

Public Comment

2. Non-Agenda Item Public Comment

From: [Ken Miller](#)
To: [Lori Taketa](#)
Subject: Could Rooftop Solar Really Provide Enough Electricity For The Entire World?
Date: Saturday, August 5, 2023 7:38:02 PM

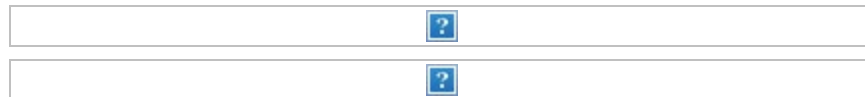
Dear Ms Taketa, Please share with RCEA Board and CAC

<https://www.forbes.com/sites/davidrvetter/2021/10/11/could-rooftop-solar-really-provide-enough-electricity-for-the-entire-world/?sh=56edd57b22ee>

Could Rooftop Solar Really Provide Enough Electricity For The Entire World?

[David Vetter](#) Oct 11, 2021,

Climate research, renewables and circularity



Luminant workers install solar panels on the roof of a home in San Francisco, California.
Getty Images

With countries racing to end their reliance on the fossil fuels that cause climate change, it's a boom time for renewable energy. Now, an international team of researchers has determined that if every available rooftop was equipped with solar panels, they could generate enough electricity to power the world.

At least, in theory.

In their assessment published in *Nature Communications*, a team led by energy researchers at University College Cork in Ireland calculated a figure for the total surface area of all the rooftops in the world: some 0.2 million square kilometres—an area almost the size of the U.K. The authors then worked out that, if all the surface area

was covered with solar photovoltaic panels, they could generate a total of 27 petawatt hours of electricity per year—more than [the combined electricity consumption of the world in 2018](#).

That's a lot of power. But the authors, led by Siddarth Joshi, a PhD student at University College Cork in Ireland, aren't necessarily recommending that every rooftop on Earth must be festooned with panels. For one thing, the physical and logistical obstacles to such an operation would likely be insurmountable, and for another, the authors show that, from region to region, the costs of solar vary hugely. Just as crucially, electricity consumption could almost double in decades to come, [according to McKinsey](#), dwarfing the total power consumption seen today.

But what the report does do is show how rooftop solar can best be deployed to help nations rapidly—and relatively cheaply—decarbonize and decentralize their power grids, as Siddarth Joshi himself explained.

“Rooftop solar has two unique attributes that set it apart from other forms of renewable energy generation: fast deployment, and decentralised citizen-driven uptake. These attributes lend it specific advantages over other renewable generation technologies,” Joshi told me. Rooftop solar therefore “brings significant advantages in terms of broad participation of society in the energy transition to a low carbon future, due to the use of residential and public buildings as the locations where the technology will be deployed.”

He went on: “The assessment can aid intergovernmental agencies, governments, development banks and energy agencies in a) understanding where the rooftop hotspots are and b) how to prioritise investment in these hotspots within the distributed potential of each country.”

[MORE FROM FORBES From Climate Villains To Heroes? How The Rich Can Weaponize Their Influence To Fight Global Warming](#) By David Vetter

Joshi and his colleagues show that the cost of rooftop solar varies from \$40 to \$280 per megawatt hour (MWh), depending on the region. (These can be compared to sample global levelized electricity prices calculated by [Lazard](#), which suggest a cost of \$36 per MWh for utility-level solar, \$40 for onshore wind, \$112 for coal, and \$164 for nuclear power in 2020.)

Vitaly, the authors reveal that the lowest costs for rooftop solar can be attained in densely populated regions in China and India—the world’s two most populous nations, which face huge challenges in simultaneously cutting carbon emissions while providing increasingly more energy for their people. At a price of \$66 per MWh in India and \$68 per MWh in China, rooftop solar in these countries is cost competitive.

“Our assessment shows that India and China have a sizable potential for RTSPV [rooftop solar photovoltaics], along with lowest cost to deployment of these technologies. Adding in the component of manufacturing and low cost labour, India and China can truly reap the benefits of RTSPV in first displacing their current fossil fuelled generation mix and second by introducing additional generation capacity that is less carbon intensive,” Joshi said.

In addition, rooftop solar has the advantage of both reducing local air pollution—where it replaces conventional fossil fuel-based energy generation—and reducing transmission network loads by decentralizing electricity supply. And, unlike almost any other form of energy generation, it can do all that without impacting the land and ecosystems, as it is installed exclusively on existing buildings.

Nevertheless, to achieve the full potential of rooftop solar, certain

necessary conditions would have to be met. Crucially, given that solar power by definition can only generate power during the day, the deployment of storage in the form of batteries and smart grids that can coordinate supply and demand will be critical.

Rooftop solar, Joshi concludes, is therefore “not a one-size fits-all solution, but rather a sizable alternative low carbon generation source to displace fossil fuel derived energy sources from their power systems.”

[MORE FROM FORBES](#)[How The West's Climate Campaign Against Meat Could Harm Millions In Developing World](#) By David Vetter

The findings emerge in the context of what can only be described as the dawn of a golden age for renewable energy. According to the International Renewable Energy Agency (IRENA), between 2010 and 2020 the costs of generating electricity from utility-level solar fell a precipitous 85%. [As reported in this column](#), some researchers believe the falling costs of renewables could push fossil fuels out of electricity generation altogether by 2035.

That’s just as well. Under the [net-zero emissions scenario](#) developed by the International Energy Agency (IEA), which the agency says is the pathway the world needs to take to limit global temperature rise to 1.5 degrees Celsius, wind and solar power will need to provide at least 70% of total electricity generation by mid-century. Right now, the IEA says, 25 million rooftops around the world already have solar PV installed. To get to net zero emissions, “the number increases to 100 million rooftops by 2030 and 240 million by 2050.”

This ought to be feasible. So far, 80 nations have ratified the [International Solar Alliance](#) (ISA) framework agreement, which aims to coordinate efforts between “solar-resource-rich countries” to increase the deployment of solar energy technologies “in a safe,

convenient, affordable, equitable and sustainable manner.” ISA says its member nations are aiming to mobilize \$1 trillion in investments by 2030 in order to achieve this.

But it remains to be seen whether rich nations will hold up their end of the bargain: next month, all eyes will be on Glasgow for the COP26 climate summit, to see whether the richest countries will finally make good on [their promise to deliver \\$100 billion every year](#) in climate finance to support developing countries.

The rooftop solar assessment report can be read [here](#).

...

Ken Miller



Mckinleyville, Ca 95519

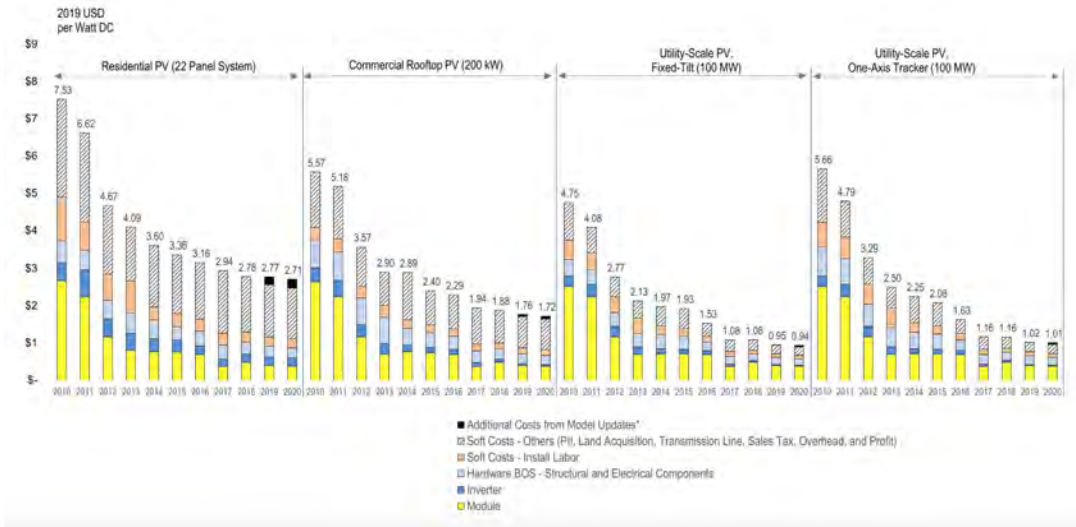


2. Non-Agenda Item Public Comment

From: [Jesse Noell](#)
To: [Lori Taketa](#)
Subject: Cost of residential rooftop solar v. offshore wind
Date: Sunday, August 6, 2023 11:43:54 AM
Attachments: [Screen Shot 2023-08-06 at 11.25.21 AM.png](#)
[Screen Shot 2023-08-06 at 11.11.10 AM.png](#)

Dear Lori Taketa,
Please share with the RCEA Board and CAC

Per watt cost of residential rooftop PV continues to decline:



While floating offshore wind is projected to remain uncompetitive until beyond 2030:

- Automate production and fabrication of the floating substructures
- Access higher wind speeds through remote siting that are enough to offset the higher O&M and installation costs associated with greater distances to shore and harsher meteorological conditions.

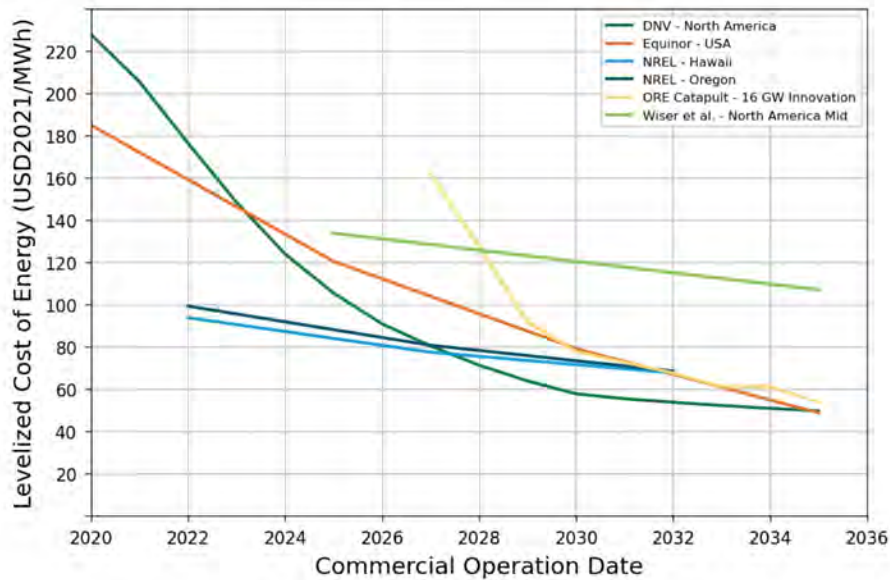


Figure 44. U.S. LCOE estimates for floating offshore wind technologies.

