforts it may have taken or proposes to take to achieve compliance. Inquiries concerning this NOV should be made in writing to:

North Coast Unified Air Quality Management District
Attn: Air Pollution Control Officer
707 L Street
Eureka, CA 95501

By: _____



Brian Wilson
Air Pollution Control Officer
North Coast Unified Air Quality Management District

Date: _____

4/3/17

**North Coast Unified
Air Quality Management District**
707 L Street, Eureka, CA 95501
Telephone (707) 443-3093 FAX (707) 443-3099
<http://www.ncuaqmd.org>



April 3, 2017

**NOTICE of VIOLATION:
NOV# 160206**

FINDINGS OF FACT

- a) The Humboldt Redwood Company, LLC ("HRC") is the owner/operator of a biomass plant and sawmill ("Facility") located in Scotia, California, County of Humboldt.
- b) The HRC Facility provides steam and electricity generation from three biomass boilers, Boilers A, B, and C.
- c) The Facility is a major source of air pollutants and is subject to the requirements of a Title V operating permit issued by the District, Permit to Operate #NCU 060-12, in which Boiler A is operated pursuant to Equipment Permit #NS-074.
- d) Based on Continuous Emissions Monitoring System (CEMS) data reported by HRC, **Boiler A** experienced 7 separate Carbon Monoxide (CO) violations during the time period December 1, 2016 – February 28, 2017 that violate applicable permit limits and District Regulations, whereby 2 violations exceeded the 8 allowed within Tiers 2 and 3, and where 5 violations exceeded the Tier 3 limit as required by Permit #NS-074, Condition III(B). The violations are identified as follows:

December 2016

12/15/16	1 exceedance	greater than Tier 3 (>3.0 lbs/MMBtu)
12/17/16	1 exceedance	more than the 8 allowed within Tier 2&3
12/19/16	1 exceedance	more than the 8 allowed within Tier 2&3

January 2017

01/08/17	1 exceedance	greater than Tier 3 (>3.0 lbs/MMBtu)
01/09/17	1 exceedance	greater than Tier 3 (>3.0 lbs/MMBtu)
01/20/17	1 exceedance	greater than Tier 3 (>3.0 lbs/MMBtu)
01/24/17	1 exceedance	greater than Tier 3 (>3.0 lbs/MMBtu)

APPLICABLE PERMIT CONDITIONS AND DISTRICT REGULATIONS

The following are the relevant permit conditions as listed in the operating permits:

Permit #NS-074 (Boiler A), Permit Conditions III B, Emission limitations – Carbon Monoxide:

III EMISSIONS LIMITATIONS

- B. Carbon Monoxide - The permittee shall not discharge carbon monoxide into the atmosphere on a 24 hour average basis in excess of the following allowances:

Limits, lbs/mmBtu, 24 hr. avg.

Tier	CO	
1	1.2	Base limit
2	>1.2 - 2.0	
3	>2.0 - 3.0	

Tier 1 - Base limit, 24 hour average which is the lower limit, needs to be attained for the highest percentage of time.

The total 24 hourly averages per month of Tier 2, and Tier 3, which are greater than the Base limit may not exceed eight. In no case shall the total 24 hourly averages per month exceed 3 for Tier 3.


VIOLATION RESOLUTION

Violations of air pollution laws are subject to civil and/or criminal penalties as specified in the California Health and Safety Code §42402.1(a). Each day, or portion of a day during which a violation occurs, constitutes a separate offense even if no additional Notices of Violation are issued.

HRC may, upon request, confer with the District. The conference will allow HRC to present evidence bearing on the Notice of Violation, the nature of the violations, and any efforts it may have taken or proposes to take to achieve compliance. Inquiries concerning this NOV should be made in writing to:

North Coast Unified Air Quality Management District
Attn: Air Pollution Control Officer
707 L Street
Eureka, CA 95501

By: _____



Brian Wilson
Air Pollution Control Officer
North Coast Unified Air Quality Management District

Date: _____

4/3/17

North Coast Unified
Air Quality Management District
707 L Street, Eureka, CA 95501
(707) 443-3093
www.ncuaqmd.org



NOTICE OF VIOLATION

No. 14049

NOV Issue Date 6/13/23 Violation Date(s): 4/9/2023 Time: 24:00

Notice Issued To: HUMBOLDT SAWMILL COMPANY Title: owner

Notice Delivered To: SAME Title: SAME

Violation Location:

Mailing Address: (If different)

Street: 169 MAIN STREET

Street: P.O. BOX 37

City: SCOTIA

City: SCOTIA

State: CA Zip Code: 95565

State: CA Zip Code: 95565

(707) Telephone: 764-4418 Driver's License # _____ Permit # NCU 060-12
NS-076

Description of Violation: FOR BOILER C,
FAILURE TO MAINTAIN A DAILY BLOCK AVERAGE
OPACITY TO LESS OR EQUAL TO 10 PERCENT ON 4/9/2023
(11.7%), 4/10/2023 (11.6%), AND 4/11/2023 (10.8%).
VIOLATION OF 40 CFR, PART 63, SUBPART DDDD.

Violation(s):

☐ Rule 201 (A)(2) Burning of Prohibited Material

☐ Rule 104 (A)(1) Public Nuisance

☐ Rule 201 (A)(3) Burning Permit Required

☐ Rule 104 (D) Fugitive Dust

☐ Rule 201 (B)(4) Permitted Burn Hours

☐ Rule 105 (A) Gen. Permit Requirements

☐ Rule 201 (A)(5) Burn Barrel

☐ Rule 102 (A) Required Permits

☐ Rule 201 (A)(4) No Burn Day

☐ 40 CFR 61, Subpart M - Asbestos NESHAP

☐ District Permit Condition(s): _____

☒ Other: 40 CFR, PART 63,
SUBPART DDDD.

Was the Violation continuing at end of observation? ☒ YES ☐ NO

If yes, why? DAILY BLOCK AVERAGE OPACITY EXCEEDED FOR BOILER C.

Issuing Officer: RLOYD KUM Badge No.: 103 Time: 11:55 A.M.

The responsible party is hereby directed to respond in writing within ten (10) days of the date of this notice (no later than 06 123 2023) to the NCUAQMD regarding this violation, stating what actions have been taken to correct the violation and to prevent future similar violations. Violations of air pollution laws are subject to civil and/or criminal penalties as specified in the California Health and Safety Code §42400 and §42402. Each day, or portion of a day, during which a violation occurs, constitutes a separate offense even if no additional Notices of Violation are issued.



NOTICE OF VIOLATION

No. 14048

NOV Issue Date 5/11/23 Violation Date(s): 3/17/2023 Time: 23:48

Notice Issued To: HUMBOLDT SAWMILL CO. Title: OWNER

Notice Delivered To: SAME Title: SAME

Violation Location:

Mailing Address: (If different)

Street: 169 MAIN STREET

Street: P.O. BOX 37

City: SCOTIA

City: SCOTIA

State: CA Zip Code: 95565

State: CA Zip Code: 95565

(707) Telephone: 764-4418 Driver's License # _____ Permit # NCU 060-12
NS-074 Boiler B

Description of Violation: For Boiler B,
AT HOUR 23, AN OPACITY READING > 27%
(30.1) WAS RECORDED. VIOLATION OF PERMIT # NCU 060-12/
NS-074, III. EMISSIONS LIMITATIONS, A. PARTICULATE
MATTER, & VISIBLE EMISSIONS.

Violation(s):

☐ Rule 201 (A)(2) Burning of Prohibited Material

☐ Rule 104 (A)(1) Public Nuisance

☐ Rule 201 (A)(3) Burning Permit Required

☐ Rule 104 (D) Fugitive Dust

☐ Rule 201 (B)(4) Permitted Burn Hours

☒ Rule 105 (A) Gen. Permit Requirements

☐ Rule 201 (A)(5) Burn Barrel

☐ Rule 102 (A) Required Permits

☐ Rule 201 (A)(4) No Burn Day

☐ 40 CFR 61, Subpart M - Asbestos NESHAP

☐ District Permit Condition(s): _____

☐ Other: _____

Was the Violation continuing at end of observation? ☒ YES ☐ NO

If yes, why? For Boiler B,
OPACITY EXCEEDANCE RECORDED.

Issuing Officer: Rloyd Allen Badge No.: 103 Time: 8:30 A.M.

The responsible party is hereby directed to respond in writing within ten (10) days of the date of this notice (no later than 5/12/23) to the NCUAQMD regarding this violation, stating what actions have been taken to correct the violation and to prevent future similar violations. Violations of air pollution laws are subject to civil and/or criminal penalties as specified in the California Health and Safety Code §42400 and §42402. Each day, or portion of a day, during which a violation occurs, constitutes a separate offense even if no additional Notices of Violation are issued.



NOTICE OF VIOLATION

No. 14047

NOV Issue Date 5/10/23 Violation Date(s): 3/29/2023 Time: 18:00

Notice Issued To: HUMBOLDT SAWMILL COMPANY Title: owner

Notice Delivered To: SAME Title: SAME

Violation Location:

Mailing Address: (If different)

Street: 169 MAIN STREET

Street: P.O. BOX 37

City: SCOTIA

City: SCOTIA

State: CA. Zip Code: 95565

State: CA. Zip Code: 95565

Telephone: (707) 764-4418 Driver's License # _____ Permit # NCU 060-12
For Boiler A NS-074 Boiler A

Description of Violation: AT HOUR 18:42, A SECOND OPACITY READING
> 20% (29.1%) WAS RECORDED. AT HOUR 18:54, A
THIRD OPACITY READING > 20% (23.1%) WAS RECORDED.
VIOLATION OF PERMIT # NCU 060-12 / NS-074.

Violation(s):

☐ Rule 201 (A)(2) Burning of Prohibited Material

☐ Rule 104 (A)(1) Public Nuisance

☐ Rule 201 (A)(3) Burning Permit Required

☐ Rule 104 (D) Fugitive Dust

☐ Rule 201 (B)(4) Permitted Burn Hours

☒ Rule 105 (A) Gen. Permit Requirements

☐ Rule 201 (A)(5) Burn Barrel

☐ Rule 102 (A) Required Permits

☐ Rule 201 (A)(4) No Burn Day

☐ 40 CFR 61, Subpart M - Asbestos NESHAP

☐ District Permit Condition(s): _____

☐ Other: _____

Was the Violation continuing at end of observation? ☒ YES ☐ NO

If yes, why? Boiler A
RECORDS REVIEW SHOWED EXCEEDANCES.

Issuing Officer: Lloyd Mum Badge No.: 103 Time: 2:15 P.M.

The responsible party is hereby directed to respond in writing within ten (10) days of the date of this notice (no later than 05/20/23) to the NCUAQMD regarding this violation, stating what actions have been taken to correct the violation and to prevent future similar violations. Violations of air pollution laws are subject to civil and/or criminal penalties as specified in the California Health and Safety Code §42400 and §42402. Each day, or portion of a day, during which a violation occurs, constitutes a separate offense even if no additional Notices of Violation are issued.

North Coast Unified
Air Quality Management District
707 L Street, Eureka, CA 95501
(707) 443-3093
www.ncuaqmd.org



NOTICE OF VIOLATION

No. 14046

NOV Issue Date 5/9/23 Violation Date(s): 3/26/23 THRU 3/28/23 Time: 24:00

Notice Issued To: HUMBOLDT SAWMILL COMPANY Title: owner

Notice Delivered To: SAME Title: SAME

Violation Location:

Mailing Address: (If different)

Street: 169 MAIN STREET

Street: P.O. BOX 37

City: SCOTIA

City: SCOTIA

State: CA. Zip Code: 95565

State: CA. Zip Code: 95565

(707) Telephone: 764-4418 Driver's License # _____ Permit # NCU 060-12
NS-076(BoilerC)

Description of Violation: FAILURE TO MAINTAIN A DAILY BLOCK AVERAGE
OPACITY TO LESS OR EQUAL TO 10 PERCENT ON 3/26/2023
(14.2%), 3/27/2023 (13.7%), AND 3/28/2023 (11.7%).
VIOLATION OF 40 CFR, PART 63, SUBPART DDDDD.

Violation(s):

☐ Rule 201 (A)(2) Burning of Prohibited Material

☐ Rule 104 (A)(1) Public Nuisance

☐ Rule 201 (A)(3) Burning Permit Required

☐ Rule 104 (D) Fugitive Dust

☐ Rule 201 (B)(4) Permitted Burn Hours

☐ Rule 105 (A) Gen. Permit Requirements

☐ Rule 201 (A)(5) Burn Barrel

☐ Rule 102 (A) Required Permits

☐ Rule 201 (A)(4) No Burn Day

☐ 40 CFR 61, Subpart M - Asbestos NESHA

☐ District Permit Condition(s): _____

☒ Other: 40 CFR, PART 63,
SUBPART DDDDD.

Was the Violation continuing at end of observation? ☒ YES

☐ NO

If yes, why? EXCEEDANCES REPORTED.

Issuing Officer: Lloyd Muen Badge No.: 103 Time: 3:15 P.M.

The responsible party is hereby directed to respond in writing within ten (10) days of the date of this notice (no later than 05/19/23) to the NCUAQMD regarding this violation, stating what actions have been taken to correct the violation and to prevent future similar violations. Violations of air pollution laws are subject to civil and/or criminal penalties as specified in the California Health and Safety Code §42400 and §42402. Each day, or portion of a day, during which a violation occurs, constitutes a separate offense even if no additional Notices of Violation are issued.



NOTICE OF VIOLATION

No. 14045

NOV Issue Date 5/9/23 Violation Date(s): 3/25/2023 Time: 24:00

Notice Issued To: HUMBOLDT SAWMILL COMPANY Title: owner

Notice Delivered To: SAME Title: SAME

Violation Location:

Mailing Address: (If different)

Street: 169 MAIN STREET

Street: P.O. Box 37

City: SCOTIA

City: SCOTIA

State: CA Zip Code: 95565

State: CA Zip Code: 95565

(707) Telephone: 764-4418 Driver's License # _____ Permit # NCU 060-12
NS-076 (Boiler C)

Description of Violation: FAILURE TO MAINTAIN A DAILY BLOCK AVERAGE
OPACITY TO LESS OR EQUAL TO 10 PERCENT (14.1%). AT HOUR
12, A SECOND OPACITY READING > 20% (32.2%) WAS RECORDED.
AT HOUR 23, A SECOND OPACITY READING > 20% (24%) WAS
RECORDED. VIOLATION OF 40 CFR, PART 63, SUBPART DDDDD,
AND NCU 060-12, NS-076.

Violation(s):

☐ Rule 201 (A)(2) Burning of Prohibited Material

☐ Rule 104 (A)(1) Public Nuisance

☐ Rule 201 (A)(3) Burning Permit Required

☐ Rule 104 (D) Fugitive Dust

☐ Rule 201 (B)(4) Permitted Burn Hours

☒ Rule 105 (A) Gen. Permit Requirements

☐ Rule 201 (A)(5) Burn Barrel

☐ Rule 102 (A) Required Permits

☐ Rule 201 (A)(4) No Burn Day

☐ 40 CFR 61, Subpart M - Asbestos NESHAP

☐ District Permit Condition(s): _____

☒ Other: 40 CFR, PART 63,
SUBPART DDDDD.

Was the Violation continuing at end of observation? ☒ YES ☐ NO

If yes, why? EXCEEDANCES REPORTED.

Issuing Officer: Lloyd Mun Badge No.: 103 Time: 3:00 P.M.

The responsible party is hereby directed to respond in writing within ten (10) days of the date of this notice (no later than 05/19/23) to the NCUAQMD regarding this violation, stating what actions have been taken to correct the violation and to prevent future similar violations. Violations of air pollution laws are subject to civil and/or criminal penalties as specified in the California Health and Safety Code §42400 and §42402. Each day, or portion of a day, during which a violation occurs, constitutes a separate offense even if no additional Notices of Violation are issued.

North Coast Unified
Air Quality Management District
707 L Street, Eureka, CA 95501
(707) 443-3093
www.ncuaqmd.org



NOTICE OF VIOLATION

No. 14038

NOV Issue Date: 5/2/23 Violation Date(s): 1/14/23, 1/19/23, & 1/22/23 Time: 8:30 AM

Notice Issued To: HUMBOLDT SAWMILL COMPANY Title: OWNER

Notice Delivered To: SAME Title: SAME

Violation Location:

Mailing Address: (If different)

Street: 169 MAIN STREET

Street: P.O. BOX 37

City: SCOTIA

City: SCOTIA

State: CA Zip Code: 95565

State: CA Zip Code: 95565

(707) Telephone: 764-4418 Driver's License # _____ Permit # NCU 060-12
NS-074

Description of Violation: Boiler A CO EXCEEDANCE ON 1/14/2023, Boiler A
CO EXCEEDANCE ON 1/19/2023, AND 4TH Tier 3
VIOLATION FOR CO (Boiler A) ON 1/22/2023.
VIOLATION OF PERMIT # NCU 060-12 / NS-074.

Violation(s):

- ☐ Rule 201 (A)(2) Burning of Prohibited Material
☐ Rule 201 (A)(3) Burning Permit Required
☐ Rule 201 (B)(4) Permitted Burn Hours
☐ Rule 201 (A)(5) Burn Barrel
☐ Rule 201 (A)(4) No Burn Day
☐ District Permit Condition(s): _____

- ☐ Rule 104 (A)(1) Public Nuisance
☐ Rule 104 (D) Fugitive Dust
☒ Rule 105 (A) Gen. Permit Requirements
☐ Rule 102 (A) Required Permits
☐ 40 CFR 61, Subpart M - Asbestos NESHAP
☐ Other: _____

Was the Violation continuing at end of observation? ☒ YES ☐ NO

If yes, why? CO EXCEEDANCES, Tier 3 VIOLATIONS REPORTED.

Issuing Officer: RLOYD KUM Badge No.: 103 Time: 9:45 AM

The responsible party is hereby directed to respond in writing within ten (10) days of the date of this notice (no later than 05/12/2023) to the NCUAQMD regarding this violation, stating what actions have been taken to correct the violation and to prevent future similar violations. Violations of air pollution laws are subject to civil and/or criminal penalties as specified in the California Health and Safety Code §42400 and §42402. Each day, or portion of a day, during which a violation occurs, constitutes a separate offense even if no additional Notices of Violation are issued.

North Coast Unified
Air Quality Management District
707 L Street, Eureka, CA 95501
(707) 443-3093
www.ncuaqmd.org



NOTICE OF VIOLATION

No. 14039

NOV Issue Date 5/2/23 Violation Date(s): 1/4/23, 1/10/23 thru 1/14/23
1/18-23 Time: 8:30 AM

Notice Issued To: HUMBOLDT SAWMILL COMPANY Title: OWNER

Notice Delivered To: SAME Title: SAME

Violation Location:

Mailing Address: (If different)

Street: 169 MAIN STREET

Street: P.O. BOX 37

City: SCOTIA

City: SCOTIA

State: CA Zip Code: 95565

State: CA Zip Code: 95565

(707) Telephone: 764-4418 Driver's License # _____ Permit # NCU 060-12
NS-076

Description of Violation: BOILER C EXCEEDANCES OF CO ON 1/4/23,
BOILER C EXCEEDANCES OF CO ON 1/10/23 THROUGH 1/14/23,
AND 4TH TIER 3 VIOLATION FOR CO (BOILER C) ON 1/18/23.
VIOLATION OF PERMIT # NCU 060-12/NS-076.

Violation(s):

☐ Rule 201 (A)(2) Burning of Prohibited Material

☐ Rule 104 (A)(1) Public Nuisance

☐ Rule 201 (A)(3) Burning Permit Required

☐ Rule 104 (D) Fugitive Dust

☐ Rule 201 (B)(4) Permitted Burn Hours

☒ Rule 105 (A) Gen. Permit Requirements

☐ Rule 201 (A)(5) Burn Barrel

☐ Rule 102 (A) Required Permits

☐ Rule 201 (A)(4) No Burn Day

☐ 40 CFR 61, Subpart M - Asbestos NESHAP

☐ District Permit Condition(s): _____

☐ Other: _____

Was the Violation continuing at end of observation? ☒ YES ☐ NO

If yes, why? CO EXCEEDANCES & TIER 3 VIOLATIONS REPORTED.

Issuing Officer: RLOYD GREEN Badge No.: 103 Time: 10:35 AM

The responsible party is hereby directed to respond in writing within ten (10) days of the date of this notice (no later than 05/12/23) to the NCUAQMD regarding this violation, stating what actions have been taken to correct the violation and to prevent future similar violations. Violations of air pollution laws are subject to civil and/or criminal penalties as specified in the California Health and Safety Code §42400 and §42402. Each day, or portion of a day, during which a violation occurs, constitutes a separate offense even if no additional Notices of Violation are issued.

North Coast Unified
Air Quality Management District
707 L Street, Eureka, CA 95501
(707) 443-3093
www.ncuaqmd.org



NOTICE OF VIOLATION

No. 14040

NOV Issue Date 5/2/23 Violation Date(s): 1/4/23 & 1/19/23 Time: 8:30 AM

Notice Issued To: HUMBOLDT SAWMILL COMPANY Title: OWNER

Notice Delivered To: SAME Title: SAME

Violation Location:

Mailing Address: (If different)

Street: 169 MAIN ST.

Street: P.O. BOX 37

City: SCOTIA

City: SCOTIA

State: CA. Zip Code: 95565

State: CA. Zip Code: 95565

(707) Telephone: 764-4418 Driver's License # _____ Permit # NCU 060-12
NS-076

Description of Violation: Boiler C
> 10% DAILY BLOCK AVERAGE ON 1/4/2023,
Boiler C opacity readings of over 27% (TOTAL OF 9)
1-19-2023
IN HOUR 13:00, AND Boiler C opacity readings above
20% (TOTAL OF 5) IN HOUR 14:00. VIOLATION OF PERMIT #
1-19-2023
NCU 060-12 / NS-076.

Violation(s):

- ☐ Rule 201 (A)(2) Burning of Prohibited Material
☐ Rule 201 (A)(3) Burning Permit Required
☐ Rule 201 (B)(4) Permitted Burn Hours
☐ Rule 201 (A)(5) Burn Barrel
☐ Rule 201 (A)(4) No Burn Day
☐ District Permit Condition(s): _____

- ☐ Rule 104 (A)(1) Public Nuisance
☐ Rule 104 (D) Fugitive Dust
☒ Rule 105 (A) Gen. Permit Requirements
☐ Rule 102 (A) Required Permits
☐ 40 CFR 61, Subpart M - Asbestos NESHAP
☒ Other: CFR TITLE 40 PART 63
SUBPART DDDDD

Was the Violation continuing at end of observation? ☒ YES ☐ NO

If yes, why? OPACITY VIOLATIONS REPORTED.

Issuing Officer: Alyce Allen Badge No.: 103 Time: 11:05 AM

The responsible party is hereby directed to respond in writing within ten (10) days of the date of this notice (no later than 05/12/2023) to the NCUAQMD regarding this violation, stating what actions have been taken to correct the violation and to prevent future similar violations. Violations of air pollution laws are subject to civil and/or criminal penalties as specified in the California Health and Safety Code §42400 and §42402. Each day, or portion of a day, during which a violation occurs, constitutes a separate offense even if no additional Notices of Violation are issued.



