

Central Valley Regional Water Quality Control Board Violations Issued to Sierra Pacific Industries

California Central Valley Regional Water Quality Control Board

1998-2008 : 14 violations or citations resulting in \$141,000 in fines all resulting from water quality effluent discharges from facilities

Note: violations prior to 2003 are not readily available and a complete list of violations and orders would require a Public Records Act request to the state. This list should therefore be considered a *partial* list of violations.

Furthermore please also note these violations are **only** for the Central Valley Regional Water Quality Control Board, and don't include violations from the North Coast Regional Water Quality Control Board, including the 2003 Humboldt Bay estuary pollution settlement (\$1.5 million).

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1998-2008

NPDES = National Pollutant Discharge Elimination System

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1998

Plumas County

Quincy Division, Sierra Pacific Industries- \$20,000 penalty for discharge of hazardous or toxic substances into Mill Creek, 400% increase in turbidity, failure to submit bi-monthly bioassay data. Administrative Civil Liability Complaint No. 98-503 Relative to violation of Waste Discharge Requirements Order No. 96-280 (NPDES Permit No. CA0080357).

2003

El Dorado County

Hazel Creek Mine, Sierra Pacific Industries—Clean up and Abatement Order issues to clean up toxic and hazardous materials from old mining site

Sierra County

Loyalton Cogeneration Facility, Sierra Pacific Industries –Notice of Violation due to continuing non-compliance of waste discharge permit requirements, effluent limit regularly exceeded, and the company's use of hand held meters instead of lab reports violates accuracy for measuring water quality.

Shasta County

Shasta Lake Division, Sierra Pacific Industries --Cease and Desist Order No. R5-2003-0155 due to exceeding limitations on discharge of lead and bis-2-ethylhexylphthalate. Relative to violation of Waste Discharge Requirements Order No. R5-2003-0154, (NPDES No. CA0081400).

Shasta County

Shasta Lake Division, Sierra Pacific Industries -- \$25,000 penalty for effluent discharges exceeding limits for bioassay survival (in one instance there was zero survival in bioassay

of toxicity for fish, in second there was 10% survival), and exceeded settleable solids, and failed to submit a required report. Administrative Civil Liability Complaint No. R5-2003-0510, relative to violation of Waste Discharge Requirements (WDRs) Order No. 97-047 (NPDES No. CA0081400).

2004

Plumas County

Quincy Division, Sierra Pacific Industries -- \$9,000 penalty for exceeding discharge of pollution limits three times (150%, 150%, and 200% greater than limit) to Mill Creek. Administrative Civil Liability Complaint No. R5-2004-0532 relative to violation of Waste Discharge Requirements order No. R5-2002-0132 (NPDES No. CA 0080357).

Shasta County

Anderson Division, Sierra Pacific Industries – Cease and Desist Order. Results of monitoring by the Discharger and Regional Board staff shows discharge to Sacramento River from the site contained concentrations of cadmium as high as 3.1 µg/L (maximum effluent permitted for health is 0.2 µg/L), copper as high as 37 µg/L (max. allowed is 21.6 µg/L), and zinc as high as 707 µg/L (max. allowed 120.2 µg/L). SPI is given until July 2009 to meet full compliance. Relative to violation of Waste Discharge Requirements Order No. R5-2004-0100, (NPDES No. CA0082066).

2006

Shasta County

Burney Sawmill and Cogeneration Plant, Sierra Pacific Industries – Illegal discharge of pond sediment slurry into Burney Creek and Canyon Creek reported by Regional Water Board staff. Enforcement action to be taken.

Shasta Lake Division, Sierra Pacific Industries – Cease and Desist Order, illegal discharge of cadmium, copper, lead, zinc, and bis-2-ethylhexylphthalate into Churn Creek, a tributary of the Sacramento River. Relative to R5-2006-0128 Order No. R5-2003-0154, (NPDES No. CA0081400). Amended 2003 order giving SPI additional three years to meet compliance for limiting effluents.

2007

Amador County

Martell Wheelabrator Site, Sierra Pacific Industries—Notice of violation for failure to file reports, failure to close ash disposal area containing dioxin and other polycyclic aromatic hydrocarbons at levels which pose a health risk to workers and the public. Relative to 2002 Order No. No. R5-2002-0018 (NPDES No. CA0004219).

2008:

Amador County

Martell Wheelabrator Site, Sierra Pacific Industries—Fined \$3,000 for failure to comply with 2002 order to properly limit effluent discharges to Stony Creek, a tributary of Dry Creek, Sutter Creek, and Mokelumne River. Waste Discharge Requirements (WDRs)

violated from Order No. No. R5-2002-0018 (NPDES No. CA0004219). Complaint NO. R5-2008-0505 assesses a fine of \$3,000.

Shasta County

Anderson Division, Sierra Pacific Industries—Fined \$42,000 for exceeding pollutant effluent discharges (solids and lead) into the Sacramento River 14 times (exceedances ranged from 50% to 700% over the daily allowed limit). Complaint No. R5-2008-0541, due to violation of WDR Order No. R5-2004-0100 (NPDES No. CA0082066).

