

California Regional Water Quality Control Board
North Coast Region

Administrative Civil Liability Complaint No. R1-2009-0012

For
Violation of Waste Discharge Requirements
Order No. R1-2004-0047
NPDES No. CA0005894

In the Matter of

Evergreen Pulp, Inc.
Samoa Pulp Mill
WDID No. 1B77005OHUM

Humboldt County

This Complaint, to assess administrative civil liability for penalties pursuant to Water Code section 13385, is issued to Evergreen Pulp Inc. (hereinafter Discharger) for violations of Waste Discharge Requirements Order No. R1-2004-0047, NPDES Permit No. CA0005894, (hereinafter referred to as WDRs) that occurred during the period January 1, 2008 through December 31, 2008.

The Assistant Executive Officer of the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) finds the following:

1. The Discharger owns and operates the Samoa Pulp Mill, which is regulated by Waste Discharge Requirements Order No. R1-2004-0047, NPDES Permit No. CA0005894. The pulp mill is located at 1 TCF Drive on the north spit of Humboldt Bay near the community of Samoa.
2. The Samoa Pulp Mill has the capacity to produce an average of 700 tons per day of bleached or unbleached Kraft market pulp. The mill is permitted to discharge a monthly average of up to 20 million gallons per day of wastewater through a submerged multi-port diffuser, with a dilution ratio of 115:1, located 8,200 feet offshore in the Pacific Ocean at a depth of 82 feet. The mill does not have wastewater treatment facilities and relies on process control and best management practices to meet the terms of the waste discharge requirements. Effluent from the mill consists of process wastewater from the Kraft pulping process, wastewater from maintenance activities, solids from the raw water treatment plant, blowdown from the recovery boiler, storm water, and freshwater flows to maintain the outfall during periods of pulp mill shutdown.
3. The Regional Water Board adopted WDRs Order No. R1-2004-0047 for Stockton Pacific Enterprises, Inc. on June 22, 2004. The Order was subsequently transferred to the Discharger on March 18, 2005. These WDRs serve as a National Pollutant Discharge Elimination System (NPDES) Permit (No. CA0005894) under the Federal Clean Water Act.

4. On August 1, 2008, the Regional Water Board issued Administrative Civil Liability Complaint No. R1-2008-0097 to assess penalties for violations that occurred from March 1, 2005 to December 31, 2007. The penalty amount of \$463,000 included mandatory minimum penalties and discretionary penalties.
5. This Complaint covers violations of effluent limitations that occurred from January 1, 2008, through December 31, 2008. The details of these violations are presented in Findings 12 and 13 of this Complaint. These violations are subject to the mandatory minimum penalties and civil liability provisions contained in California Water Code section 13385, subsections (h) and (i). There were no additional violations of discharge prohibitions or receiving water limits subject to discretionary penalties pursuant to Water Code Section 13350(e) and 13385(c).
6. This Complaint demonstrates a significant increase in MMP violations, which appears to be due to Evergreen's decision to change from the production of brownstock (non-bleached) pulp to Totally Chlorine Free (bleached) pulp production, which occurred, according to self-monitoring reports, on January 15, 2008.
7. Among the provisions in the WDRs are requirements to implement a discharge monitoring program and to prepare and submit monthly and annual NPDES self-monitoring reports to the Regional Water Board pursuant to Water Code section 13383. These reports are designed to determine compliance with effluent limitations contained in the WDRs.
8. Water Code section 13385, subdivision (h)(1) establishes a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious violation of an NPDES permit effluent limitation. Water Code section 13385, subdivision (h)(2) states that one type of serious violation occurs if the discharge from a facility regulated by an NPDES permit exceeds the effluent limitations 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, or 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.
9. Water Code section 13385, subdivision (i)(1) requires the Regional Water Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if the discharger does any of the following for four or more times in any period of six consecutive months:
 - (a) Violates a waste discharge requirement effluent limit.
 - (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 discharges do not contain pollutant-specific effluent limitations for toxic pollutants.

