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FOR IMMEDIATE RELEASE  
February 4, 2019

## **EPIC and Allies Petition State Water Board to Force Regional Board Action on Elk River**

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On Friday, February 1, 2019, the Environmental Protection Information Center—(EPIC) and allied organizations filed a Petition with the California State Water Resources Control Board challenging a Failure to Act by the North Coast Regional Water Quality Control Board to revise sediment pollution discharge permits for Green Diamond Resource Company and Humboldt Redwood Company in the Elk River Watershed, Humboldt County, CA.

EPIC and allies also filed a Motion for Stay that would temporarily stop logging and for Green Diamond and Humboldt Redwood Company until a hearing can be scheduled and held before the State Water Resources Control Board.

In May 2016, the North Coast Regional Water Quality Control Board adopted a Total Maximum Daily Load (TMDL) for the Upper Elk River Watershed designed to address logging-related sediment impairments choking the watershed and endangering the lives, health, and safety of Upper Elk River residents. The Load Allocation, or amount of additional sediment pollution from human-caused activities acceptable under the TMDL was set at zero, after a 2015 Technical Sediment Analysis (Tetra Tech 2015) found that the Upper Elk River had no further capacity to intake and assimilate sediment pollution.

On August 1, 2017, the State Water Resources Control Board ratified the Upper Elk River TMDL adopted by the Regional Water Board. In doing so, the State Board clarified its understanding of the TMDL zero Load Allocation and directed the Regional Water Board to ensure attainment of zero new logging-related sediment input as soon as possible, but by no later than 2031. To accomplish this, the State Board also directed the Regional Board to revise and update the sediment pollution waste discharge permits for Green Diamond Resource Company and Humboldt Redwood Company as soon as possible, but by no later than January 2019.

The North Coast Regional Water Quality Control Board failed to revise the sediment pollution waste discharge permits for the two companies as directed by the State Water Resources Control Board, and as contemplated in the Regional Board's own implementation plan for the Upper Elk River Sediment TMDL, known as the TMDL Action Plan. Additionally, the Regional Board continues to permit logging under the pre-existing permits for both Green Diamond and Humboldt Redwood Company as it simultaneously kicks-the-can on the required permit revisions.

EPIC's Petition for Review, Motion for Stay of the permits, and Request for Hearing before the State Water Resources Control Board are all aimed at either compelling the Regional Board to undertake the

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necessary permit revisions, or to have the State Board take up these revisions in place of the Regional Board.

“We are very disappointed to have to take this action,” said Rob DiPerna, California Forest and Wildlife Advocate at EPIC. “The North Coast Regional Water Quality Control Board’s failure to adopt new permits for Humboldt Redwood Company and Green Diamond while simultaneously allowing more logging to go on under these deficient permits is simply unacceptable given the sediment impairment in the Upper Elk River and the nightmare of flooding and property destruction being endured by Upper Elk River residents.”

The State Water Resources Control Board has 90-days in which to respond to EPIC’s Petition.

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