



California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair



Geo

Linda S. Adams
Secretary for
Environmental
Protection

415 Knollcrest Drive, Suite 100, Redding, California 96002
(530) 224-4845 • Fax (530) 224-4857
<http://www.waterboards.ca.gov/centralvalley>

Arnold
Schwarzenegger
Governor

NOTICE OF VIOLATION

12 October 2009

CERTIFIED MAIL
7008 2810 0000 8338 2813

Michael Sommers
Winemucca Trading Company Limited, Inc.
P. O. Box 4261
Incline Village, NV 89450

FAILURE TO COMPLY WITH TERMS OF CLEANUP AND ABATEMENT ORDER NO. R5-2004-0717 AND CALIFORNIA WATER CODE SECTION 13267 REQUEST FOR INFORMATION, SITE CLEANUP PROGRAM CASE NO. 2050189, WINEMUCCA TRADING COMPANY LIMITED, INC., FORMER SHASTA PAPER COMPANY PROPERTIES, ANDERSON, SHASTA COUNTY

Enclosed is a memorandum describing compliance activities associated with Cleanup and Abatement Order (CAO) No. R5-2004-0717 that have occurred at the subject site since 26 August 2008. A Notice of Violation is being issued for failure to comply with requirements of CAO No. R5-2004-0717, failure to complete removal of chemicals and wastes stored in aboveground storage tanks in accordance with the 2 June 2008 *Work Plan Characterization and Disposal of Potentially Hazardous Waste Contained in Aboveground Storage Tanks*, and failure to complete cleanup of the clarifiers and holding basins in accordance with the 16 June 2008 *Clean Closure Work Plan for Clarifiers and Holding Basins*, both documents prepared by your consultant VESTRA Resources. Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff required completion of the aboveground storage tank removal activities by 1 September 2008 and completion of the clarifiers and holding basins clean closure activities by 1 October 2008.

Documentation has been provided indicating that wastes from both clarifiers and four of five holding basins have been removed, but the wastes have not been properly disposed at a permitted disposal facility. Sludge/sediment from the clarifiers/holding basins were observed in several mostly uncovered piles at various locations on the property during a 14 September 2009 site visit. Waste removal actions in holding basin two have not been completed. Additionally, a completion report for removal and disposal of black liquor formerly contained in Tank No. 31 has been submitted, but chemicals stored in other aboveground storage tanks has not been addressed. In addition to these issues, sludge/sediment wastes contained in the wastewater treatment surface impoundments have not been removed or disposed as required in CAO Order No. R5-2004-0717.

In response to these outstanding compliance issues and the violations noted above, Central Valley Water Board staff request additional information.

California Water Code (CWC) Section 13267 Request for Technical or Monitoring Program Reports

CWC Section 13267 states, in part:

(b)(1) In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that the person provide the reports.

CWC Section 13268 states, in part:

(a)(1) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267, or failing or refusing to furnish a statement of compliance as required by subdivision (b) of Section 13399.2, or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).

(a)(2) Any person who knowingly commits any violation described in paragraph (1) is subject to criminal penalties pursuant to subdivision (e).

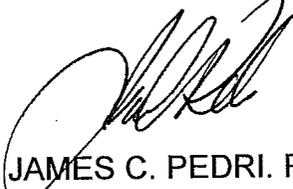
(b)(1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 for a violation of subdivision (a) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

1. Provide **by 1 November 2009** a schedule and a revenue plan for completing cleanup and abatement actions required by CAO No. R5-2004-0717.
2. Provide **by 31 December 2009** documentation (completion report from Winemucca's consultant, disposal receipts and shipping papers) indicating that residual waste sludge/sediment from clarifiers one and two, and from holding basins one, three, four, and five has been properly disposed. Contact Central Valley Water Board staff at least 48 hours prior to removing the wastes from the site to indicate disposal facility where wastes will be shipped.

3. Provide by **31 December 2009** documentation (completion report from Winemucca's consultant, disposal receipts, shipping papers, manifests, etc.) indicating proper shipping and disposal of residual chemicals stored in aboveground storage tanks on-site. Contact Central Valley Water Board staff at least 48 hours prior to removing any residual waste from the aboveground storage tanks.
4. Provide by **31 December 2009** a plan for dewatering the wastewater treatment surface impoundments. Please be aware that a Dewatering Permit issued by the Central Valley Regional Water Quality Control Board may be necessary before dewatering activities begin.

The information requested above is necessary to determine compliance with CAO No. R5-2004-0717. Failure to provide this information in accordance with the listed timeframes may result in additional enforcement action.

If you have any questions, please contact Dale Stultz of my staff at (530) 224-4786 or the letterhead address.



JAMES C. PEDRI, P.E.
Assistant Executive Officer

DPS: sae

Attachment: Winemucca Trading Company Limited, Inc. Status Update Memo

cc: Carla Serio, Shasta County Environmental Health Division, Redding
Jeffory Scharff, Scharff, Brady, & Vinding, Sacramento
Wendy Johnston, VESTRA Resources, Inc., Redding