NOTICE OF VIOLATION

No. 14041

NOV Issue Date 5/2/23 Violation Date(s): 2/15/2023 Time: 8:30 AM

Notice Issued To: HUMBOLDT SAWMILL COMPANY Title: OWNER

Notice Delivered To: SAME Title: SAME

Violation Location:

Mailing Address: (If different)

Street: 169 MAIN STREET

Street: P.O. BOX 37

City: SCOTIA

City: SCOTIA

State: CA. Zip Code: 95565

State: CA. Zip Code: 95565

Telephone: (707) 764-4418 Driver's License # _____ Permit # NCU 060-12
NS-076

Description of Violation: BOILER C OPACITY EXCEEDANCE (66 MINUTES ABOVE 40%) ON 2/15/23, TWO (SIX-MINUTE AVERAGE) READINGS ABOVE 20% ON 2/15/23 AT HOUR 7, SEVEN (SIX-MINUTE AVE.) READINGS ABOVE 20% ON 2/15/23 AT HOUR 14, NINE (SIX-MINUTE AVE.) READINGS ABOVE 20% ON 2/15/23 AT HOUR 15, NINE (SIX-MINUTE AVE.) READINGS ABOVE 20% ON 2/15/23 AT HOUR 16, AND 4 (SIX-MINUTE AVE.) READINGS ABOVE 20% ON 2/15/23 AT HOUR 17.

☐ Rule 201 (A)(2) Burning of Prohibited Material

☐ Rule 104 (A)(1) Public Nuisance

☐ Rule 201 (A)(3) Burning Permit Required

☐ Rule 104 (D) Fugitive Dust

☐ Rule 201 (B)(4) Permitted Burn Hours

☒ Rule 105 (A) Gen. Permit Requirements

☐ Rule 201 (A)(5) Burn Barrel

☐ Rule 102 (A) Required Permits

☐ Rule 201 (A)(4) No Burn Day

☐ 40 CFR 61, Subpart M - Asbestos NESHAP

☐ District Permit Condition(s): _____

☒ Other: CA. H&S CODE #41704(n)

Was the Violation continuing at end of observation? ☒ YES ☐ NO

If yes, why? OPACITY VIOLATIONS REPORTED.

Issuing Officer: RLOYD YUEN Badge No.: 103 Time: 1:35 P.M.

The responsible party is hereby directed to respond in writing within ten (10) days of the date of this notice (no later than 05/12/2023) to the NCUAQMD regarding this violation, stating what actions have been taken to correct the violation and to prevent future similar violations. Violations of air pollution laws are subject to civil and/or criminal penalties as specified in the California Health and Safety Code §42400 and §42402. Each day, or portion of a day, during which a violation occurs, constitutes a separate offense even if no additional Notices of Violation are issued.

North Coast Unified
Air Quality Management District
707 L Street, Eureka, CA 95501
(707) 443-3093
www.ncuaqmd.org



NOTICE OF VIOLATION

No. 14042

NOV Issue Date 5/2/13 Violation Date(s): 2/13/2023 Time: 16:00

Notice Issued To: HUMBOLDT SAWMILL COMPANY Title: owner

Notice Delivered To: SAME Title: SAME

Violation Location:

Mailing Address: (If different)

Street: 169 MAIN STREET

Street: P.O. BOX 37

City: SCOTIA

City: SCOTIA

State: CA Zip Code: 95565

State: CA Zip Code: 95565

(207) Telephone: 764-4418 Driver's License # _____ Permit # NCU 060-12
NS-074

Description of Violation: ON 2/13/2023, BOILER B EXCEEDED 27% OPACITY @ 16:00 HOURS. VIOLATION OF PERMIT TO OPERATE # NCU 060-12/NS-074.

Violation(s):

- ☐ Rule 201 (A)(2) Burning of Prohibited Material
- ☐ Rule 201 (A)(3) Burning Permit Required
- ☐ Rule 201 (B)(4) Permitted Burn Hours
- ☐ Rule 201 (A)(5) Burn Barrel
- ☐ Rule 201 (A)(4) No Burn Day
- ☐ District Permit Condition(s): _____

- ☐ Rule 104 (A)(1) Public Nuisance
- ☐ Rule 104 (D) Fugitive Dust
- ☒ Rule 105 (A) Gen. Permit Requirements
- ☐ Rule 102 (A) Required Permits
- ☐ 40 CFR 61, Subpart M - Asbestos NESHAP
- ☐ Other: _____

Was the Violation continuing at end of observation? ☒ YES ☐ NO

If yes, why? OPACITY EXCEEDANCE REPORTED.

Issuing Officer: RLOYD YUEN Badge No.: 103 Time: 2:15 P.M.

The responsible party is hereby directed to respond in writing within ten (10) days of the date of this notice (no later than 05/12/2023) to the NCUAQMD regarding this violation, stating what actions have been taken to correct the violation and to prevent future similar violations. Violations of air pollution laws are subject to civil and/or criminal penalties as specified in the California Health and Safety Code §42400 and §42402. Each day, or portion of a day, during which a violation occurs, constitutes a separate offense even if no additional Notices of Violation are issued.

North Coast Unified
Air Quality Management District
707 L Street, Eureka, CA 95501
(707) 443-3093
www.ncuaqmd.org



NOTICE OF VIOLATION

No. 14032

NOV Issue Date 4/5/23 Violation Date(s): 3/20/2023 Time: 10:01 A.M.

Notice Issued To: HUMBOLDT SAWMILL CO. Title: OWNER

Notice Delivered To: SAME Title: SAME

Violation Location:

Mailing Address: (If different)

Street: 169 MAIN STREET

Street: P.O. BOX 37

City: SCOTIA

City: SCOTIA

State: CA. Zip Code: 95565

State: CA. Zip Code: 95565

(707) Telephone: 764-4418 Driver's License # _____ Permit # NCU 060-12
NS-076 Boiler C

Description of Violation: FOR THE BOILER C BREAKDOWN THAT
OCCURRED ON 3/19/2023, FAILURE TO REPORT THE
BREAKDOWN TO THE DISTRICT OFFICE WITHIN (1) HOUR AFTER
THE START OF THE NEXT REGULAR BUSINESS DAY. VIOLATION
OF REGULATION 1, RULE 105, D. EQUIPMENT BREAKDOWN
(2)(i).

Violation(s):

☐ Rule 201 (A)(2) Burning of Prohibited Material

☐ Rule 104 (A)(1) Public Nuisance

☐ Rule 201 (A)(3) Burning Permit Required

☐ Rule 104 (D) Fugitive Dust

☐ Rule 201 (B)(4) Permitted Burn Hours

☒ Rule 105 (D) Gen. Permit Requirements

☐ Rule 201 (A)(5) Burn Barrel

☐ Rule 102 (A) Required Permits

☐ Rule 201 (A)(4) No Burn Day

☐ 40 CFR 61, Subpart M - Asbestos NESHAP

☐ District Permit Condition(s): _____

☐ Other: _____

Was the Violation continuing at end of observation? ☒ YES ☐ NO

If yes, why? BREAKDOWN NOT REPORTED.

Issuing Officer: Ralph Yuen Badge No.: 103 Time: 8:30 A.M.

The responsible party is hereby directed to respond in writing within ten (10) days of the date of this notice (no later than 04/15/23) to the NCUAQMD regarding this violation, stating what actions have been taken to correct the violation and to prevent future similar violations. Violations of air pollution laws are subject to civil and/or criminal penalties as specified in the California Health and Safety Code §42400 and §42402. Each day, or portion of a day, during which a violation occurs, constitutes a separate offense even if no additional Notices of Violation are issued.

**North Coast Unified
Air Quality Management District**

707 L Street, Eureka, CA 95501

(707) 443-3093

www.ncuaqmd.org



July 29, 2021

Krista Ranstrom
Humboldt Sawmill Co. LLC
EHS Manager
P.O. Box 38
Scotia, CA 95565

RE: Settlement of Notice of Violation #13269

Dear Ms. Ranstrom:

On June 29, 2021, the North Coast Unified Air Quality Management District (District) issued Notice of Violation (NOV) #13269, for violation of Permit to Operate #NCU 060-12, Permit #000937-2, Operational Conditions (7) (b), and General Provisions (L) Prohibitions (3). Specifically, the Western side shavings bin, and the Western side conveyor, located at the South end of Main Street in Scotia, CA, were observed to be leaking excessive amounts of fugitive dust/fines.

On July 7, 2021, you submitted a letter in response to the NOV. Subsequently, your case file has been prepared and forwarded to the office of the Compliance & Enforcement Division Manager for review and settlement.

Notice of Violation (NOV) Summary	
NOV #: 13269	Violation Date: 06 / 28 / 2021
District Rule(s) Violated:	Reg. I, Rule 105 [A]

The District's Civil Penalty Policy program allows the settling some non-compliance issues through payment of a penalty amount determined by specific factors including the type and seriousness of the violation, and size of the facility or entity in violation.

The above referenced action has been evaluated for participation in the Civil Penalty program based upon the circumstances surrounding the events. As a result, the non-compliance issues referenced herein appear eligible for settlement pursuant to this policy.

The Civil Penalty Schedule is based upon the severity of the violation, compliance history, and the number of days of violation. Reductions may be approved by the Air Pollution Control Officer (APCO) where there has been a good faith remedial response and if the civil penalty is settled prior to the District moving forward with legal action seeking the maximum fine(s) allowed.

ENFORCEMENT: FOR INTERNAL USE ONLY

Follow-up Date:

Civil Action, Follow-up:

An offer of settlement for **NOV #13269** has been determined with reference to the District's Civil Penalty Schedule as follows:

Settlement Calculation					
Violation Category(s):		IV – Emission Exceedance with Knowledge			
Business Class Size:		III – Business			
<u>Alleged Violation</u>	<u>Description</u>	<u>Dates</u>	<u>Priors</u>	<u>Maximum Penalty</u>	<u>Civil Penalty Schedule</u>
PTO #NCU 060-12, Permit #000937-2, Operational Conditions (& (b), & General Provisions (L) Prohibitions (3)	Western Side Shavings Bin Emitting Excessive Amounts of Fugitive Dust / Fines	06/28/2021	[0]	\$10,000 / day	\$1,740 / day
PTO #NCU 060-12, Permit #000937-2, Operational Conditions (& (b), & General Provisions (L) Prohibitions (3)	Western Side Conveyor Emitting Excessive Amounts of Fugitive Dust / Fines	06/28/2021	[0]	\$10,000 / day	\$1,740 / day

Maximum Penalty Allowed Under California Health & Safety Code:		\$20,000
Total Civil Penalty Base* Amount:		\$3,480.00
Corrective Action Taken:	YES	Response Letter Received on 07/07/2021 & Repairs to be Completed by 07/10/2021
Eligible for Good Faith Reduction:	NO	0% Reduction of Reg. I, Rule 105 [A] Base*
Settlement Amount to Close Case:		\$3,480.00

* The Total Settlement Base Amount is calculated using the formula (# of counts) x (# of days) x (Civil Penalty Schedule) = Total Settlement Base.

Any offer for settlement, including any potential good faith reduction, will be automatically revoked if not accepted in writing within fifteen (15) days of the date of this letter. If no response is received, the District may then move forward with prosecution seeking the maximum fine. The District recognizes that HSC has taken the following steps to remediate and resolve these issues, which include, but are not limited to:

- HSC has not had a similar violation in the past year.
- All stated leaks were sealed by HSC's maintenance department by July 10, 2021
- The leaking conveyor system is slated to be replaced by a new unit.
- The connection point from the new conveyor to the storage bin will be replaced by a new unit by August 21, 2021.

Based upon a review of the existing case file, the APCO is willing to resolve the case for **\$3,480.00**, if the terms and conditions of probation listed in the attachment are satisfied.

Please notify the District in writing within fifteen (15) days and **not later than August 13, 2021**, as to whether you accept this offer of settlement. If you wish to settle the matter as proposed, return a signed copy of the settlement agreement, with your payment, by the date indicated above.

If you have any questions or require additional information, please contact my office directly at (707) 443-3093.

Sincerely,

A handwritten signature in black ink, appearing to read "Lloyd Green".

Lloyd Green
Air Pollution Inspector III

**North Coast Unified
Air Quality Management District**
707 L Street, Eureka, CA 95501
(707) 443-3093
www.ncuaqmd.org



Settlement Agreement

The business known as the Humboldt Sawmill Company, LLC is hereby notified that it has violated PTO NCU-060-12, Permit #000937-2, Operational Conditions (7) (b), General Provisions (L) Prohibitions (3), and District Regulation I, Rule 105 (1.0). The specifics are outlined below:

1. On June 28, 2021, the Western side shavings bin was observed to be excessively leaking fugitive dust/fines.
2. On June 28, 2021, the Western side conveyor was observed to be excessively leaking fugitive dust/fines from 12+ holes, cracks, splits, etc.

I, the undersigned, agree under penalty of perjury to the terms and conditions as outlined in this agreement. I understand that **82.60%** or **\$16,520.00** of the maximum California Health & Safety Code penalty amount allowed by law will be suspended if the terms and conditions of this settlement are satisfied. I am remitting a check in the amount of **\$3,480.00**, as settlement for violations identified in **NOV # 13269**.

Responsible Party's Printed Name: _____

Responsible Party's Signature _____

Date Signed: _____ / _____ / _____

Due on or Before: August 13, 2021

Physical Address: 153 Main Street City: Scotia Zip: 95565

Mailing Address: P.O. Box 38 City: Scotia Zip: 95565

INSTRUCTIONS

*If you wish to take advantage of this settlement offer, please indicate your acceptance by returning a signed copy of the agreement with payment to the District office prior to the close of business on the date indicated in the settlement offer letter. Remit payments to **NCUAQMD**, 707 L Street, Eureka, CA, 95501. **Indicate the NOV# on the payment.** Only checks and money orders are accepted through the mail.*

**North Coast Unified
Air Quality Management District**

707 L Street, Eureka, CA 95501
(707) 443-3093
www.ncuaqmd.org



March 24, 2021

Krista Ranstrom
Humboldt Sawmill Co. LLC
EHS Manager
P.O. Box 38
Scotia, CA 95565

RE: Settlement of Notice of Violation #13265

Dear Ms. Ranstrom:

On March 9, 2021, the North Coast Unified Air Quality Management District (District) issued Notice of Violation (NOV) #13265, for violation of Permit to Operate #NCU 060-12, Permit #NS-076, III. Emissions Limitations, B. Carbon Monoxide. Specifically, Boiler C, located at 2nd & Main Street in Scotia, CA, exceeded its Tier 3 carbon monoxide 24 hr. average limits. On March 19, 2021, you submitted a letter in response to the NOV. Subsequently, your case file has been prepared and forwarded to the office of the Compliance & Enforcement Division Manager for review and settlement.

Notice of Violation (NOV) Summary	
NOV #: 13265	Violation Date: 12 / 25 / 2020
District Rule(s) Violated:	Reg. I, Rule 105 [A]

The District's Civil Penalty Policy program allows the settling some non-compliance issues through payment of a penalty amount determined by specific factors including the type and seriousness of the violation, and size of the facility or entity in violation.

The above referenced action has been evaluated for participation in the Civil Penalty program based upon the circumstances surrounding the events. As a result, the non-compliance issues referenced herein appear eligible for settlement pursuant to this policy.

The Civil Penalty Schedule is based upon the severity of the violation, compliance history, and the number of days of violation. Reductions may be approved by the Air Pollution Control Officer (APCO) where there has been a good faith remedial response and if the civil penalty is settled prior to the District moving forward with legal action seeking the maximum fine(s) allowed.

ENFORCEMENT: FOR INTERNAL USE ONLY

Follow-up Date:

Civil Action, Follow-up:

An offer of settlement for **NOV #13265** has been determined with reference to the District's Civil Penalty Schedule as follows:

Settlement Calculation					
Violation Category(s):	III – Emission Exceedance				
Business Class Size:	III – Business				
<u>Alleged Violation</u>	<u>Description</u>	<u>Dates</u>	<u>Priors</u>	<u>Maximum Penalty</u>	<u>Civil Penalty Schedule</u>
PTO #NCU 060-12, Permit Number NS-076, III. Emissions Limitations, B. Carbon Monoxide	Boiler C Exceeded its Tier 3 Carbon Monoxide 24 hr. Average Limits	12/25/2020	[0]	\$10,000 / day	\$1,140 / day

Maximum Penalty Allowed Under California Health & Safety Code:		\$10,000
Total Civil Penalty Base* Amount:		\$1,140.00
Corrective Action Taken:	YES	Repairs Completed & Response Letter Received on 03/19/2021
Eligible for Good Faith Reduction:	YES	50% Reduction of Reg. I, Rule 105 [A] Base*
Settlement Amount to Close Case:		\$570.00

* The Total Settlement Base Amount is calculated using the formula (# of counts) x (# of days) x (Civil Penalty Schedule) = Total Settlement Base.

Any offer for settlement, including any potential good faith reduction, will be automatically revoked if not accepted in writing within fifteen (15) days of the date of this letter. If no response is received, the District may then move forward with prosecution seeking the maximum fine. Based upon a review of the existing case file, the APCO is willing to resolve the case for **\$570.00**, if the terms and conditions of probation listed in the attachment are satisfied.

Please notify the District in writing within fifteen (15) days and **not later than April 8, 2021**, as to whether you accept this offer of settlement. If you wish to settle the matter as proposed, return a signed copy of the probationary agreement, with your payment, by the date indicated above.

If you have any questions or require additional information, please contact my office directly at (707) 443-3093.

Sincerely,



Lloyd Green
Air Pollution Inspector III

**North Coast Unified
Air Quality Management District**
707 L Street, Eureka, CA 95501
(707) 443-3093
www.ncuaqmd.org



Settlement Agreement

The business known as the Humboldt Sawmill Company, LLC is hereby notified that it has violated PTO NCU-060-12, Permit Number NS-076, III. Emissions Limitations, B. carbon monoxide, and District Regulation I, Rule 105 (1.0). The specifics are outlined below:

1. On December 25, 2020, Boiler C exceeded its Tier 3 carbon monoxide 24 hr. average limits.
2. The District recognizes this is only one (1) 24 hr. exceedance, and HSC has not had any emission violations for several years.
3. The District recognizes that the Humboldt Sawmill Company, LLC has invested approx. \$68,000 towards an inspection of the on-site electrostatic precipitator, extensive repairs to the on-site electrostatic precipitator, recalibration of the CEMs software, and a re-tuning of Boiler C.

I, the undersigned, agree under penalty of perjury to the terms and conditions as outlined in this agreement. I understand that **94.30%** or **\$9,430.00** of the maximum California Health & Safety Code penalty amount allowed by law will be suspended if the terms and conditions of this settlement are satisfied. I am remitting a check in the amount of **\$570.00**, as settlement for violations identified in **NOV # 13265**.

Responsible Party's Printed Name: _____

Responsible Party's Signature _____

Date Signed: _____ / _____ / _____

Due on or Before: April 8, 2021

Physical Address: 153 Main Street City: Scotia Zip: 95565

Mailing Address: P.O. Box 38 City: Scotia Zip: 95565

INSTRUCTIONS

*If you wish to take advantage of this settlement offer, please indicate your acceptance by returning a signed copy of the agreement with payment to the District office prior to the close of business on the date indicated in the settlement offer letter. Remit payments to **NCUAQMD**, 707 L Street, Eureka, CA, 95501. **Indicate the NOV# on the payment.** Only checks and money orders are accepted through the mail.*

**North Coast Unified
Air Quality Management District**
707 L Street, Eureka, CA 95501
(707) 443-3093
www.ncuagmd.org



May 29, 2020

Michael Richardson
Humboldt Sawmill Co. LLC
Director of Operations
P.O. Box 37
Scotia, CA 95565

RE: Settlement of Notice of Violation #13193

Dear Mr. Richardson:

On January 10, 2020, the North Coast Unified Air Quality Management District (District) issued Notice of Violation (NOV) #13193, for violation of Permit to Operate #NCU 060-12, C. Facilities Operation (2), D. Compliance (1), & L. Prohibitions (3). Specifically, the area located left of your middle fly ash silo, located at 2nd & Main Street in Scotia, CA, was observed to be emitting excessive fugitive dust. On January 23, 2020, you submitted a letter in response to the NOV. Subsequently, your case file has been prepared and forwarded to the office of the Compliance & Enforcement Division Manager for review and settlement.

Notice of Violation (NOV) Summary	
NOV #: 13193	Violation Date: 01 / 03 / 2020
District Rule(s) Violated:	Reg. I, Rule 105 [A]

The District's Civil Penalty Policy program allows the settling some non-compliance issues through payment of a penalty amount determined by specific factors including the type and seriousness of the violation, and size of the facility or entity in violation.

The above referenced action has been evaluated for participation in the Civil Penalty program based upon the circumstances surrounding the events. As a result, the non-compliance issues referenced herein appear eligible for settlement pursuant to this policy.

The Civil Penalty Schedule is based upon the severity of the violation, compliance history, and the number of days of violation. Reductions may be approved by the Air Pollution Control Officer (APCO) where there has been a good faith remedial response and if the civil penalty is settled prior to the District moving forward with legal action seeking the maximum fine(s) allowed.

ENFORCEMENT: FOR INTERNAL USE ONLY

Follow-up Date:

Civil Action, Follow-up:

An offer of settlement for **NOV #13193** has been determined with reference to the District's Civil Penalty Schedule as follows:

Settlement Calculation					
Violation Category(s):	IV – Emission Exceedance with Knowledge (1 priors)				
Business Class Size:	III – Business				
<u>Alleged Violation</u>	<u>Description</u>	<u>Dates</u>	<u>Priors</u>	<u>Maximum Penalty</u>	<u>Civil Penalty Schedule</u>
PTO #NCU 060-12, C. Facilities Operation (2), D. Compliance (1), & L. Prohibitions (3).	Area Left of Middle Fly Ash Silo Emitting Excessive Fugitive Dust	01/03/2020	[1]	\$10,000 / day	\$2,810 / day

Maximum Penalty Allowed Under California Health & Safety Code:		\$10,000
Total Civil Penalty Base* Amount:		\$2,810.00
Corrective Action Taken:	YES	Response Letter Received on 01 / 23 / 2020 & Spray Systems Installed
Eligible for Good Faith Reduction:	YES	100% Reduction of Reg. I, Rule 105 [A] Base*
Settlement Amount to Close Case:		\$00.00

* The Total Settlement Base Amount is calculated using the formula (# of counts) x (# of days) x (Civil Penalty Schedule) = Total Settlement Base.

Any offer for settlement, including any potential good faith reduction, will be automatically revoked if not accepted in writing within fifteen (15) days of the date of this letter. If no response is received, the District may then move forward with seeking the maximum fine.

The District recognizes that HSC has installed a spray system to control fugitive dust, work was completed in a timely fashion, and due to the associated costs, the APCO is willing to resolve the case for **\$00.00**, if the terms and conditions of probation listed in the attachment are satisfied.

Please notify the District in writing within fifteen (15) days and **not later than June 15, 2020**, as to whether you accept this offer of settlement. If you wish to settle the matter as proposed, return a signed copy of the agreement by the date indicated above.

If you have any questions or require additional information, please contact my office directly at (707) 443-3093.

Sincerely,



Lloyd Green

Air Pollution Inspector III

For: Al Steer, Compliance & Enforcement Division Manager

**North Coast Unified
Air Quality Management District**
707 L Street, Eureka, CA 95501
(707) 443-3093
www.ncuaqmd.org



Settlement Agreement

The business known as the Humboldt Sawmill Co. LLC, was observed to have violated District Regulation I, Rule 105 (1.0) & PTO #NCU 060-12, C. Facilities Operation (2), D. Compliance (1), & L. Prohibitions (3). Specifically, the area located left of your middle fly ash silo, located at 2nd & Main Street in Scotia, CA, was observed to be emitting excessive fugitive dust.

