

California Regional Water Quality Control Board
North Coast Region

CLEANUP AND ABATEMENT ORDER No. R1-2014-0025

For

Belinda Marie Pollack
Comptche Store

31051 Comptche Ukiah Road
Comptche, CA 95427
Case #1NMC630
Mendocino County

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

1. The Comptche Store is located at 31051 Comptche Ukiah Road (APN 125-080-35) in Mendocino County (hereinafter referred to as the "site"). The site consists of a store, two 1,000-gallon above ground petroleum storage tanks, and underground piping to a dispenser. Only one 1,000-gallon above ground storage tank is being used at this time. The second 1,000 gallon above ground storage tank and underground piping is not in use.
2. Belinda Marie Pollack, the owner of the Comptche Store, is hereinafter referred to as the "Discharger."
3. On or about Monday March 17, 2014, approximately 150 to 250 gallons of gasoline (petroleum product) was released from a leaking product line at the Comptche Store to an unnamed tributary of the Albion River. According to the Discharger the leaking product line was a new line installed by the owner to replace an existing line that failed a leak test on March 12, 2014. It is the Regional Water Board's understanding that the underground product piping from the unused above ground storage tank also failed the leak pressure test conducted on March 12, 2014¹. On Tuesday, March 18, 2014, Ehlert's Petroleum Maintenance repaired the fitting(s) on the newly installed line to repair the leak.¹
4. On March 18, 2014, petroleum product was observed in the unnamed creek (drainage ditch) which is a tributary to Albion River. The Comptche Volunteer Fire Department conducted initial cleanup efforts, including placing booms and pads in the creek.² The Discharger hired LACO Associates and Paulson Excavating to abate the discharge to the creek by digging a cut off trench and extracting petroleum impacted groundwater. The extracted groundwater is being temporarily stored at the property.

¹ Regional Water Board staff telephone conversation with Ehlert Petroleum Maintenance, March 20, 2014.

² Regional Water Board staff telephone conversation with the Comptche Volunteer Fire Department, Chief Tunzi, March 20, 2014.

5. Based on observations by LACO Associates, Paulson Excavating, and Mendocino County Environmental Health, the petroleum product released to the creek is a mix of fresh (new) product and older weathered product. Soils at a depth of 9 feet below ground surface are a blue green color and appear to be contaminated with weathered petroleum product, which suggests that the March 18 event is not the first release at the site.
6. The residences surrounding the Comptche Store rely solely on individual wells for domestic uses.
7. The existing and potential beneficial uses of the Albion River Hydrologic Area include:
 - a) Municipal And Domestic Supply
 - b) Agricultural Supply
 - c) Industrial Service Supply
 - d) Industrial Process Supply
 - e) Groundwater Recharge
 - f) Freshwater Replenishment
 - g) Navigation
 - h) Hydropower Generation
 - i) Water Contact Recreation
 - j) Non-Contact Water Recreation
 - k) Commercial And Sport Fishing
 - l) Warm Freshwater Habitat
 - m) Cold Freshwater Habitat
 - n) Wildlife Habitat
 - o) Rare, Threatened, And Endangered Species
 - p) Migration Of Aquatic Organisms
 - q) Spawning, Reproduction, And/Or Early Development Of Fish
 - r) Shellfish Harvesting
 - s) Aquaculture
8. The existing and potential beneficial uses of areal groundwater include:
 - a) Municipal And Domestic Supply
 - b) Agricultural Supply
 - c) Industrial Service Supply
 - d) Industrial Process Supply
9. The Discharger 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 may unreasonably affect water quality in that the discharge or threatened discharge is deleterious to the above described beneficial uses of State waters, and may impair 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.

