



Enforcement News

North Coast Regional Water Board Assesses \$37,000 Penalty for Sediment Discharges to the Upper Eel River

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The North Coast Regional Water Quality Control Board assessed a \$37,079 penalty for a Clean Water Act violation against the owners of a Mendocino County property at the Board's December meeting.

The penalty is for discharges of sediment-laden water into a tributary of the Upper Main Eel River. The discharge was caused by the failure of a 50,000 gallon fuel bladder being used for water storage allegedly for fire protection. Polly Franklin, trustee for the property trust, and her son, Daniel Franklin, were named in the violation order.

According to testimony at the enforcement hearing during the Regional Water Board's December meeting, the storage bladder was overfilled, causing it to burst. A minimum of 50,000 gallons of water were discharged, flowing over and through an adjacent earthen berm, and entering a small watercourse. The water traveled 2,000 feet downstream, tearing out riparian vegetation, stripping away instream soil, rocks and boulders, and eventually entering the Upper Main Eel River.

Staff of the California Department of Fish and Wildlife reported seeing increased turbidity for at least a day and a half following the incident, and a high rate of fish outmigration. The effects were observed more than three miles downstream in the Eel River at the Van Arsdale fish station.

Staff of the Regional Water Board, California Department of Fish and Wildlife, and the California Geologic Survey inspected the site following the event, and documented the damage throughout the segment of the watercourse from the discharge point down to the Upper Main Eel River.

The Regional Water Board adopted the order assessing a penalty of \$37,079 against Polly Franklin as trustee of the trust that owns the property, and Daniel Franklin as the person responsible for activities that occurred on the property resulting in the unauthorized discharge. The Board found that the discharge posed a significant threat of harm to beneficial uses. The Board noted that while the bladder failure was not intentional, it was negligent.



Regional Water Board staff note that storage bladders, both new and military surplus, are widely available and often used for water storage throughout the North Coast Region. However, many bladders are not specifically designed to hold water, have a limited service life, and are susceptible to failure due to overfilling or puncture by external causes.

Water releases from ruptured storage bladders may cause significant erosion, instream damage and harm to aquatic species and habitat. Staff encourages those individuals selling or purchasing storage bladders and/or collapsible fabric tanks to make themselves familiar with limitations and cautions associated with their specific bladders, and to take care in siting, installing, operating and maintaining storage bladders to minimize the potential for failure and abrupt release of water into nearby streams.

For more information about the North Coast Regional Water Quality Control Board's enforcement efforts, visit:

http://www.waterboards.ca.gov/northcoast/water_issues/programs/enforcement/

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