Violations under section 13385, subdivision (i)(1) are referred to as “chronic” violations in this Complaint.

- 10. On February 19, 2002, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2002-0040 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on July 30, 2002. The Enforcement Policy addresses, among other enforcement matters, issues related to assessing mandatory minimum penalties.
- 11. For the purpose of determining a Discharger’s compliance with effluent limitations in its WDR Order/NPDES permit, the 30-day average is equivalent to the monthly average, which is defined as the arithmetic mean of all daily determinations made during a calendar month. Where less than daily sampling is required, the average shall be determined by the sum of all the measured daily discharges divided by the number of days during the calendar month when the measurements were made. If only one sample is collected during that period of time, the value of the single sample shall constitute the monthly average.
- 12. Order No. R1-2004-0047 includes the following effluent limitations:

B. EFFLUENT LIMITATIONS

- 1. The permittee is authorized to discharge process wastewater, maintenance-related wastewater, solids from the raw water treatment plant, blowdown from the recovery boiler, and storm water from the pulpmill site and the adjacent sawmill from outfall Serial Number (SN) 001 to the Pacific Ocean. The discharge to outfall SN 001 in excess of the following limits is prohibited:

<u>Parameter</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>
BOD ₅ @ 20°C	lb/day ¹	11,270	21,630
pH	Standard Units	Within the limits of 5.0 to 9.0 ²	

¹ Based on 40 CFR 430.22 and a production rate of 700 ADT/day

² Compliance shall be determined under 40 CFR 401.17 and 430.22

13. According to monitoring reports submitted by the Discharger for the period from January 1, 2008, through December 31, 2008, the Discharger exceeded effluent limitations 154 times. Twenty-six of the exceedances are serious violations in accordance with Water Code section 13385, subdivision (h). One hundred twenty-eight of the exceedances are chronic violations in accordance with Water Code section 13385, subdivision (i)(1). The mandatory minimum penalty amount for these violations under 13385, subdivisions (h) and (i), is \$453,000 as shown in the following table:

**Table 1
 Effluent Limitation Exceedances Subject to Mandatory Penalties
 January 1, 2008 through December 31, 2008**

Date	Violation	Reported Value	Violation Type	Mandatory Minimum Penalty
01/18/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	21,868 lbs/day	Chronic	1 st chronic
01/19/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	25,561 lbs/day	Chronic	2 nd chronic
01/21/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	23,579 lbs/day	Chronic	3 rd chronic
01/22/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	22,589 lbs/day	Chronic	\$3,000
01/23/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	23,772 lbs/day	Chronic	\$3,000
01/24/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	25,914 lbs/day	Chronic	\$3,000
01/25/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	25,707 lbs/day	Chronic	\$3,000
01/26/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	26,500 lbs/day	Chronic	\$3,000
01/29/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	21,992 lbs/day	Chronic	\$3,000
01/31/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	21,708 lbs/day	Chronic	\$3,000
01/31/08	Exceeded Monthly Average BOD limit of 11,270 lbs/day	14,164 lbs/day	Chronic	\$3,000
02/01/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	21,874 lbs/day	Chronic	\$3,000
02/04/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	22,492 lbs/day	Chronic	\$3,000
02/05/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	22,023 lbs/day	Chronic	\$3,000
02/07/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	22,995 lbs/day	Chronic	\$3,000
02/08/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	28,690 lbs/day	Chronic	\$3,000