Sources: ORE Catapult (2021); Shields, Duffy, et al. 2021 (Hawaii), Musial, Duffy, et al. 2021 (Oregon); Wiser et al. (2021); Equinor (2021); DNV (2021)

Both solar and wind require battery backup.

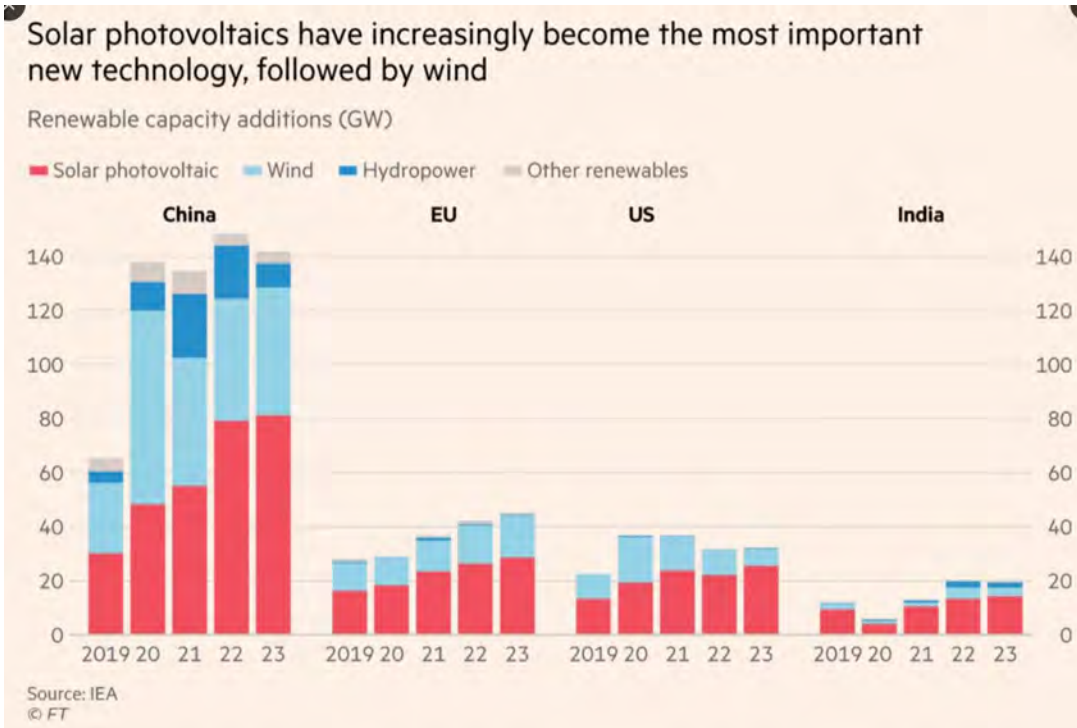
Solar rooftop can be achieved now, and provides local employment.

Why is RCEA pursuing offshore wind? Please provide your analysis of the advantage to ratepayers.

Sincerely,
Jesse Noell

2. Non-Agenda Item Public Comment

From: [Jesse Noell](#)
To: [Lori Taketa](#)
Subject: IEA on solar
Date: Sunday, August 6, 2023 10:42:41 AM
Attachments: [Screen Shot 2023-08-06 at 10.38.37 AM.png](#)



2. Non-Agenda Item Public Comment

From: [Wendy Ring](#)
To: [Lori Taketa](#)
Subject: comment
Date: Thursday, September 7, 2023 2:14:03 PM
Attachments: [RCEA HSC Slide Deck 9-5-23 verymini.pdf](#)

Thanks Lori, I found something similar in Open Office that I never knew about before. It took a couple of shrinkings, but I got it done.

Could you please also add this comment?

Dear CAC members,

I have been working on issues regarding health and power plant emissions at the local, state, and federal levels for many years. While I have an MD and Masters Degree in Public Health, the learning curve to be able to engage on these issues is steep because they are not part of the regular medical or public health curriculum. Understanding all the regulations governing biomass plants, investigating how they have (or have not) been enforced locally, following HSC's pollutant emissions and environmental violations, and gauging their public health impacts is a process that has taken me many years, and I'm no dummy. Our public health officer has many other demands on her time and, while she is no dummy either, I don't think she will be able to provide you with as comprehensive a picture of the situation or answers to all the questions I've heard you ask, as well as I can.

I have offered on numerous occasions to present this information to the CAC and the RCEA board, but RCEA staff will not allow it. I have attached a slide deck for the presentation you would have heard if your chair and staff liaison had complied with your request to do so, and have also included the plant's many Notices of Violation, beginning with the ones they lied about to get the RCEA contract and continuing through the present date. These were obtained via a laborious process of formally requesting and reviewing 6 years of public records. According to North Coast Unified Air Quality Management District Director Brian Wilson, more Notices of Violation are coming. There are already enough to allow RCEA to legally terminate its contract with HSC, which could be done as soon as other sources of energy become available to backfill the hole left by that dirty energy. This is what our coalition of 17 organizations wants to happen and we would all like the opportunity to explain why this is the best course of action for our climate and our community. But first you need to see the evidence.

A slide show without any verbal explanation is inadequate for this complex subject but it at least lets you see what you are missing. I hope that you will find a way to get me on the agenda so I can have the time to fully present this information and answer all your questions. If not, I am happy to meet with you one at a time. Please make sure you have all the facts before you make any decisions about biomass.