Further, the District recognizes that the Humboldt Sawmill Company, LLC, has invested the labor, time, and money to install spray systems for the ash silo and ash truck loading area, which will control any future fugitive dust emissions.

On behalf of the business known as the Humboldt Sawmill Company, LLC, I understand that due to the efforts put forth on this dust suppression project, 100% of the maximum California Health & Safety Code penalty will be suspended.

Responsible Party's Printed Name: _____

Responsible Party's Signature _____

Date Signed: _____ / _____ / _____

Due on or Before: June 15, 2020

Physical Address: 125 Main Street City: Scotia Zip: 95565

Mailing Address: P.O. Box 37 City: Scotia Zip: 95565

INSTRUCTIONS

*If you wish to take advantage of this settlement offer, please indicate your acceptance by returning a signed copy of the probation agreement with payment to the District office prior to the close of business on the date indicated in the settlement offer letter. Remit payments to **NCUAQMD**, 707 L Street, Eureka, CA, 95501. **Indicate the NOV# on the payment.** Only checks and money orders are accepted through the mail.*



NOTICE of VIOLATION

No. 13228

Violation Date: 6-27-18 Time: 10:26 AM NOV Issue Date: 7-10-18

Notice Issued To: HUMBOLDT REDWOOD CO. LLC Title: OWNER

Notice Delivered To: HUMBOLDT REDWOOD CO. LLC Title: OWNER

Violation Location:

Mailing Address: (If different)

Street: 2ND & MAIN ST

Street: P.O. BOX 37

City: SCOTIA

City: SCOTIA

State: CA Zip Code: 95565

State: CA Zip Code: 95565

(707) Telephone: 764-5141 Driver's License # _____ Permit # NCU 060-12

Description of Violation: SOUTH FLASH SILO LEAKING
EXCESSIVE FUGITIVE DUST AT MULTIPLE POINTS.

Violation(s):

- ☐ Rule 201 (A)(2.0) Burning of Prohibited Material
☐ Rule 201 (A)(3.0) Burning Permit Required
☐ Rule 201 (B)(4.0) Permitted Burn Hours
☐ Rule 201 (A)(5.0) Burn Barrel
☐ Rule 210 (A)(4.0) No Burn Day
☐ Other: _____

- ☐ Rule 104 (A)(1.0) Public Nuisance
☐ Rule 104 (D) Fugitive Dust
☐ Rule 105 (A) Gen. Permit Requirements
☐ Rule 102 (A) Required Permits
☐ 40 CFR 61, Subpart M - Asbestos NESHAP

Was the Violation continuing at end of observation? (YES) NO (circle one)

If yes, why? LACK OF MAINTENANCE ON BLAST DOORS, ETC.

Issuing Officer: Royce Allen Badge No.: 103 Time: 10:20 AM

The responsible party is hereby directed to respond in writing within ten (10) days of the date of this notice (no later than 7 120 118) to the NCUAQMD regarding this violation, stating what actions have been taken to correct the violation and to prevent future similar violations. Violations of air pollution laws are subject to civil and/or criminal penalties as specified in the California Health and Safety Code §42400 and §42402. Each day, or portion of a day, during which a violation occurs, constitutes a separate offense even if no additional Notices of Violation are issued.

North Coast Unified
Air Quality Management District
707 L Street, Eureka, CA 95501
(707) 443-3093
www.ncuaqmd.org



NOTICE of VIOLATION

No. 13229

Violation Date: 6-27-18 Time: 10:33 AM NOV Issue Date: 7-10-18

Notice Issued To: HUMBOLDT REDWOOD CO LLC Title: owner

Notice Delivered To: HUMBOLDT REDWOOD CO LLC Title: owner

Violation Location:

Mailing Address: (If different)

Street: 2ND & MAIN ST

Street: P.O. BOX 37

City: SCOTIA

City: SCOTIA

State: CA Zip Code: 95565

State: CA Zip Code: _____

Telephone: (707) 764-5141 Driver's License # _____ Permit # NCU 060-12

Description of Violation: MIDDLE FLASH SILD LEAKING
EXCESSIVE FUGITIVE DUST FROM TOP BLAST
DOOR

Violation(s):

- ☐ Rule 201 (A)(2.0) Burning of Prohibited Material
☐ Rule 201 (A)(3.0) Burning Permit Required
☐ Rule 201 (B)(4.0) Permitted Burn Hours
☐ Rule 201 (A)(5.0) Burn Barrel
☐ Rule 210 (A)(4.0) No Burn Day
☐ Other: _____

- ☐ Rule 104 (A)(1.0) Public Nuisance
☐ Rule 104 (D) Fugitive Dust
☐ Rule 105 (A) Gen. Permit Requirements
☐ Rule 102 (A) Required Permits
☐ 40 CFR 61, Subpart M - Asbestos NESHAP

Was the Violation continuing at end of observation? (YES) NO (circle one)

If yes, why? LACK OF MAINTENANCE.

Issuing Officer: Royce Muen Badge No.: 103 Time: 10:25 AM

The responsible party is hereby directed to respond in writing within ten (10) days of the date of this notice (no later than 7/20/18) to the NCUAQMD regarding this violation, stating what actions have been taken to correct the violation and to prevent future similar violations. Violations of air pollution laws are subject to civil and/or criminal penalties as specified in the California Health and Safety Code §42400 and §42402. Each day, or portion of a day, during which a violation occurs, constitutes a separate offense even if no additional Notices of Violation are issued.

North Coast Unified
Air Quality Management District
707 L Street, Eureka, CA 95501
(707) 443-3093
www.ncuaqmd.org



NOTICE of VIOLATION

No. 13230

Violation Date: 6-27-18 Time: 10:58 AM NOV Issue Date: 7-10-18

Notice Issued To: HUMBOLDT REDWOOD CO. LLC Title: owner

Notice Delivered To: HUMBOLDT REDWOOD CO. LLC Title: owner

Violation Location:

Mailing Address: (If different)

Street: 2ND & MAIN ST

Street: P.O. BOX 37

City: SCOTIA

City: SCOTIA

State: CA Zip Code: 95565

State: CA Zip Code: 95565

Telephone: (707) 764-5141 Driver's License # _____ Permit # NCU 060-12

Description of Violation: FUGITIVE DUST LEAK IN BOILER

B AUGER

Violation(s):

- ☐ Rule 201 (A)(2.0) Burning of Prohibited Material
☐ Rule 201 (A)(3.0) Burning Permit Required
☐ Rule 201 (B)(4.0) Permitted Burn Hours
☐ Rule 201 (A)(5.0) Burn Barrel
☐ Rule 210 (A)(4.0) No Burn Day
☐ Other: _____

- ☐ Rule 104 (A)(1.0) Public Nuisance
☐ Rule 104 (D) Fugitive Dust
☐ Rule 105 (A) Gen. Permit Requirements
☐ Rule 102 (A) Required Permits
☐ 40 CFR 61, Subpart M - Asbestos NESHAP

Was the Violation continuing at end of observation? YES NO (circle one)

If yes, why? LACK OF MAINTENANCE

Issuing Officer: Ronald Allen Badge No.: 103 Time: 11:45 AM

The responsible party is hereby directed to respond in writing within ten (10) days of the date of this notice (no later than 7/12/18) to the NCUAQMD regarding this violation, stating what actions have been taken to correct the violation and to prevent future similar violations. Violations of air pollution laws are subject to civil and/or criminal penalties as specified in the California Health and Safety Code §42400 and §42402. Each day, or portion of a day, during which a violation occurs, constitutes a separate offense even if no additional Notices of Violation are issued.

North Coast Unified
Air Quality Management District
707 L Street, Eureka, CA 95501
(707) 443-3093
www.ncuaqmd.org



NOTICE of VIOLATION

No. 13231

Violation Date: 6-27-18 Time: 11:12 AM NOV Issue Date: 7-10-18

Notice Issued To: HUMBOLDT REDWOOD CO. LLC Title: OWNER

Notice Delivered To: HUMBOLDT REDWOOD CO. LLC Title: OWNER

Violation Location:

Mailing Address: (If different)

Street: 2ND & MAIN ST

Street: P.O. BOX 37

City: SCOTIA

City: SCOTIA

State: CA Zip Code: 95565

State: CA Zip Code: 95565

Telephone: (707) 761-5441 Driver's License # _____ Permit # NCU 060-12

Description of Violation: SEAM ON TRUCK LOAD OUT BUCKET
ELEVATOR LEAKING EXCESSIVE FUGITIVE DUST

Violation(s):

- | | |
|---|---|
| <input type="checkbox"/> Rule 201 (A)(2.0) Burning of Prohibited Material | <input type="checkbox"/> Rule 104 (A)(1.0) Public Nuisance |
| <input type="checkbox"/> Rule 201 (A)(3.0) Burning Permit Required | <input type="checkbox"/> Rule 104 (D) Fugitive Dust |
| <input type="checkbox"/> Rule 201 (B)(4.0) Permitted Burn Hours | <input type="checkbox"/> Rule 105 (A) Gen. Permit Requirements |
| <input type="checkbox"/> Rule 201 (A)(5.0) Burn Barrel | <input type="checkbox"/> Rule 102 (A) Required Permits |
| <input type="checkbox"/> Rule 210 (A)(4.0) No Burn Day | <input type="checkbox"/> 40 CFR 61, Subpart M - Asbestos NESHAP |
| <input type="checkbox"/> Other: _____ | |

Was the Violation continuing at end of observation? YES NO (circle one)

If yes, why? LACK OF MAINTENANCE

Issuing Officer: Royce Allen Badge No.: 103 Time: 1:20 PM

The responsible party is hereby directed to respond in writing within ten (10) days of the date of this notice (no later than 7/13/18) to the NCUAQMD regarding this violation, stating what actions have been taken to correct the violation and to prevent future similar violations. Violations of air pollution laws are subject to civil and/or criminal penalties as specified in the California Health and Safety Code §42400 and §42402. Each day, or portion of a day, during which a violation occurs, constitutes a separate offense even if no additional Notices of Violation are issued.

**North Coast Unified
Air Quality Management District**

707 L Street, Eureka, CA 95501
Telephone (707) 443-3093 FAX (707) 443-3099
<http://www.ncuaqmd.org>



February 15, 2017

Mr. Michael Richardson
Director, Operations
Humboldt Redwood Company, LLC
P.O. Box 37
Scotia, CA 95565

Re: District Settlement Offer for Air Quality Notice of Violations

Dear Mr. Richardson:

The North Coast Unified Air Quality Management District (District) has issued numerous Notices of Violations (NOVs) to the Humboldt Redwood Company (HRC) for violations of its Title V Operating Permit (#NCU 060-12) for the Scotia Sawmill (SSM) facility and additionally for its Hot Mix Asphalt Plant (#00974-1) located at the site. The purpose of this correspondence is to notify you that HRC must take corrective action to resolve the ongoing compliance issues and is liable for civil penalties for the violations. The District offers to settle these compliance matters based on the terms of the attached Settlement Agreement.

The District has issued the following NOVs to HRC, and HRC has responded to the NOVs as indicated:

- a) **NOV #160201** has been issued for 54 violations of Carbon Monoxide (CO) emission limitations from Boiler A (Equipment Permit #NS-074), whereby 17 violations exceeded the 8 allowed within Tiers 2 and 3, 6 violations exceeded the 3 exceedances allowed within Tier 3, and 31 violations exceeded the Tier 3 limit. These violations occurred from November 2015 through November 2016.

In response to this NOV and NOV #160202 (Boiler B) HRC asserted by letter dated January 16, 2017, that HRC has indeed had challenges with emissions during startup, shutdown, malfunctions, and breakdowns and that the most of the tier exceedances are primarily associated with startup, shutdown, malfunctions, and plant electrical control issues. HRC requested that the violations be reviewed and evaluated in the context of these periods and logs. In addition, HRC suggested that the CO recorded and submitted be thoroughly vetted in regards to oxygen levels to

ensure accuracy and therefore HRC was working with a consultant to explore the accuracy of the calculations.

Prior to issuance of the NOV, the District took into account any notifications from HRC in regards to startup, shutdown, malfunctions, and breakdowns that the District received in compliance with District Regulation 1, Rule 105 (Equipment Breakdown). However, obtaining regular, valid, and consistent notifications from HRC has been an ongoing challenge despite many communications with HRC staff about correctly following the District's equipment breakdown reporting requirements. The District continues to be willing to review additional HRC logs and apply valid and documented issues to exceedances, however any new information would be reviewed and considered as data received outside the protection of the rule.

- b) **NOV #160202** has been issued for 45 violations of CO emission limitations from Boiler B (Equipment Permit #NS-075), whereby 18 violations exceeded the 8 allowed within Tiers 2 and 3, 6 violations exceeded the 3 exceedances allowed within Tier 3, and 21 violations exceeded the Tier 3 limit. These violations occurred from November 2015 through November 2016.

In response to this NOV and NOV #160201 (Boiler A), HRC responded by letter dated January 16, 2017, with discussion as above.

- c) **NOV #160203** has been issued for 407 violations of opacity limitations from Boiler A (Equipment Permit #NS-074), for 157 violations in which averaging periods exceeded 20% opacity as allowed by Permit #NS-074, Condition III(A), and 250 violations in which averaging periods exceeded 40% opacity as allowed by District Regulation 1, Rule 104. The violations occurred from April 13, 2016 (when the new Continuous Opacity Monitoring System, "COMS," was certified) through December 31, 2016.

The exceedances calculated reflect the allowance of one 6-minute period per hour of not more than 27 percent opacity, and application of the opacity standard of 20% was applied at all times except during periods of startup, shutdown, and malfunction when evaluated from data received from HRC. However, the startup, shutdown and malfunction exception does not apply to emissions which exceed a period or periods of time aggregating more than 30 minutes in any 24-hour period in accordance with H&SC §41704. Note that these violations do not include exceedances of the federal Boiler MACT which also limits opacity.

HRC has verbally asserted that they have indeed had challenges with emissions during startup, shutdown, malfunctions, and breakdowns and that many of the opacity violations are primarily associated with startup, shutdown, malfunctions, and plant electrical control issues. HRC has requested that the violations be reviewed and evaluated in the context of these periods and logs. As noted above, the District considered all known start up and shut down time periods in determining the number of emission violations, as well as all properly reported breakdowns (note that HRC must notify the District in advance of all start up and shut down activities as well as report breakdowns within one hour of its detection, and will not qualify for these

exclusions retroactively).

- d) **NOV #160204** has been issued for 318 violations of opacity limitations for Boiler B (Equipment Permit #NS-075), for 190 violations in which averaging periods exceeding 20% opacity as allowed by Permit #NS-075, Condition III(A), and 128 violations in which averaging periods exceeding 40% opacity as allowed by District Regulation 1, Rule 104. The violations occurred from April 13, 2016 (when the new COMS was certified) through December 31, 2016.

The exceedances calculated reflect the allowance of one 6-minute period per hour of not more than 27 percent opacity, and application of the opacity standard of 20% was applied at all times except during periods of startup, shutdown, and malfunction when evaluated from data received from HRC. However, the startup, shutdown and malfunction exception does not apply to emissions which exceed a period or periods of time aggregating more than 30 minutes in any 24-hour period in accordance with H&SC §41704. Note that these violations do not include exceedances of the federal Boiler MACT which also limits opacity.

HRC has verbally asserted that they have indeed had challenges with emissions during startup, shutdown, malfunctions, and breakdowns and that many of the opacity violations are primarily associated with startup, shutdown, malfunctions, and plant electrical control issues. HRC has requested that the violations be reviewed and evaluated in the context of these periods and logs. As noted above, the District considered all known start up and shut down time periods in determining the number of emission violations, as well as all properly reported breakdowns (note that HRC must notify the District in advance of all start up and shut down activities as well as report breakdowns within one hour of its detection, and will not qualify for these exclusions retroactively).

- e) **NOV #160205** was issued for 1) failure to maintain an operational COMS for both Boiler A and Boiler B for the period from November 15, 2015 (when Facility operation recommenced) and until a malfunction was reported on March 24, 2016; 2) failure to provide semi-annual compliance certification for the period January 1, 2016 through June 30, 2016; and 3) failure to provide monthly monitoring reports beginning when Facility operation recommenced in November 2015 through November 2016 (12 reports).

HRC has not provided the District a monitoring certification form on a semi-annual basis for the period January 1, 2016 through June 30, 2016, which provides certification of the monthly monitoring reports. The semi-annual compliance certification report is submitted to document the compliance schedule of any source out of compliance. The certification report was due August 1, 2016, and HRC submitted the report on January 31, 2017.

The permit conditions require the HRC to submit monthly monitoring reports which identify deviations from permit requirements including a summary of those deviations attributable to breakdowns, emergency events, CEMS or COMS malfunctions, emissions exceedances, and reporting or recordkeeping deviations required by the

permit.

- f) **NOV #160101** was issued for failure to conduct a source test of the package-type natural gas-fueled boiler at an operating capacity of 95% or greater of the permitted production capacity (25MMBtu/hr) as required by ATC Permit #00973-1, Condition 43.

In response to the NOV and to the District's prior settlement offer, HRC indicated by letter dated March 29, 2016, that it would accept a permit modification to reduce the operational capacity to 110% of the rate at which the June 16, 2015 compliance test was conducted (i.e. 16.78 MMBtu/hr).

The District is willing to accept HRC's explanation that it was unknown to HRC that the natural gas supply was insufficient due to a pipe diameter limitation at the time a decision was made to increase the boiler capacity. In resolution, District has already incorporated the lower operating capacity reflective of the physical limitations of the natural gas supply in the final Permit to Operate (PTO). Upon HRC's acceptance of the enclosed Settlement Agreement, the District is willing to consider this NOV resolved without additional penalty.

- g) **NOV #13102** was issued for failure to conduct a source test of the Hot Mix Asphalt Plant at an operating capacity of 95% or greater of the permitted production capacity (150 tons per hour) as required by ATC Permit #00974-1, Condition 53.

In response to the NOV, HRC asserted by letter dated November 18, 2016 that the failed source test resulted because it was too late to change the source test protocol to reflect the increase in production allowed in a recent ATC permit revision and the test was held regardless at the lower production. The District notes that the error to test at the lower production capacity is HRC's mistake and that the District offered and provided an alternative compliance method (i.e. allowing production to be specified at 110% of the rate achieved in a most recent performance test) in a subsequent permit modification. Even though the District did provide an alternative method through a permit modification, HRC still violated its permit in force at the time of the source test. However, upon HRC's acceptance of the enclosed Settlement Agreement, the District is willing to consider this NOV resolved without additional penalty.

- h) **NOV #13103** was issued for failure to maintain an hourly log of the pressure drop across the baghouse of the Hot Mix Asphalt Plant on April 5, 2016, as required by ATC Permit #00974-1, Condition 56.

In response to the NOV, HRC asserted by letter dated November 18, 2016, that an operator was recording the information in a notebook and had not transferred the data to the log book, and that the operator and his notebook were not present during the inspection.

The District notes that this is the same argument asserted in response to NOV #13105 (failure to log and maintain the daily quantity of CARB diesel combusted).

The ATC permit clearly states that *"the Permittee shall maintain records required by this section on-site for a minimum of five years from the time of recording and shall be made available to NCUAQMD personnel upon request"* and indicates references of HSC §42303 and NCUAQMD Rule 110 §8.10. Although, HRC eventually later provided the data, the fact remains that the data was not "on-site" at the time of inspection. The District maintains the violation of the permit condition is clear and easily preventable, but upon acceptance of the Settlement Agreement it is willing to mitigate the associated penalty with this violation.

- i) **NOV #13104** was issued for failure to continuously record the temperature at the outlet of the Hot Mix Asphalt Plant mixing drum for 28 days (April 5, 2016 through June 15, 2016), as required by ATC Permit #00974-1, Condition 57.

In response to the NOV, HRC asserted by letter dated November 18, 2016, that existing hourly recording by an operator in a log book is sufficient because there is no definition for continuous, and hourly logging meets the continuous recording of a process parameter under 40 CFR part 60 (§60.2).

The District strongly disagrees with HRC's interpretation and implementation of the permit condition. If HRC was unclear as to the meaning of "continuous", it should have requested clarification from the District rather than implement an incorrect interpretation. The District finds the method of recording the asphalt temperature once an hour by hand to be unsatisfactory as the District requires a device (or other means) to continuously record the temperature of the asphalt at the outlet of the drum. Exceedance of the 325 degree permit requirement is to limit VOCs on a continual basis, therefore determining compliance once per hour is insufficient.

Upon acceptance of the Settlement Agreement, the District is willing to mitigate the associated penalty with this violation. However before operation of the HMA plant continues, this NOV must be resolved either by implementing a continuous chart recording system or through an alternative acceptable means of compliance (i.e. only recording exceedances digitally on a one or five minute basis) which would be implemented as a permit modification.

- j) **NOV #13105** was issued for failure to log and maintain the daily quantity of diesel combusted at the Hot Mix Asphalt Plant for five days as required by ATC Permit #00974-1, Condition 56. The violations occurred on April 9, 2016, April 10, 2016, April 18, 2016, April 20, 2016, and June 2, 2016.

In response to the NOV, HRC asserted by letter dated November 18, 2016, that an operator was recording the information in a notebook and had not transferred the data to the log book, and that the operator and his notebook were not present during the inspection.

The District notes that is the same argument asserted in response to NOV #13103 (failure to log and maintain and hourly log of the pressure drop across the baghouse). The ATC permit clearly states that *"the Permittee shall maintain records required by this section on-site for a minimum of five years from the time of*

recording and shall be made available to NCUAQMD personnel upon request” and indicates references of HSC §42303 and NCUAQMD Rule 110 §8.10. Although, HRC eventually later provided the data, the fact remains the data was not “on-site” at the time of inspection. The District maintains the violation of the permit condition is clear and easily preventable, but upon acceptance of the Settlement Agreement it is willing to mitigate the associated penalty with this violation.

- k) **NOV #13106** was issued for four separate failures to maintain the finished hot mix asphalt temperature at 325 degrees or less at the outlet of the Hot Mix Asphalt Plant rotary drum dryer/mixer on June 10, 2016, as required by ATC Permit #00974-1, Condition 39.

In response to the NOV, HRC asserted by letter dated November 18, 2016, that the log did not record the correct temperature as the gauge is not accurate for a period of time during startups and a hand-held electronic thermometer is utilized to monitor the temperature during this period.

The District finds that HRC is required under the permit to maintain a fully functional gauge and that temperatures recorded must match those read by the device. Additionally, the NOV issued was for several exceedances throughout the day (10-11am, 12-1pm, 1-2pm, and 2-3pm) when the plant was stable and operational and clearly not in a continual startup period as suggested. HRC's failure to maintain a properly operating gauge is a violation of the permit condition, however the District is willing to mitigate the associated penalty upon acceptance of the Settlement Agreement.

- l) **NOV #13107** was issued for three separate failures to maintain the finished hot mix asphalt temperature at 325 degrees or less at the outlet of the Hot Mix Asphalt Plant rotary drum dryer/mixer on June 14, 2106, as required by ATC Permit #00974-1, Condition 39.

In response to the NOV, HRC asserted by letter dated November 18, 2016 as it did for NOV #13106, that the log did not record the correct temperature as the gauge is not accurate for a period of time during startups and a heat gun is utilized to monitor the temperature during this period.

