

Photo: Gary Lynch

WE WIN!

Surfrider Forces Pulp Mills To Halt Ocean Pollution—Costs Two Firms \$5.6 Million

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SACRAMENTO—Flexing its newfound political muscle, an organization of surfers announced Monday that two pulp mill operators will pay nearly \$5.8 million in fines and stop polluting the ocean off Humboldt County—one of the best surfing spots in the state.

The settlement—the second largest ever under the federal Clean Water Act—also will require Louisiana-Pacific Corp. and Simpson Paper Co. to spend more than \$50 million to dramatically reduce toxic discharges from the two oceanfront pulp mills near Eureka.

Under the agreement reached with Surfrider Foundation, based in Huntington Beach, and the U.S. Environmental Protection Agency, the two timber companies also agreed to install solar-heated showers at nearby beaches so surfers can wash off the toxic contamination until improvements are made to the paper mills. The agreement was prompted by a Surfrider suit that was

joined by a federal action.

EPA Administrator William K. Reilly hailed the agreement as a landmark and said it shows that the federal government "will not allow companies to profit from the environment."

The two pulp mills, which dump 40 millions of gallons a day of untreated waste into the ocean, have long been among the worst sources of pollution in the state, EPA officials said. The effluent is laced with dioxin and other contaminants, including many that have not been identified.

"We had the choice of directing our resources to a long and costly court battle or focusing on making (our mill) one of the cleanest in the nation," said Aaron Gettel, operations manager at the Simpson mill. "We chose to work out an agreement that will provide research and installation of pollution-control technology."

Surfrider Foundation attorney Mark Massara said the organization documented more than 40,000 violations of the Clean Water Act by the mills since 1984.

Frequently, the plume of contaminants

turns the waves black near Humboldt Bay, he said, and causes a variety of ailments for surfers, including nausea, sinus infections, sore throats and skin rashes.

"We're proud of our role as initiators of this historic clean water action and proud of our role as beach lifeguards," said Rob Caughlan of San Mateo, president of the Surfrider Foundation. "We're looking for a little bit of belated environmental law and order."

The settlement will undoubtedly put
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Surfrider Foundation on the map as an environmental organization. Surfers, long a politically dormant group, have been galvanized into action in recent years by oil spills, the loss of beach access and mounting pollution. The organization, founded in 1984, has grown to 15,000 members and takes an active role in monitoring ocean contamination up and down the state.

"This is a great victory for surfers and Surfrider," said Massara, "but more importantly the case proves that 167 million people who annually use California's beaches can take back our shoreline."

EPA attorney Christopher Sproul said the agreement sets an important precedent in environmental regulation by requiring a new standard for the mill's effluent—that is to be proven safe for ocean creatures.

Until now, pulp mills and other toxic waste dischargers have been required to make sure only that the level of specific chemicals released does not exceed a numerical safety standard, he said. But that system does not take into account the effect of the many substances in pulp mill effluent that have not been identified, or the combined effect of the chemicals.

In the case of the Humboldt County mills, it is often difficult to assess the consequences of the discharge on ocean life because of the region's 20-foot waves, turbulent currents, shifting ocean bottom and strong winds.

Under the settlement, the mills will be required to conduct laboratory tests to show that four ocean species—abalone, sea urchins, sand dollars and kelp—can survive in discharged waste.

"This represents the first time in the country that there has been any direct requirement placed on a discharger to reduce toxicity as measured by its effect on organisms," Sproul said.

Another breakthrough in the settlement, he said, is the willingness of Simpson Paper to explore ways of making paper without a key ingredient, elemental chlorine, used to bleach wood chips.

The use of chlorine—common in most paper manufacturing—produces dioxin and other compounds believed to be harmful to aquatic life. Its removal from the process could lead to more environmentally sound methods of producing paper, he said.

The EPA has been battling with Louisiana-Pacific and Simpson Paper for 15 years over their mills on the Samoa Peninsula, a spit of sand dunes that guards Humboldt Bay and Eureka from the rough Pacific.

