
North Coast Regional Water Quality Control Board

July 21, 2017

Mr. Michael Richardson
Director of Scotia Mill Operations
Humboldt Redwood Company
P.O. Box 37
Scotia, CA 95565

Dear Mr. Richardson:

Subject: **Notice of Violation** of Waste Discharge Requirements Order No. R1-2001-61, Construction Specification No. 3; and Provision Nos. 14 and 18; and **Threatened Violation** of Discharge Prohibitions No. 8 and 15; and **Requirement for Information** Pursuant to California Water Code section 13267, for Tank Gulch Waste Pile, Humboldt County

File: Tank Gulch Waste Pile, Humboldt County, WDID No. 1B92019RHUM

Humboldt Redwood Company (Discharger) is hereby given notice that it has violated Construction Specification No. 3; and Provision Nos. 14 and 18 and threatened to violate Prohibitions No. 8 and 15 of Waste Discharge Requirements R1-2001-61 (Order No. R1-2001-61) at the Tank Gulch Waste Pile (hereinafter Site).

Pursuant to Water Code section 13267, this letter requires that the Discharger submit to the Regional Water Board the reports, by their corresponding due dates, as defined in the "Information Required" section of this Notice of Violation and Informational Order. Please direct documents to the attention of North Coast Regional Water Quality Control Board (Regional Water Board) staff, Gina Morrison.

This Notice of Violation is supported by observations made by Humboldt County Environmental Health Division staff – Local Enforcement Agency (LEA) during Site inspections on October 28, 2016 (see Attachment A); December 9, 2016 (see Attachment B); January 6, 2017 (see Attachment C); and February 21, 2017 (see Attachment D). Additional support information is contained in email communications between Craig Greenlee, Humboldt County Environmental Health Division staff and Gina Morrison Regional Water Board staff on January 11, 2017 and February 23, 2017 (see Attachment E) and February 23, 2017 and February 24, 2017 (see Attachment F).

I. Background & Findings

- A. The Site is located one-half mile northeast of the town of Scotia in Humboldt County. Pacific Lumber Company owned and operated the Site between 1993 and 2008. In 2008, as part of bankruptcy the Town of Scotia took ownership of the Site. In December of 2010, Eel River Power became the Site operator. In 2015, Humboldt Redwood Company (HRC) became the Site operator.
- B. The Site is a temporary waste pile for wood ash from the single burning Scotia cogeneration facility. New ash has not been brought to the Site since the current Discharger took over operations in late 2015.
- C. During the winter of 2001-2002 it was determined that waste was entering the storm water in the lower pond creating leachate. The Discharger collected and analyzed samples of the pond. Sampling results showed elevated levels of potassium, total dissolved solids, conductivity, alkalinity, and chemical oxygen demand indicating presence of waste. As a result, Pacific Lumber Company (the owner and discharger at the time) stopped allowing this pond to discharge and began hauling the leachate to the Scotia Wastewater Treatment Plant (WWTP). The Pacific Lumber Company was subject to a March 6, 2002, Regional Water Board Order that required characterization of the pond contents to demonstrate the pond no longer contained waste. Pacific Lumber Company responded to the requirement to monitor by informing the Regional Water Board that it would collect and haul leachate to the Scotia WWTP instead of characterizing waste prior to discharge to surface waters. Eel River Power, the owner and discharger prior to HRC, continued this practice. To date, the Discharger has not provided information that would allow the Regional Water Board to conclude that the pond contents contain only storm water in conformance with the Industrial General Storm Water Permit (IGP) and Order No. R1-2001-61.
- D. When the lower pond does not contain prohibited waste and is allowed to drain in compliance with the IGP and Order No. R1-2001-61, it will discharge to land which drains to an unnamed tributary approximately 200 feet downhill then to Nanning Creek, which is tributary to the Eel River, and considered water of the United States.
- E. On October 28, 2016, LEA staff inspected the Site and noted that a metal effluent pipe on the lower pond had been replaced with a PVC pipe and culvert; the PVC pipe's joint with the culvert was loosely fitted allowing water to enter the PVC effluent pipe and discharge through a culvert to land on the north side of Ash Dump Road (see Attachment A).
- F. On December 9, 2016, LEA staff inspected the Site and noted that the PVC effluent pipe of the lower pond had been altered by the HRC roads crew and angled upward which raised the pipe inlet above the road level. Evidence of recent pumping from the lower pond was noted (see Attachment B).