The District finds that HRC is required under the permit to maintain a fully functional gauge and that temperatures recorded must match those read by the device. Additionally, as similar to NOV #13106, the NOV issued was for several exceedances throughout the day (10-11am, 11-12pm, and 1-2pm) when the plant was stabilized and operational and clearly not in a continual startup period as suggested. HRC's failure to maintain a properly operating gauge is a violation of the permit condition, however the District is willing to mitigate the associated penalty upon acceptance of the Settlement Agreement.

- m) **NOV #13110** was issued for violation of District Regulation 1, Rule 102, Required Permits (A)(B), for beginning construction of the Dry Kilns #4 and #5, without an Authority to Construct (ATC) permit. The violation period was from September 1,

2016 (District discovery) to October 12, 2016 (ATC permit obtained).

In response to the NOV, HRC asserted by letter dated November 18, 2016, that a NOV was inappropriately issued as it was based on an incorrect "interpretation of future use of the area" and that the area might have other uses such as the "area would serve as a roadway or lumber storage/sheds for the kiln".

The District finds HRC's response totally without merit. HRC performed work and hired consultants to carry out the specific intent of installing new kilns through approved engineering plans and permits. District inspections on September 1, 2016, September 6, 2016, and October 14, 2016, indicate that HRC had every intention of beginning kiln construction as evidenced by photographs showing the concrete pad, submerged iron rails, and kiln footings rising above the slab for the specific use as a kiln. The ATC permit was issued on October 12, 2016 authorizing construction and by inspection on October 14, 2016, HRC had already erected the structure on the site utilizing the previously constructed footings and other unique features of the kiln pad. In fact, on August 9, 2016, the Humboldt County Building Division performed an inspection of the unique construction which was specifically approved as "installing 2 new kilns". It could be argued that HRC bypassed the District's environmental regulations governing construction so that when once issued, the kiln could be erected in a few days rather than weeks.

Additionally, prior to issuance of the NOV, District staff has repeatedly indicated to HRC at various meetings that under major source regulations no construction related to the kilns may occur before the ATC permit is issued, and that operation cannot commence before the equipment is incorporated into the Title V permit approved by the EPA.

The District has many concerns about the nature and pattern of these multiple violations which casts considerable doubt upon the ability of HRC to continue to operate the biomass boilers in compliance with District permits and applicable air quality regulations, as these violations span an entire year for both boilers.

In order to resolve the various violations, the District offers the terms of the attached Settlement Agreement to settle and provide a path to ensure compliance. The maximum civil penalty pursuant to the Health & Safety Code and District Rules is actually much higher than that offered by the District in the Settlement Agreement.

The civil penalties in the Settlement Agreement reflect that HRC had knowledge of severe operational issues that were causing regular violations of CO and Opacity limitations. In fact, HRC was denied a petition to the District Hearing Board on November 4, 2016 seeking relief from continued violation of federal permit conditions for CO emission limitations. HRC provided acknowledgement of the regular emission violations and opacity exceedances.

After the November 4th variance hearing date, HRC still chose to continue operation and deliberately ran the risk of exceeding health protective emission limits and did not choose to cease operation until the problems could be rectified. Although HRC has

continued to explore many corrective actions to improve operation, HRC not has been able to find or solve operational problems. HRC has failed to take corrective actions within a reasonable period of time under the circumstances to prevent violations. HRC has recently indicated potential issues with its fuel distribution control systems and fuel yard management. It could be argued that HRC has deliberately operated the plant willfully and intentionally with reckless disregard just to maintain operation between periods of analysis; however, the enclosed Settlement Agreement offers to settle the civil penalties for these violations at a lower level.

The enclosed final settlement offer will expire on February 27, 2017. If you do not sign and return the offer to us by that date, the offer is withdrawn and the District will be forced to pursue alternate enforcement remedies, which may include, without limitation, action to suspend HRC's permits, obtain injunctive relief, obtain an abatement order and/or civil penalty recovery without further notice to HRC.

If you have any further questions or need additional information, please contact myself or Al Steer, Compliance & Enforcement Manager.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brian Wilson', with a stylized, cursive script.

Brian Wilson
Air Pollution Control Officer

Enclosure: Settlement Agreement Offer

Cc: Nancy Diamond, District Counsel

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION**

In the matter of:)	
)	Order R1-2022-0030
Humboldt Sawmill Company,)	
LLC,)	SETTLEMENT AGREEMENT AND
Scotia Sawmill and Cogeneration)	STIPULATION FOR ENTRY OF
Plant)	ADMINISTRATIVE CIVIL LIABILITY
Humboldt County)	ORDER
)	
)	

Section I: Introduction

This Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order (Stipulated Order or Order) is entered into by and between the Regional Water Quality Control Board, North Coast Region, Prosecution Team (Prosecution Team) and Humboldt Sawmill Company, LLC (Discharger) (collectively, Parties) and is presented to the Regional Water Quality Control Board, North Coast Region (Regional Water Board), or its delegate, for adoption as an Order by settlement pursuant to California Water Code section 13323 and Government Code section 11415.60. This Stipulated Order resolves the violations alleged herein by the imposition of administrative civil liability (ACL) against the Discharger in the amount of **\$39,000**.

Section II: Recitals

1. The Discharger owns and operates the Scotia Sawmill and Cogeneration Plant (Facility) (formerly Eel River Power Plant), located at 157 Main Street, Town of Scotia, in Humboldt County. On April 26, 2012, the Regional Water Board issued Waste Discharge Requirements Order No. R1-2012-0065 (Permit) to the Town of Scotia Company, LLC and Eel River Power, LLC to regulate the Facility, which became effective on July 1, 2012. The Permit requires compliance with effluent limitations for discharges to Eel River and its tributaries at Discharge Points M003, M013, M014 (A), M014 (B), M015, M016, and M017.
2. On October 30, 2015, ownership interest in the Facility was transferred from Eel River Power, LLC to Humboldt Redwood Company. On May 26, 2017, the Permit was administratively extended and currently regulates the Facility. On June 8, 2018, the Discharger provided notice to the Regional Water Board that Humboldt Redwood Company's ownership interest in the Facility, which included the Facility's sawmill and power plant assets, would be transferred to the Discharger effective July 1, 2018. The notice included a Form 200, changing the Facility owner from Humboldt Redwood Company to the Discharger. On August 4, 2022, the Regional Water Board adopted Name Change Order R1-2022-0026, formally

recognizing the prior change in ownership of the Facility and identifying the Discharger as the permittee responsible for compliance with all Permit terms.

3. From July 12, 2016 through March 16, 2021, the Discharger violated effluent limitations at Discharge Points M014, M015(A), M015 (B), and M017 17 times, including violations of effluent limitations for total suspended solids (daily maximum) four times, total suspended solids (monthly average) seven times, pH instantaneous maximum limits five times, and free available chlorine once. These violations are set forth in Attachment A, which is incorporated fully herein by reference, and are subject to mandatory minimum penalties (MMPs) pursuant to Water Code section 13385, subdivisions (h) and (i).

4. Water Code section 13385, subdivisions (h) and (i) require the assessment of MMPs as follows

Water Code section 13385, subdivision (h)(1) states:

Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each serious violation.

Water Code section 13385, subdivision (h)(2) states:

For the purposes of this section, a “serious violation” means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more.

Water Code section 13385, subdivision (i)(1) states:

Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each violation whenever the person does any of the following four or more times in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations:

A) Violates a waste discharge requirement effluent limitation.

- B) Fails to file a report pursuant to Section 13260.
 - C) Files an incomplete report pursuant to Section 13260.
 - D) Violates a toxicity effluent limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutant
5. On August 27, 2021, the Regional Water Board issued to Humboldt Redwood Company¹ an Invitation to Participate in Expedited Payment Program Prior to Issuance of Formal Administrative Civil Liability Complaint for Mandatory Minimum Penalties (Conditional Settlement Offer), which alleged \$33,000 in MMPs arising from fourteen violations of effluent limitations in the Permit. On September 14, 2021, the Discharger returned a signed Agreement to Engage in Settlement Discussions to Propose a Supplemental Environmental Project (Exhibit C). On January 14, 2022, the Regional Water Board informed the Discharger of two additional violations of the effluent limitation for total suspended solids and one additional violation of the limitation for instantaneous PH, resulting in an additional \$6,000 in MMPs, and provided the Discharger with a revised Exhibit C. See violations identified in Attachment A. On June 1, 2022, the Regional Water Board received a signed, revised Exhibit C from the Discharger. The Discharger has agreed to resolve the violations alleged on Attachment A, as it was the permittee enrolled in the Permit during the time of the alleged violations. The Discharger has also proposed and will carry out the SEP detailed in Attachment B.
6. This Stipulated Order resolves 17 effluent limitation violations, nine of which are subject to \$27,000 in MMPs pursuant to Water Code section 13385, subdivision (h), and four of which are subject to \$12,000 in MMPs pursuant to Water Code section 13385, subdivision (i), as identified in Attachment A, incorporated herein by reference. The total proposed administrative civil liability amount is **\$39,000**.
7. Pursuant to Water Code section 13385, subdivision (I)(1), in lieu of assessing penalties pursuant to subdivision (h) or (i), the Regional Water Board, with the concurrence of the Discharger, may direct a portion of the penalty amount to be expended on a SEP in accordance with the enforcement policy of the State Water Resources Control Board (State Board). If the penalty amount exceeds fifteen thousand dollars (\$15,000), the portion of the penalty amount that may be directed to be expended on a SEP may not exceed fifteen thousand dollars (\$15,000) plus 50 percent of the penalty amount that exceeds fifteen thousand dollars (\$15,000).

¹ The Conditional Settlement Offer was erroneously sent to Humboldt Redwood Company, a prior owner of the Facility. However, the Discharger (Humboldt Sawmill Company) has responded to the Conditional Settlement Offer as the permittee responsible for Permit compliance.

- a. Water Code section 13385, subdivision (I)(2), provides: “For the purposes of this section, a ‘supplemental environmental project’ means an environmentally beneficial project that a person agrees to undertake, with the approval of the regional board, that would not be undertaken in the absence of an enforcement action under this section.”,
8. Pursuant to Water Code section 13385, subdivision (I)(1), the Discharger may spend an amount of money on an approved SEP up to \$15,000 plus 50 percent of the penalty amount that exceeds \$15,000, or up to \$27,000. The Discharger has proposed to direct \$18,900 of the penalty amount towards construction of a “deflector log jam” as part of the Lawrence Creek Off Channel Habitat Connectivity, Phase III project described in Section III, paragraph 14 below.
9. To resolve the alleged violations set forth in Attachment A, by consent and without further administrative proceedings, the Parties have agreed to the imposition of an administrative civil liability of **\$39,000** against the Discharger. \$18,900 shall be permanently suspended upon timely completion of the SEP required herein.
10. The Parties have engaged in confidential settlement negotiations and agree to settle the matter without administrative or civil litigation by presenting this Stipulated Order to the Regional Water Board, or its delegee, for adoption as an order by settlement, pursuant to Water Code section 13323 and Government Code section 11415.60. To resolve the violations set forth in Attachment A, by consent and without further administrative proceedings, the Parties have agreed to the imposition of an ACL in the amount of thirty-nine thousand dollars (\$39,000) in MMPs against the Discharger.
11. The Prosecution Team believes that the resolution of the alleged violations is fair and reasonable and fulfills its enforcement objectives, that no further action is warranted concerning the alleged violations except as provided in this Stipulated Order, and that this Stipulated Order is in the public’s best interest.

Section III: Stipulations

The foregoing Recitals are adopted by the Parties and they stipulate to the following:

12. **Jurisdiction:** The Regional Water Board has subject matter jurisdiction over the matters alleged in this action and personal jurisdiction over the Parties to this Stipulated Order.
13. **Administrative Civil Liability:** The Discharger hereby agrees to pay the ACL totaling **\$39,000** to resolve the alleged violations. The Parties agree that of the \$39,000, the Discharger shall expend **\$18,900** (SEP Amount) to implement the SEP. Upon the Regional Water Board’s review and approval of the information submitted pursuant to paragraph 16, the Discharger’s obligation to pay the SEP

Amount shall be permanently suspended. The balance of the ACL amount, which is \$20,100, is due and payable pursuant to this paragraph and shall be submitted by check, made payable to the "State Water Pollution Cleanup and Abatement Account," no later than 30 days following adoption of this Order. The check shall reference the Order number (R1-2022-0030), and be mailed to:

State Water Resources Control Board Accounting Office
Attn: ACL Payment
P.O. Box 1888
Sacramento, CA 95812-1888

The Discharger shall provide a copy of the check via e-mail to the State Water Board, Office of Enforcement (vaneeta.chintamaneni@waterboards.ca.gov) and the Regional Water Board (jordan.filak@waterboards.ca.gov).

14. **SEP Description:** The Discharger has proposed to construct a deflector log jam (Deflector Project) as a component of the Lawrence Creek Off-Channel Coho Habitat Improvement Project 3.0 (Lawrence Creek Improvement), which is designed to increase the quality and quantity of winter rearing habitat for Coho Salmon by expanding and enhancing off-channel riparian area in the Yager Creek/lower Van Duzen River basin. The complete SEP description, project milestones, budget, and reporting schedule are contained in Attachment B, which is incorporated herein by reference.
15. **Representations and Agreements Regarding the SEP:**
 - a. As a material condition for the Regional Water Board's acceptance of this Stipulated Order, the Discharger represents that the SEP Amount will be used to implement the SEP, as set forth in Attachment B. The Discharger understands that its promise to implement the SEP, in its entirety and in accordance with the implementation schedules and budgets set forth in Attachment B, represents a material condition of this settlement of liability between the Discharger and the Regional Water Board.
 - b. The Discharger agrees to (1) spend the SEP Amount as described in this Stipulated Order; (2) have certified, written reports provided to the Regional Water Board consistent with the terms of this Stipulated Order detailing SEP implementation; and (3) submit a final completion report for the SEP by December 31, 2023, which will include a certification by a responsible official, signed under penalty of perjury, that the Discharger followed all applicable environmental laws and regulations in implementing the SEP, including the California Environmental Quality Act (CEQA), Porter-Cologne Act, and federal Clean Water Act.
 - c. The Discharger agrees that the Regional Water Board has the right to require a third-party audit, to be paid by the Discharger, of the funds expended to

implement the SEP, and that the Discharger bears ultimate responsibility for meeting all deadlines specified in this Stipulated Order.

16. **SEP Oversight Costs:** Regional Water Board staff will oversee implementation of the SEP. The Discharger is responsible for any charged costs for such oversight, which are not included in the SEP Amount. The Regional Water Board's oversight tasks will include, without limitation, reviewing and evaluating progress reports, reviewing final completion reports, and communicating with the Discharger (if needed).
17. **Publicity Associated with the SEP:** Whenever the Discharger or its agents or subcontractors publicize one or more elements of the SEP, they shall state in a **prominent manner** that the project is undertaken as part of a settlement to a Regional Water Board enforcement action against the Discharger.
18. **Progress Reports and Inspection Authority:** The Discharger has agreed to submit progress reports in implementing the SEP to the Regional Water Board as described in Attachment B. The Discharger agrees that Regional Water Board staff has permission to observe and inspect the SEP at any time without notice.
19. **Time Extension for SEP:** The Executive Officer may extend the deadlines contained in this Stipulated Order if the Discharger demonstrates delays from unforeseeable contingencies, provided that the Discharger continues to undertake all appropriate measures to meet its deadlines. The Discharger shall make any deadline extension request in writing at least 30 days prior to the applicable deadline. Under no circumstances may the completion of the SEP extend past five (5) years from the effective date of this Stipulated Order. Any approval of extension by the Executive Officer must be in writing.
20. **Regional Water Board Acceptance of Completed SEP:** Upon the Discharger's satisfaction of its obligations under this Stipulated Order, completion of the SEP, and any audits, the Executive Officer will issue a "Satisfaction of Order." The Satisfaction of Order shall terminate any further obligations of the Discharger under this Stipulated Order and permanently suspend the remaining penalty amount.
21. **Failure to Expend All Suspended Funds on the Approved SEP:** If the Discharger is not able to demonstrate to the reasonable satisfaction of the Executive Officer that the entire SEP amount was spent on the completed SEP by December 31, 2023 (SEP Completion Date), the Discharger shall pay the difference between the SEP Amount and the amount the Discharger can demonstrate was actually spent on the SEP (the Difference). The Executive Officer shall issue a "Notice of Violation" that will require the Discharger to pay the Difference to the State Water Pollution Cleanup and Abatement Account within 30 days of the Notice of Violation's issuance date. The Discharger shall submit payment consistent with the payment method described in Section III, paragraph

13. Timely payment of the Difference shall satisfy the Discharger's obligations to implement the SEP.
22. **Failure to Complete the SEP:** If the SEP is not fully implemented by the SEP Completion Date, or if there has been a material failure to satisfy a project milestone, Regional Water Board staff shall issue a "Notice of Violation" to the Discharger. As a consequence, the Discharger shall be liable to pay the entire SEP Amount, less any amount that has been permanently suspended or excused based on the timely and successful completion of any interim project milestone that has an identifiable and stand-alone environmental benefit. Unless the Regional Water Board or its delegate determines otherwise, the Discharger shall not be entitled to any credit, offset, or reimbursement from the Regional Water Board for expenditures made on the SEP prior to the Notice of Violation's issuance date. The amount of the suspended liability owed shall be determined via a written, stipulated agreement between the Parties or, if the Parties cannot reach an agreement on the amount owed, via a "Motion for Payment of Suspended Liability" before the Regional Water Board or its delegate. Within 30 days of the Regional Water Board's or its delegate's determination of the suspended liability assessed, the Discharger shall pay the amount owed to the "State Water Pollution Cleanup and Abatement Account." Within 30 days of the Regional Water Board's or its delegate's determination of the suspended liability amount assessed for the Discharger to pay, the Discharger shall submit payment consistent with the payment method described in Section III, paragraph 13. Payment of the assessed amount shall satisfy the Discharger's obligation to implement the SEP.
23. **Regional Water Board is Not Liable:** Neither the Regional Water Board members nor the Regional Water Board staff, attorneys, or representatives shall be liable for any injury or damage to persons or property resulting from negligent or intentional acts or omissions by the Discharger, its directors, officers, employees, agents, representatives, or contractors in carrying out activities pursuant to this Stipulated Order, nor shall the Regional Water Board, its members, or staff be held as parties to or guarantors of any contract entered into by the Discharger, its directors, officers, employees, agents, representatives, or contractors in carrying out activities pursuant to this Stipulated Order.
24. **Compliance with Applicable Laws:** The Discharger understands that payment of administrative civil liability in accordance with the terms of this Stipulated Order or compliance with the terms of this Stipulated Order is not a substitute for compliance with applicable laws, and that continuing violations of the type alleged herein may subject it to further enforcement, including additional administrative civil liability.
25. **Party Contacts for Communications related to Stipulation/Order:**

For the Regional Water Board:

Jordan Filak
Environmental Scientist
North Coast Regional Water
Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403
Jordan.Filak@waterboards.ca.gov
(707) 576-6743

For the Discharger:

Suzanne McClurkin-Nelson
Environmental Specialist
Humboldt Sawmill Company,
LLC
P.O. Box 37
125 Main Street
Scotia, CA 95565
SMcClurkin-Nelson@hrcllc.com
(707) 764-4268

26. **Attorneys' Fees and Costs:** Except as otherwise provided herein, each Party shall bear all attorneys' fees and costs arising from the Party's own counsel in connection with the matters set forth herein.
27. **Matters Addressed by Stipulation:** Upon the Regional Water Board's or its delegate's adoption, this Stipulated Order represents a final and binding resolution and settlement of the alleged violation(s) as of the effective date of this Stipulated Order. The provisions of this paragraph are expressly conditioned on the completion of the SEP as specified herein.
28. **Public Notice:** The Discharger understands that this Stipulated Order must be noticed for a 30-day public review and comment period prior to consideration by the Regional Water Board or its delegate. If significant new information is received that reasonably affects the propriety of presenting this Stipulated Order to the Regional Water Board, or its delegate, for adoption, the Prosecution Team may unilaterally declare this Stipulated Order void and decide not to present it to the Regional Water Board or its delegate. The Discharger agrees that it shall not rescind or otherwise withdraw its approval of this proposed Stipulated Order.
29. **Addressing Objections Raised During Public Comment Period:** The Parties agree that the procedure contemplated for the Regional Water Board's or its delegate's adoption of the Order, and public review of this Stipulated Order, is lawful and adequate. The Parties understand that the Regional Water Board, or its delegate, has the authority to require a public hearing on this Stipulated Order. In the event procedural objections are raised or the Regional Water Board requires a public hearing prior to the Order becoming effective, the Parties agree to meet and confer concerning any such objections or hearings, and may agree to revise or adjust the procedure and/or this Stipulated Order as necessary or advisable under the circumstances.
30. **No Waiver of Right to Enforce:** The failure of the Prosecution Team or Regional Water Board to enforce any provision of this Stipulated Order shall in no way be

deemed a waiver of such provision, or in any way affect the validity of this Stipulated Order. The failure of the Prosecution Team or Regional Water Board to enforce any such provision shall not preclude it from later enforcing the same or any other provision of this Stipulated Order. No oral advice, guidance, suggestions, or comments by employees or officials of any Party regarding matters covered under this Stipulated Order shall be construed to relieve any Party regarding matters covered in this Stipulated Order. The Regional Water Board reserves all rights to take additional enforcement actions, including without limitation the issuance of administrative civil liability complaints or orders for violations other than those addressed by this Stipulated Order.

31. **Effect of the Stipulated Order:** Except as expressly provided in this Stipulated Order, nothing in this Stipulated Order precludes the Regional Water Board or any State agency, department, board, or local agency from exercising its authority under any law, statute, or regulation.
32. **Interpretation:** This Stipulated Order shall be construed as if the Parties prepared it jointly. Any uncertainty or ambiguity shall not be interpreted against any one Party. The Parties are represented by counsel in this matter.
33. **Modification:** The Parties shall not modify this Stipulated Order by oral representation made before or after its execution. All modifications must be in writing, signed by all Parties, and approved by the Regional Water Board or its delegate.
34. **If Order Does Not Take Effect:** In the event that the Order does not take effect because the Regional Water Board or its delegate does not approve it, or the State Water Board or a court vacates it in whole or in part, the Parties acknowledge that they expect to proceed to a contested evidentiary hearing before the Regional Water Board to determine whether to assess administrative civil liabilities for the underlying alleged violation(s), unless the Parties agree otherwise. The Parties agree that all oral and written statements and agreements made during the course of settlement discussions will not be admissible as evidence in the hearing. The Parties agree to waive any and all objections based on settlement communications in this matter, including but not limited to the following:
 - a. Objections related to prejudice or bias of any of the Regional Water Board members or their advisors and any other objections that are premised in whole or in part on the fact that the Regional Water Board members or their advisors were exposed to some of the material facts and the Parties' settlement positions as a consequence of reviewing the Stipulated Order, and therefore may have formed impressions or conclusions prior to any contested evidentiary hearing on the violations alleged in this matter; or

- b. Laches or delay or other equitable defenses based on the time period for administrative or judicial review to the extent this period has been extended by these settlement proceedings.
35. **Waiver of Hearing:** The Discharger has been informed of the rights Water Code section 13323, subdivision (b) provides, and hereby waives its right to a hearing before the Regional Water Board prior to the Order's adoption.
36. **Waiver of Right to Petition or Appeal:** The Discharger hereby waives its right to petition the Regional Water Board's adoption of the Order for review by the State Water Board, and further waives its rights, if any, to appeal the same to a California Superior Court and/or any California appellate level court. This explicit waiver of rights includes potential future decisions by the Regional Water Board or its delegate directly related to this Stipulated Order, including, but not limited to time extensions, SEP completion, and other terms contained in this Stipulated Order.
37. **Covenant Not to Sue:** The Discharger covenants not to sue or pursue any administrative or civil claim(s) against any State agency or the State of California, their officers, Board Members, employees, representatives, agents, or attorneys arising out of or relating to any matter expressly addressed by the Conditional Settlement Offer, this Stipulated Order, or the SEP.
38. **Necessity for Written Approvals:** All approvals and decisions of the Regional Water Board under the terms of this Stipulated Order shall be communicated to the Discharger in writing. No oral advice, guidance, suggestions, or comments from Regional Water Board employees or officials regarding submissions or notices shall be construed to relieve the Discharger of its obligation to obtain any final written approval this Stipulated Order requires.
39. **Authority to Bind:** Each person executing this Stipulated Order in a representative capacity represents and warrants that he or she is authorized to execute this Stipulated Order on behalf of and to bind the entity on whose behalf he or she executes the Stipulated Order.
40. **No Third-Party Beneficiaries:** This Stipulated Order is not intended to confer any rights or obligations on any third party, and no third party shall have any right of action under this Stipulated Order for any cause whatsoever.
41. **Severability:** This Stipulated Order is severable; should any provision be found invalid, the remainder shall remain in full force and effect.
42. **Counterpart Signatures; Facsimile and Electronic Signature:** This Stipulated Order may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such

counterparts shall together constitute one document. Further, this Stipulated Order may be executed by facsimile or electronic signature, and any such facsimile or electronic signature by any Party hereto shall be deemed to be an original signature and shall be binding on such Party to the same extent as if such facsimile or electronic signature were an original signature.