Date	Violation	Reported Value	Violation Type	Mandatory Minimum Penalty
02/09/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	27,333 lbs/day	Chronic	\$3,000
02/10/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	32,352 lbs/day	Chronic	\$3,000
02/11/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	24,059 lbs/day	Chronic	\$3,000
02/13/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	27,679	Chronic	\$3,000
02/29/08	Exceeded Monthly Average BOD limit of 11,270 lbs/day	16,739 lbs/day	Serious	\$3,000
03/04/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	155,339 lbs/day	Chronic	\$3,000
03/05/08	Exceeded pH Maximum Individual Excursion Limit of 60 minutes	60.6 minutes	Chronic	\$3,000
03/05/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	37,686 lbs/day	Chronic	\$3,000
03/06/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	23,832 lbs/day	Chronic	\$3,000
03/07/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	21,866 lbs/day	Chronic	\$3,000
03/08/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	33,175 lbs/day	Serious	\$3,000
03,09/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	29,533 lbs/day	Chronic	\$3,000
03/10/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	27,271 lbs/day	Chronic	\$3,000
03/11/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	29,195 lbs/day	Chronic	\$3,000
03/12/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	35,815 lbs/day	Serious	\$3,000
03/13/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	26,497 lbs/day	Chronic	\$3,000
3/14/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	26,093 lbs/day	Chronic	\$3,000
03/15/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	26,061 lbs/day	Chronic	\$3,000
03/16/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	26,421 lbs/day	Chronic	\$3,000
03/28/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	22,381 lbs/day	Chronic	\$3,000
03/30/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	25,664 lbs/day	Chronic	\$3,000
03/31/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	24,781 lbs/day	Chronic	\$3,000
03/31/08	Exceeded Monthly Average BOD limit of 11,270 lbs/day	24,530 lbs/day	Serious	\$3,000
04/01/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	23,870 lbs/day	Chronic	\$3,000
04/02/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	27,818 lbs/day	Chronic	\$3,000

Date	Violation	Reported Value	Violation Type	Mandatory Minimum Penalty
04/03/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	31,717 lbs/day	Serious	\$3,000
04/04/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	28,653 lbs/day	Chronic	\$3,000
04/05/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	26,903 lbs/day	Chronic	\$3,000
04/06/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	26,074 lbs/day	Chronic	\$3,000
04/09/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	25,828 lbs/day	Chronic	\$3,000
04/10/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	27,261 lbs/day	Chronic	\$3,000
04/11/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	28,770 lbs/day	Chronic	\$3,000
04/12/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	32,305 lbs/day	Serious	\$3,000
04/13/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	29,869 lbs/day	Chronic	\$3,000
04/14/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	25,826 lbs/day	Chronic	\$3,000
04/15/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	21,812 lbs/day	Chronic	\$3,000
04/18/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	26,123 lbs/day	Chronic	\$3,000
04/19/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	30,542 lbs/day	Serious	\$3,000
04/20/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	29,535 lbs/day	Chronic	\$3,000
04/21/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	28,008 lbs/day	Chronic	\$3,000
04/22/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	29,084 lbs/day	Chronic	\$3,000
04/23/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	24,640 lbs/day	Chronic	\$3,000
04/24/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	29,026 lbs/day	Chronic	\$3,000
04/25/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	29,784 lbs/day	Chronic	\$3,000
04/26/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	25,909 lbs/day	Chronic	\$3,000
04/27/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	22,683 lbs/day	Chronic	\$3,000
04/30/08	Exceeded Monthly Average BOD limit of 11,270 lbs/day	25,466 lbs/day	Serious	\$3,000
05/02/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	25,821 lbs/day	Chronic	\$3,000
05/03/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	33,298 lbs/day	Serious	\$3,000
05/04/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	30,373 lbs/day	Serious	\$3,000