Wendy Ring MD, MPH

*Stories of climate action from the bottom up
with [Cool Solutions Podcast](#)*

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

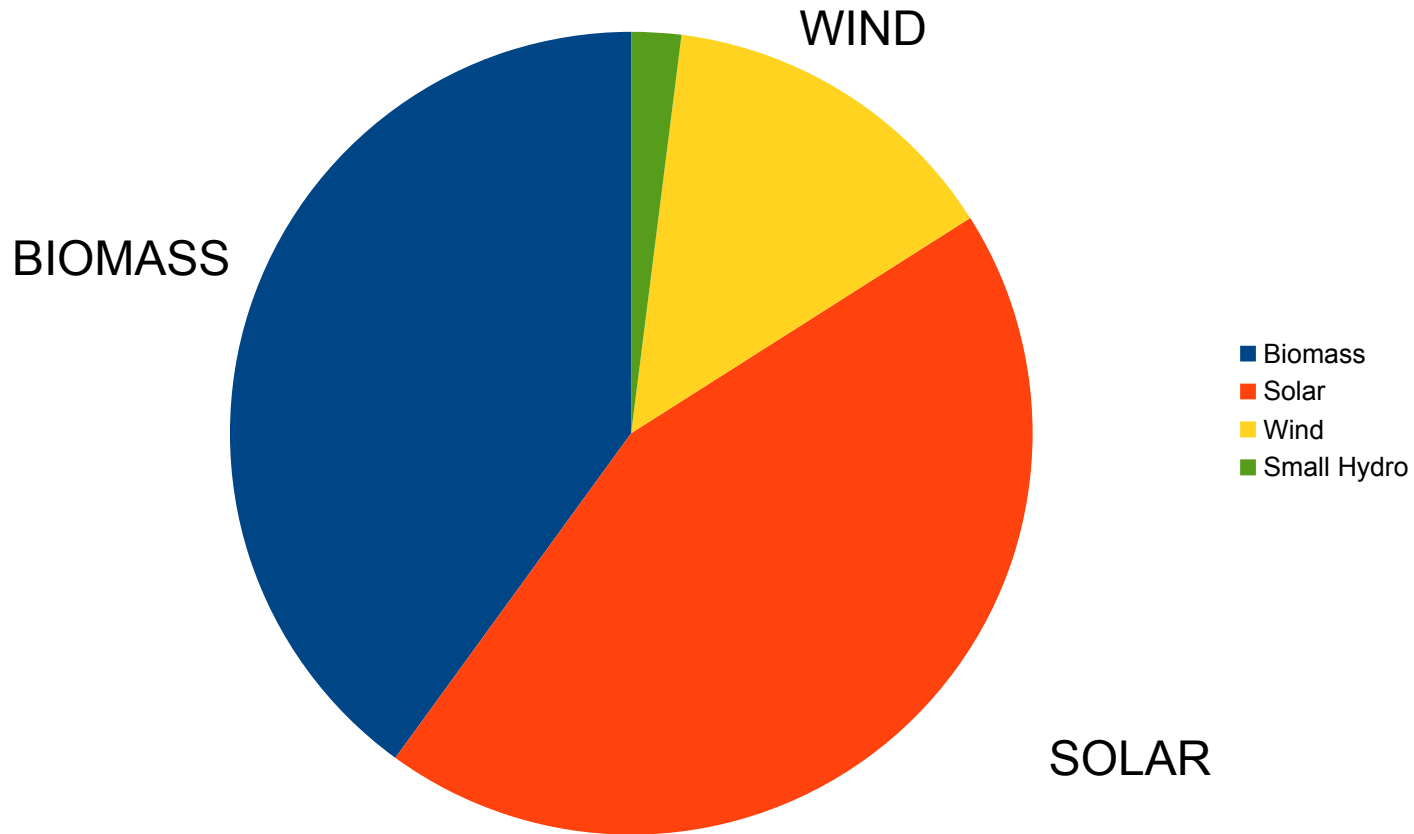
Humboldt Progressive Democrats

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

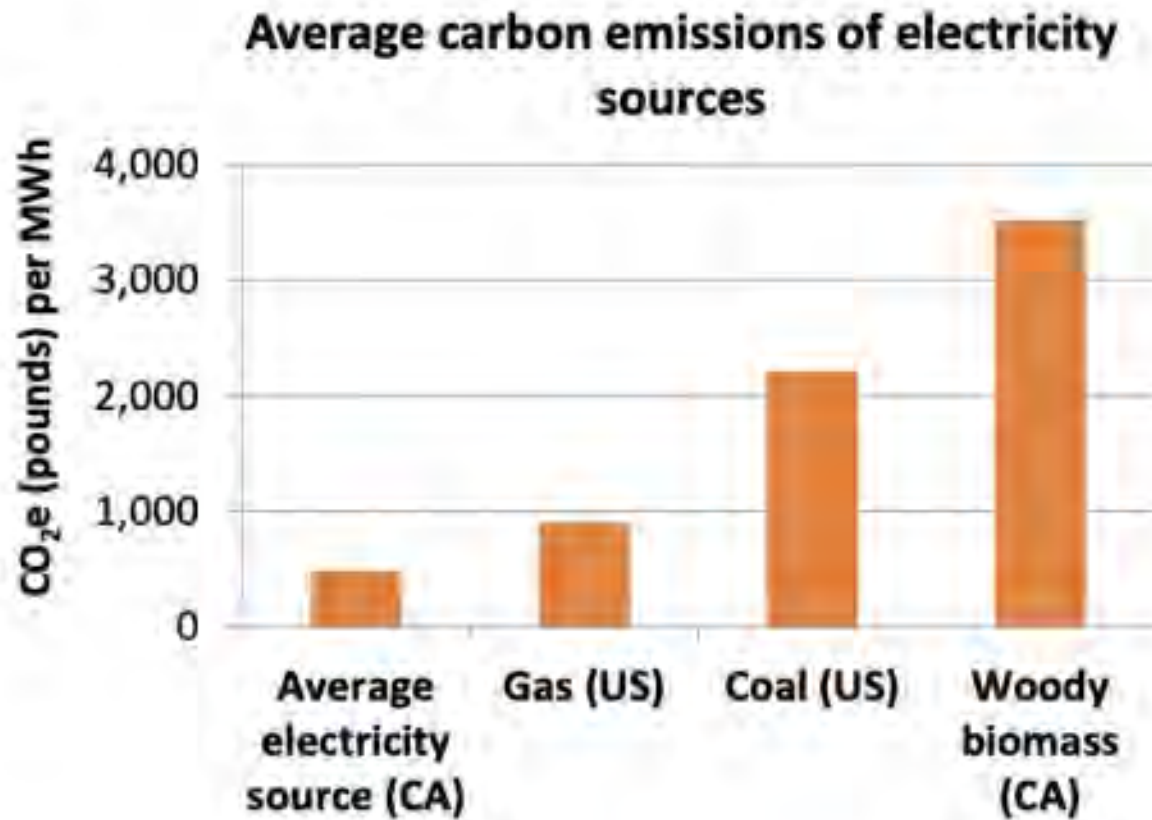


Why our
electricity should
not come from
incinerating mill
waste:

Not cool.
Not clean.
Not just.
Not necessary.



NOT COOL



from CPUC 2018

Biomass plants lose efficiency with age. Energy becomes more carbon intense.

HSC plant is 37 years old

Useful life of biomass CHP
plant is 20-30 years. NREL

Starting efficiency of 80's
vintage biomass plant
efficiency was 24% NREL

Between 2001 and 2021
HSC's efficiency decreased
53% CNRA



Plant must now burn 53% more wood
and produce 53% more pollution
to produce a 1 kilowatt of electricity

Scotia Biomass

2.27 MT CO₂e/MWh

**Nearly 300,000 metric tons of
CO₂e/year**

**equivalent to 75% of CO₂e from
Humboldt's passenger
vehicles**

PGE + max upstream

0.77 MT CO₂e/MWh

Wheelabrator Biomass in Anderson

1.71 MT CO₂e/MWh

***Even trucking waste from Scotia to burn in
Anderson would have lower emissions.***

HSC biomass emits >800 tons of CO₂ every day



which warm the planet for decades before being reabsorbed.

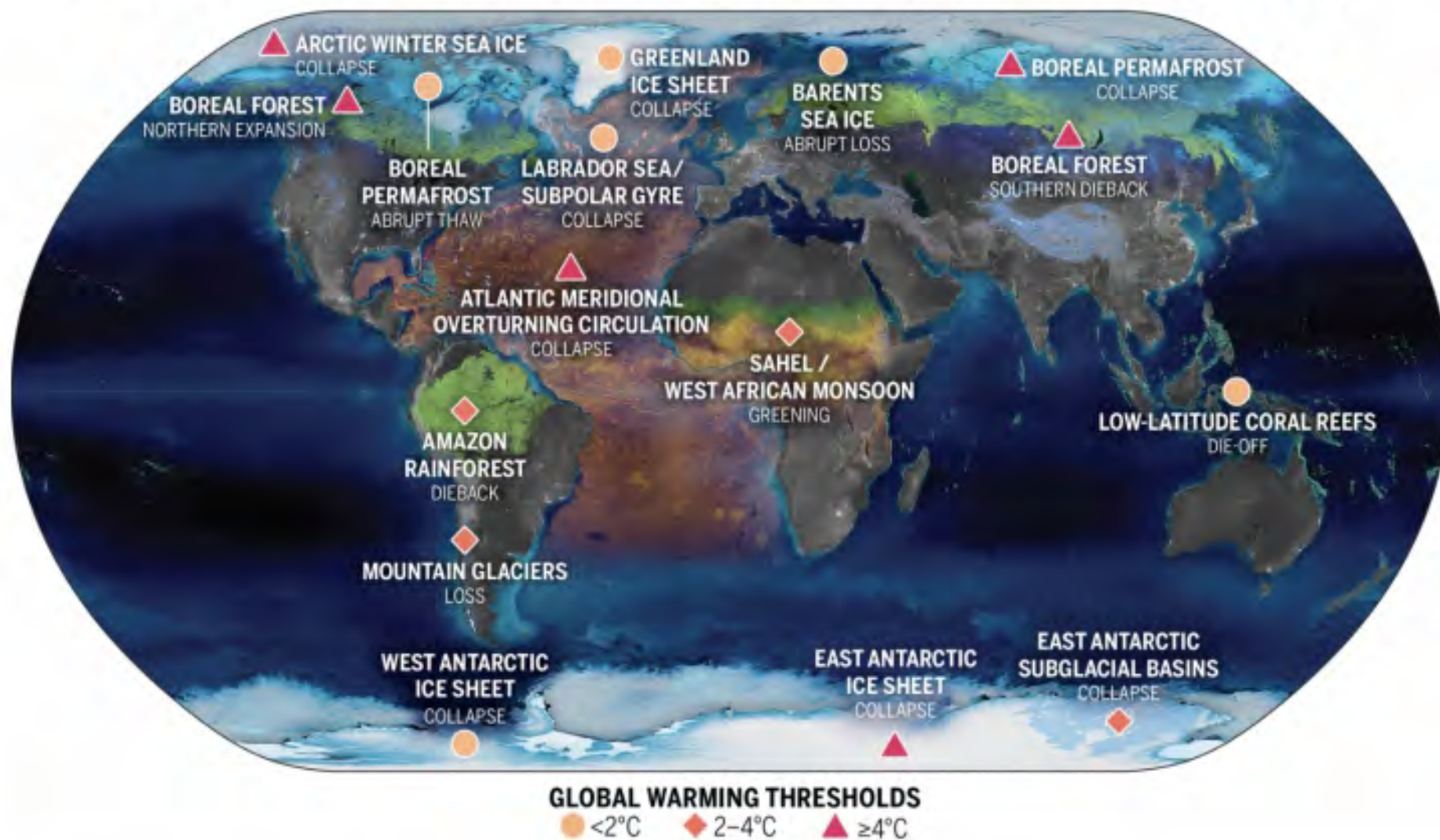
Climate Emergency Now



July 2023 Hottest month in recorded history
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 is allowed to emit 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 |
| <i>(proxy for air toxics)</i> | | | |

HSC Annual Tons Criteria Pollutants When Compliant with EPA

| | |
|-----------------|-----|
| 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 PUBLIC HEALTH ASSOCIATION

For a healthier world, for a better life.



Asthma and Allergy
Foundation of America

NACCHO

National Association of County & City Health Officials



> 80 Air Toxics from Biomass

Benzene

Cancer

Formaldehyde

Asthma

Acrolein

Reproductive problems

Dioxin

Developmental
problems

Polycyclic aromatic
hydrocarbons (PAH)

Endocrine disruption

Arsenic

Immune system
damage

EPA, AP-42 1.6 Wood Residue
Combustion in Boilers

Liver & Kidney damage

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 of Scotia's 2021 particulates:

\$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



WHO ENFORCES?

North Coast Unified Air Quality Management District

Issue permits

Monitor emissions

Ensure compliance with state and federal regulations

Issue Notices of Violation & negotiate settlements

HOW EMISSIONS LIMITS ARE ENFORCED

Stack test – Direct measurement

Every 1-3 years (depending on prior results)



Continuous Emissions Monitoring Systems



Most important for protecting community

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

Monitors only protect when results are:

**Reported Promptly
Measured Accurately
Interpreted Correctly**

REPORTING 1 YEAR LATE

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 Contract claims “good standing under the Laws”

12 months of withheld monitoring reports Nov 2015-Nov 2016 delivered in 2017 with 700+ violations

BOILER A

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.

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:

INACCURATE AND MISINTERPRETED

6 year record review NCUAQMD 2017-2022

EPA-required periodic testing of opacity monitors not done

Up to 20% opacity allowed when EPA limit was 10%

Consequence: September 2022 Stack Test



POLLUTION CONTROL EQUIPMENT FAILURE PM EMISSIONS OVER 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 |

Duration possibly as long as 2 years

MORE VIOLATIONS 2017-2023

**>100 violations of Clean Air Act
(some of these NOVs are issued, others imminent per air district)**



Eel River

37+ violations of Clean Water Act

CA Toxic Hot Spot Program

Health Based 4 Step Program

1. Toxic Emissions Inventory
2. Prioritization Score
3. Assess Health Risk to Community
- 4a. High Risk: Inform/Reduce
- 4b. Medium Risk: Repeat every 4 years