43. **Effective Date:** This Stipulated Order shall be effective and binding on the Parties upon the date the Regional Water Board, or its delegate, enters the Order incorporating the terms of this Stipulated Order.

(continued on next page)

Stipulated Order R1-2022-0030
Humboldt Sawmill Company, LLC
Confidential Settlement Communication

IT IS SO STIPULATED.

**California Regional Water Quality Control Board,
North Coast Region Prosecution Team**



Digitally signed by
Claudia E. Villacorta
Date: 2022.07.11
16:48:02 -07'00'

Date: _____

By: _____

Claudia E. Villacorta, P.E
Assistant Executive Officer

Stipulated Order R1-2022-0030
Humboldt Sawmill Company, LLC
Confidential Settlement Communication

**Humboldt Sawmill Company,
LLC**

Date:

7/5/2022

By:


Jim Pelkey

Chief Financial Officer, MFP General Management

ORDER OF THE REGIONAL WATER BOARD

44. This Order incorporates the foregoing Sections I through III by this reference as if set forth fully herein.
45. Issuance of this Order is being taken for the protection of the environment and to enforce the laws and regulations administered by the Regional Water Board and is exempt from provisions of the California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.) in accordance with California Code of Regulations, title 14, section 15321(a)(2). This Order includes a SEP in the North Coast Region. If the Regional Water Board determines that implementation of any plan required by this Order will have a significant effect on the environment that is not otherwise exempt from CEQA, the Regional Water Board will conduct the necessary and appropriate environmental review prior to approval of the applicable plan. The Discharger will bear the costs, including the Regional Water Board's costs, of determining whether implementation of any plan required by this Order will have a significant effect on the environment and, if so, in preparing and handing any documents necessary for environmental review. If necessary, the Discharger and a consultant acceptable to the Regional Water Board shall enter into a memorandum of understanding with the Regional Water Board regarding such costs prior to undertaking any environmental review.
46. The Executive Officer is authorized to refer this matter directly to the Attorney General for enforcement if the Discharger fails to perform any of its obligations under the Order.

IT IS HEREBY ORDERED pursuant to Water Code section 13323 and Government Code section 11415.60, on behalf of the California Regional Water Quality Control Board, North Coast Region.

Date: _____

By: _____

Matthias St. John
Executive Officer

Attachments:

- A. Effluent Limitation Violations Requiring Mandatory Minimum Penalties**
- B. SEP**

ATTACHMENT A
EFFLUENT LIMITATION VIOLATIONS REQUIRING MANDATORY MINIMUM PENALTIES

Liability Scotia Town Power Plant

Scotia Town - Humboldt Sawmill Company (Eel River
Power)

WDID No. 1B83104OHUM

NPDES No. CA0006017

Effluent Limitations Violations Requiring Mandatory Minimum Penalties

#	Violation Number	Violation Date	Constituent	Pollutant Group	Limitation Period	Limit	Result/Average	Units	Exempted from MMP?	Exempt Reason	% Over Limit	Date 180 Days Prior	Serious or Chronic Violation?	No. of Violations within 180 days	Mandatory Fine?	Water Code	Pena lty
1	1011809	07/12/2016	pH	Other	Instantaneous	9	10.5	SU	Y	a	17%	01/14/2016	C	Ct. 1	N		\$ 0
2	1086713	07/12/2016	pH	Other	Instantaneous	9	9.1	SU	Y	a	1%	01/14/2016	C	Ct. 2	N		\$ 0
3	1086714	09/07/2016	pH	Other	Instantaneous	9	9.1	SU	Y	a	1%	03/11/2016	C	Ct. 3	N		\$ 0
4	1086740	10/05/2016	pH	Other	Instantaneous	9	9.2	SU	N		2%	04/08/2016	C	Ct. 4	Y	13385(i)	\$ 3,000
5	1086744	01/17/2017	Total Suspended Solids	Group 1	Monthly Average	30	240	mg/L	N		700%	07/21/2016	S	Ct. 5	Y	13385(h)	\$ 3,000
6	1086742	01/17/2017	Total Suspended Solids	Group 1	Maximum Daily	100	240	mg/L	N		140%	07/21/2016	S	Ct. 6	Y	13385(h)	\$ 3,000
7	1086749	02/21/2017	Total Suspended Solids	Group 1	Maximum Daily	100	150	mg/L	N		50%	08/25/2016	S	Ct. 7	Y	13385(h)	\$ 3,000
8	1086750	02/21/2017	Total Suspended Solids	Group 1	Monthly Average	30	150	mg/L	N		400%	08/25/2016	S	Ct. 8	Y	13385(h)	\$ 3,000
9	1086747	02/21/2017	Total Suspended Solids	Group 1	Monthly Average	30	140	mg/L	N		367%	08/25/2016	S	Ct. 9	Y	13385(h)	\$ 3,000
10	1023060	02/21/2017	Total Suspended Solids	Group 1	Daily Maximum	100	140	mg/L	N		40%	08/25/2016	S	Ct. 10	Y	13385(h)	\$ 3,000
11	1086752	03/30/2017	Total Suspended Solids	Group 1	Monthly Average	30	46	mg/L	N		53%	10/01/2016	S	Ct. 11	Y	13385(i)	\$ 3,000
12	1086754	03/30/2017	Chlorine, Free Available	Group 2	Monthly Average	0.2	0.22	mg/L	N		10%	10/01/2016	C	Ct. 12	Y	13385(i)	\$ 3,000
13	1086751	03/30/2017	Total Suspended Solids	Group 1	Monthly Average	30	46	mg/L	N		53%	10/01/2016	S	Ct. 13	Y	13385(i)	\$ 3,000
14	1086767	12/11/2018	Total Suspended Solids	Group 1	Monthly Average	30	74	mg/L	N		147%	06/14/2018	S	Ct. 1	Y	13385(h)	\$ 3,000
15	1060096	05/17/2019	pH	Other	Instantaneous	9	9.2	SU	N	a	2%	11/18/2018	C	Ct. 2	N		\$ 0
16	1089596	03/16/2021	Total Suspended Solids	Group 1	Monthly Average	30	280	mg/L	N		933%	09/17/2020	S	Ct. 1	Y	13385(h)	\$ 3,000
17	1089597	03/16/2021	Total Suspended Solids	Group 1	Maximum Daily	100	280	mg/L	N		140%	09/17/2020	S	Ct. 2	Y	13385(h)	\$ 3,000

Total Penalty: \$ 39,000

ATTACHMENT A
EFFLUENT LIMITATION VIOLATIONS REQUIRING MANDATORY MINIMUM PENALTIES

a. The first three violations in a 180 day period shall not receive MMP assessment unless serious.

Ct. Count – The number that follows represents the number of exceedances in the past 180 days. A count > than Ct. 3 means that a penalty under Water Code Section 13385 (i) applies.

1 - Violation occurs on sample date or last date of averaging period.

2 - For Group I pollutants, a violation is serious when the limit is exceeded by 40% or more

- For Group II pollutants, a violation is serious when the limit is exceeded by 20% or more

3 - When a serious violation occurs on the same day as a chronic, the serious violation is only assessed an MMP once and is counted last for the day when determining the number of chronic violations to be assessed a penalty.

Violations from July 12, 2016 through January 14, 2022

Group I Violations Assessed MMP:	11
Group II Violations Assessed MMP:	1
Other Effluent Violations Assessed MMP:	1
Violations Exempt from MMP:	0
Total Violations Assessed MMP:	13

Mandatory Minimum Penalty = (9 Serious Violations + 4 Non-Serious Violations) x \$3,000 = \$39,000

ATTACHMENT B
SUPPLEMENTAL ENVIRONMENTAL PROJECT
DEFLECTOR LOG JAM

1 Name of Project: Deflector Log Jam

2 Project Applicant: Humboldt Sawmill Co. (HSC). Project Lead is Trout Unlimited.

3 Contact Person and Title:

Suzanne McClurkin-Nelson, Environmental Specialist

Humboldt Sawmill Co.
PO Box 37, Scotia, CA 95565
(707) 485-4408
smcclurkin-nelson@hrcllc.com

Anna Halligan, North Coast Coho Project Director

Trout Unlimited
PO Box 1966
Fort Bragg, CA 95437
(707) 734-0112
ahalligan@tu.org

4 Project Description:

Within the Van Duzen River Basin, the Yager Creek Sub Basin maintains a high salmonid fisheries value, particularly for the presence and viability of Coho Salmon (a threatened species under both federal and state listings) within the Lawrence Creek drainage. The proposed Deflector Project would include a deflector log jam on the bank of Lawrence Creek to focus flow toward the side channel and bar apex jam. The intent of the deflector is to replicate wood jams located on outside bends, and it is designed to withstand buoyancy and lift forces associated with floods as severe as 100-year flood events. The large bar apex and deflector proposed under this Project will be placed to raise storm water surface elevations, which will induce greater flow into the side channel. With this design it is anticipated that the off-channel pond will be hydraulically connected during 15% exceedance flows and greater, or on average 55 days out of the year. Remove of the deflector jam from the underlying Lawrence Creek Improvement project will reduce the days of connectivity and the number of high flow resting/refugia areas for salmonids.

5 Compliance with SEP Criteria

The Deflector Project will provide species listed under the federal and state Endangered Species Acts with access to historic floodplain habitats by enhancing hydrologic connectivity to a side channel feature along Lawrence Creek, which will provide shelter during intense storm events. Low-velocity refugia is important for reducing juvenile salmonid mortality during high-flow events. The Deflector Project will provide sustainable and lasting ecological benefits to core populations of SONCC Coho and CC Salmon as well as NC

ATTACHMENT B
SUPPLEMENTAL ENVIRONMENTAL PROJECT
DEFLECTOR LOG JAM

Steelhead trout by enhancing and restoring salmonid habitats. In addition, restoration of habitat provides substantial benefits for human communities by improving and protecting water quality, reducing damage from flooding, and preserving tribal and cultural heritage. Many Native Americans rely on fish for sustenance, and loss of reliable fish habitat can reduce fish populations that serve as a food source and can cause cultural harm.

6 Above and Beyond Discharger's Obligations:

HSC voluntarily agrees to undertake the SEP, and HSC is not required to undertake this project and this project was never considered by HSC before or absent the current regulatory enforcement action.

7 No Benefit to the Water Board Members, Staff, Family:

This SEP provides no direct fiscal benefit to the Regional Water Board's functions, its members, its staff, or family of members or staff.

8 Nexus to the Nature or Location of Violations:

The SEP will be located on Lawrence Creek, a tributary of the Lower Eel River, which is the location of the alleged violations. Thus, the SEP has a direct nexus to the nature of the violation alleged.

9 Brief work plan containing tasks, deliverables, milestones, and schedule. The deliverables must include quarterly progress reports and a final completion report.

Project Term: August 31, 2022 through December 31, 2023

Task	Description	Estimated Date	Estimated Budget
Project Management (oversight)	Trout Unlimited (TU) (manage contractors & project execution, report writing, mileage reimbursement, reporting supplies)	8/31/22 – 7/31/23	\$1,216.55
Construction	VS-Const-Shinn (labor and heavy equipment)	8/31/22 – 11/1/22	\$15,500
Administrative Overhead	Administrative services and accounting	8/31/22 – 7/31/23	\$2,273.45

ATTACHMENT B
SUPPLEMENTAL ENVIRONMENTAL PROJECT
DEFLECTOR LOG JAM

Monitoring	Monthly monitoring (by HRC)	11/1/2022-5/30/2023	\$0.00
------------	-----------------------------	---------------------	--------

Project Timeline:

Task	Description	Proposed Completion Date
1	Finalize grant agreement and schedule field work with construction contractor	August 31, 2022
2	First Quarterly Progress Report	September 30, 2022
3	Complete construction of Deflector Log Jam	November 1, 2022
4	Monthly site visit (monitor water quality & salmonid presence/absence)[HRC]	November 30, 2022
5	Monthly site visit (monitor water quality & salmonid presence/absence)[HRC]	December 30, 2022
6	Second Quarterly Progress Report	December 30, 2022
7	Monthly ent site visit (monitor water quality & salmonid presence/absence)[HRC]	January 31, 2023
8	Monthly site visit (monitor water quality & salmonid presence/absence)[HRC]	February 29, 2023
9	Third Quarterly Progress Report	March 30, 2023
10	Monthly site visit (monitor water quality & salmonid presence/absence)[HRC]	March 31, 2023
11	Monthly site visit (monitor water quality & salmonid presence/absence)[HRC]	April 28, 2023
12	Monthly site visit (monitor water quality & salmonid presence/absence)[HRC]	May 31, 2023
13	Fourth Quarterly Progress Report	June 30, 2023
15	Submit Final Report/Certificate of Completion	December 31, 2023

ATTACHMENT B
SUPPLEMENTAL ENVIRONMENTAL PROJECT
DEFLECTOR LOG JAM

Milestones: Construction is expected to occur between August 31, 2022 and November 1, 2022. Monitoring will be conducted for one winter season following construction and is expected to occur between November 2022 and May 2023 for the purpose of this SEP; a second consecutive year of monitoring may be performed if deemed useful but is considered to be outside the scope of this SEP and will not use SEP funds. HRC staff shall conduct monthly site visits to monitor water quality (dissolved oxygen, temperature) and salmonid presence/absence via baited minnow traps. Photographs will be taken to document site conditions during each visitation throughout the monitoring period. Data collected during these site visits will be included in each progress report.

10 Performance Standard

The following performance standards must be achieved for the SEP to be deemed complete: (1) complete construction of the Deflector Log Jam by November 1, 2022; and (2) one winter season of post-construction monitoring.

11 Reports to the Regional Water Board

Progress Reports:

HSC will submit a progress report including, at a minimum, updated photographs of construction activity, a summary of budget expenditures to date, and a summary of the remaining work to be completed.

Due Date: Quarterly Progress reports will be submitted to the RWQCB by HSC by September 30, 2022, December 31, 2022, March 31, 2023, June 30, 2023, and September 30, 2023.

Final Report

The final report will document that the project has been completed, will include a summary of all completed tasks, and will have an accounting of all expenditures. The accounting will clearly show whether the final cost of the successfully completed SEP was less than, equal to, or more than the liability suspended amount of \$18,900. The following statement will be included above the signature line of the report: *"I certify under penalty of perjury that the foregoing is true and correct."*

Due Date: Within one month after the project is complete, as defined by the "Performance Standard" above, but no later than December 31, 2023.

All reports shall be submitted to the North Coast Regional Water Quality Control Board's (Regional Water Board) contact, Jordan Filak via email at Jordan.Filak@waterboards.ca.gov.

12 California Environmental Quality Act (CEQA) Compliance:

ATTACHMENT B
SUPPLEMENTAL ENVIRONMENTAL PROJECT
DEFLECTOR LOG JAM

The project is ready for implementation and construction will occur this summer/fall. This project is CEQA exempt (Article 19, Section 15333) and fully permitted (401 Water Quality Certification, Army Corps 404 Nationwide 27, 1653-HREA CDFW permit, and the NOAA Programmatic Approach). Construction is scheduled to occur late summer 2022, and will take approximately 2 weeks. The project is occurring on property owned by HRC with their participation (as noted above), and a landowner agreement was secured.

13 Extensions:

The SEP Completion Date is the due date of the final report, December 31, 2023, unless the Executive Officer approves an extension. If an extension is granted, it shall apply to the reports to the Regional Water Board. If an extension is necessary, HSC shall submit a written request for such extension to the Executive Officer as required by Stipulated Order paragraph 19.



North Coast Regional Water Quality Control Board

May 05, 2023

Mr. Tim Burke, GLS Tracking Number: 559330291
Mr. Dean Kerstetter, Executive Vice President
Humboldt Sawmill Company
Scotia Sawmill and Cogeneration Plant
125 Main Street
Scotia, CA 95565
tburke@mendoco.com
dkerstetter@mendoco.com

Dear Mr. Kerstetter:

Subject: Notice of Violation of the Clean Water Act and State Water Resources Control Board Order No. 2014-0057 DWQ General Permit for Stormwater Discharges Associated with Industrial Activities (Amended 2018) (Industrial General Permit) for the Scotia Sawmill and Cogeneration Plant

File: Scotia Sawmill and Cogeneration Plant, 125 Main Street, Scotia, Humboldt County, WDID No. 1 12I027974

The Humboldt Sawmill Company is hereby given notice that it has violated the federal Clean Water Act section 301 (33 U.S.C. 1311), State Water Resources Control Board Order No. 2014-0057 DWQ General Permit for Stormwater Discharges Associated with Industrial Activities (Amended 2018) (Industrial General Permit), Waste Discharge Requirements Order R1-2012-0065, and the Water Quality Control Plan for the North Coast Region. These violations are discussed in detail below.

Background

The Humboldt Sawmill Company presently owns the 247-acre facility (Facility) in Scotia in Humboldt County. At the Facility, the Humboldt Sawmill Company

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

Scotia Sawmill and Cogeneration Plant

processes lumber for sale and to generate power at its cogeneration plant. The Company's tenant, Kansas Asphalt Timber Operations, operates an asphalt batch plant and conducts the associated gravel operations on 5.5 acres at the southernmost portion of the Facility. The Facility's runoff is discharged directly to the Eel River, to tributaries to the Eel River, and into a log pond off-site, which is owned and operated by the Scotia Community Services District (CSD).

Stormwater Multiple Application and Report Tracking System (SMARTS) documents identify the Humboldt Redwood Company as the previous owner and operator for the sawmill, the cogeneration plant, and the asphalt plant on the Facility, having filed for permit coverage in 2008. In 2018, the Humboldt Sawmill Company took over permit coverage and operating the sawmill and cogeneration plant, while Humboldt Redwood Company continued to operate the asphalt plant. Prior to the inspection, Kansas Asphalt Timber Operations began operating the asphalt plant. Following the inspection, they filed for permit coverage for the asphalt plant as a tenant to Humboldt Sawmill Company who continues to own the entire 247-acre Facility. This Notice of Violation is issued to the Humboldt Sawmill Company as owner of the 247-acre Facility, and as the operator for the sawmill and cogeneration plant.

On May 9 and 10, 2022, Regional Water Board State Water Board and U.S. EPA staff inspected the Facility during heavy rain¹ and observed several violations of the Industrial General Permit (IGP) requirements as described in the inspection memo.

On October 18, 2022, the inspection memo was provided to the Discharger and uploaded to SMARTS on the same day.

On March 3, 2023, the Discharger provided written comments on the inspection memo to the North Coast Regional Water Board and this NOV considers those comments.

Alleged Violations

As the operator of the Scotia Sawmill and Cogeneration Plant, the Humboldt Sawmill Company is hereby given notice that it has violated the federal Clean Water Act section 301 (33 U.S.C. 1311), Waste Discharge Requirements Order R1-2012-0065 Discharge Prohibitions, the Water Quality Control Plan for the North Coast Region, and the following sections of the Industrial General Permit:

1. Section X. SWPPP, Subsection E.3.a, Site Map, Stormwater drainage areas
2. Section X. SWPPP, Subsection E.3.b, Site Map, Stormwater conveyance systems
3. Section X. SWPPP, Subsection E.3.c, Site Map, Structural control measures
4. Section X. SWPPP, Subsection E.3.e, Site Map, Materials and spill locations

¹ [Local Climatological Data Station Details: ROHNERVILLE AIRPORT, CA US, WBAN:00396 | Climate Data Online \(CDO\) | National Climatic Data Center \(NCDC\) \(noaa.gov\), \(https://www.ncei.noaa.gov/cdo-web/datasets/LCD/stations/WBAN:00396/detail\)](https://www.ncei.noaa.gov/cdo-web/datasets/LCD/stations/WBAN:00396/detail) Rohnerville Airport Rain Gauge Station

Scotia Sawmill and Cogeneration Plant

5. Section X. SWPPP, Subsection E.3.f, Site Map, Areas of industrial activities
6. Section X. SWPPP, Subsection F, List of Industrial Materials
7. Section X. SWPPP, Subsection G, Potential Pollutant Sources
8. Section X. SWPPP, Subsection H.1.a.iv, Wash water
9. Section X. SWPPP, Subsection H.1.a.v, Cover industrial materials
10. Section X. SWPPP, Subsection H.1.a.vii, Industrial material to storm drain
11. Section X. SWPPP, Subsection H.1.c, Spill and Leak Prevention
12. Section X. SWPPP, Subsection H.1.d.i, Prevent handling Materials
13. Section X. SWPPP, Subsection H.1.d.iv, Stormwater and stockpiles
14. Section X. SWPPP, Subsection H.1.d.v, Spills of industrial materials
15. Section X. SWPPP, Subsection H.1.e.iv, Divert stormwater
16. Section X. SWPPP, Subsection H.1.e.v, Sediment basin design
17. Section X. SWPPP, Subsection H.6, Design Storm Standards
18. Section XI. Monitoring, Subsection B.4., Representative sampling
19. Section XI. Monitoring, Subsection B.6.c, Additional parameters
20. Section XI. Monitoring, Subsection B.6.d, SIC parameters.

These violations may subject the Humboldt Sawmill Company to administrative liability pursuant to California Water Code section 13385.

These provisions are included in detail in Attachment A.

This letter notifies the Discharger that it has violated provisions of the IGP. Each provision of the IGP violated is identified, but due to the volume of violations, the specific individual violations are often represented by an example. For example, staff estimate seeing over forty instances of Violation 1 where the site map did not accurately reflect the drainage and flow areas on the Facility. A general description and some examples are provided in the description below, but please see the inspection reports for further information. North Coast Regional Water Board Staff are willing to meet with your representatives to identify each individual violation.