In 1987, with the support of community and state officials, the companies won a waiver from Congress allowing them to continue dumping the waste without the enhanced, "secondary" treatment required for most other dischargers into the oceans off the United States.

Undaunted by congressional interven-

tion, the Surfrider Foundation filed suit in 1989 charging that the mills were violating the Clean Water Act. The EPA filed its own suit shortly afterward and the two cases were consolidated.

In reaching a settlement, the competing companies worked out somewhat different terms. Both firms agreed to construct new facilities by March, 1994 to carry out secondary treatment, or its equivalent, before discharging waste into the ocean.

But Simpson, in addition to its willingness to stop using elemental chlorine, said that it would attempt to use newly available methods of treating the waste to eliminate its toxic hazards. Improvements to the mill as a result of the agreement could cost \$50 million or more, Simpson officials said.

Louisiana-Pacific, on the other hand, agreed to handle the problem by extending its discharge pipeline farther out into the ocean so that any remaining toxicity after secondary treatment would not be washed into the surfing zone. The pipe now runs half a mile out to sea, but the new outfall would dump the effluent as far as two miles out. A Louisiana-Pacific official said the improvements will cost millions of dollars.

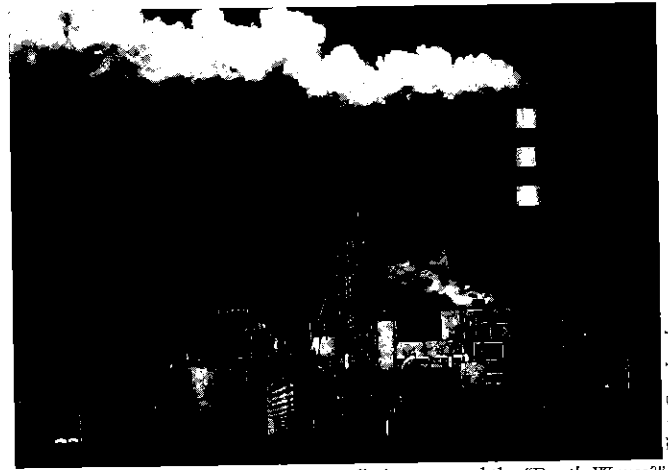


Photo: Gary Lynch

Will cleanup end the "Death Waves?"

Both firms agreed to pay \$2.9 million in federal fines for violating the Clean Water Act. They also agreed to pay \$175,000 each to build the beach showers, a campground and environmental conference center at the popular surfing beach on the Samoa Peninsula. They also agreed to pay \$500,000 in legal costs for the Surfrider Foundation.

"This case will not only result in clean water," he said, "but will positively impact the economy of Northern California through the creation of \$100 million worth of environmental jobs as the mills implement the cleanup measures."

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What We Won:

Both Louisiana Pacific and Simpson Paper must:

- Construct water-treatment facilities to eliminate toxicity by March 16, 1994. Each facility will cost an estimated \$40 million.
- Pay \$2.9 million in fines to the Justice Department.
- Contribute \$178,000 to Surfrider Foundation North Jetty Recreation Improvement Fund.
- Pay all of the Surfrider Foundation's legal fees and other case-related expenses.
- Utilize, or attempt to utilize, recycled paper for all Clean Water Act reports and correspondence.
- Pay up to \$4 million annually in fines for Clean Water Act violations during the design and construction of plant improvements and for violations of the Consent Decree settlement documents.

- Cease and desist from further objection to EPA's use of sensitive marine organisms for determination of chronic toxicity of pulp mill effluent.

L-P must:

- Build an outfall extension by October 31, 1992.
- Retain independent experts to evaluate elimination of elemental chlorine from bleaching process.

Simpson must:

- Complete a comprehensive environmental audit for entire mill and prepare remedial action plan within six months.
- Eliminate odor, irritation, toxicity, color and any human health impacts or build an outfall extension by October 15, 1993.
- Eliminate use of elemental chlorine within one year through substitution of chlorine dioxide and hydrogen peroxide.