PLANT IS OVER DISTRICT'S HIGH PRIORITY THRESHOLD

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

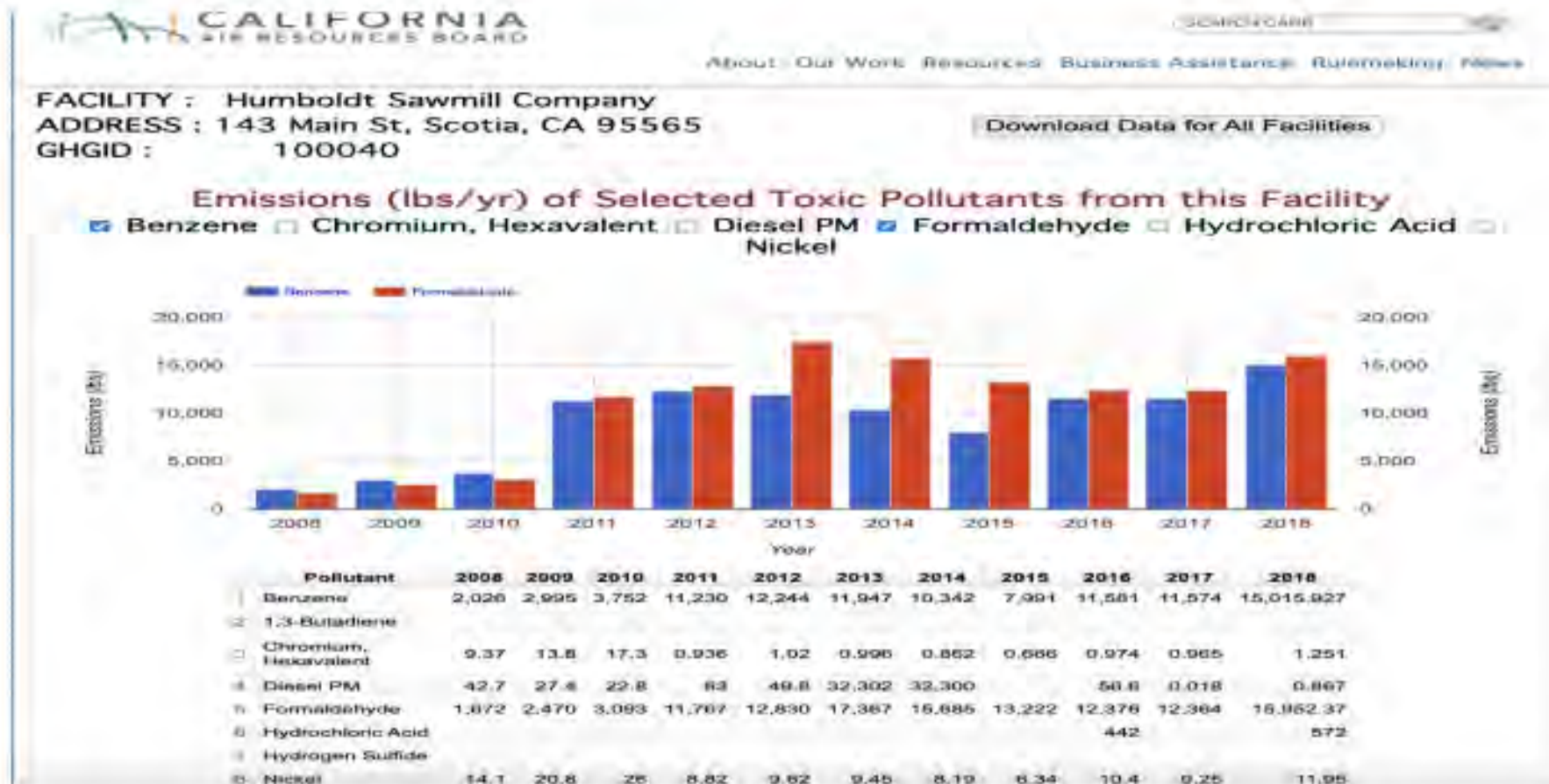
Signature of Applicant: _____ **Date:** 06 / 15 / 2023

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

STUCK AT STEP 2 FOR 20 YEARS



After 8 months still waiting for Inventory Plan

Time from Inventory Plan to reduced risk: 7-8 years

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

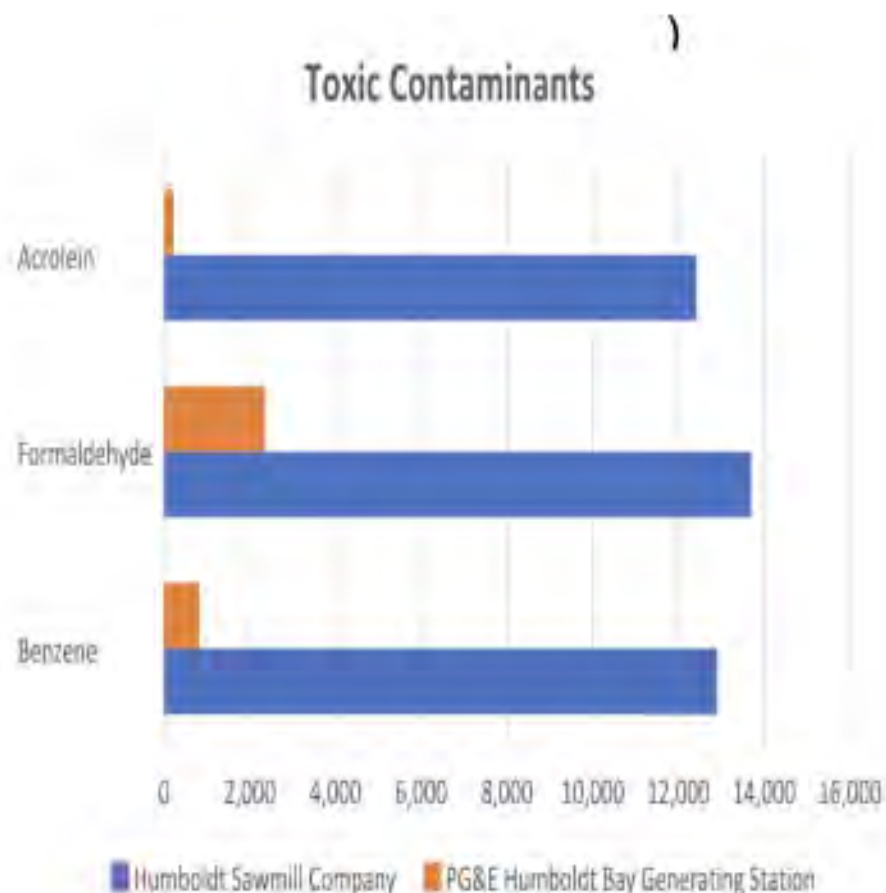
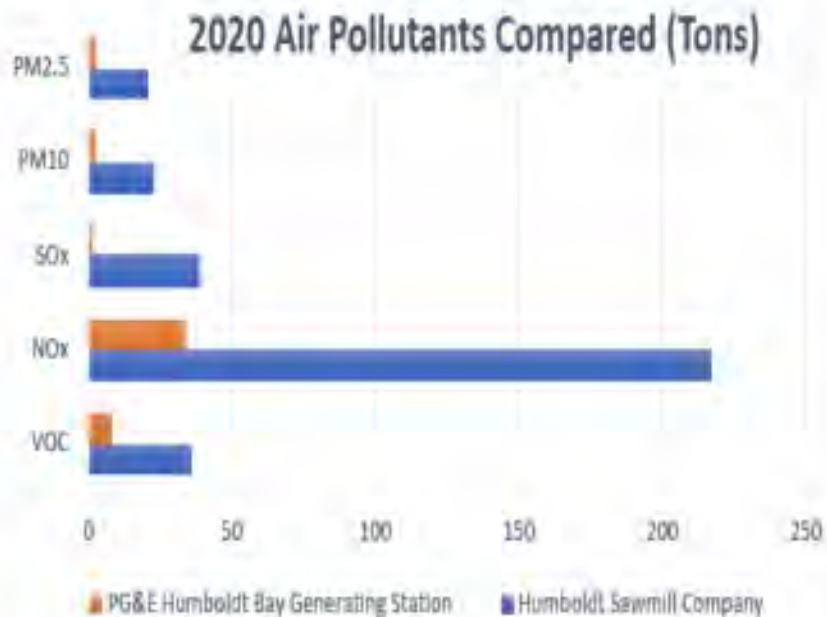
Compared to PGE gas plant, biomass produces

1/3 the electricity,

3x the CO2

& this much more pollution (B)

RED=PGE
BLUE=HSC



BEST: COMPOSTING

NET CARBON NEGATIVE, PROVEN AT SCALE, LOW COST

Sequesters 4 tons CO₂e per acre per year

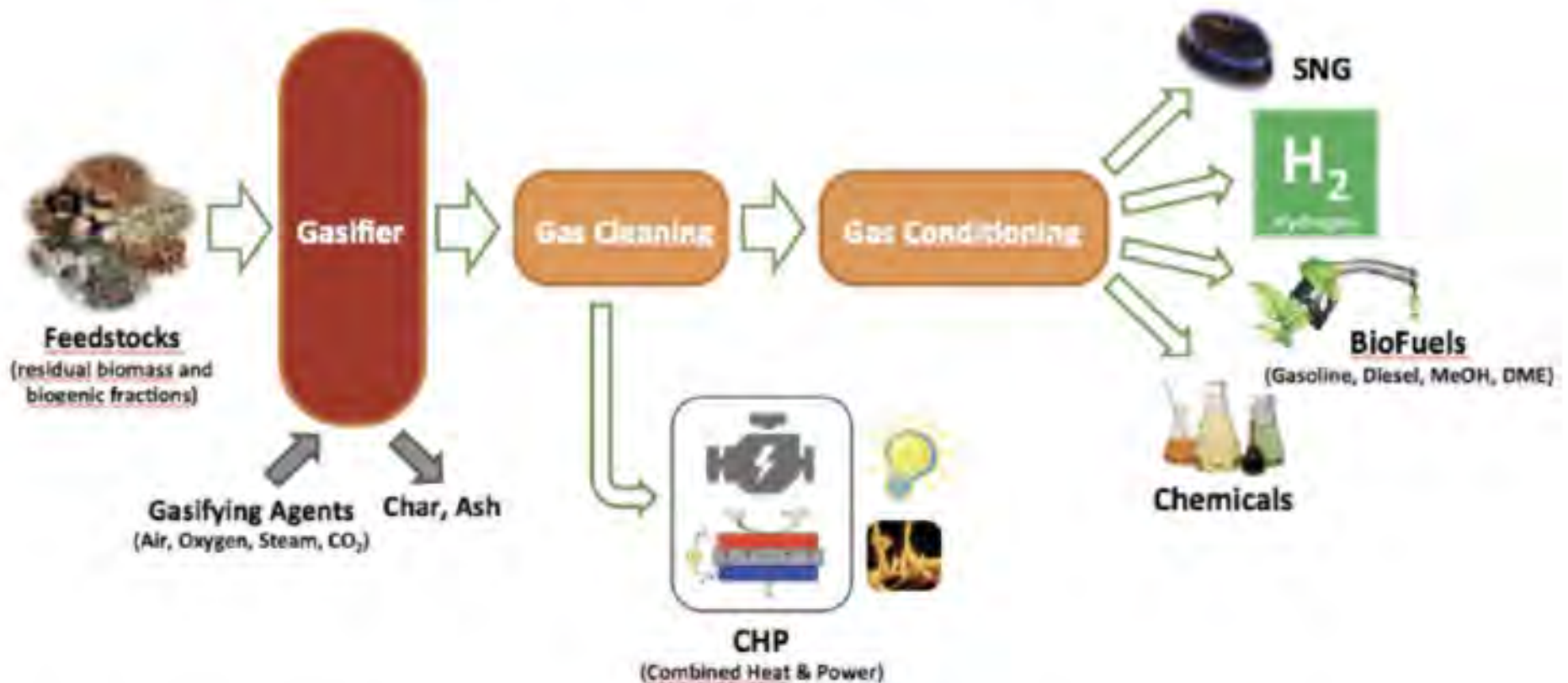
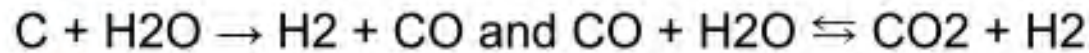
Increased resilience to drought and erosion