Violations 1 through 5:

Per Section X.E.3. of the IGP, a discharger shall include information on the site map including: drainage areas, flow direction, all stormwater collection and conveyance systems, structural control measures, impervious areas, locations where materials are stored with exposure to precipitation, locations of significant spills, and all areas of industrial activity.

The Facility site map available in SMARTS dated November 8, 2021, and uploaded by the Discharger, did not reflect the Facility's condition at the time of the May 2022 inspection. Facility conditions were significantly different than those represented on the Facility' site map. Per Regional Water Board staff observations and document review, the following permit requirements were not met:

Violation 1:

Section X.E.3.a: The site map does not correctly show all drainage areas and flow directions. Each drainage area shown on the site map includes multiple storm drain inlets each of which should be included as their own tributary area (Site Map 1 and 2, as referenced in the May 9-10, 2022 Inspection Memo). Flow arrows indicating surface flow direction on the site map were incorrect in many locations across the Facility (Site Map 1 and 2). Storm drain pipes coming from the adjacent roadway and town into Drainage Areas 2 and 3 are shown on the site map with no associated offsite drainage areas (Site Map 1 and 2). Areas of run-on from Highway 101 were observed in the field but not included on the Facility map (Site Map 2). Many storm drain lines were shown on the site map without any inlet or connection points (Site Map 1 and 2).

Violation 2:

Section X.E.3.b: Inlets are shown on the site map that no longer exist, while other inlets were identified in the field that were not present on the site map. Other structures such as valves were also missing from the site map.

Storm drain lines and outfalls were included on the site map indicating discharge from the Facility from Drainage Area 3 into the Scotia CSD wastewater treatment plant's aeration ponds (Site Map 1). However, Facility staff said during the inspection that these pipes were no longer present and were incorrectly shown on the site map. Facility staff could not explain where the storm drain lines discharge.

Storm drain inlets were observed along the eastern edge of the Planer Building that were not included on the site map (Site Map 1 and Attachment B, the May 9-10, 2023, Inspection Memo (Inspection) picture 20d). Storm drain inlets near the staff parking area that are shown on the site map were no longer present (Site Map 2). Additional storm drain inlets and/or valve boxes within the paved log deck are also shown on the site map but not present (Site Map 2 and Inspection pictures 1h, 1i, 1f). Additional storm drain structures and outfall pipes were observed near 002-OUT by the Ball Field that were not on the site map and that Facility staff were unable to identify if these outfall pipes were from their facility, or where the discharge was from (Site Map 2).

Violation 3:

Section X.E.3.c: Structural controls such as secondary containment and berms and barriers were not shown on the site map. The oil water separator in the fueling area was present on-site but not shown on the site map as an advanced BMP (Inspection picture 10a).

Violation 4:

Section X.E.3.e: Locations of materials are not identified on the site map, including stockpiles of bottom ash, hazardous materials collected from vehicle washing, and industrial materials and wastes. Stockpiles of bottom ash were observed all along the edge of the log pond adjacent to the Cogen facility (Inspection pictures 18c, 18d, and 18e) as well as along the north edge between the garage and the Cogen facility (pictures 16c, 16b, and 17a). Stockpiles of material washed from vehicles and stored prior to being disposed of as hazardous material were located immediately south of the wash bay within the garage building and exposed to rain (pictures 14a, 14b, and 14c). Large spills of sulfuric acid were observed on the pavement between the Cogen facility and the log pond but were not indicated on the site map (pictures 19a, 19b). Staining was also observed around the hypochlorite tank adjacent to the Cogen facility indicating materials had been stored there (picture 19c).

Violation 5:

Section X.E.3.f: All areas where industrial activities occur are not identified on the site map. The locations of chemical storage for hypochlorite observed on-site were not included on the site map (Site Map 1 and Inspection picture 19c). Areas associated with cogeneration were also not indicated on the site map (Site Map 1 and pictures 17a, 17b, 17c, 18a, 18b, 18c, 19c, 19d). Areas where equipment was washed and maintained adjacent to the garage and as observed were also not included on the site map (pictures 14a, 14b, and 14c).

Violation 6:

Per Section X. SWPPP, Subsection F: The SWPPP does not include in its List of Industrial Materials bottom ash as well as industrial chemicals such as sulfuric acid and hypochlorite though they were observed at the Facility adjacent to the Cogen facility and placed along the edge of the log pond (Inspection pictures 18c, 18d, 18e, 19a, 19b, and 19c).

Violation 7:

Per Section X. SWPPP, Subsection G: The SWPPP does not include a complete assessment of potential pollutant sources including bottom ash and industrial chemicals such as sulfuric acid and hypochlorite though they were observed at the Facility adjacent to the Cogeneration Plant and placed along the edge of the log pond. Not all areas where industrial processes and material handling and storage take place are identified. Areas where there is evidence of significant spills are not identified as required in the SWPPP (Inspection pictures 18c, 18d, 18e, 19a, 19b, and 19c). Stockpiles of material washed from vehicles and stored prior to being disposed of as hazardous material were located immediately south of the wash bay within the garage building and exposed to rain (pictures 14a, 14b, and 14c).

Violation 8:

Per Section X. SWPPP, Subsection H.1.a.iv: Wash water was being discharged without BMP controls in place. Wash water was discharging onto a paved surface that drains into the adjacent storm drain system that ultimately discharges to the Eel River (Inspection pictures 14a, 14b, 14c). The unauthorized discharge of wash water violates the IGP discharge prohibitions as well as the discharge provisions of the Water Quality Control Plan for the North Coast Region, also known as the Basin Plan.²

Violation 9:

Per Section X.H.1.a.v: Stored industrial materials at the Facility were not covered. The Discharger failed to cover the stockpiles of material such as sawdust, bottom ash, and fine woody debris that can be readily mobilized through contact with stormwater. Uncovered stockpiles of sawdust were observed adjacent to the Planer building as well as throughout the sawmill in multiple locations and in large quantities (Inspection pictures 1g, 2g, 3a, 3b, and 20a). Large stockpiles of bottom ash were observed at the Facility placed along the edge of the log pond adjacent to the Cogeneration Plant as well as along the northern edge of the Cogen facility (pictures 16c, 16b, 17a, 18a, 18c, 18d, and 18e). Uncovered piles of industrial materials such as bark were also observed on the paved log deck in multiple large piles (pictures 2h, 2i, and 3e).

Violation 10:

Per Section X. SWPPP, Subsection H.1.a.vii: Industrial materials such as bottom ash, sawdust, wood debris, and hydrocarbons were discharging into the stormwater conveyance system. Stormwater runoff with a sheen was observed at the Facility discharging to multiple storm drain inlets between the Sawmill Planer Building and the Former Lumber Storage Building (Inspection pictures 1a, 1b, 1c, 1d, 1e, 1h). Sawdust and woody debris wood observed discharging into multiple storm drain inlets throughout drainage area 7 on the paved log deck and the industrial area adjacent to the sawmill and planer building (pictures 1h, 1i, 1j, 19d, 20d). Evidence of bottom ash discharge was observed adjacent to the Cogeneration Plant into the log pond (19d). Sheen was observed discharging into multiple storm drain inlets within the Cogen facility area (17b).

Violation 11:

Per Section X. SWPPP, Subsection H.1.c: Evidence of substantial and persistent spills of chemicals such as sulfuric acid and hypochlorite were observed on the ground around the chemical storage tanks. No containment mechanism was

² [The Basin Plan](https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/) is available online at
(https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/)

Scotia Sawmill and Cogeneration Plant

observed that would prevent the discharge of material spilled when these chemicals are dispensed from these tanks (Inspection pictures 19a, 19b, 19c).

Violation 12:

Per Section X.H.1.d.i: Industrial materials or wastes that can be readily mobilized by contact with storm water such as fine wood debris and bottom ash materials were observed outside exposed to rain with no effective BMPs in place during rain on May 9, 2022. These materials were discharging to the Log Pond or retention pond on its way to Eel River and were not controlled by preventing or minimizing the handling of these materials and wastes during the storm event. On the first day of inspection during heavy rain industrial activities were being conducted that involved, sawdust, woody debris, mud, silt, and bottom ash materials was observed (Inspection pictures 2a, 2b, 2c, 2j, 3a, 3b, and 4a).

Violation 13:

Per Section X.H.1.d.iv: The Discharger failed to divert run-on and storm water generated from within the Facility away from all stockpiled materials during the rain event on May 9, 2022. Stockpiles throughout the Facility were uncovered and placed within drainage flow paths (Inspection pictures 1g, 2h, 2i, 3a, 14b, 16a, 16b, 17a, 18d, and 20a).

Violation 14:

Per Section X.H.1.d.v: Evidence of substantial and persistent spills of chemicals, such as sulfuric acid and hypochlorite, as well as oily material under equipment, and accumulated materials washed from equipment and vehicles (14a, 14b, 14c and 15), were observed on the ground without spill containment or cleanup activities being initiated by the Discharger. Stormwater was observed discharging into storm drain inlets with a sheen during rain. Oily material was observed on the ground below equipment (Inspection picture 17b). Large areas of the pavement surrounding the sulfuric acid storage tanks were stained (Inspection pictures 18c, 18d, 18e, 19a, 19b, and 19c). No effort was made during the course of the two-day inspection by Facility staff to clean up or contain the spilled material.

Violation 15:

Per Section X.H.1.e.iv: The Discharger failed to divert stormwater runoff away from erodible material such as sawdust, fine woody material, and accumulated sediment. Large stockpiles of sawdust and fine woody material were present throughout the Facility in discharge flow paths and within standing water (Inspection pictures 1f, 1g, 1h, 2c, 2f, 2g, 2h, 2i, 3a, 3c, 3d, 3e, 4a, 4b, 4c, 4d, 18d, 19d, 20a).

Violation 16:

Per Section X.H.1.e.v: The Discharger has failed to comply with the design storm standard requirement for the constructed retention pond that receives the majority of untreated runoff from the industrial areas. Based on Facility staff's statement at the time of the inspection, there are no existing volume- based or flow-based calculations to demonstrate that the pond is sized to meet the requirements of the IGP. When asked directly if the ponds on the Facility had been sized in accordance with design requirements and if calculations, designs, and specifications were available, Facility staff stated that none of these items existed and that the ponds had simply been built to utilize available space. Subsequent to the date of the inspection, the Discharger provided supplemental calculations associated with this pond³. However, these calculations also fail to demonstrate that the pond has been designed to meet the sizing requirements of the IGP.

Violation 17:

Per Section X.H.6: The Discharger has failed to comply with the design storm standard requirement for the constructed retention pond that receives the majority of untreated runoff from the industrial areas as required for all sediment basins.

Violation 18:

Per Section XI.B.4: The Discharger has failed to collect samples that are representative of the Facility's discharge from all drainage areas. Due to the fact that there are numerous locations where run-on enters the Facility and commingles with discharge from the Facility without adequate characterization of the run-on the combined discharge is not fully representative of the facilities runoff. Additionally, the separately permitted wastewater discharge from the Cogeneration Plant authorized under National Pollution Discharge Elimination System (NPDES) Order No. R1-2012-0065 is commingling with industrial stormwater through a slotted drain resulting in a commingled flow. The discharge of stormwater is specifically prohibited by Discharge Prohibition III.C.

Violation 19:

Per Section XI.B.6.c: The Discharger has failed to conduct an accurate Potential Pollutant Source Assessment. It would be reasonable and expected that a facility of this type would need to analyze its discharge for additional parameters beyond the standard minimums identified in the IGP. At a minimum, the discharge should be analyzed for Biochemical Oxygen Demand (BOD) which is considered by US

³ 2022 Updated SWPPP uploaded to SMARTS in October 19, 2022, Appendix D

Scotia Sawmill and Cogeneration Plant

EPA as a pollutant of concern for timber operations⁴. Also, the Discharger failed to analyze samples for Aluminum, Copper and Chromium, which is considered by US EPA as pollutant of concerns for Steam Electric Generating Facilities⁵.

Violation 20:

Per Section XI.B.6.d: The Discharger has failed to analyze all collected samples for all additional applicable parameters associated with the Facility's multiple standard industrial classification (SIC) codes, per Table 1 of the IGP. The Discharger has enrolled two separate SIC codes under a single waste discharger identification WDID number under the IGP. As such, all parameters required for both SIC codes must be sampled for at all discharge points. The Discharger has failed to do this and instead has bifurcated its monitoring such that samples are only analyzed for the parameters associated with its individual SIC code.

Based on both SIC codes 2421 and 4911 listed in SMARTS, all collected samples must be analyzed for the minimum parameters (total suspended solids, pH, and Oil and Grease), as well as for zinc, chemical oxygen demand (COD) and iron. However, per the submitted sampling reports, not all collected samples were analyzed for iron as required.

Enforcement

We encourage you to take steps to correct the violations as soon as possible to protect water quality and to minimize Humboldt Sawmill Company's exposure to additional liability. Many of the existing conditions, as observed and documented in the Inspection Memo, may represent continuing violations, and are subject to administrative liabilities assessed for each day for each violation beginning with the first day of violation.

Correcting the conditions of non-compliance at the Facility does not preclude enforcement for the violations alleged in this notice. As noted above, the Regional Water Board reserves its right to fully enforce the law against any violation and threatened violation by taking enforcement actions such as issuing a cleanup and abatement order or time schedule order, seeking administrative civil liabilities, and referring this matter to the California Attorney General's office for enforcement.

Administrative civil liabilities may be assessed by the Regional Water Board for up to \$10,000 for each day a violation occurs for each violation, including up to \$10 per gallon

⁴ [Pages 2 and 3](https://www.epa.gov/sites/default/files/2015-10/documents/sector_a_timber.pdf) (https://www.epa.gov/sites/default/files/2015-10/documents/sector_a_timber.pdf).

⁵ [Page 3](https://www.epa.gov/sites/default/files/2015-10/documents/sector_o_steamelectricpower.pdf) (https://www.epa.gov/sites/default/files/2015-10/documents/sector_o_steamelectricpower.pdf).

Scotia Sawmill and Cogeneration Plant

of waste discharged minus 1,000 gallons not cleaned up, pursuant to Water Code section 13385.

If you have questions about this Notice of Violation (NOV), please contact Regional Water Board Staff Farzad Kasmaei at Farzad.Kasmaei@waterboards.ca.gov or Senior Water Resource Control Engineer Heaven Moore at Heaven.Moore@waterboards.ca.gov. Additionally, we are available to meet with you if you wish to discuss this letter or the permit requirements in further detail. For any legal questions, please contact Laura Drabandt, Attorney IV with the State Water Quality Control Board Office of Enforcement at Laura.Drabandt@waterboards.ca.gov.

Sincerely,

Claudia E. Villacorta, P.E.
Assistant Executive Officer

Enclosures

Attachment A – Regulatory Citations

Attachment B – May 9 and 10, 2022 Inspection Memo

cc:

Heaven Moore, RWQCB, Heaven.Moore@waterboards.ca.gov
Farzad Kasmaei, Farzad.Kasmaei@waterboards.ca.gov
Laura Drabandt, SWRCB, Laura.Drabandt@waterboards.ca.gov
Kristine Karlson, U.S. EPA, Karlson.Kristine@epa.gov
Suzanne McClurkin-Nelson, Facility Staff, smcclurkin-nelson@hrcllc.com
David Brown, Discharger Consultant (Lawrence & Associates),
dbrown@lwrnc.com
Charles Reed, RWQCB, Charles.Reed@waterboards.ca.gov
Mona Dougherty, RWQCB, Mona.Dougherty@waterboards.ca.gov
Jeremiah Puget, RWQCB, Jeremiah.Puget@waterboards.ca.gov
Chris Watt, RWQCB, Chris.Watt@waterboards.ca.gov

Attachment A – Regulatory Citations

Regulatory Section	Citation
<p>Violations 1 through 5: Industrial General Permit Section X. SWPPP, Subsection E.3, subsections a through f</p>	<p>The Discharger shall include the following information on the site map:</p> <ul style="list-style-type: none"> a. The facility boundary, storm water drainage areas within the facility boundary, and portions of any drainage area impacted by discharges from surrounding areas. Include the flow direction of each drainage area, on-facility surface water bodies, areas of soil erosion, and location(s) of nearby water bodies (such as rivers, lakes, wetlands, etc.) or municipal storm drain inlets that may receive the facility's industrial storm water discharges and authorized NSWDDs; b. Locations of storm water collection and conveyance systems, associated discharge locations, and direction of flow. Include any sample locations if different than the identified discharge locations; c. Locations and descriptions of structural control measures¹¹ that affect industrial storm water discharges, authorized NSWDDs, and/or run-on; e. Locations where materials are directly exposed to precipitation and the locations where identified significant spills or leaks (Section X.G.1.d) have occurred; and f. Areas of industrial activity subject to this General Permit. Identify all industrial storage areas and storage tanks, shipping and receiving areas, fueling areas, vehicle and equipment storage/maintenance areas, material handling and processing areas, waste treatment and disposal areas, dust or particulate generating areas, cleaning and material reuse areas, and other areas of industrial activity that may have potential pollutant sources.
<p>Violation 6: Industrial General Permit Section X. SWPPP, Subsection F</p>	<p>The Discharger shall ensure the SWPPP includes a list of industrial materials handled at the facility, and the locations where each material is stored, received, shipped, and handled, as well as the typical quantities and handling frequency.</p>

Regulatory Section	Citation
Violation 7: Industrial General Permit Section X. SWPPP, Subsection G	Potential Pollutant Sources ⁶
Violation 8: Industrial General Permit Section X. SWPPP, Subsection H.1.a.iv	Good Housekeeping: The Discharger shall ensure that all facility areas impacted by rinse/wash waters are cleaned as soon as possible.
Violation 9: Industrial General Permit Section X. SWPPP, Subsection H.1.a.v	Good Housekeeping: The Discharger shall cover all stored industrial materials that can be readily mobilized by contact with storm water
Violation 10: Industrial General Permit Section X. SWPPP, Subsection H.1.a.vii	Good Housekeeping: The Discharger shall prevent disposal of any rinse/wash waters or industrial materials into the storm water conveyance system.
Violation 11: Industrial General Permit Section X. SWPPP, Subsection H.1.c	Spill and Leak Prevention and Response The Discharger shall: i. Establish procedures and/or controls to minimize spills and leaks; ii. Develop and implement spill and leak response procedures to prevent industrial materials from discharging through the storm water conveyance system. Spilled or leaked industrial materials shall be cleaned promptly and disposed of properly; iii. Identify and describe all necessary and appropriate spill and leak response equipment, location(s) of spill and leak response equipment, and spill or leak response equipment maintenance procedures; and, iv. Identify and train appropriate spill and leak response personnel.

⁶ Industrial General Permit

Regulatory Section	Citation
Violation 12: Industrial General Permit Section X. SWPPP, Subsection H.1.d.i	Material Handling and Waste Management: The Discharger shall prevent or minimize handling of industrial materials or wastes that can be readily mobilized by contact with storm water during a storm event
Violation 13: Industrial General Permit Section X. SWPPP, Subsection H.1.d.iv	Material Handling and Waste Management: The Discharger shall divert run-on and storm water generated from within the facility away from all stockpiled materials.
Violation 14: Industrial General Permit Section X. SWPPP, Subsection H.1.d.v	Material Handling and Waste Management: The Discharger shall clean all spills of industrial materials or wastes that occur during handling in accordance with the spill response procedures (Section X.H.1.c)
Violations 15 and 16: Industrial General Permit Section X. SWPPP, Subsections H.1.e.iv and v	Erosion and Sediment Controls For each erodible surface facility location identified in the SWPPP (Section X.G.1.f), the Discharger shall: iv. Divert run-on and storm water generated from within the facility away from all erodible materials; and, v. If sediment basins are implemented, ensure compliance with the design storm standards in Section X.H.6.

<p>Violation 17: Industrial General Permit Section X. SWPPP, Subsection H.6</p>	<p>Design Storm Standard for Treatment Control BMPs All new treatment control BMPs employed by the Discharger to comply with Section X.H.2 Advanced BMPs and new sediment basins installed after the effective date of this order shall be designed to comply with design storm standards in this Section, except as provided in an Industrial Activity BMP Demonstration (Section XII.D.2.a). A Factor of Safety shall be incorporated into the design of all treatment control BMPs to ensure that storm water is sufficiently treated throughout the life of the treatment control BMPs. The design storm standards for treatment control BMPs are as follows:</p> <ul style="list-style-type: none"> a. Volume-based BMPs: The Discharger, at a minimum, shall calculate¹³ the volume to be treated using one of the following methods: <ul style="list-style-type: none"> i. The volume of runoff produced from an 85th percentile 24-hour storm event, as determined from local, historical rainfall records; ii. The volume of runoff produced by the 85th percentile 24-hour storm event, determined as the maximized capture runoff volume for the facility, from the formula recommended in the Water Environment Federation's Manual of Practice;¹⁴ or, iii. The volume of annual runoff required to achieve 80% or more treatment, determined in accordance with the methodology set forth in the latest edition of California Stormwater Best Management Practices Handbook¹⁵, using local, historical rainfall records. b. Flow-based BMPs: The Discharger shall calculate the flow needed to be treated using one of the following methods: <ul style="list-style-type: none"> i. The maximum flow rate of runoff produced from a rainfall intensity of at least 0.2 inches per hour for each hour of a storm event; ii. The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity, as determined from local historical rainfall records, multiplied by a factor of two; or, iii. The maximum flow rate of runoff, as determined using local historical rainfall records, that achieves approximately the same reduction in total pollutant loads as would be achieved by treatment of the 85th percentile hourly rainfall intensity multiplied by a factor of two.
--	--

Regulatory Section	Citation
Violation 18: Industrial General Permit Section XI. Monitoring, Subsection B.4	<p>Except as provided in Section XI.C.4 (Representative Sampling Reduction), samples shall be collected from each drainage area at all discharge locations. The samples must be:</p> <ul style="list-style-type: none"> a. Representative of storm water associated with industrial activities and any commingled authorized NSWDS; or, b. Associated with the discharge of contained storm water.
Violation 19: Industrial General Permit Section XI. Monitoring, Subsection B.6.c	<p>The Discharger shall analyze all collected samples for the following parameters: Additional parameters identified by the Discharger on a facility-specific basis that serve as indicators of the presence of all industrial pollutants identified in the pollutant source assessment (Section X.G.2). These additional parameters may be modified (added or removed) in accordance with any updated SWPPP pollutant source assessment</p>
Violation 20: Industrial General Permit Section XI. Monitoring, Subsection B.6.d	<p>The Discharger shall analyze all collected samples for the following parameters: Additional applicable parameters listed in Table 1 below. These parameters are dependent on the facility Standard Industrial Classification (SIC) code(s)</p>

Attachment B – May 9 and 10, 2022 Inspection Memo

From: [Ann Feeney](#)
To: [Public Comment](#)
Subject: Do not buy Renewable Energy Certificates from Humbolt Sawmill company
Date: Monday, August 21, 2023 6:48:11 AM

Burning wood (incinerated biomass) is NOT renewable energy! Reserve Renewable Energy Certificates for real renewable energy.

From: [David Moller](#)
To: [Public Comment](#)
Subject: Public Comment for August 24, 2023 RCEA Mtg
Date: Monday, August 21, 2023 2:35:27 PM

Dear RCEA Board of Directors,

This is to ask that RCEA **NOT** buy Renewable Energy Certificates from Humboldt Sawmill Company. That money should go for real Renewable Energy—solar, wind, hydro, battery storage, and geothermal – that don't worsen our climate crisis. We need to stop burning things! Other solutions are available. Let's use them!