- G. On January 6, 2017, LEA staff inspected the Site and noted that a hole had been cut in the PVC effluent pipe of the lower pond and that the pond was nearing full capacity. During the inspection, Suzanne McClurkin-Nelson of HRC made telephone calls to arrange pumping from the pond and leachate tanks. LEA staff also noted that earth movement had blocked a portion of the west side perimeter drainage ditch (run-on control ditch) and that Ms. McClurkin-Nelson was to inform the roads crew that the slide material needs to be cleared (see Attachment C).
- H. On January 11, 2017, Regional Water Board staff email to LEA staff discusses a telephone call to Ms. McClurkin-Nelson of HRC regarding the status of the PVC effluent pipe. During the January 11, 2017 call, staff informed Ms. McClurkin-Nelson that the Regional Water Board considered the water contained in the lower pond a waste due to presence of leachate and that the discharge of waste from the pond to surface waters is prohibited under Order No. R1-2001-61. Staff also informed Ms. McClurkin-Nelson that documentation is required for minor repairs, and that a work plan is required prior to any significant changes to land disposal systems (see Attachment E).
- I. On February 21, 2017, LEA staff inspected the Site and noted that the PVC effluent pipe of the lower pond had been cut and that water was draining into the PVC effluent pipe and discharging to the ground surface on the north side of Ash Dump Road (see Attachment D).
- J. On February 23, 2017, LEA staff sent email regarding the February 21, 2017, inspection, including photographs showing the cut at the top of the PVC effluent pipe (Attachment E).
- K. On February 23, 2017 Regional Water Board staff spoke to Ms. McClurkin-Nelson about the inspection photographs and asked if the lower pond was discharging and she responded that she was not sure. Staff reminded her that the pond is not allowed to discharge because it is thought to contain prohibited waste. Staff also requested Ms. McClurkin-Nelson to inspect the pond tomorrow to determine the status and report back to Staff.
- L. On February 24, 2017, LEA staff confirmed via email that the pond was discharging to the ground on the north side of Ash Dump Road on February 21, 2017, at approximately 2-3 gallons per minute (see Attachment F).
- M. On March 2, 2017, Discharger representative, Rodger Ferguson, submitted an email stating that a bladder was installed in the PVC effluent pipe and that the Discharger started to regularly pump storm water containing waste from the pond to dispose of at the Scotia WWTP as needed to prevent further unauthorized discharges. The Discharger estimated that between 2,000-3,000 gallons of storm water containing waste released from the lower pond via the PVC effluent pipe to the ground surface from February 20 to February 21, 2017 (see Attachment G). Since March 2, 2017, the Discharger has not reported any further unauthorized discharges from the lower pond

PVC effluent pipe to the ground surface nor provided details of any permanent repairs implemented.

II. Applicable Requirements:

A. California Water Code section 13267 subdivision (b)(1) states, in part:

In conducting an investigation, 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 . . . 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 person to provide the reports.

B. The Discharger violated or threatens to violate the following requirements of Waste Discharge Requirements Order No. R1-2001-61:

1. Section C. Construction Specification No. 3

All WMU containment structures and erosion and drainage control systems shall be designed and constructed under the direct supervision of a California registered civil engineer, or a certified engineering geologist, and shall be certified by that individual as meeting the prescriptive standards and performance goals of Title 27 prior to waste discharge. Designs shall include a Construction Quality Assurance Plan, the purpose of which is to:

- a. demonstrate that the WMU has been constructed according to the specifications and plans approved by the Regional Water Board, and*
- b. provide quality control on the material and construction practices used to construct the WMU and prevent the use of inferior products and/or materials that do not meet the approved design plans and specifications."*

2. Section D. Provision No. 14

The Discharger shall obtain and maintain adequate assurances of financial responsibility for closure and corrective action for all known and reasonably foreseeable releases from a WMU at the facility in accordance with Sections 20380(b), 20950, 22207(a), 22212(a), 22220, 22221, and 22222 of Title 27 CCR.