10. 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 Discharger demonstrates 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 exceedance of background levels (SWRCB Res. Nos. 68-16 and 92-49; California Code of Regulations, title 23, section 2550.4, subds. (c), and (d)).
11. This Order requires Discharger to abate the release of petroleum product to the creek, investigate the extent of the release and remediate soil and groundwater impacted by the release.
12. Any person affected by this action of the Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and title 23, California Code of Regulations, section 2050. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Water Board, any person affected by this Order may request the Regional Water Board to reconsider this Order. To be timely, such request must be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Water Board is sought, filing a petition with the State Water Board within the 30-day period is necessary to preserve the petitioner's legal rights. If the Discharger chooses to appeal the Order, the Discharger is advised that they must comply with the Order while the appeal is being considered.
13. 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 sections 15308 and 15321, title 14 of the California Code of Regulations. In addition, initial cleanup activities required by this order will be occurring in a previously disturbed area are subject to an emergency exemption for repairs essential to the public health, safety and welfare. (Cal. Code Regs., tit. 14, §15269, subd. (b).) The Regional Water Board will ensure that prior to concurrence with any long-term cleanup actions required under this order, it has complied with the requirements of CEQA as appropriate. Until the site has been investigated and

a workplan proposed, it is impossible for the Regional Water Board to identify and mitigate potentially significant adverse impacts associated with the long-term cleanup of the Site.

14. Failure to comply with the terms of this Order may result in enforcement under the Water Code. Any person failing to provide technical reports containing information required by this Order by the required date(s) or falsifying any information in the technical reports is, pursuant to Water Code section 13268, guilty of a misdemeanor and may be subject to administrative civil liabilities of up to one thousand dollars (\$1,000.00) for each day in which the violation occurs. Any person failing to cleanup or abate threatened or actual discharges as required by this Order is, pursuant to Water Code section 13350(e), subject to administrative civil liabilities of up to five thousand dollars (\$5,000.00) per day or ten dollars (\$10) per gallon of waste discharged.

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

- 1 Submit by April 1, 2014, a plan for the sampling and disposal of contaminated groundwater generated by the groundwater extraction trench, and continued operation of the groundwater extraction system to intercept contaminated groundwater prior to reaching the creek.
- 2 By April 1, 2014, sample surface water in the creek 1) above the release, 2) at the point of the discharge, and 3) points downstream to determine the extent of impacted surface water in the creek and Albion River. Also by April 1, 2014, conduct a well survey of the immediate surrounding properties and sample wells threatened by the release. Submit the domestic well sampling results and the surface water sampling results by April 15, 2014.
- 3 Submit by April 15, 2014, any and all records and/or known information of repairs (current and historic), petroleum purchases, product throughput records, and a detailed summary of events leading to the discharge of petroleum product. The submittal shall include a site history identifying the age of the existing system, and any previous systems used at the site including any former underground storage tank systems.
- 4 Submit a weekly report to the Regional Water Board staff providing updates on the status of compliance with this Cleanup and Abatement Order No. R1-2014-0025. The first weekly report is due on April 1, 2014.
- 5 Submit a workplan by June 1, 2014, to define the extent of soil and groundwater contamination to the Executive Officer. Implementation of the workplan shall begin within 30 days following concurrence of the workplan by the Executive Officer.

- 6 Submit by June 1, 2014, a sensitive receptors survey to the Executive Officer. The survey shall be conducted within 1500 feet of the known extent of the discharge. The sensitive receptor survey shall include locations of water supply wells and water supply intake structures, preferential pathways, sensitive environmental habitats, and the identification of any potential health and safety issues.
- 7 Conduct all work under the direction of a California registered civil engineer or professional geologist experienced in surface water, soil, and groundwater investigation and remediation.
- 8 Coordinate investigation and cleanup activities associated with soils, surface waters, and groundwater with Regional Water Board staff, Mendocino County Environmental Health staff, California Department of Fish and Game, and other regulatory agencies involved in the cleanup. All workplans and reports submitted to the Executive Officer of the Regional Water Board shall be signed and stamped by a licensed professional as specified in Provision 1, above.
- 9 Pay all cost recovery invoices within 30 days of issuance of the invoice.
- 10 If, for any reason, the Discharger is unable to perform any activity or submit any documentation in compliance with the directives 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.
- 11 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 site consistent with state and federal law. This Order may be revised by the Executive Officer as additional information becomes available.

Ordered by: _____
Matthias St. John
Executive Officer

March 25, 2014