David Moller, P.E.
Larkspur, CA

From: [Edith F. Butler](#)
To: [Public Comment](#)
Subject: RECs
Date: Monday, August 21, 2023 2:10:03 PM

RCEA,

Please vote to NOT buy Renewable Energy Certificates from the biomass plant in Scotia.
That energy is too dirty and we need clean energy now and in the future.

Thank you.

Edith Butler

From: [Gordon Inkeles](#)
To: [Public Comment](#)
Subject: Agenda Item 8.2
Date: Monday, August 21, 2023 2:30:58 PM

Attention RCEA Board:

I'm writing in support of the letter you received from Wendy Ring MD, MPH.

Dr Ring has called your attention to a serious public health risk that's posed by biomass plant in Scotia, CA. There is no higher priority for RECA than protecting public health. Failing to act now will expose the public to serious health risks and RECA could be held responsible for damages.

Please vote to oppose this purchase.

Sincerely,

Gordon Inkeles
Bayside, CA. 95524

From: [Louis Rodriguez](#)
To: [Lori Taketa](#)
Subject: FW: Please stop supporting biomass burning.
Date: Monday, August 21, 2023 3:11:53 PM

Louis Rodriguez

Customer Service Associate | Redwood Coast Energy Authority
Office (707) 269-1700 x 306 | Cell (707) 572-8437 | www.RedwoodEnergy.org
Email: lrodriguez@redwoodenergy.org
Pronouns: he/him

*CONFIDENTIALITY NOTICE: We respect your privacy. Please review our privacy policy for more information.
<http://redwoodenergy.org/privacy/> The information in this e-mail may be confidential, subject to legal privilege, or otherwise protected from disclosure. No confidentiality or privilege is waived or lost by mis-transmission. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination, or copying of this e-mail and its attachments, if any, or the information contained herein is prohibited. If you have received this e-mail in error, please immediately notify the sender by return e-mail and delete this e-mail from your computer system.*

From: Julie Doerner [REDACTED]
Sent: Monday, August 21, 2023 8:19 AM
To: Public Comment <publiccomment@redwoodenergy.org>
Subject: Please stop supporting biomass burning.

Dear RCEA,

Burning biomass is not a step toward alleviating the climate crisis we find ourselves in. Please stop including it as a "clean" source of electricity and energy. Please do not allow Humboldt Sawmill Company to earn credit for creating smoke, ash, and emitting carbon into the air!! It just doesn't fit with what you stand for and are trying to achieve. No more renewable energy credits for Humboldt Sawmill Company when the credits are for burning biomass!! Our air quality is already compromised enough.

With sincerity and concern, Julie Doerner

From: [Senorjoel](#)
To: [Public Comment](#)
Subject: Biomass Burning: Humboldt Sawmill Company
Date: Monday, August 21, 2023 12:05:39 AM

To the Redwood Coast Energy Authority:

Please do not buy any more Renewable Energy Certificates from Humboldt Sawmill Company. That money should go for real Renewable Energy—solar, wind, battery storage, and geothermal.

The Humboldt Sawmill biomass plant repeatedly violates the Clean Air and Clean Water Acts, and it emits more carbon than coal. This only serves to fan the flames of the climate crisis. Supporting incinerated biomass electricity means less support for real solutions. Humboldt Sawmill will not develop alternative ways of dealing with its woody waste as long as you keep funding its biomass burning.

Sincerely,

Joel Hildebrandt

Alameda County

From: [Jasmin Segura](#)
To: [Public Comment](#)
Subject: Public comment
Date: Monday, August 21, 2023 8:08:52 AM

Hello,

As a citizen of this fine county, I'm asking you NOT to buy Renewable Energy Certificates from Humboldt Sawmill Company. That money should go for real Renewable Energy—solar, wind, battery storage, and geothermal.

Thanks for your time,
Jasmin Segura

From: [Lynn Kerman](#)
To: [Public Comment](#)
Subject: Humboldt Sawmill Company
Date: Monday, August 21, 2023 3:55:10 PM

I am writing to urge you to NOT buy Renewable Energy Certificates from Humboldt Sawmill Company. That money should go for real Renewable Energy—solar, wind, battery storage, and geothermal.

The biomass plant repeatedly violates the Clean Air and Clean Water Acts, plus it emits more carbon than coal, fanning the flames of climate crisis. Supporting incinerated biomass electricity means less support for real solutions. And Humboldt Sawmill will never develop alternative ways of dealing with its woody waste as long as RCEA keeps supplying it with dollars.

We are in the midst here in Humboldt of the tragic effects of climate change and we need to put all of our efforts into developing renewables. This is not the right course.

Thank you,

Lynn Kerman
Eureka

From: [Mary Hurley](#)
To: [Public Comment](#)
Subject: RCEA Priorities for Sources of Renewal Energy
Date: Monday, August 21, 2023 11:12:56 AM

I am writing to submit a public comment regarding the decision to purchase additional renewable energy certificates from Humboldt Sawmill Company at your Thursday, Aug. 24 meeting.

I urge the RCEA Board not to purchase these certificates from Humboldt Sawmill Company as part of the sourcing of renewable energy. I have chosen to receive part of my energy through RCEA in lieu of Pacific Gas and Electric. I made that decision based on information given by RCEA that your priority is to emphasize renewable sources of energy to supply our region. These sources include solar, wind, battery storage, and geothermal.

Energy generated from biomass sources burning wood such as the Humboldt Sawmill Company has been shown to produce heat, smoke, air pollution, and more carbon emissions than coal.

Given the ever increasing climate crisis events occurring, we must stop producing sources of electricity that increase carbon emissions now.

Your organization has received much support for greener sources of energy and to move away from biomass electricity from both organizations and individuals. It therefore makes no sense to now propose giving the Humboldt Sawmill biomass plant in Scotia more money. There won't be any additional increase in electricity production from this additional money.

As an organization in this region of CA that holds the ability to make important decisions that affect more fossil fuel output, you must listen to your constituents and make the right decisions for public policies that are urgently needed to stop further emissions of carbon that is destroying the planet.

I urge you to listen to your ratepayers and make the right decision to move away now from further biomass electricity production and credits.

Thank you.

Mary Hurley

[REDACTED] Eureka, CA 95503

[REDACTED]

From: [Paula Morgan](#)
To: [Public Comment](#)
Subject: RCEA
Date: Monday, August 21, 2023 4:11:06 AM

I am writing to request the RCEA to **NOT** buy Renewable Energy Certificates from Humboldt Sawmill Company. That money should go for real Renewable Energy—solar, wind, battery storage, and geothermal.

The biomass plant repeatedly violates the Clean Air and Clean Water Acts, plus it emits more carbon than coal, fanning the flames of climate crisis. Supporting incinerated biomass electricity means less support for real solutions. And Humboldt Sawmill will never develop alternative ways of dealing with its woody waste as long as RCEA keeps supplying it with dollars.

Thank you,

P. Morgan

From: [Ron Sadler](#)
To: [Public Comment](#)
Subject: Don't buy Renewable Energy Certificates from Humboldt Sawmill Company
Date: Monday, August 21, 2023 11:28:27 AM

Please **do not** buy Renewable Energy Certificates from Humboldt Sawmill Company. Burning wood produces a lot of heat, smoke, air pollution, and carbon. One thing it doesn't produce is clean energy.

The biomass plant repeatedly violates the Clean Air and Clean Water Acts, plus it emits more carbon than coal, fanning the flames of climate crisis. Supporting incinerated biomass electricity means less support for real solutions. And Humboldt Sawmill will never develop alternative ways of dealing with its woody waste as long as RCEA keeps supplying it with dollars.

Please, for the sake of your children and mine, **don't buy Renewable Energy Certificates from Humboldt Sawmill Company.**

Sincerely,
Ron Sadler

From: [Sarah Brooks](#)
To: [Public Comment](#)
Subject: Biomass
Date: Monday, August 21, 2023 11:16:43 AM

To RCEA,

This year of extreme heat, fires, and floods is just another sign of the urgency with which we must address the climate crisis! I support RCEA in its efforts to provide us with clean energy in Humboldt County but we must look at ways to improve and recognize that the burning of biomass is not a clean source of energy! Please take this opportunity to be more proactive in holding Humboldt Sawmill accountable for consistent violations of air quality and reduce, rather than increase, the amount they are getting from our support of RCEA!

Thank you,

Sarah Brooks, Redway RCEA customer

Elected AD2 Delegate to the California Democratic Party

From: [Diane Korsower](#)
To: [Public Comment](#)
Subject: Agenda Item 8.2
Date: Monday, August 21, 2023 10:12:10 PM

I am writing as a long-time Humboldt County resident, a mother and grandmother, and as a physician concerned, as you are, about our shared future. I urge you not to purchase Renewable Energy Certificates from Humboldt Sawmill's biomass plant in Scotia. Biomass burning is NOT clean energy, and Humboldt Sawmill repeatedly pollutes our air and water. The plant is inefficient and obsolete, and the health of our community, and of our planet, demand better. To quote your mission statement:

RCEA's mission is to develop and implement sustainable energy initiatives that reduce energy demand, increase energy efficiency, and advance the use of clean, efficient and renewable resources available in the region for the benefit of the member agencies and their constituents.

Humboldt Sawmill's plant is neither clean or efficient, and its function does not benefit its member agencies or their constituents.
Thank you for your consideration.
Diane Korsower M.D.

From: [Cathy ChandlerKlein](#)
To: [Public Comment](#)
Subject: biomass
Date: Monday, August 21, 2023 8:31:54 PM

To RCEA:

Please do NOT buy Renewable Energy Certificates from the Sawmill. Climate catastrophes are increasing in frequency and intensity (think Maui wildfire, So Cal hurricane, killing heat domes). We do not have time to mess around. Please commit to truly clean electricity sources as soon as possible.

Cathy Chandler-Klein, MFT

From: cemone@reninet.com
To: [Public Comment](#)
Subject: public comment on biomass burning
Date: Monday, August 21, 2023 9:49:43 PM

As I contemplate what I might say to attempt to persuade you to discontinue purchasing energy from biomass burning, I am wheezing from all the smoke in the air from fires currently burning. Pay close attention to Wendy Ring's comments. They echo what I would say. Burning things makes smoke with particulate matter which is not good to breathe. One does not even need to be a doctor to know that. Happily, I do not live in Scotia or Rio Dell where my lungs might always feel like they have felt today. Please reconsider!

Carol Mone
Trinidad, CA

From: [Sue Y. Lee](#)
To: [Public Comment](#)
Subject: Agenda Item 8.2
Date: Tuesday, August 22, 2023 2:59:12 AM

Dear Members of the RCEA Board,

We have a moral obligation to protect the health of our planet's life support systems and the health of everyone in our community.

Our household is an RCEA customer, and I strongly oppose RCEA's purchase of Renewable Energy Certificates from Humboldt Sawmill Co because the purchase of biomass energy by RCEA is inconsistent with its stated goal of supporting a clean energy transition.

HSC's biomass plant is on record as emitting about 300,000 metric tons of CO₂e a year. It will take many years of tree regrowth to remove one year's worth of this CO₂ from the atmosphere, and many many more years for the warming oceans, glaciers, and permafrost to cool. We are in the hottest summer in recorded history with over 600 fires burning in Canada, and numerous others in Europe and elsewhere.

Humboldt Sawmill is also a habitual polluter with multiple violations of the Clean Air and Clean Water Acts. They have been cited for over 700 violations including 12 air violations while under contract with RCEA, and at least 37 water violations for polluting the Eel River.

HSC's biomass plant emits close to 300,000 metric tons of CO₂e a year. It will take many years of tree regrowth to remove one year's worth of this CO₂ from the atmosphere, and many many more years for the oceans, glaciers, and permafrost heated in the meantime to cool. Producing biomass energy with carbon emissions that lead to global warming, does not make sense when we are in the midst of the hottest summer in recorded history.

Humboldt Sawmill is a habitual polluter with multiple violations of the Clean Air and Clean Water Acts. The company has committed over 700 violations, including 12 Clean Air violations while under contract with RCEA. In addition there are more than 37 Clean Water violations for polluting the Eel River.

Buying energy or RECs from HSC is a threat to human health and the health of our forests. The argument that if HSC does not burn the mill waste, the waste would be openburned or dumped in landfills does not hold water because both of those actions are illegal. Additionally there is no evidence, or a direct unequivocal statement, from HSC that the plant burns significant amounts of wood thinned from fuel overloaded forests.

The threat to global warming, and the risks to the health of our local citizens and the health of our forests are the reasons I am in strong opposition to RCEA's purchase of REC's from Humboldt Sawmill Co.

Thank you for your consideration,
Sincerely,

Sue Y. Lee Mossman



Arcata, CA 95518

From: [Caephren McKenna](#)
To: [Public Comment](#)
Subject: Humboldt Sawmill Company
Date: Tuesday, August 22, 2023 2:05:38 PM

Please do **NOT** buy Renewable Energy Certificates from Humboldt Sawmill Company. That money should go for real Renewable Energy—solar, wind, battery storage, and geothermal.

From: [sue](#)
To: [Public Comment](#)
Subject: Agenda item 8.2
Date: Tuesday, August 22, 2023 1:11:32 PM

Please don't buy energy credits from the Scotia biomass plant. We need to develop other means of using sawmill waste that doesn't immediately release the carbon, and buying credits from the biomass plant (which regularly violates the clean air act) allows and encourages them to continue polluting our air and releasing carbon into the atmosphere.

thank you

Sue Hilton

 Arcata

From: [Ann Dorsey](#)
To: [Public Comment](#)
Subject: Public Comment for RCEA meeting on Thursday, August 24 at 3:30
Date: Tuesday, August 22, 2023 4:45:50 PM

Redwood Coast Energy Authority,

I urge you to stop buying Renewable Energy Certificates from the Humboldt Sawmill Company. Incinerated biomass electricity produces a lot of heat, smoke, air pollution and carbon. The biomass plant repeatedly violates the Clean Air and Clean Water Acts and it emits more carbon than coal. This is not clean energy.

Instead, that money should go for real Renewable Energy—solar, wind, battery storage and geothermal.

Thank you,

Ann Dorsey

From: [Colin Fiske](#)
To: [Public Comment](#)
Cc: [Arroyo, Natalie](#); [Sarah Schaefer](#)
Subject: Comments on Agenda Items 7.1 and 8.2
Date: Wednesday, August 23, 2023 12:56:02 PM

RCEA Board Members,

Please accept the following comments on agenda items for your 8/24/23 Board meeting. To be clear, I am submitting these comments as an individual, and not as a representative of the Community Advisory Committee.

Item 7.1: (Solar) Net Billing Tariff Implementation

The recent end of net metering (NEM) for rooftop solar by investor-owned utilities (IOUs) in California is resulting in a crash in the rooftop solar industry - or as your staff report puts it, "a major slowdown in sales of new solar projects" - as was widely predicted. The IOUs and the CPUCs offered justifications for ending NEM related to customer equity, but the decision should be seen in the context of a decades-long campaign by IOUs across the country to undermine distributed generation that disrupts their business model.

In contrast, RCEA has specific adopted goals to increase rooftop solar and other distributed generation resources and to provide a NEM program. Yet staff are recommending that RCEA end its NEM program and instead "mirror" PG&E's new rate structure for solar - the exact approach that is killing the statewide rooftop solar industry. This is contrary to our adopted and widely popular goal of supporting local rooftop solar, and I urge you to reconsider. Please retain the existing NEM program.

If RCEA has concerns about the equity implications of its own NEM program, these concerns can and should be addressed without undermining the local rooftop solar industry. For example, RCEA could partner with organizations providing free or reduced-cost solar installations for income-qualified customers and/or provide pathways for multifamily/multimeter community solar projects to benefit renter households.

Item 8.2: Renewable Energy Certificate Purchase from Humboldt Sawmill Company

Please do not purchase Renewable Energy Certificates (RECs) from Humboldt Sawmill Company. This action would be contrary to the purpose of the RECs and undermine RCEA's goals.

The purchase of RECs is part of complying with the state's renewable energy standards, intended to support and subsidize the production of more renewable energy. But the staff report states clearly that HSC's RECs are "associated with energy production already taking place." In other words, HSC has been and would continue to burn this biomass for electricity regardless. Thus, even if you believe that biomass is a legitimate form of renewable energy, these RECs would not serve the intended purpose of incentivizing more renewables. Nor would their purchase support any additional local jobs or economic activity, because it would not result in any operational changes. It would merely fatten the profits of HSC's out-of-town owners.

Furthermore, the staff report argues in support of these RECs that HSC is a "trustworthy and cooperative" business partner. This is a somewhat surprising assertion, given recent revelations that HSC's plant has experienced numerous unreported air quality violations in

recent years, and HSC's recent failure to produce required information about fuel sources and alternate uses for its mill waste, despite an MOU with RCEA requiring it do so.

If RCEA must purchase unbundled RECs, they should be associated with clean renewables that actually need the support, not with HSC.

Thank you.

Colin Fiske

From: [Jerry Martien](#)
To: [Public Comment](#)
Cc: [jerry.martien; 350Humboldt@gmail.com](#)
Subject: Do Not Buy Humboldt Sawmill Biomass Energy
Date: Wednesday, August 23, 2023 2:07:47 PM

Dear RCEA Board of Directors:

Sorry I can't attend your 24 August Meeting in person. Please accept this online comment re your proposal to continue and expand the purchase of electric power from Humboldt Sawmill.

I have opposed this false solution to your over-promise of renewable energy since its inception. I feel like you have made your customers hostage to the blatantly untruthful claim that burning trees to generate electricity is ecologically sound, scientifically true, or even morally justifiable.

You are forcing your customers to swallow a lie that is not only distasteful, but places you on the same low level as PG&E when it was promising clean and safe atomic power. It degrades not only your image but the entire promise of sustainable energy and the green movement.

"Look what desperate lies those environmentalists will tell to make themselves look good and stay profitable."

Ashamed to be doing business with you,

Jerry Martien



Eureka, CA 95503

From: [Judith Rieger](#)
To: [Public Comment](#)
Subject: Humboldt Sawmill's biomass
Date: Wednesday, August 23, 2023 9:48:15 AM

Please do not allow the purchase of renewable energy certificates from Humboldt Sawmill's biomass plant. Many very knowledgeable people have explained why this is a bad idea. As an RCEA customer, I also see it as a bad idea, and would question dealing with RCEA in the future.

Judith Rieger
Retired educator

From: [Lee Dedini](#)
To: [Public Comment](#)
Subject: Agenda Item 8.2
Date: Wednesday, August 23, 2023 9:41:51 AM

Dear RCEA Board,
For Agenda item 8.2-

I strongly oppose the purchase of Renewable Energy Certificates from the Humboldt Sawmill biomass plant. HSC's biomass plant emits close to 300,000 metric tons of CO₂e a year. The planet cannot remove CO₂ fast enough and we already have the hottest summer in recorded history.

Humboldt Sawmill continues to pollute with multiple violations of the Clean Air and Water Acts. These are not the actions of a company that cares about the community. EPA modeling estimates current health costs from HSC's particulates at \$3-7 million a year.

RCEA should not enter into new contracts or expand existing contracts with HSC.

On Thursday afternoon, make the decision to stop buying Renewable Energy Certificates (REC 's) from the biomass plant in Scotia which emits more carbon than coal.

Thank you for your understanding,
Lee Dedini, retired Engineering Technician
Bayside

From: [Lynda McDevitt](#)
To: [Public Comment](#)
Subject: Agenda Item 8.2
Date: Wednesday, August 23, 2023 2:05:03 PM

To RCEA Board Members

I oppose the purchase of Renewable Energy Credits from the Scotia Biomass Plant. Although the energy produced is renewable it is not at all clean. The use of biomass is polluting and produces massive amount of CO2. Humanity has a very limited time before climate change creates even more unthinkable crises than the world is already experiencing.

The funds should be spent on creating a clean way for the Scotia lumber mill to transition in dealing with its use of waste.

Sincerely,

Lynda McDevitt, Trinidad

TO: PublicComment@redwoodenergy.org

FROM: Leslie Zondervan-Droz

DATE: 23 August 23, 2023

SUBJECT: Agenda Item 8.2

As a longtime subscriber to RCEA's services I object to the purchase of Renewable Energy Certificates from Humboldt Sawmill's biomass plant. Burning biomass is not a clean way to produce energy especially when done by a regular polluter like Humboldt Sawmill.

Humboldt Sawmill is a habitual polluter with multiple violations of the Clean Air and Clean Water Acts. It has not told the truth about its hundreds of violations to get the contract.

We need the best possible choice for our plant now, not the better of two evils. My sole income is Social Security and, if I am willing to pay a bit more for the best choice, then RCEA should also.

Sincerely,

Leslie Zondervan-Droz

A solid black rectangular box used to redact the signature of Leslie Zondervan-Droz.

From: [Rebecca Stauffer](#)
To: [Public Comment](#)
Subject: Meeting 8-24-23 3:30 pm Agenda Item 8.2
Date: Wednesday, August 23, 2023 7:07:17 AM

Re: Agenda item 8.2

To the Board of RCEA,

I strongly oppose the purchase of Renewable Energy Certificates from the Humboldt Sawmill biomass plant, which currently emits close to 300,000 metric tons of CO2 per year. We know that the planet cannot remove CO2 fast enough and we are already emitting far more carbon than is liveable for humans and other creatures.

Humboldt Sawmill continues to pollute with multiple violations of the Clean Air and Water Acts which are not the actions of a company that cares about the community. EPA modeling estimates current health costs from HSC's particulates at \$3-7 million a year.

I implore RCEA to no longer enter into new contracts with HSC.

On Thursday afternoon, please make the decision to stop buying Renewable Energy Certificates from the biomass plant in Scotia which emits more carbon than coal.

We look to RCEA to be a steward of clean energy on the north coast and hope that you will make the decision that is healthy for people and planet.

Thank you,

Rebecca Stauffer

[REDACTED]

Out beyond ideas of wrongdoing and rightdoing,
there is a field. I'll meet you there.

When the soul lies down in that grass,
the world is too full to talk about.
Ideas, language, even the phrase 'each other'
doesn't make any sense. - Rumi

From: [Caroline Griffith](#)
To: [Public Comment](#)
Subject: comment on agenda item 8.2
Date: Thursday, August 24, 2023 10:32:53 AM

RCEA Board of Directors,

On behalf of the Northcoast Environmental Center, I urge you to vote against staff recommendations and not purchase Renewable Energy Certificates (RECs) from Humboldt Sawmill Company (HSC). This purchase is being justified by the need for compliance, however purchasing RECs associated with energy that is already being produced (by a company with a track record of air quality violations) runs counter to the purpose of RECs, which is to support and subsidize the production of *more* renewable energy. It also undermines RCEA's goal of supporting clean renewable energy.

The staff report states, "RECs offered by HSC are a newly available compliance resource associated with energy production already taking place, so procuring them will not result in any new pollutant or greenhouse gas emissions." Likewise, this purchase will not result in any new energy being produced and is equivalent to ratepayer subsidization of dirty power produced for the benefit of HSC's operations. If credits must be purchased, we urge you to purchase credits associated with clean renewables and to find sources that align with RCEA's and the community's values of clean air and reduced emissions.