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

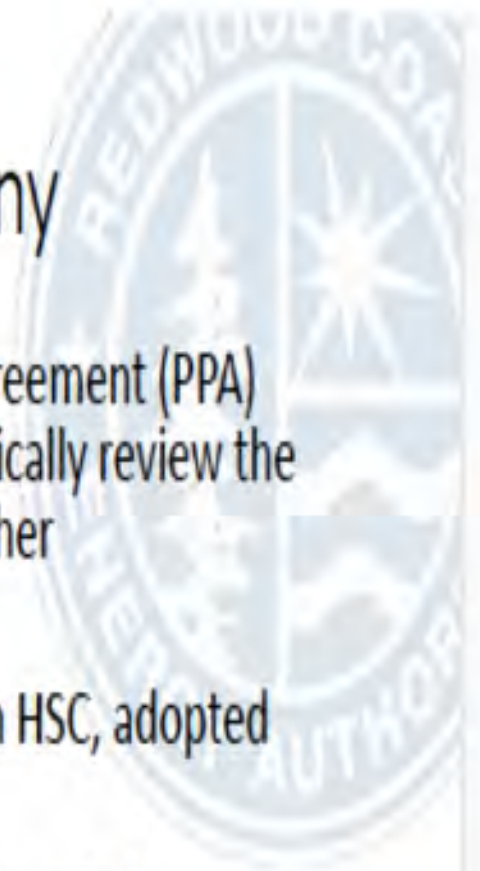
Petrochemical substitutes

OTHER USES

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

MOU with Humboldt Sawmill Company

- When authorizing extension of RCEA's power purchase agreement (PPA) with HSC in April 2021, the Board directed staff to "periodically review the contract...assessing current alternate biomass uses and other environmental considerations."
- To implement this guidance, staff negotiated an MOU with HSC, adopted by Board in September 2021
- MOU calls for HSC to provide operational data on feedstock, plant performance, and emissions
- Also calls for annual meeting to discuss terms of PPA and continued viability of biomass power relative to other feedstock uses



HSC Violates MOU

Publicly funded report on alternatives for HSC's mill waste is "proprietary".

Section 2: Accepted Amounts of Material Types at the Facility and the Sources

2a: Accepted Material Types (List all materials accepted at the facility, the tons, and the source info) - PRC 44107(b)(2)

Select whether the tons accepted are bone dry or wet and one of four source categories the material came from either urban, agriculture, mill residue, or in-forestry.

| Type of Material Accepted | Tons Accepted | Tons Type | Source Category (Select one) | | | | |
|---|---------------|---|------------------------------|-------|-------------|--------------|-------------|
| Sawmill residuals | [REDACTED] | <input checked="" type="radio"/> Bone Dry <input type="radio"/> Wet | 1 | Urban | Agriculture | Mill Residue | In-Forestry |
| Forest residuals (Log chipping operation) | [REDACTED] | <input checked="" type="radio"/> Bone Dry <input type="radio"/> Wet | 2 | Urban | Agriculture | Mill Residue | In-Forestry |
| Forest residuals | [REDACTED] | <input checked="" type="radio"/> Bone Dry <input type="radio"/> Wet | 3 | Urban | Agriculture | Mill Residue | In-Forestry |
| Forest residuals (line/tree clearing) | [REDACTED] | <input checked="" type="radio"/> Bone Dry <input type="radio"/> Wet | 4 | Urban | Agriculture | Mill Residue | In-Forestry |
| Ag processing (almond shells) | [REDACTED] | <input checked="" type="radio"/> Bone Dry <input type="radio"/> Wet | 5 | Urban | Agriculture | Mill Residue | In-Forestry |
| Green waste | [REDACTED] | <input checked="" type="radio"/> Bone Dry <input type="radio"/> Wet | 6 | Urban | Agriculture | Mill Residue | In-Forestry |
| | | <input type="radio"/> Bone Dry <input type="radio"/> Wet | 7 | Urban | Agriculture | Mill Residue | In-Forestry |
| | | <input type="radio"/> Bone Dry <input type="radio"/> Wet | 8 | Urban | Agriculture | Mill Residue | In-Forestry |
| Total Tons Accepted | 207,785 | | | | | | |

Completely redacted annual report obtained from Cal Recycle

Percentage of fuel that is mill waste is "trade secret"

FACTS, not fear.

The Scotia plant is fueled almost entirely by mill waste, not thinned forest residue.

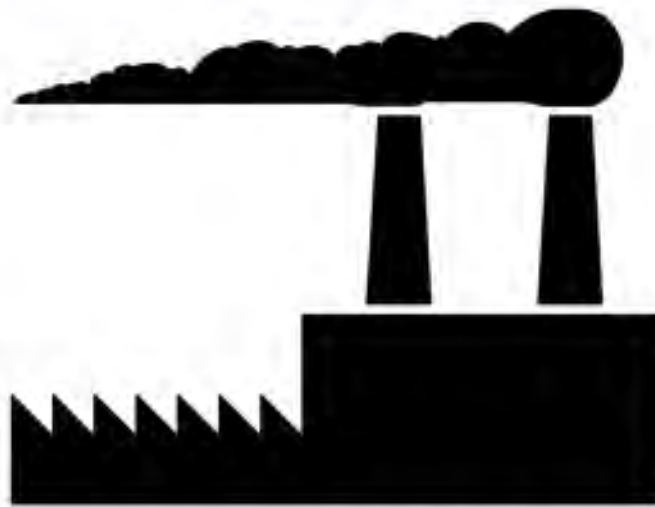
Source: Matthew Marshall, RCEA Director August 2023

Open burning and landfilling of mill waste are illegal.

Sources: AB 1826, CA Health & Safety Code 41800

Redwood Coast Energy Authority

In 2019 promised 100% clean by 2025



Extended biomass contract till 2031

Violations allow RCEA to terminate contract early
& get back on track for clean energy

Let's keep our renewable energy clean



Terminate the biomass contract



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

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

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

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 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 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.



NOTICE of VIOLATION

No. 13229

Violation Date: 6-21-18 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 FLYASH S.I.D. LEAKING
EXCESSIVE FUGITIVE DUST FROM TOP BLAST
DOOR

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 Moon 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.



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):

- | | |
|---|---|
| <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: Royd 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 7 120 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.



NOTICE of VIOLATION

No. 13231

Violation Date: 6-27-18 Time: 11:02 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 Miller Badge No.: 103 Time: 1:30 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

**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. 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% |
|--------------------|-------------|------------------------------|------------------------------|
| April 2016 | 04/13/16 | 4 | 4 |
| | 04/18/16 | - | 2 |
| | 04/21/16 | 9 | 4 |
| | 04/27/16 | 3 | - |
| May 2016 | 05/01/16 | 15 | - |
| | 05/02/16 | 1 | - |
| | 05/04/16 | 2 | - |
| | 05/17/16 | - | 15 |
| July 2016 | 07/07/16 | 15 | 9 |
| August 2016 | 08/01/16 | - | 4 |
| | 08/04/16 | - | 8 |
| | 08/14/16 | 35 | 13 |
| | 08/18/16 | 7 | - |

| | | | |
|-----------------------|----------|----|-----|
| | 08/19/16 | 3 | - |
| | 08/20/16 | 13 | 2 |
| | 08/21/16 | 9 | 7 |
| | 08/23/16 | - | 8 |
| September 2016 | 09/01/16 | 1 | 1 |
| | 09/21/16 | - | 4 |
| October 2016 | 10/05/16 | 1 | - |
| | 10/12/16 | 1 | 1 |
| | 10/13/16 | 8 | 20 |
| | 10/14/16 | 3 | 120 |
| | 10/15/16 | 38 | 11 |
| | 10/17/16 | 1 | 3 |
| | 10/18/16 | 4 | 1 |
| | 10/26/16 | - | 1 |
| November 2016 | 11/08/16 | 1 | - |
| | 11/09/16 | 3 | - |
| | 11/29/16 | 2 | - |
| December 2016 | 12/03/16 | 1 | - |
| | 12/15/16 | 6 | 3 |
| | 12/18/16 | 3 | 6 |
| | 12/19/16 | 1 | 1 |
| | 12/20/16 | 5 | 2 |
| | 12/29/16 | 2 | - |

APPLICABLE PERMIT CONDITIONS AND DISTRICT REGULATION

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 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: 2/15/17

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# 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.

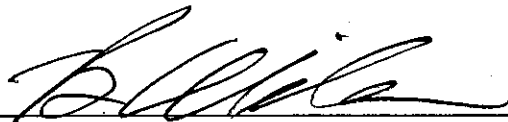
VIOLATION RESOLUTION

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: _____



Date: _____

4/3/17

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



NOTICE of VIOLATION

No. 13265

Violation Date: 12/25/2020 Time: 24 Hr. AVE. NOV Issue Date: 3/9/2021

Notice Issued To: HUMBOLDT SAWMILL COMPANY Title: owner

Notice Delivered To: HUMBOLDT SAWMILL COMPANY Title: owner

Violation Location:

Mailing Address: (If different)

Street: 153 MAIN ST.

Street: P.O. BOX 38

City: SCOTIA

City: SCOTIA

State: CA. Zip Code: 95565

State: CA. Zip Code: 95565

(707) Telephone: 764-4418 Driver's License # _____

Permit # NCU 06-12
NS-076

Description of Violation: BOILER C EXCEEDED TIER 3 CARBON MONOXIDE
24 Hr. AVE. LIMITS, VIOLATION OF PTO NCU 060-12,
PERMIT NUMBER NS-076, III EMISSIONS LIMITATIONS,
B. CARBON MONOXIDE.

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? BOILER C EXCEEDED TIER 3 CARBON MONOXIDE LIMITS.