Shasta County

Burney Division, Sierra Pacific Industries – Fined \$36,000 R5-2008-0540 for exceeding pollutant effluent discharges into Burney Creek, a tributary of the Sacramento River, 12 times between 2004-2007 (exceedances ranged from 50 to 400% over the daily allowed limit). Complaint No. R5-2008-0540 due to violation of WDR Order No. 5-00-218 (NPDES No. CA0003981).

Shasta County

Shasta Lake Division, Sierra Pacific Industries – Fined \$6,000 for exceeding pollutant effluent discharges into the Sacramento River via Churn Creek twice in 2004 (exceedance of lead was 46% over the allowed limit). R5-2008-0573 due to violation of WDR Order No. R5-2003-0154 (NPDES No. CA0081400).

Some Other Reasons Why Sierra Pacific Industries is NOT a Good Neighbor

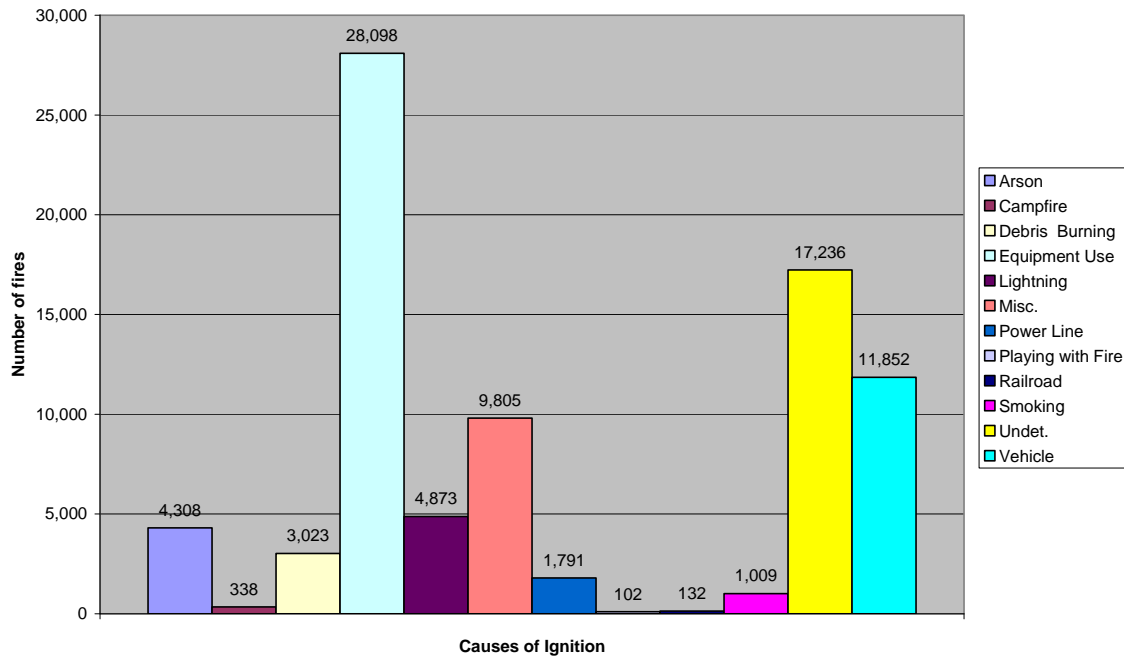
In 2002, the Sour Grass fire was started by SPI from a fire that got away from them when burning logging slash. The cost to the state for suppressing the fire was \$942,379.00. SPI settled with the state for \$500,000. (Source: Tom Hoffman, Chief of Law Enforcement, Office of the State Fire Marshall).

While we don't know how many fires have been started by logging operations, we do know that equipment is the greatest source of wildland fire ignitions in northern California.

In 2007 the Moonlight Fire in Plumas County, for example, was started by logging equipment. The fire burned over 60,000 acres at a cost of over \$28.5 million.

Below is a chart showing the number of wildland fires started in Sierra counties by various sources of ignition. Note that **equipment** is by far the most common source of wildfire ignitions. Data is from 2002-2008; older data available is only with Public Records Act Request. Source: Cal Fire Office of the State Fire Marshal:

Causes of Wildland Fires in Sierra Nevada 2002-2008
 Source: Cal Fire Office of the State Fire Marshal



In 2007, a court approved a \$2.4 million settlement for a 2005 class action suit brought by SPI truck drivers, who allege that SPI failed to provide meal and rest breaks, and provided inaccurate W2 information for their wages.

In 2009, a worker at SPI's Oroville plant, was awarded \$110,000 in damages in a civil rights case alleging discrimination. Another civil rights case is still pending, in which a worker at SPI's Red Bluff plant filed another discrimination lawsuit against SPI in 2007. According to a press release, Sierra Pacific subjected the worker, Ahmed Elshenawy, to disproportionately harsh treatment and fired him after four years of employment due to his protesting ongoing verbal harassment he had received by other employees at the job site, due to his Egyptian national origin.