Thank you,

--

Caroline Griffith (she/they)
Executive Director and EcoNews Editor

The Northcoast Environmental Center sits in Goudi'ni, part of the unceded ancestral land of the Wiyot peoples. We strive to follow the example of the Indigenous peoples of the north coast who continue to steward this land as they have done since time immemorial. We pledge to listen to, learn from, respect, and include the voices of Indigenous peoples in our work advocating for the wellbeing of this land and the people who call it home. Join us in acknowledging and respecting the sovereignty of the Wiyot Tribe by participating in the [Wiyot Honor Tax](#), or supporting the tribe upon whose land you reside.

Northcoast Environmental Center

PO Box 4259

Arcata, CA 95518



www.yournec.org

director@yournec.org

August 24, 2023

RE: Agenda Item 8.2: Purchase of Renewable Energy Certificates

Dear RCEA Board Members,

As a RCEA ratepayer for the cleanest greenest option offered, I vehemently **oppose** the purchase of Renewable Energy Certificates (RECs) from Humboldt Sawmill Company's (HSC) biomass plant.

Electricity electrons don't differentiate; they come from the most momentarily available source regardless of what I pay for. Biomass burning is dirtier than burning coal. HSC's biomass plant emits almost 300,000 metric tons of carbon dioxide per year, as well as other toxic pollutants and 2.5 micron particulates which are a major health hazard. HSC's biomass plant emissions are a significant proportion of our county's annual GHG emissions.

Thanks to Dr. Wendy Ring's research, we have evidence of HSC's many violations of the Clean Air and Clean Water acts, including water violations for polluting the Eel River. HSC's continuous violations show us the company puts profit over the health and safety of our community. In addition to NOT purchasing RECs from HSC, I strongly urge RCEA to NOT enter into new contracts or expand existing contracts for biomass energy, and investigate and implement the option of canceling the existing contract with HSC that applies into 2031. I prefer to have my ratepayer dollars go toward solar, wind, energy storage, geothermal, and wave energy conversion instead of welfare for the wealthy owners of HSC.

The HSC Scotia plant has ample area for utility scale rooftop and above ground solar, energy storage and microgrid installation to provide energy to run the mill and dry the wood plus act as backup energy for the towns of Scotia and Rio Dell. I urge you to investigate options to subsidize HSC to get them to move in this direction.

Thank you for having the courage to stand up to private for-profit corporations in order to serve the ratepayers in our County.

Diane Ryerson

 Arcata, CA 95521

From: [Michael Winkler](#)
To: [Public Comment](#)
Subject: Agenda Item 8.2 - Biomass Electricity Contract
Date: Thursday, August 24, 2023 11:41:02 AM

RCEA Board Members

I strongly support continuing the electricity purchase contracts with the Scotia biomass power plant.

I have studied this issue for more than 35 years and my conclusions are that biomass electricity production can play a pivotal role complementing the variability of solar and wind. Currently, biomass electricity operates as steady baseload power. In the future, advanced biomass generation will be able to offset the variability of solar and wind in real time, minute to minute.

Biomass electricity, both long-term and short-term, is not a net greenhouse gas source. In fact, for more than 50 years, the number and volume of trees in U.S. forests has been increasing so that these forests, collectively, are a net absorber rather than a net emitter of greenhouse gases.

Rather than look at net greenhouse gas emissions from biomass consumption by looking at each individual tree, as does Dr. Wendy Ring, a more valid greenhouse gas perspective is to look at the current balance between the volume of trees being cut and volume of new tree growth. This balance shows that local and U.S. forests, overall, and biomass waste specifically as both current and long-term net greenhouse absorbers rather than emitters.

One of the most important uses of wood, new home construction, typically sequesters carbon for more than 100 years. Selling electricity generated by timber industry waste is the highest and best economically viable use for this waste and contributes to the economic health of this still-important local industry.

When RCEA started its community choice energy program a number of years ago, a critical reason why it had strong, wide-spread community support was that it balanced the perspectives of a wide range of community members. These perspectives included those who primarily supported solar and wind and those who primarily supported the timber industry. Canceling or refusing to continue contracts with the biomass plant would unfairly prioritize the interests and values of one part of the community over the other.

In my more than 25 years as a renewable energy professional, a former member and Chair of the RCEA Board and a former city council member and Mayor of Arcata, I have always supported a wide variety of sustainable renewable energy sources, including solar, wind and biomass electricity.

I have no personal or professional connection to the timber industry.

I ask you to continue and extend the biomass electricity contract as part of a balanced renewable energy portfolio and to support economic development in our community.

Michael Winkler

[REDACTED]

Arcata

[REDACTED]

Current Professional Positions (for identification only)

Energy Analyst and Partner, Redwood Energy

Chair, City of Arcata Energy Committee

From: [Walter Paniak](#)
To: [Public Comment](#)
Subject: Item 8.2
Date: Thursday, August 24, 2023 10:28:19 AM

HSC and unbundled credits

I do not support purchasing unbundled RECs from HSC. IF these were purchased, RCEA rate payers would be paying a portion of HSC behind the meter cost. Those costs should be allocated to the price of lumber and not shifted to rate payers to provide additional income to a billion dollar plus privately held company.

Behind the meter RECs from HSC reward inefficiency; that is, the more power that they use the more unbundled credits that they can justify. The EPA defines the ability to monetize RECs but only when the power goes to the grid. CPUC rules are apparently more liberal.

My rhetorical question rhetorical questions:

Where have these RECs been applied in the past?

Has paying more than the market price for local power caused us to be in the situation where reserves are at risk in 2024?

Who is responsible for the REC arbitrage challenge where rate payers could pay more to a privately held company for power used by that same company for its own private benefit?

Can HSC gift RCEA these unbundled RECSs just to be a good neighbor?

Finally, the Federal Energy Information Agency Report 923 shows all power plant data by date and by energy source. HSC plant ID is 50049. HSC cogenerates with Diesel oil when needed.

In 2022 HSC reported that 5901 barrels or 247,842 gallons of diesel were used for power.

January to May 2023 HSC reported 1160 barrels or 48,720 gallons of diesel fuel used. Are these quantities of fossil fuel reported and priced adjusted and exempt from RECs?

This is likely the coolest summer for the next millennium unless we do our utmost to save our youth from catastrophe.

Walt Paniak
Arcata resident

From: [Caroline Isaacs](#)
To: [Public Comment](#)
Subject: No biomass
Date: Thursday, August 24, 2023 12:17:44 PM

I understand you are meeting today to discuss a biomass contract, and would like to register my objection to furthering this highly polluting/carbon emitting source of electricity. The money should be going into increasing the amount of solar and wind energy households can generate for themselves and others.

Thank you,
Caroline Isaacs

From: [Emelia Berol](#)
To: [Public Comment](#)
Subject: RCEA AND HUMBOLDT BIOMASS PLANT
Date: Thursday, August 24, 2023 3:46:41 PM

TO THE RCEA BOARD:

As a longtime resident of Humboldt County, and one who pays clean energy dollars every month to RCEA on my electricity bill, I would like to say that I find it disappointing that RCEA is considering buying RECs from Humboldt Biomass. Considering their socially irresponsible record of violations and broken commitments regarding Clean Air and Clean Water violations, I do not find them to be the sort of clean energy source that I am willing to support.

Biomass seems like a good idea in our area because of the availability of materials, but on closer examination, the negative side, the carbon impacts and particulate matter emissions, and the associated violations, have caused other biomass plants to be shut down in our area, ie the plant in Blue Lake. Childhood asthma is just one of the side effects that are concerning. Investing in RECs in a plant that has the potential to be shut down due to violations seems like a risky path.

Please find cleaner energy sources to invest my dollars in.

Thank you,

Emelia Berol

[REDACTED]

McKinleyville, CA

[REDACTED]

From: [Patty Harvey](#)
To: [Public Comment](#)
Subject: REC purchase from Scotia biomass
Date: Thursday, August 24, 2023 3:41:17 PM

Please buy no renewable energy certificates from the Scotia Biomass plant. They emit more carbon than burning coal, plus their repeated violations of air and pollution laws shows they are willing to produce very dirty energy!

Sent from my iPhone

From: [Ellen E. Taylor](#)
To: [Public Comment](#)
Subject: Fw: North Coast Woody Feedstock Aggregation Pilot Project Request for Proposal
Date: Tuesday, August 29, 2023 11:05:16 AM

Dear Redwood Coast Energy Directors,

I am forwarding this appeal from NCRP for projects to aggregate feedstock from the forests of Humboldt County. It looks like an effort to involve Humboldt County into a fullscale woody biomass for energy project for jobs, profit, etc

...which is bad news for climate.

Yours

Ellen Taylor

----- Forwarded Message -----

From: Michael Evenson <evenson@lcc.org>
To: Ellen [REDACTED]; Gary Hughes [REDACTED]
Sent: Monday, July 3, 2023, 8:32:49 PM PDT
Subject: Fwd: North Coast Woody Feedstock Aggregation Pilot Project Request for Proposal

Begin forwarded message:

From: North Coast Resource Partnership <kgaffney@northcoastresourcepartnership.org>
Subject: North Coast Woody Feedstock Aggregation Pilot Project Request for Proposal
Date: July 3, 2023 at 8:29:32 AM PDT
To: [REDACTED]
Reply-To: North Coast Resource Partnership <kgaffney@northcoastresourcepartnership.org>

[View this email in your browser](#)

WOODY FEEDSTOCK AGGREGATION PILOT PROJECT



PROPOSALS DUE AUGUST 15, 2023!

REQUEST FOR PROPOSAL WEBPAGE

Request for Proposals

[More Information](#)

The North Coast Resource Partnership (NCRP) and the Watershed Research and Training Center (WRTC) are partnering on a multi-faceted initiative to increase the collection, aggregation, and utilization of the woody biomass produced from hazardous fuel management projects across the North Coast Region. The [North Coast Forest Biomass Strategy](#) will help drive community and landscape-scale fire hazard reduction, watershed health, and resilience. This phase of the Strategy, the Woody Feedstock Aggregation Pilot Project, is funded by the Governor's Office of Planning and Research.

The NCRP and the WRTC are pleased to announce a request for proposals from project sponsors and partnerships to develop a preliminary business plan that includes foundational elements of a successful organizational model for feedstock aggregation. Up to three pilot partnerships will be selected, representing Tribal lands or Tribal communities, counties, and/or sub-regions within the North Coast Region.

ELIGIBLE APPLICANTS

Eligible applicants include Federally and/or California State recognized Tribes, public agencies, counties, local or state agencies/special districts, Resource Conservation Districts, non-profit organizations, and public utilities.

AMOUNT OF ASSISTANCE

Pilot project sponsors can apply for up to \$60,000 in grant funds.

DELIVERY OF PROPOSALS & DEADLINES

Proposals are due August 15, 2023. To apply, please submit a proposal via the [NCRP Project Tracker](#).

PROPOSAL MATERIALS

- [Woody Feedstock Aggregation Pilot Project Request for Proposal](#)
- [NCRP Project Tracker Proposal Instructions](#)

- [Project Application Supplemental Information](#)

PROPOSAL OR PROJECT TRACKER SUPPORT

- For assistance with proposal development, contact Clarke Stevenson at clarke@thewatershedcenter.com
- For assistance with uploading a proposal to Project Tracker, contact Rose Roberts at rroberts@northcoastresourcepartnership.org



Copyright © 2023. North Coast Resource Partnership. All rights reserved.

Want to change how you receive these emails?
You can [update your preferences](#) or [unsubscribe from this list](#).

From: [Ellen E Taylor](#)
To: [Public Comment](#)
Subject: pub lic comment
Date: Tuesday, August 29, 2023 11:10:39 AM
Attachments: [LetterEIRwoodpelletsGSNR6262023-1.docx](#)
[tsbiomasseditedM82023.docx](#)

Dear RCEA Directors,

I'm sending these two items which I mentioned at the RCEA meeting earlier this month. One is the Times-Standard MyWord article which appeared on Wednesday August 23rd regarding woody biomass. The other is a comment letter I wrote to Golden State Natural Resources, a corporation which is developing the giant pellet mills in the Sierra foothills. The letter was solicited by GSRS to help them design the EIR application.

Yours

Ellen Taylor

Golden State Finance Authority
Attn: GSNR Scoping Comment
1215 K Street, Suite 1650
Sacramento, CA 95814

Dear GSNR Environmental Impact Report Experts and Evaluators,,

The Lost Coast League is an organization which originated in the 1970's in order to defend the King Range from logging. It expanded its interests over the decades to address other challenges to the Public Trust Values of California.

We are concerned about the proposed plan of Golden State Natural Resources to build pellet manufacturing plants in Tuolumne and Lassen Counties and to ship their product through a coastal city to other countries for sale.

As you may know, wood pellet factories are materializing all over the world, and feed stock, from brushwood in Africa to conifers and hardwoods in the Baltic states and tropical rainforests in South America are being decimated to capitalize on the pellet market. Cutting down trees is cheap and easy compared with other energy forms classified as renewable, and help nations reach their targets.

World history records ominous consequences to this pattern of human behavior. Civilizations and empires, from Africa, Mesopotamia, to Greece, Rome, Europe, and to the conquest of the western hemisphere, have fallen, or been conquered, after the exhaustion of their forest resources, whether it be for building, smelting metal or war. The decline of its forests have caused the fall of every empire in history. John Perlin in his famous book "A Forest Journey" has documented the decline, and resultant impoverishment.

In the modern era with multinational corporations and intertwined economic systems, the planet's different empires are indistinguishable from the viewpoint of resource extraction. However, organizations such as Biofuelwatch, are beginning to recognize the danger, and are reaching large swathes of earth's population, terrified into giving up their forests by threats of fires and prospects of cold winters, and they are raising protests.

Although the EU still recognizes forest biomass as "renewable", the IPCC does not. Wood pellets are beginning to lose their advantage in the Nationally Determined Contributions to GG reduction pledged by various countries.

No wonder Humboldt County Supervisor Rex Bohn urged haste in approval of the GSNR projects remarking “in fifteen years they will catch on to us and we won’t be able to burn wood pellets anymore”.

We are therefore writing to address the Notice of Preparation of an Environmental Impact Report regarding this project, which will be produced in the coming months.

In a recent seminar introducing the project to the public, CEO Greg Norton described GSNR’s Mission as enhancing forest resiliency.

In your EIR, we would be grateful if you would supply a definition of forest resiliency. Do you mean resiliency to fire?

In “Ecological Applications an Oregon State University publications, a definitive study reported that “ daily fire weather was the most important predictor of fire severity, followed by stand age and ownership, followed by topographical features. Estimates of pre-forest-fire biomass were not an important predictor of fire severity.”

Another study stated that “intense forest management increased fire severity in a multi-ownership landscape.” As the Sierra Nevada Ecosystem Project reported, together with the US Forest Service, “timber harvest through its effects on forest structure local microclimate and fuel accumulation, has increased fire intensity more than any other recent human activity”.

Although The GSNR project does not purport to produce timber, it is a logging project. It is end-stage logging which, together with products like fiberboards and glued products, characterize end-stage logging. And, just like old-fashioned logging which occurred when there were abundant trees, end-stage logging increases fire risk.

Please describe in your EIR why the removal of trees, snags, branches, And other forest materials which are not destined for a lumber mill will not increase fire danger in the same way that logging does. How much will it reduce moisture, and dry out the forest, increase fire-spreading wind velocity, and heat up the forest floor?

As you may know trees produce at least 40% of the world’s rainfall.(Fred Pearce, WeatherMakers, Science 268, no. 6497 (June 18th 2020: 1306)

How much will the GSNR project reduce rainfall in the forests it uses for feedstock? How much will roads, thinning and harvest activity, increase temperature and create wind corridors?

Will the more fire- resistant trees, such as hardwoods, be part of the feedstock? If not, how will the project affect their ability to provide food for surviving wildlife?

The GSNR mission statement states that the project will increase biodiversity. Please provide details in regard to this benefit. The feed stock which was described included “unmarketable” timber. Does this include down logs, snags, and branches, material normally considered to be wildlife habitat?

In the principal wood pellet production region in our country, the south east, the industry now uses 50% trunks and whole logs for pellet production. Do you anticipate having to do the same?

Please describe the anticipated effect of the removal of this carboniferous biomass on the fertility and sequestered carbon content of the underlying soil.

Is greenhouse gas production of this project included in your calculation of total pollution effect, including dust at the factory sites, in transportation and at the export facilities?

Please define what you mean by renewable energy. How do you calculate the rate of sequestration renewal of a tree which has been harvested, by a seedling? Is the new tree as dense as the harvested one? Is it as old?

Does the EU continue to regard woody biomass from forests as renewable energy and therefore not calculate the total tonnage of greenhouse gases produced in European carbon footprints? If so, does this mean that the carbon footprint of the burning of these wood pellets is never calculated at all?

Given the immediacy of our climate crises, with the yearly steep increase in world temperatures and CO₂ ppm, how do you justify the categorization of these forest products as renewable, given that it takes years for woody biomass to be replaced?

What percentage of the landbase for feedstock used at the the factory sites is in public lands? Is GSNR receiving any government or agency subsidies for the project? Would the project be economically feasible without these subsidies?

Does GSNR have a plan for the dissolution of their economic venture if wood pellet production ceases to be profitable, or the negative consequences of “raking the forest” as our previous President described it, affect policy?

Some analysts state that removing feed stock from forests more than 30 miles distant is uneconomical. How are you justifying the collection of feed stock from more distant areas, Especially if the project is being subsidized by the public?

Earlier this month GSNR conducted a zoom in order to assess public opinion of this project. It was uniformly negative. How much weight will the EIR give to this negative public opinion?

Do you think, regarding the segment of the population which did not attend the zoom, that, if they were properly informed concerning the cumulative effects of the project, instead of being goaded in their fear of catastrophic fire by the timber lobby, that they would agree with the zoom participants?

As you may know in terms of EROI (energy return on investment) biomass is far less efficient than coal, and well as being dirtier. Pellets require far more energy input per unit of electricity produced than an equivalent mass of coal (wood pellets are now being used in municipal and industrial generators). They produce 2-3 x more CO₂. Also unlike other sources of energy classified as renewable, burning wood pellets causes the destruction of the world's most powerful carbon sequesterer, trees. They capture about 29% of the greenhouse gases produced by humans each year. Setting aside your economic interests, do you believe it would be beneficial to generations yet to come if the wood pellet industry were to be abandoned, and the future cease to be regarded as a "distant colonial outpost where we dump environmental degradation, nuclear waste, public debt and technological risk," as expressed by the public philosopher Roman Krznarik in his book "The Good Ancestor"?

Wood pellet processing plants have a history of starting fires. There were fires in the Roseburg and the Reed wood pellet plants, and explosion occurred in multiple other facilities.

What caused these fires and explosions/ As California continues to become drier and hotter, is causing a fire a concern? What measures is GSNR taking to make sure it does not cause fires?

One organization commenting on the GSNR project at the recent zoom stated that asthma rates have skyrocketed among the residents of cities and communities producing wood pellets.

Everybody has asthma. The statistics for lung diseases in pellet areas are also high, as reported. Please describe GSNR's plan for exacerbating health problems in the areas of enterprise.


The Lost Coast League is based in Humboldt County California, and many of its projects are developed here. In that context, we observed that one of our County Supervisors, Rex Bohn, sits on the Board of Golden State Financial Authority, the organization which will review the EIR.

Is Humboldt County involved in any way, with the current or projected activities of GSNR?

In view of the above concerns, and others not described, we would like to discourage you from going ahead with this wood pellet project. Although GSNR's aspirations to forest resilience, biodiversity enhancement, fire reduction and forest and human health are admirable, work toward these ends cannot be governed by a commercial objective. It is too distracting and too powerful a driver.

Thank you for the opportunity to comment on this project. Lost Coast League looks forward to receiving the EIR in the coming weeks.

Very Truly Yours

Ellen Taylor,
Lost Coast League Chairperson

Petrolia California 95558

Recently, AI (Artificial Intelligence), with its access to the entire web library, was asked to make a short film creating a probable encounter between humans and the first aliens to cross the universe to visit. In the resulting plot, as humans prepare to receive them, the US and Russia go to war over which will be the first to greet the aliens. Missiles fly. The aliens, disgusted, turn on their heel and depart, with the remark that Earth is not ready for cosmic engagement, they'll try again in a few thousand years when a new civilization appears.

(<https://www.youtube.com/watch?v=6dtSghYhcrs>)

Clearly AI was not hopeful about our chances of avoiding suicide by war. And, if its alien visitors had waited a minute longer, their conclusions would have been reconfirmed. Global ecocide too is on target to take us out and, to the aliens, we would be looking even less fit for an introduction to the advanced civilizations of the universe.

What is wrong with humans? AI has not yet answered that question. But the advancing climate catastrophe has freaked out scientists. At the world's largest scientific gathering, the American Geophysical Union, last December, the cry was "Out of the lab and Into the streets!" Frustrated scientists proposed a strike, claiming that the science-society contract is broken, and they were simply "throwing indisputable facts and studies into the bottomless pit of public inertia and apathy." They proposed declaring

"We therefore call for a halt to further IPCC [International Panel on Climate Change] assessments. We call for a moratorium on climate change research until governments are willing to fulfill their responsibilities in good faith and urgently mobilize coordinated action from local to global levels".

Governments pay no attention. The Biden administration continues to block the lawsuit (Juliana vs. US) of another terrified contingent, children, whose future is being destroyed, with the assertion that there is "no Constitutional guarantee to a stable climate system".

The relentless removal of the planet's forests is one of the issues which keep scientists up at night. As the author John Perlin ("A Forest Journey") demonstrated, "the scientific world now sees the entire tree: leaves, trunk, roots and the understory-as a mighty geochemical agent, that has drastically changed the landscape and the atmosphere for the betterment of all living things." These tree systems made the planet livable. Forest fixation of carbon made the atmosphere breathable. Tree roots controlled erosion and created soils, which not only fed animal life, but sequestered an additional 25% of our CO₂ production. Trees generate 40% of the planet's rainfall. (<https://www.science.org/doi/full/10.1126/science.368.6497.1302>)

Timber companies employ fear of fire to frighten people into giving up their trees. Now, armed with that argument, plus the attraction of a cheap subsidized alternative to meet their carbon-neutrality commitments, governments are engaging the biomass industry to assault the world's forests.

It is incomprehensibly self-destructive behaviors like this which so appall our putative alien visitors, not to mention the scientific community. Unique among “clean energy” alternatives forest biomass combustion actually increases global warming, since it shrinks its own generator. Biomass is not “renewable” in a realistic timeframe. It takes many years for a sapling to sequester the carbon required for machinery to chop down a mature tree. As fuel, biomass releases 1 ½ times more greenhouse gas than coal per unit energy, and many times greater particulate pollution.

Removing biomass doesn't decrease fire danger. In “Ecological Applications”, an Oregon State University publication, a definitive study reported that “daily fire weather is the most important predictor of fire severity followed by....topography. Estimates of pre-forest-fire biomass were not an important predictor of fire severity.”

On the other hand, trees slow deadly wind speeds, cool the ground, and retain moisture. In catastrophic fires, the role of litter is negligible.

The woody-biomass industry is driven by profit. This turns the hunt for “feedstock” into another extractive industry, and once the infrastructure in place, demand will become unstoppable.

It is end-stage logging.

Addressing fire danger has nothing to do with profit. As an existential risk for our communities, fire danger must be seriously addressed by science, with attention to successful techniques developed long ago by first nations. As [Bill Moomaw](#) of Yale University suggests: “The most effective thing that we can do is to allow trees that are already planted, that are already growing, to continue growing to reach their full ecological potential, to store carbon, and develop a forest that has its full complement of environmental services. Cutting trees to burn them is not a way to get there.”