

California Regional Water Quality Control Board  
North Coast Region

CLEANUP AND ABATEMENT ORDER NO. R1-2004-0079

FOR

RINEHART OIL INCORPORATED  
SPILL ON MASONITE INTERNATIONAL CORPORATION  
300 FORD ROAD, UKIAH, CALIFORNIA  
IN  
MENDOCINO COUNTY

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds that:

1. On August 25, 2004 at 0805 hours, a tank truck exiting northbound Highway 101 at North State Street in Ukiah, California, overturned from the off-ramp onto the Masonite International Corporation property, spilling approximately 4,800 gallons of gasoline.
2. Rinehart Oil Incorporated is the owner of the tank truck involved in the spill. Rinehart Oil Incorporated is hereinafter referred to as the Discharger.
3. The tank truck overturned, ruptured, and spilled gasoline onto the Masonite International Corporation property and the Caltrans right-of-way of Highway 101. The gasoline spilled onto the paved chip yard of Masonite International Corporation and traveled easterly approximately 500-feet to an unpaved drainage ditch. Gasoline soaked into the soil and entered a north-south buried corrugated metal pipe. The corrugated metal pipe connects to a drain box to the south, in which gasoline was observed. Regional Water Board Staff observed water entering the drain box from a separate pipe coming from the west. Staff also noted gasoline odors in additional drain boxes to the southeast, and in an oil-water separator east of the Masonite International Corporation facility fence and west of the railroad tracks. The oil-water separator discharges to a tributary of the Russian River. A portion of the spill area has affected Caltrans property on the east side of Highway 101.
4. Apex Envirotech, Inc., an environmental consulting company, is conducting initial cleanup of the spill. Cleanup actions included using absorbent material to remove gasoline from the paved area of Masonite International Corporation. Excavation of contaminated soil began on August 25, 2004.
5. The beneficial uses of areal groundwater include municipal and domestic water supply, agricultural supply, and industrial process supply.
6. The beneficial uses of the Russian River, include:
  - a) municipal and domestic supply
  - b) agricultural supply

- c) industrial process supply
  - d) groundwater recharge
  - e) navigation
  - f) hydropower generation
  - g) water contact recreation
  - h) non-contact water recreation
  - i) commercial and sport fishing
  - j) warm freshwater habitat
  - k) cold freshwater habitat
  - l) wildlife habitat
  - m) migration of aquatic organisms
  - n) spawning, reproduction, and/or early development of fish
7. The Discharger named in this Order has caused or permitted, causes or permits, or threatens to cause or permit waste to be discharged where it is, or probably will be, discharged into waters of the State and creates, or threatens to create, a condition of pollution or nuisance. The discharge and threatened discharge of contaminants has unreasonably affected water quality in that the discharge or threatened discharge is deleterious to the above described beneficial uses of State waters, and has impaired water quality to a degree which creates a threat to public health and public resources and therefore, constitutes a condition of pollution or nuisance. These conditions threaten to continue unless the discharge or threatened discharge is permanently cleaned up and abated.
8. The California Water Code, and regulations and policies developed thereunder, require cleanup and abatement of discharges, and threatened discharges of waste to the extent feasible. Cleanup to background levels is the presumptive standard. Alternative cleanup levels greater than background concentrations shall be permitted only if the Dischargers demonstrate that: it is not feasible to attain background levels; the alternative cleanup levels are consistent with the maximum benefit to the people of the State; alternative cleanup levels will not unreasonably affect present and anticipated beneficial uses of such water; and they will not result in water quality less than prescribed in the Basin Plan and Policies adopted by the State and Regional Water Board. Any proposed alternative that will not achieve cleanup to background levels, must be supported with evidence that it is technologically or economically infeasible to achieve background levels, and that the pollutant will not pose a substantial present or potential hazard to human health or the environment for the duration of the exceedence of background levels (SWRCB Res. Nos. 68-16 and 92-49, Title 23, California Code of Regulations Section 2550.4, subds. (c), and (d)).
9. Water quality objectives exist to ensure the protection of beneficial uses of water. Several beneficial uses of water exist, and the most stringent objective for protection of all beneficial uses is selected as protective for water quality. A listing of the water quality objectives for waters of the State impacted by discharges from the Site is included as Attachment A to this Order.
10. Discharge prohibitions contained in the Basin Plan apply to this Site. State Water Resources Control Board Resolution 68-16 (Non-Degradation Policy) applies to this Site.

State Water Resources Control Board Resolution 92-49 applies to this Site and sets out the "Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Section 13304 of the California Water Code."

11. Reasonable costs incurred by Regional Water Board staff in overseeing cleanup or abatement activities are reimbursable under Section 13304(c)(1) of the California Water Code.
12. The issuance of this cleanup and abatement order is an enforcement action being taken for the protection of the environment and, therefore, is exempt from the provisions of CEQA in accordance with Section 15308 and 15321, Chapter 3, Title 14 of the California Code of Regulations.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to California Water Code Sections 13267(b) and 13304, the Discharger shall cleanup and abate the discharge and threatened discharges forthwith and shall comply with the following provisions of this Order:

1. Conduct all work under the direction of a California registered civil engineer or geologist experienced in soil and groundwater assessment and remediation.
2. Contaminated soil shall be removed to the extent feasible. Feasibility will be determined by Regional Water Board staff, Caltrans, and other regulatory agencies involved in the cleanup. Sampling of the excavation must occur prior to closing of the excavation. Concurrence of sampling locations by Regional Water Board staff must occur prior to sampling.
3. Conduct a sensitive receptor survey within 1,000 feet of the known extent of the spill. The sensitive receptor survey must include, at a minimum, locations of water supply wells with construction details and pumping rates, surface waters, preferential pathways including subsurface utilities, sensitive environmental habitats, and the identification of any potential health and safety issues.
4. Submit a work plan to the Regional Water Board by September 7, 2004 to determine the extent of contamination. The work plan shall include the results of a sensitive receptor survey.
5. Implement the work plan within 24 hours following concurrence of the plan by the Executive Officer.
6. Submit a report of findings within 30 days of work plan implementation. This report shall include recommendations for additional work.
7. If, for any reason, the Discharger is unable to perform any activity or submit any documentation in compliance with the work schedule contained in this order or submitted pursuant to this order and approved by the Executive Officer, the Discharger may request in writing, an extension of time as specified. The extension request must be submitted five days in advance, if possible, of the due date and shall include justification for this delay including the good faith effort performed to achieve compliance with the due date. The

extension request shall also include a proposed time schedule with new performance dates for the due date in question and all subsequent dates dependent on the extension. A written extension may be granted for good cause, in which case the order will be revised accordingly.

8. This Order in no way limits the authority of this Regional Water Board to institute additional enforcement actions or to require additional investigation and cleanup at the facility consistent with state and federal law. This Order may be revised by the Executive Officer as additional information becomes available.

Ordered by \_\_\_\_\_

Catherine E. Kuhlman  
Executive Officer

August 30, 2004

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