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Protection

California Regional Water Quality Control Board

North Coast Region

William A. Hoy, Chairman



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California Regional Water Quality Control Board North Coast Region

CLEANUP AND ABATEMENT ORDER NO. R1-2000-95

FOR

SCHMIDBAUER LUMBER INCORPORATED

Clark Street
Eureka, California

Humboldt County

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

1. Schmidbauer Lumber Incorporated ("Schmidbauer") owns a lumber mill and retail sales operation that is bounded by Kostner Street, Washington Street, Railroad Avenue, and 14th Street in Eureka, California (hereinafter "site"). Hammond Lumber Company developed the site as a lumber mill on or around 1948 and operated the mill until 1960. Norris Redwood took over operations of the lumber mill until 1967. In 1968, Georgia Pacific began operating at the site and continued until 1972 when the site was sold to Schmidbauer, who began treating lumber with Noxtane, a wood treatment chemical shortly after the sale. Noxtane contains pentachlorophenol (PCP) and tetrachlorophenol (TCP) and was used at the site until 1983.
2. On February 25, 1988, Waste Discharge Requirements Order No. 88-16 was issued by the Regional Water Board to Schmidbauer. Prohibition A (1) of Order No. 88-16 states that "There shall be no discharge of wood treatment chemicals or stain control fungicides to surface water or to groundwater."
3. On March 26, 1992, Schmidbauer completed a Notice of Intent for Industrial Storm Water General Permit No. CAS000001 for stormwater discharges. On June 6, 1997, Schmidbauer completed a new Notice of Intent for Industrial Storm Water General Permit WQ Order No. 97-030-DWQ.
4. On March 28, 1996, Regional Water Board staff requested that the Facility Storage Statement and all appropriate fees be paid for the aboveground storage tanks located at

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the site. On May 17, 1996, Schmidbauer submitted the Facility Storage Statement and fees from 1992.

5. On March 28, 1996, Regional Water Board staff requested the submittal of a workplan for a hydrogeologic investigation of discharges of petroleum products at the site. Bunker C fuels had been detected in site perimeter monitoring wells associated with the adjacent Unocal facility. At the same time, the Department of Toxic Substances Control requested an investigation of discharges of pentachlorophenol. Since 1997 several investigations in connection with the pentachlorophenol investigation have documented discharges of pentachlorophenol, tetrachlorophenol, and trichlorophenol to the environment. The petroleum discharges are associated with a neighboring Pacific Gas and Electric pipeline. Laboratory analyses from groundwater samples collected at the site have detected pentachlorophenol at 9,800 parts per billion (ppb), tetrachlorophenol at 9,900 ppb, and trichlorophenol at 9.3 ppb. The water quality objectives for pentachlorophenol, tetrachlorophenol, and trichlorophenol are all 1 ppb. Schmidbauer is hereinafter referred to as the discharger.
6. On October 26, 1999 and February 22, 2000 surface water samples collected in the retail yard contained elevated levels of arsenic, chromium, copper, and zinc. A Schmidbauer employee reported the levels to Regional Water Board staff in June of 2000.
7. The site is located adjacent to Humboldt Bay, and overlies deposits of fill, bay muds, and sands. Shallow ground waters underlie the site less than three feet below the ground surface (bgs).
8. The beneficial uses of the areal ground waters include:
 - a. domestic water supply
 - b. agricultural supply
 - c. industrial supply
9. The beneficial uses of Humboldt Bay include:
 - a. industrial service supply
 - b. navigation
 - c. water contact recreation
 - d. non-contact recreation
 - e. ocean commercial and sport fishing
 - f. saline water habitat
 - g. wildlife habitat
 - h. preservation of rare and endangered species
 - i. marine habitat
 - j. fish migration
 - k. fish spawning area
 - l. shellfish harvesting