3. Section D. Provision No. 18

The Discharger shall maintain waste containment facilities until removal and maintain precipitation and drainage control systems throughout the post-closure maintenance period. The Discharger shall immediately notify the Regional Water Board of any flooding, equipment failure, slope failure, or other change in Site conditions which could impair the integrity of waste or leachate containment facilities or of precipitation and drainage control structures.

4. Section D. Provision No. 40

Noncompliance

In the event the Discharger is unable to comply with any of the conditions of this Order due to:

- a. breakdown of waste treatment equipment;*
- b. accidents caused by human error or negligence; or*
- c. other causes such as acts of nature;*

the Discharger shall notify the Executive Officer by telephone as soon as it or its agents have knowledge of the incident and confirm this notification in writing within two weeks of the telephone notification. The written notification shall include pertinent information explaining reasons for the noncompliance and shall indicate the steps taken to correct the problem and the dates thereof, and the steps being taken to prevent the problem from recurring.

5. Section A. Discharge Prohibition No. 8

The discharge of wastes, including leachate, solid, or waste derived gas to surface waters, surface water drainage systems, or groundwater is prohibited.

6. Section A. Discharge Prohibition No. 15

The discharge of wastes, including fugitive ash, to a storm water sedimentation basin is prohibited.

III. Alleged Violations:

- A. On October 28, 2016; December 9, 2016; January 6, 2017; and February 21, 2017, LEA staff noted multiple alterations to the effluent pipe of the lower pond. The Discharger failed to provide design (work plan) and construction documentation (construction report or as-built report) that these alterations were made under the direct supervision of a California registered civil engineer or certified engineering geologist in violation of Construction Specification No. 3 of Order No. R1-2001-61.
- B. On January 6, 2017, LEA staff conducted an inspection of the Site and noted that earth movement had blocked a portion of the west side perimeter drainage ditch (run-on control ditch). On February 21, 2017, the LEA staff conducted another inspection of the

Site and noted that the slide material was still present and that it continued to block a portion of the drainage ditch. The Discharger failed to notify the Regional Water Board of the slope failure that impaired the integrity of the west side drainage control structure at the Site and to adequately maintain the structure in violation of Provision No. 18 of Order No. R1-2001-61. Additionally, the Discharger failed to provide written documentation explaining the reasons for the noncompliance and indicating the steps taken to correct the damaged structure and to prevent the problem from recurring in violation of Provision No. 40 of Order R1-2001-61. To date, we have not received any information regarding a permanent repair of the drainage control structure

- C. The Discharger assumed operations in 2015, but has failed to provide proof of financial assurance as required by Order No. R1-2001-61, in violation of Provision No. 14.
- D. On February 21, 2017, LEA staff noted that the effluent pipe of the lower pond had been cut and that water was draining into the pipe. On February 24, 2017, LEA staff verified that the lower pond was discharging at a rate of 2-3 gallons per minute. Effluent from the lower pond would need to travel downhill approximately 200 feet to reach the unnamed tributary to Nanning Creek.

Based on historical sampling results and the fact that the waste still has no daily or interim cover, the lower pond likely contains waste. To date, the Discharger has not provided data to refute Regional Water Board staff determination that the pond contains leachate or waste. Thus, the Discharger threatened and continues to threaten to discharge waste to the pond and to waters of the U.S. in violation of Discharge Prohibition No. 8 and No. 15 of Order No. R1-2001-61.