Issuing Officer: RLOYD YUEN Badge No.: 103 Time: 12:00 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 03/19/21) 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. 13269

Violation Date: 6/28/2021 Time: 10:11 A.M. NOV Issue Date: 6-29-2021

Notice Issued To: HUMBOLDT SAWMILL COMPANY Title: OWNER

Notice Delivered To: HUMBOLDT SAWMILL COMPANY Title: OWNER

Violation Location:

Mailing Address: (If different)

Street: S. MAIN ST.

Street: P.O. BOX 38

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 PERMIT # 000937-2

Description of Violation: EXCESSIVE FUGITIVE DUST BEING EMITTED FROM WESTERN SIDE SHAVINGS / STORAGE BIN & WESTERN SIDE CONVEYOR. VIOLATION OF PTO NCU 060-12, PERMIT # 000937-2, OPERATIONAL CONDITIONS (7)(b), AND GENERAL PROVISIONS (L) PROHIBITIONS (3).

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? OBSERVED EQUIPMENT LEAKING FUGITIVE DUST.

Issuing Officer: Lloyd Yum Badge No.: 103 Time: 12:33 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 07 109 2021) 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 |

| | | |
|---|-----|--|
| <i>Maximum Penalty Allowed Under California Health & Safety Code:</i> | | \$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:

- a). HSC has not had a similar violation in the past year.
- b). All stated leaks were sealed by HSC's maintenance department by July 10, 2021
- c). The leaking conveyor system is slated to be replaced by a new unit.
- d). 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 that reads "Lloyd Green". The signature is written in a cursive, slightly slanted style.

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.*



NOTICE of VIOLATION

No. 13268

4/27/2021
4/28/2021

Violation Date: 5/31/2021 Time: _____ NOV Issue Date: 6/23/2021

Notice Issued To: HUMBOLDT SAWMILL COMPANY Title: owner

Notice Delivered To: HUMBOLDT SAWMILL COMPANY Title: owner

Violation Location:

Mailing Address: (If different)

Street: 153 MAIN ST.

Street: P.O. BOX 38

City: SCOTIA

City: SCOTIA

State: CA. Zip Code: 95565

State: CA. Zip Code: 95565

(707) Telephone: 764-4418 Driver's License # _____

Permit # NCU 06-12
NS-076

Description of Violation: Boiler C EXCEEDED CO TIER 3 LIMITS ON 4/27/2021. Boiler C EXCEEDED 3 TIER 3 CO LIMITS ON 4/28/2021. Boiler C EXCEEDED CO TIER 3 LIMITS ON 5/31/2021. VIOLATION OF PTO NCU 060-12, PERMIT NUMBER NS-076, III EMISSIONS LIMITATIONS, B. CARBON MONOXIDE.

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? Boiler C EXCEEDED CO LIMITS.

Issuing Officer: RLOYD NUNN Badge No.: 103 Time: 12:10 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 07 103 12021) 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
<http://www.ncuaqmd.org>



Inspection Report

| | |
|-----------------------------------|---|
| | |
| Source Test Observation | |
| RATA Observation | |
| Major Source Inspection | x |
| Minor Source Inspection | |
| GDF Inspection | |
| Open Burning Investigation | |
| Asbestos Investigation | |
| Office Conference | |
| Phone Interview | |
| Other: Source Test Review | x |

| |
|---|
| Source: Humboldt Sawmill Company (HSC) |
| Site Address: 169 Main Street. Scotia, CA. 95565 |
| Mailing Address: P.O. Box 37 |
| County: Humboldt |
| Facility I.D. #: 487-12 |
| Permit #: NCU 060-12 (NS-074) |
| Person Contacted: Krista Ranstrom |
| Title: Environmental Manager |
| Contact Phone #: (707) 764-4418 |
| Cell Phone #: (707) 671-3007 |
| E-mail: kranstrom@hrcllc.com |

I. SUMMARY

This Inspection Report is a review of the annual Title V compliance testing conducted by Montrose Environmental Group on behalf of the Humboldt Sawmill Company (HSC) from 09/13/2022 through 09/15/2022. The tests were performed to satisfy the annual *Compliance Monitoring* requirements of the Title V permit under which HSC operates its three steam generating boilers (Boilers A, B, and C). District Inspector Lloyd Green was present to observe testing on each day, as documented in his field reports filed on 09/23/2022.

Upon review of the test results, which were received by the District on 11/11/2022, Boiler B was found to be in compliance with the Title V permit PM limit of 0.04 lb/MMBtu, whereas Boilers A and C were found to have exceeded the limit.

In addition, the Continuous Emissions Monitors (CEMs) for all boilers were determined to be within Relative Accuracy Test Audit (RATA) allowable ranges for all pollutants (CO, NOx, Oxygen).

On 11/18/2022, Krista Ranstrom of HSC notified the District that Boiler A and Boiler C would be retested on 11/29/2022. Also, Ms. Ranstrom stated that HSC would be taking correctional activities to ensure a successful retest by completing several maintenance projects on the boilers, such as patching any holes found in the cyclones and duct work, cleaning the insulators on each field inside the ESP, straightening any ESP plates found to not have enough clearance, ensure ESP rappers were cleaning the plates correctly, and repairing any rapper controls that were losing power and not working correctly.

It should also be noted, although the scope of testing for HSC in September 2022 did not explicitly include the determination of compliance with the Boiler MACT (40 CFR Part 63 Subpart DDDDD), upon review of the test results, it was found that Boiler A exceeded the Boiler MACT filterable PM (FPM) limit of 0.037 lb/MMBtu.

On 11/29/2022, Boilers A and C were retested. Upon review of the retest results, which were received by the District on 01/12/2023, Boilers A and C were found to be in compliance with both the Title V permit PM limit of 0.04 lb/MMBtu and the Boiler MACT FPM limit of 0.037 lb/MMBtu.

II. FINDINGS

Total Particulate Matter (TPM)

Test Results

HSC operates Boilers A, B, and C under Title V Permit NCU 060-12, which requires HSC to test for PM (TPM - Total Particulate Matter) once per calendar year using CARB Method 5 or other EPA approved method. From 09/13 to 09/15/2022, Montrose Environmental Group (Montrose) conducted the required annual source testing on behalf of HSC, the results of which were received by the District on 11/11/2022 and are summarized in the table below:

| 2022 Annual Tests – Total Particulate Matter (TPM) | | | | | |
|--|-------------|----------------------|-------------------|-----------------------------|------------|
| | Date Tested | TPM Limit (lb/MMBtu) | Result (lb/MMBtu) | Less than 50% Permit Limit? | Pass/Fail? |
| Boiler A | 09/15/2022 | 0.04 | 0.09 | No | Fail |
| Boiler B | 09/15/2022 | 0.04 | 0.03 | No | Pass |
| Boiler C | 09/14/2022 | 0.04 | 0.05 | No | Fail |

Due to the September 2022 test failures of Boiler A and Boiler C, Montrose retested those boilers for compliance with the Title V permit PM limit on 11/29/2022, the results of which were received by the District on 01/12/2023 and are summarized in the table below:

| 2022 Retests – Total Particulate Matter (TPM) | | | | | |
|---|-------------|----------------------|-------------------|-----------------------------|------------|
| | Date Tested | TPM Limit (lb/MMBtu) | Result (lb/MMBtu) | Less than 50% Permit Limit? | Pass/Fail? |
| Boiler A | 11/29/2022 | 0.04 | 0.01 | Yes | Pass |
| Boiler C | 11/29/2022 | 0.04 | 0.02 | No | Pass |

Testing Frequency

As mentioned above, Title V Permit NCU 060-12 requires HSC to test Boilers A, B, and C for TPM once per calendar year using CARB Method 5 or other EPA approved method. Additionally, the permit allows testing for this limit to be waived by the District the next year if the test result is less than one-half the limit of 0.04 lb/MMBtu. Of the tests conducted in 2022, only Boiler A qualified to have testing waived the following year. Testing to demonstrate compliance with the Title V permit TPM limit of 0.04 lb/MMbtu will be due according to the table below:

| | TPM Test Due Dates |
|----------|--------------------|
| Boiler A | 11/29/2024 |
| Boiler B | 09/15/2023 |
| Boiler C | 11/29/2023 |

Boiler MACT (Filterable Particulate Matter and Toxics)

Test Results

Although the above tests were conducted to determine compliance with the Title V permit TPM limits, Filterable PM (FPM - i.e. the “front half” of the Method 5 test) could be ascertained from the source test reports, as summarized in the table below:

| 2022 Annual Tests – Filterable Particulate Matter (FPM) | | | | | |
|---|-------------|----------------------|-------------------|-----------------------|------------|
| | Date Tested | FPM Limit (lb/MMBtu) | Result (lb/MMBtu) | 75% or less of limit? | Pass/Fail? |
| Boiler A | 09/15/2022 | 0.037 | 0.089 | No | Fail |
| Boiler B | 09/15/2022 | 0.037 | 0.027 | Yes | Pass |
| Boiler C | 09/14/2022 | 0.037 | 0.037 | No | Pass |

As stated above, due to the September 2022 test failures of Boiler A and Boiler C, Montrose retested those boilers for compliance with the Title V permit PM limit on 11/29/2022. The FPM results of which are summarized in the table below:

| 2022 Retests – Filterable Particulate Matter (FPM) | | | | | |
|--|-------------|----------------------|-------------------|-----------------------|------------|
| | Date Tested | FPM Limit (lb/MMBtu) | Result (lb/MMBtu) | 75% or less of limit? | Pass/Fail? |
| Boiler A | 11/29/2022 | 0.037 | 0.006 | Yes | Pass |
| Boiler C | 11/29/2022 | 0.037 | 0.009 | Yes | Pass |

Testing Frequency

For the Boiler MACT, HSC has elected to demonstrate compliance with FPM, mercury (Hg), and hydrogen chloride (HCl) emission limits by performance testing, which is required to be conducted annually. However, if tests for a given pollutants for at least 2 consecutive years show that emissions are at or below 75 percent of the emission limit, the source may choose to conduct tests for the pollutant every third year (and no more than 37 months after the previous test).