Date	Violation	Reported Value	Violation Type	Mandatory Minimum Penalty
05/05/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	31,431 lbs/day	Serious	\$3,000
05/06/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	23,420 lbs/day	Chronic	\$3,000
05/07/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	31,164 lbs/day	Serious	\$3,000
05/08/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	25,156 lbs/day	Chronic	\$3,000
05/09/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	29,107 lbs/day	Chronic	\$3,000
05/10/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	26,912 lbs/day	Chronic	\$3,000
05/11/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	30,604 lbs/day	Serious	\$3,000
05/12/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	35,125 lbs/day	Serious	\$3,000
05/13/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	26,645 lbs/day	Chronic	\$3,000
05/14/09	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	33,447 lbs/day	Serious	\$3,000
05/15/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	29,882 lbs/day	Chronic	\$3,000
05/18/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	26,993 lbs/day	Chronic	\$3,000
05/19/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	32,757 lbs/day	Serious	\$3,000
05/20/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	22,928 lbs/day	Chronic	\$3,000
05/21/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	23,271 lbs/day	Chronic	\$3,000
05/22/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	32,187 lbs/day	Serious	\$3,000
05/23/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	27,973 lbs/day	Chronic	\$3,000
05/24/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	26,396 lbs/day	Chronic	\$3,000
05/26/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	25,612 lbs/day	Chronic	\$3,000
05/27/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	25,593 lbs/day	Chronic	\$3,000
05/31/08	Exceeded Monthly Average BOD limit of 11,270 lbs/day	23,479 lbs/day	Serious	\$3,000
06/21/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	30,294 lbs/day	Serious	\$3,000
06/22/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	29,889 lbs/day	Chronic	\$3,000
06/23/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	25,887 lbs/day	Chronic	\$3,000
06/28/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	29,997 lbs/day	Chronic	\$3,000

Date	Violation	Reported Value	Violation Type	Mandatory Minimum Penalty
06/29/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	40,819 lbs/day	Serious	\$3,000
06/29/08	Exceeded Maximum Individual Excursion Limit of 60 Minutes	65.6 minutes	Chronic	\$3,000
06/30/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	28,049 lbs/day	Chronic	\$3,000
07/01/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	25,436 lbs/day	Chronic	\$3,000
07/02/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	23,995 lbs/day	Chronic	\$3,000
07/03/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	22,659 lbs/day	Chronic	\$3,000
07/06/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	24,858 lbs/day	Chronic	\$3,000
07/07/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	26,788 lbs/day	Chronic	\$3,000
07/08/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	22,801 lbs/day	Chronic	\$3,000
07/11/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	22,344 lbs/day	Chronic	\$3,000
07/19/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	31,021 lbs/day	Chronic	\$3,000
07/21/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	27,826 lbs/day	Chronic	\$3,000
07/22/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	29,328 lbs/day	Chronic	\$3,000
07/23/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	30,611 lbs/day	Serious	\$3,000
07/24/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	25,648 lbs/day	Chronic	\$3,000
07/25/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	27,708 lbs/day	Chronic	\$3,000
07/27/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	24,379 lbs/day	Chronic	\$3,000
07/28/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	24,896 lbs/day	Chronic	\$3,000
07/29/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	29,246 lbs/day	Chronic	\$3,000
07/30/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	26,962 lbs/day	Chronic	\$3,000
07/31/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	21,901 lbs/day	Chronic	\$3,000
07/31/08	Exceeded Monthly Average BOD limit of 11,270 lbs/day	19,647 lbs/day	Serious	\$3,000
08/01/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	21,961 lbs/day	Chronic	\$3,000
08/02/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	22,373 lbs/day	Chronic	\$3,000
08/07/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	22,137 lbs/day	Chronic	\$3,000