10. THE DISCHARGER HAS CAUSED OR PERMITTED, CAUSES OR PERMITS, OR THREATEN TO CAUSE OR PERMIT WASTE TO BE DISCHARGED OR DEPOSITED WHERE IT IS, OR PROBABLY WILL BE, DISCHARGED INTO THE WATERS OF THE STATE AND CREATES, OR THREATENS TO CREATE, A CONDITION OF POLLUTION OR NUISANCE IN VIOLATION OF THE PORTER-COLOGNE WATER QUALITY CONTROL ACT AND PROVISIONS OF THE *WATER QUALITY CONTROL PLAN FOR THE NORTH COAST REGION* (BASIN PLAN). IN ADDITION, THE DISCHARGE OF PCP AND TCP TO AREAL GROUNDWATER IS A VIOLATION OF WASTE DISCHARGE REQUIREMENTS, ORDER NO. 88-16.
11. STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 68-16 AND STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 92-49 (“POLICIES AND PROCEDURES FOR INVESTIGATION AND CLEANUP AND ABATEMENT OF DISCHARGES UNDER SECTION 13304 OF THE CALIFORNIA WATER CODE”) APPLY TO THIS SITE.
12. WATER QUALITY OBJECTIVES EXIST TO ENSURE PROTECTION OF THE BENEFICIAL USES OF WATER. WHERE MULTIPLE BENEFICIAL USES OF WATER EXIST, THE MOST STRINGENT WATER QUALITY OBJECTIVES FOR PROTECTION OF ALL BENEFICIAL USES ARE SELECTED AS THE PROTECTIVE WATER QUALITY CRITERIA. ALTERNATIVE CLEANUP AND ABATEMENT ACTIONS THAT EVALUATE THE FEASIBILITY OF, AT A MINIMUM: (1) CLEANUP TO BACKGROUND LEVELS, (2) CLEANUP TO LEVELS ATTAINABLE THROUGH APPLICATION OF BEST PRACTICABLE TECHNOLOGY, AND (3) CLEANUP TO PROTECTIVE WATER QUALITY OBJECTIVES, NEED TO BE CONSIDERED. NARRATIVE WATER QUALITY OBJECTIVES ARE INTERPRETED THROUGH APPLICATION OF AVAILABLE SCIENTIFIC INFORMATION AND NUMERICAL LIMITS ARE THENCE DERIVED FROM SUCH INFORMATION. THE FOLLOWING TABLE SETS OUT THE RELEVANT PROTECTIVE WATER QUALITY OBJECTIVES, DERIVED FROM THE NARRATIVE WATER QUALITY OBJECTIVES IN THE BASIN PLAN, FOR SURFACE AND GROUNDWATERS AT THE SITE:

Constituent of Concern	Background Level ug/l	Water Quality Objective ug/l	Reference for Objective
Pentachlorophenol	<0.2	1.0	California DHS MCL, Title 22 of the California Code of Regulations §64444 is 1 ug/l
Tetrachlorophenol	<0.2	1	Taste and odor threshold per US EPA Red Book applied to the TASTE AND ODOR water quality objective in the Basin Plan

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Constituent of Concern	Background Level ug/l	Water Quality Objective ug/l	Reference for Objective
Trichlorophenol	<0.2	1	Taste and odor threshold per US EPA Red Book applied to the TASTE AND ODOR water quality objective in the Basin Plan

13. REASONABLE COSTS INCURRED BY REGIONAL WATER BOARD STAFF IN OVERSEEING CLEANUP OR ABATEMENT ACTIVITIES ARE REIMBURSABLE UNDER SECTION 13304 OF THE CALIFORNIA WATER CODE AND SECTION 25270.9 OF CHAPTER 6.67 OF THE CALIFORNIA HEALTH AND SAFETY CODE.
14. THE REGIONAL WATER BOARD WILL ENSURE ADEQUATE PUBLIC PARTICIPATION AT KEY STEPS IN THE REMEDIAL ACTION PROCESS, AND SHALL ENSURE THAT CONCURRENCE WITH A REMEDY FOR CLEANUP AND ABATEMENT OF DISCHARGES AT THE SITE SHALL COMPLY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.
15. 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 THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PUBLIC RESOURCES CODE, SECTION 21000 ET SEQ.) IN ACCORDANCE WITH SECTIONS 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, Schmidbauer Lumber Incorporated shall cleanup and abate the discharge and threatened discharge of pentachlorophenol and all other wastes forthwith and shall comply with the following provisions of this Order:

1. The discharger shall immediately cease all discharges in violation of Waste Discharge Requirements, Order No. 88-16.
2. The discharger shall conduct the investigation and cleanup tasks under the direction of a California registered geologist or registered civil engineer experienced in the area of surface water and groundwater pollution cleanup.
3. The discharger shall submit a workplan to define the complete lateral and vertical extent of the groundwater contamination to the Executive Officer for concurrence on or before February 15, 2001. The discharger shall commence implementation of the workplan within 30 days following concurrence by the Executive Officer.



4. The discharger shall submit a report of fieldwork completed under Provision 3 to the Executive Officer within 90 days from completion of fieldwork.
5. The discharger shall submit a feasibility study and/or remedial action plan for the site to the Executive Officer for concurrence by September 30, 2001.
6. The discharger shall implement the remedial action plan within 90 days following concurrence by the Executive Officer.
7. The discharger shall comply with Monitoring and Reporting Program No. R1-2000-08 which is included as Attachment 1 to this Order.
8. The discharger shall pay cost recovery invoices 8410, 9396, 11115, and 10257 for \$22.56, \$404.14, \$291.65, and \$363.68 by January 15, 2001. These invoices are attached to this Order.
9. The discharger shall pay all future invoices within 30 days of issuance of the invoice for cost recovery.
10. If for any reason the discharger is unable to perform any activity or submit any documentation in compliance with the schedule set forth herein or in compliance with any work schedule submitted in compliance with this Order and concurred in or revised by the Executive Officer, the discharger may request, in writing, an extension of the time specified. The extension request must be submitted five days in advance of the due date and shall include justification for the delay including a description of the good faith effort performed to achieve compliance with the due date. The extension request shall also include a proposed time schedule with a new performance date 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 this Order will be automatically revised.

Ordered by _____

Lee A. Michlin
Executive Officer

December 28, 2000

(schmdcao)