Boiler A and Boiler B qualified for testing Hg, HCl, and FPM every third year after two consecutive successful annual tests in 2016 and 2017. In 2020, emissions for all tests were again below 75 percent of their respective limits. Boiler C qualified for testing every third year after two consecutive successful annual tests in 2019 and 2020. Testing to demonstrate compliance with the Boiler MACT will be due according to the table below:

| Boiler MACT Performance Test Due Dates | | | |
|--|------------|------------|------------|
| | Hg | HCl | FPM |
| Boiler A | 11/09/2023 | 09/13/2023 | 09/13/2023 |
| Boiler B | 11/09/2023 | 09/12/2023 | 09/12/2023 |
| Boiler C | 11/08/2023 | 09/11/2023 | 09/11/2023 |

RATA (Relative Accuracy Test Audit)

Test Results

For each boiler, HSC operates CEMS for the determination of CO, NO_x, and oxygen. Each CEMS is required to be operated in conformance with its respective performance specifications found in 40 CFR Part 60, Appendix B. In addition, each CEMS must be maintained using its respective quality assurance (QA) procedures found in 40 CFR Part 60, Appendix F. Per those QA procedures, the required annual Relative Accuracy Test Audit (RATA) was conducted for each CEMS for each boiler by Montrose, the results of which were received by the District on 11/11/2022 and are summarized in the tables below:

| 2022 Annual RATA – CO | | | | | | | |
|-----------------------|-------------|---------------------|----------------------|-----------------|-----------------------|------------------|------------|
| | Date Tested | Standard (lb/MMBtu) | Reference (lb/MMBtu) | CEMS (lb/MMBtu) | Relative Accuracy (%) | ≤5% of Standard? | Pass/Fail? |
| Boiler A | 09/15/2022 | 1.2 | 0.315 | 0.312 | 0.5 | Yes | Pass |
| Boiler B | 09/15/2022 | 1.2 | 0.312 | 0.316 | 2.1 | Yes | Pass |
| Boiler C | 09/14/2022 | 0.8 | 0.241 | 0.221 | 3.7 | Yes | Pass |

| 2022 Annual RATA – NO _x | | | | | | | |
|------------------------------------|-------------|---------------------|----------------------|-----------------|-----------------------|--------------------|------------|
| | Date Tested | Standard (lb/MMBtu) | Reference (lb/MMBtu) | CEMS (lb/MMBtu) | Relative Accuracy (%) | ≤20% of Reference? | Pass/Fail? |
| Boiler A | 09/15/2022 | 0.20 | 0.154 | 0.136 | 12.3 | Yes | Pass |
| Boiler B | 09/15/2022 | 0.20 | 0.166 | 0.149 | 12.4 | Yes | Pass |
| Boiler C | 09/14/2022 | 0.22 | 0.197 | 0.163 | 17.4 | Yes | Pass |

| 2022 Annual RATA – O ₂ | | | | | | |
|-----------------------------------|-------------|----------------------|-----------------|-------------------------|-------------------|------------|
| | Date Tested | Reference (lb/MMBtu) | CEMS (lb/MMBtu) | Absolute Difference (%) | ≤1.0% Difference? | Pass/Fail? |
| Boiler A | 09/15/2022 | 11.8 | 12.0 | 0.2 | Yes | Pass |
| Boiler B | 09/15/2022 | 8.1 | 8.6 | 0.4 | Yes | Pass |
| Boiler C | 09/14/2022 | 8.9 | 8.4 | 0.5 | Yes | Pass |

III. COMPLIANCE DETERMINATION

Total Particulate Matter (TPM)

As stated above, because HSC initially did not pass the required annual source tests, HSC was unable to demonstrate that Boiler A and Boiler C were in compliance with their Title V permit TPM limit of 0.04 lb/MMBtu, until the successful re-tests.

In regards to this issue, and according to Clean Air Act (CAA) subsection 7413(e)(2), any days of violation shall be presumed to include the date of failure and each and every day thereafter until continuous compliance (or successful re-tests) has been achieved. The table below summarizes the number of violations that occurred for each boiler from the dates of test failure to their successful re-tests.

| | Test Failure Date | Number of Violations - TPM | | | | Test Pass Date |
|----------|-------------------|----------------------------|---------|----------|-------|----------------|
| | | September | October | November | TOTAL | |
| Boiler A | 9/15/2022 | 16 | 31 | 21 | 68 | 11/29/2022 |
| Boiler C | 9/14/2022 | 1 | 15 | 28 | 44 | 11/29/2022 |

A notice of violation (NOV) will be issued corresponding to the findings above.

Boiler MACT (FPM)

As stated above, although the scope of testing for HSC's boilers in September 2022 did not explicitly include the determination of compliance with the Boiler MACT (40 CFR Part 63 Subpart DDDDD), upon review of the test results, it was found that Boiler A exceeded the Boiler MACT filterable PM (FPM) limit of 0.037 lb/MMBtu.

The days of violation were determined in the same manner as those outlined above, and are summarized in the table below.

| | Test Failure Date | Number of Violations - FPM | | | | Test Pass Date |
|----------|-------------------|----------------------------|---------|----------|-------|----------------|
| | | September | October | November | TOTAL | |
| Boiler A | 9/15/2022 | 16 | 31 | 21 | 68 | 11/29/2022 |

An NOV will be issued corresponding to the findings above.

IV. CONCLUSION

Because HSC is considered a Title V Major Source, as defined in CAA Section 501(2), the violations summarized above are considered High Priority Violations and will be reported to EPA per the District's current Compliance Monitoring Plan. The violations indicated will result in NOV's that will be issued corresponding the findings and will be documented per the District's Enforcement Policy.

Inspector: Winslow Condon, Division Manager Date: August 3, 2023



North Coast Unified Air Quality Management District

707 "L" Street
Eureka, CA 95501
Phone: (707) 443-3093
Fax: (707) 443-3099
www.ncuaqmd.org

NOTICE of VIOLATION

13193

Violation Date: 1-3-2020 Time: 11:05 P.M. NOV Issue Date: 1-10-2020

Notice Issued To: HUMBOLDT SAWMILL CO., LLC Title: OWNER

Notice Delivered To: HUMBOLDT SAWMILL 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.

State: CA.

Zip Code: 95565

Zip Code: 95565

Telephone: (707) 764-5141 Drivers License # Permit # NCU 060-12

Description of Violation: EXCESSIVE FUGITIVE DUST BEING DISCHARGED FROM AREA LEFT OF MIDDLE FLYASH SILO.

Issuing Officer: RAYD YUEN Badge No.: 103 Time: 9:00 AM.

Violation(s):

- Rule 201 (1.0) Burning of Prohibited Material
Rule 201 (3.1) Burning Permit Required
Rule 202 (1.3) Permitted Burn Hours
Rule 203 (1.2) Burn Barrel
Rule 210 (4.1) No Burn Day
Other:
Rule 104 (1.1) Public Nuisance
Rule 104 (4.1) Fugitive Dust
Rule 105 (1.0) Gen. Permit Requirements
Rule 107 (1.0) Failure to Respond to NOV
Rule 401 Asbestos NESHAP

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

If yes, why? FUGITIVE DUST FINALLY ABATED.

Pursuant to AQMD Rule 107, you are hereby directed, to determine the cause of this violation and to advise the NCUAQMD, in writing, within 10 days of the date of this notice, (no later than 01/20/2020), of what actions have been taken to correct the violation and to prevent future similar violations.



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):

- | | |
|---|---|
| <input type="checkbox"/> Rule 201 (A)(2) Burning of Prohibited Material | <input type="checkbox"/> Rule 104 (A)(1) Public Nuisance |
| <input type="checkbox"/> Rule 201 (A)(3) Burning Permit Required | <input type="checkbox"/> Rule 104 (D) Fugitive Dust |
| <input type="checkbox"/> Rule 201 (B)(4) Permitted Burn Hours | <input checked="" type="checkbox"/> Rule 105 (A) Gen. Permit Requirements |
| <input type="checkbox"/> Rule 201 (A)(5) Burn Barrel | <input type="checkbox"/> Rule 102 (A) Required Permits |
| <input type="checkbox"/> Rule 201 (A)(4) No Burn Day | <input type="checkbox"/> 40 CFR 61, Subpart M - Asbestos NESHAP |
| <input type="checkbox"/> District Permit Condition(s): _____ | <input checked="" type="checkbox"/> Other: <u>40 CFR, PART 63, SUBPART DDDDD.</u> |

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.



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 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):

- | | |
|---|---|
| <input type="checkbox"/> Rule 201 (A)(2) Burning of Prohibited Material | <input type="checkbox"/> Rule 104 (A)(1) Public Nuisance |
| <input type="checkbox"/> Rule 201 (A)(3) Burning Permit Required | <input type="checkbox"/> Rule 104 (D) Fugitive Dust |
| <input type="checkbox"/> Rule 201 (B)(4) Permitted Burn Hours | <input checked="" type="checkbox"/> Rule 105 (A) Gen. Permit Requirements |
| <input type="checkbox"/> Rule 201 (A)(5) Burn Barrel | <input type="checkbox"/> Rule 102 (A) Required Permits |
| <input type="checkbox"/> Rule 201 (A)(4) No Burn Day | <input type="checkbox"/> 40 CFR 61, Subpart M - Asbestos NESHAP |
| <input type="checkbox"/> District Permit Condition(s): _____ | <input type="checkbox"/> 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 05 120 123) 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: AT HOUR 23, AN OPACITY READING 727% (30.1) WAS RECORDED. VIOLATION OF PERMIT # NCU 060-12/NS-074, III. EMISSIONS LIMITATIONS, A. PARTICULATE MATTER, & VISIBLE EMISSIONS.

Violation(s):

- | | |
|---|---|
| <input type="checkbox"/> Rule 201 (A)(2) Burning of Prohibited Material | <input type="checkbox"/> Rule 104 (A)(1) Public Nuisance |
| <input type="checkbox"/> Rule 201 (A)(3) Burning Permit Required | <input type="checkbox"/> Rule 104 (D) Fugitive Dust |
| <input type="checkbox"/> Rule 201 (B)(4) Permitted Burn Hours | <input checked="" type="checkbox"/> Rule 105 (A) Gen. Permit Requirements |
| <input type="checkbox"/> Rule 201 (A)(5) Burn Barrel | <input type="checkbox"/> Rule 102 (A) Required Permits |
| <input type="checkbox"/> Rule 201 (A)(4) No Burn Day | <input type="checkbox"/> 40 CFR 61, Subpart M - Asbestos NESHAP |
| <input type="checkbox"/> District Permit Condition(s): _____ | <input type="checkbox"/> 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 5/21/23) 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. 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

Telephone: (707) 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):

- | | |
|---|--|
| <input type="checkbox"/> Rule 201 (A)(2) Burning of Prohibited Material | <input type="checkbox"/> Rule 104 (A)(1) Public Nuisance |
| <input type="checkbox"/> Rule 201 (A)(3) Burning Permit Required | <input type="checkbox"/> Rule 104 (D) Fugitive Dust |
| <input type="checkbox"/> Rule 201 (B)(4) Permitted Burn Hours | <input type="checkbox"/> Rule 105 (A) Gen. Permit Requirements |
| <input type="checkbox"/> Rule 201 (A)(5) Burn Barrel | <input type="checkbox"/> Rule 102 (A) Required Permits |
| <input type="checkbox"/> Rule 201 (A)(4) No Burn Day | <input type="checkbox"/> 40 CFR 61, Subpart M - Asbestos NESHAP |
| <input type="checkbox"/> District Permit Condition(s): _____ | <input checked="" type="checkbox"/> Other: <u>40 CFR, PART 63,</u> <u>SUBPART DDDD.</u> |

Was the Violation continuing at end of observation? YES NO

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

Issuing Officer: Lloyd Mum 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.