Date	Violation	Reported Value	Violation Type	Mandatory Minimum Penalty
08/09/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	26,132 lbs/day	Chronic	\$3,000
08/10/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	22,813 lbs/day	Chronic	\$3,000
08/11/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	22,403 lbs/day	Chronic	\$3,000
08/13/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	22,710 lbs/day	Chronic	\$3,000
08/15/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	23,999 lbs/day	Chronic	\$3,000
08/22/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	21,679 lbs/day	Chronic	\$3,000
08/23/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	22,111 lbs/day	Chronic	\$3,000
08/24/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	24,224 lbs/day	Chronic	\$3,000
08/25/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	23,758 lbs/day	Chronic	\$3,000
08/26/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	24,100 lbs/day	Chronic	\$3,000
08/27/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	33,210 lbs/day	Serious	\$3,000
08/28/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	23,661 lbs/day	Chronic	\$3,000
08/29/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	22,763 lbs/day	Chronic	\$3,000
08/31/08	Exceeded Monthly Average BOD limit of 11,270 lbs/day	20,962 lbs/day	Serious	\$3,000
09/02/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	27,623 lbs/day	Chronic	\$3,000
09/04/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	22,712 lbs/day	Chronic	\$3,000
09/06/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	26,552 lbs/day	Chronic	\$3,000
09/08/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	22,168 lbs/day	Chronic	\$3,000
09/09/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	21,916 lbs/day	Chronic	\$3,000
09/10/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	22,920 lbs/day	Chronic	\$3,000
09/11/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	23,954 lbs/day	Chronic	\$3,000
09/13/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	27,391 lbs/day	Chronic	\$3,000
09/14/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	21,922 lbs/day	Chronic	\$3,000
09/16/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	22,476 lbs/day	Chronic	\$3,000
09/17/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	31,505 lbs/day	Serious	\$3,000

Date	Violation	Reported Value	Violation Type	Mandatory Minimum Penalty
09/18/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	23,197 lbs/day	Chronic	\$3,000
09/20/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	23,773 lbs/day	Chronic	\$3,000
09/22/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	22,449 lbs/day	Chronic	\$3,000
09/24/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	23,689 lbs/day	Chronic	\$3,000
09/25/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	22,751 lbs/day	Chronic	\$3,000
09/26/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	26,928 lbs/day	Chronic	\$3,000
09/27/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	25,645 lbs/day	Chronic	\$3,000
09/28/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	23,590 lbs/day	Chronic	\$3,000
09/29/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	26,915 lbs/day	Chronic	\$3,000
09/30/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	26,874 lbs/day	Chronic	\$3,000
09/30/08	Exceeded Monthly Average BOD limit of 11,270 lbs/day	23,059 lbs/day	Serious	\$3,000
10/01/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	25,587 lbs/day	Chronic	\$3,000
10/02/08	Exceeded Daily Maximum BOD limit of 21,630 lbs/day	22,212 lbs/day	Chronic	\$3,000
			TOTAL	\$453,000

14. The issuance of this Complaint is an enforcement action to protect the environment, and is therefore exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) pursuant to title 14, California Code of Regulations sections 15308 and 15321, subsection (a) (2).

EVERGREEN PULP, INC. IS HEREBY GIVEN NOTICE THAT:

1. The Assistant Executive Officer of the Regional Water Quality Control Board is issuing this Complaint for \$453,000 to the Discharger for violations of WDRs, subject to mandatory minimum penalties, that occurred from January 1, 2008 through December 31, 2008.
2. The Regional Water Board will conduct a hearing on this Complaint on March 12, 2009, unless the Discharger waives the right to a hearing by signing and returning the waiver form attached to this Complaint by March 4, 2009. By

doing so, Evergreen Pulp, Inc. agrees to pay the \$453,000 penalty in full to the State Water Pollution Cleanup and Abatement Account by March 4, 2009.

3. If the Discharger waives the hearing and agrees to pay the foregoing penalty amount as described above, the resulting settlement may become final, subject to payment of the penalty by Discharger, on March 5, 2009. If there are significant public comments, the Assistant Executive Officer may withdraw the Complaint, reissue it as appropriate, or take other appropriate action.
4. If a hearing is held, the Regional Water Board may impose an administrative civil liability in the amount proposed or for a different amount (but not less than the mandatory minimum penalty), or refer the matter to the Attorney General to have a Superior Court consider enforcement.
5. Regulations of the United States Environmental Protection Agency require public notification of any proposed settlement of the civil liability occasioned by violation of the Clean Water Act, including NPDES permit violations. The foregoing procedure for noticing the Complaint for public review and comment satisfies this federal requirement.

Luis G. Rivera
Assistant Executive Officer

January 27, 2009