**North Coast Unified
Air Quality Management District**

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



July 19, 2023

Humboldt Sawmill Company
C/o Krista Ranstrom
P.O. Box 37
Scotia, CA 95565
(707) 764-4418

Re: Notice of Violation #14203 / Boiler C

Dear Ms. Ranstrom:

After reviewing the emission / opacity reports for Boiler C, that HSC submitted for May 2023, the District is issuing the following Notice of Violation, for the following reasons:

Notice of Violation #14203: 40 CFR, Part 63, subpart DDDDD & Permit # NCU 060-12 / NS-076

1. On 05/01/2023, failure to maintain a daily block average opacity to less than or equal to 10 percent was recorded for Boiler C. Violation of 40 CFR, Part 63, subpart DDDDD.

Consequently, Notice of Violation #14203 has been issued, which is enclosed. Please review the enclosed NOV and respond in writing to the District stating what actions you have taken to correct the violation and to prevent future similar violations. Your response is due no later than July 29, 2023.

Sincerely,

A handwritten signature in black ink that reads "Lloyd Green".

Lloyd Green
Air Quality Inspector III
Compliance & Enforcement Division
(707) 443-3093 x125
lgreen@ncuaqmd.org

Enclosure: NOV #14045

**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# 160204**

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 B is operated pursuant to Equipment Permit #NS-075.
- d) Based on Continuous Opacity Monitoring System (COMS) data reported by HRC, Boiler B experienced 318 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 190 events in which averaging periods exceed the 20% opacity limit allowed by Permit #NS-075, Condition III(A), and 128 events in which averaging periods exceed the 40% limit allowed by District Regulation 1, Rule 104. Violations are determined from 6 minutes 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% |
|-------------------|-------------|------------------------------|------------------------------|
| April 2016 | 04/13/16 | - | 2 |
| | 04/21/16 | 1 | - |
| May 2016 | 05/04/16 | 1 | - |
| | 05/08/16 | 1 | - |
| | 05/12/16 | 1 | - |
| | 05/13/16 | 2 | 3 |
| | 05/14/16 | 1 | - |
| June 2016 | 06/03/16 | - | 1 |
| | 06/14/16 | 1 | 1 |
| | 06/28/16 | 3 | - |
| July 2016 | 07/17/16 | 1 | - |
| | 07/20/16 | 1 | 1 |
| | 07/25/16 | 1 | 1 |

| | | | |
|-----------------------|----------|----|----|
| | 07/26/16 | - | 1 |
| | 07/28/16 | - | 5 |
| August 2016 | 08/20/16 | 7 | 1 |
| | 08/26/16 | 3 | - |
| | 08/30/16 | 2 | - |
| September 2016 | 09/01/16 | 8 | 3 |
| | 09/04/16 | 1 | - |
| | 09/05/16 | 2 | - |
| | 09/06/16 | 8 | 10 |
| | 09/08/16 | 2 | 8 |
| | 09/17/16 | - | 3 |
| | 09/21/16 | 1 | 1 |
| | 09/22/16 | 1 | 1 |
| | 09/23/16 | 3 | 6 |
| | 09/27/16 | 15 | 1 |
| | 09/29/16 | 12 | - |
| | 09/30/16 | 3 | 2 |
| October 2016 | 10/02/16 | 4 | - |
| | 10/07/16 | 10 | - |
| | 10/09/16 | 3 | - |
| | 10/12/16 | - | 2 |
| | 10/14/16 | 2 | 1 |
| | 10/17/16 | 2 | 7 |
| | 10/18/16 | 6 | 18 |
| | 10/28/16 | 4 | 3 |
| | 10/26/16 | 12 | 14 |
| November 2016 | 11/01/16 | 2 | - |
| | 11/16/16 | 8 | 1 |
| | 11/17/16 | 1 | - |
| | 11/24/16 | 26 | 12 |
| | 11/25/16 | - | 1 |
| December 2016 | 12/02/16 | 1 | - |
| | 12/03/16 | 2 | - |
| | 12/07/16 | 2 | - |
| | 12/08/16 | 7 | 3 |
| | 12/15/16 | 9 | 12 |
| | 12/16/16 | - | 1 |
| | 12/28/16 | 2 | - |
| | 12/29/16 | 5 | 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.*

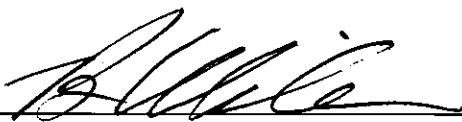
VIOLATION RESOLUTION

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: _____

2/15/17

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>



February 15, 2017

**NOTICE of VIOLATIONS:
NOV# 160205**

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 and Boiler B is operated pursuant to Equipment Permit #NS-075. Boiler C is currently not operational.
- d) Beginning November 15, 2015 and continuing until March 24, 2016 (128 days), HRC failed to maintain a Continuous Opacity Monitoring System (COMS), in violation of the following permit conditions:
 - Permit #NS-074, IV – Compliance Monitoring, Condition A(2) – Visible Emissions
 - Permit #NS-074, IV – Compliance Monitoring, Condition A(2) – Visible Emissions
 - Permit #NS-075, IV – General Provisions, Condition C(1), C(2), and D(1)
 - Permit #NS-075, IV – General Provisions, Condition C(1), C(2), and D(1)
- e) HRC failed to timely submit to the District a semi-annual monitoring certification form certifying monthly monitoring reports and documenting the compliance schedule of any source out of compliance. The semi-annual certification report was due August 1, 2016, but not submitted by HRC until January 31, 2017 in violation of the following permit conditions:
 - Permit #NS-074, General Provisions, Condition D(5)
 - Permit #NS-075, General Provisions, Condition D(5)
- f) Beginning November 2015 and continuing through November 2016, HRC failed to submit monthly monitoring reports (12 reports) to 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 in violation of the following permit conditions:

- Permit #NS-074, General Provisions, Condition F(6)
- Permit #NS-075, General Provisions, Condition F(6)

PERMIT CONDITIONS

Permit #NS-074 (Boiler A) and Permit #NS-075 (Boiler B), Permit Conditions IV, A - Emission limitations, Visible Emissions:

IV EMISSIONS LIMITATIONS

A(2.) Visible Emissions - The permittee shall operate at all times a continuous opacity monitoring system (COMS) [40 CFR 60.48b(a)].

a.40 CFR 60, Appendix B, Performance Specification 1 shall be the basis for the operation of the COMS [40 CFR 60.49b(b)].

Permit #NS-074 (Boiler A) and Permit NS-075 (Boiler B), General Provisions:

C(1.) Operation under this permit must be conducted in compliance with all data and specifications included in the application which attest to the operator's ability to comply with District Rules and Regulations [Regulation 1, Rule 240(d)].

C(2.) All nonexempt equipment of this permit shall at all times be maintained in good working order and be operated as efficiently as possible to assure compliance with all applicable emission limits [Regulation 1, Rule 240(d)].

D(1.) The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Federal Clean Air Act and is grounds for enforcement action (including monetary civil penalties); for permit termination, revocation and reissuance, or modification; or for denial of an application for reissuance of the permit [40 CFR 70.6(a)(6); Regulation 5, Rule 610(g)].

Permit #NS-074 (Boiler A) and Permit NS-075 (Boiler B), General Provisions:

D(5.) The permittee shall provide to the District on an annual basis a completed "Compliance Certification" form which certifies the compliance status of the facility, and on a semi-annual basis a monitoring certification form which provides certification of the monthly monitoring reports. The compliance certification and monitoring certification forms must be signed by a responsible company official and contain a statement that the information contained in the report is true, accurate, and complete. A semi-annual compliance certification report shall be submitted to document the compliance schedule of any source out of compliance [40 CFR 70.6(c); Regulation 5, Rules 460 and 610(g)].

Permit #NS-074 (Boiler A) and Permit NS-075 (Boiler B), General Provisions:

F(6.) A monthly monitoring report shall be submitted to the District which identifies any deviation from these 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 this permit [Regulation 1 Rule 240(d)].

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 enable 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. HRC has the right to be represented by counsel. 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: _____

2/15/17

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: , 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 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.

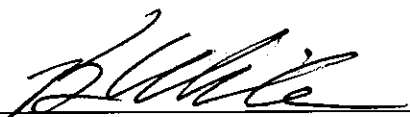
VIOLATION RESOLUTION

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# 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

**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

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

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 | Penalty |
|----|------------------|----------------|--------------------------|-----------------|-------------------|-------|----------------|-------|--------------------|---------------|--------------|---------------------|-------------------------------|-----------------------------------|-----------------|------------|----------|
| 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 |

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| | | | |
|------------|-----------------------------|---------------------|--------|
| 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 |

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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:

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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

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/)

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
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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

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| <p>Violation 12: Industrial General Permit Section X. SWPPP, Subsection H.1.d.i</p> | <p>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</p> |
| <p>Violation 13: Industrial General Permit Section X. SWPPP, Subsection H.1.d.iv</p> | <p>Material Handling and Waste Management: The Discharger shall divert run-on and storm water generated from within the facility away from all stockpiled materials.</p> |
| <p>Violation 14: Industrial General Permit Section X. SWPPP, Subsection H.1.d.v</p> | <p>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)</p> |
| <p>Violations 15 and 16: Industrial General Permit Section X. SWPPP, Subsections H.1.e.iv and v</p> | <p>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> |

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| <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> <p>a. Volume-based BMPs: The Discharger, at a minimum, shall calculate¹³ the volume to be treated using one of the following methods:</p> <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. <p>b. Flow-based BMPs: The Discharger shall calculate the flow needed to be treated using one of the following methods:</p> <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. |
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| <p>Violation 18: Industrial General Permit Section XI. Monitoring, Subsection B.4</p> | <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. |
| <p>Violation 19: Industrial General Permit Section XI. Monitoring, Subsection B.6.c</p> | <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> |
| <p>Violation 20: Industrial General Permit Section XI. Monitoring, Subsection B.6.d</p> | <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