IV. Required Actions

The Discharger is required to submit the reports and documentation listed below. All technical reports required in conjunction with this Order shall include a statement by the Discharger, or an authorized representative of the Discharger, certifying (under penalty of perjury in conformance with the laws of the State of California) that the signer has examined and is familiar with the report and that to his or her knowledge, that the report is true, complete, and accurate. The Discharger shall also state if it agrees with any recommendations/proposals and whether it approves implementation of said proposals.

Any person signing a document submitted under this Order shall make the following certification:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

The Discharger shall submit reports, acceptable to the Assistant Executive Officer, as specified below:

1. **By August 15, 2017, the Discharger shall** submit a report that describes the current conditions of the site-wide precipitation and drainage control facilities. The report shall also describe the engineering design and work plan for repairs to the precipitation and drainage control facilities. At a minimum, the report shall identify corrective actions for the currently known issues at the PVC effluent pipe in the lower pond and the run-on control ditch impacted by earth movement this past winter. The documentation shall include:
 - a. A description and chronology of changes made to the effluent pipe on the lower pond since the Discharger took over as owner and operator in 2015. It should include any photographs, work logs, and material purchase orders related to the changes;
 - b. Report on the current conditions of the entire Site-wide precipitation and drainage controls. This should include, but is not limited to, the condition of all outlet and inlet pipes, condition of the ponds, condition of any ditches, conditions of the slopes that have impacted the condition, and an evaluation of the performance of the structures; and
 - c. Prepare an engineering work plan for the currently known problems and any other issues discovered by inspection of the system. This work plan shall include a narrative describing the proposed repairs, documentation of any calculations, engineering and material specifications, and engineering drawings.
2. **By September 1, 2017, the Discharger shall** submit proof of adequate financial assurances for both Site closure and for all known and reasonable foreseeable releases from the Site, as required by Provision No. 14 of WDR R1-2001-61. Updated cost estimates are required to be submitted with the annual monitoring report by July 1, 2017, in accordance with Provision No. 15 of WDR R1-2001-61. Thus, the Discharger shall submit proof of financial assurances that reflect updated cost estimates.
3. **By October 31, 2017, the Discharger shall** submit an engineering construction report for the repairs to the precipitation and drainage control facilities that includes at a minimum:
 - a. A description and chronology of the work performed, a copy of all construction logs, a photographic log, results of any QA/QC testing performed, and documentation proving construction specifications were met;
 - b. As-built engineering drawings for any areas repaired, and an updated drawing showing the entire site-wide precipitation and drainage control system; and
 - c. Certification that repairs meet California Code of Regulations, title 27 standards.

4. By **September 29, 2017**, the Discharger shall submit an Operations Plan for the lower pond for Assistant Executive Officer review and approval. If the Discharger believes the pond no longer contains waste or leachate and qualifies to discharge under its enrollment in the IGP, the Discharger shall characterize the lower pond in the Operations Plan and demonstrate that the pond does not contain waste or leachate. The Operations Plan shall include ongoing monitoring and assessment to verify that the lower pond will remain free of waste and leachate. If the Discharger chooses to continue treating the lower pond as a leachate pond, then the Operations Plan shall provide information on how the Discharger will monitor and maintain the system to prevent both infiltration and any discharge through the effluent pipe or by overtopping.
5. **The Discharger shall** provide documentation that reports required under this Order are prepared under the direction of appropriately qualified professionals. As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. The Discharger shall include a statement of qualification and registration numbers, if applicable, of the responsible lead professionals in all plans and reports required under this Order. The lead professional shall sign and affix their registration stamp, as applicable, to the report, plan, or document.

V. Basis of Requirements in this Letter

California Water Code section 13267, subdivision (b)(1) states, in part:

The reports required are necessary for the Regional Water Board to determine the state of compliance at the Site, and if the Discharger has taken, necessary actions to correct know violations at the Site. The burden, including costs of the reports, bears a reasonable relationship to the benefits of protecting surface water from waste discharges that could impair its beneficial uses. The reports required in this Order are reasonable and would be required by land disposal dischargers in similar circumstances.

VI. Future Enforcement Action

Please note that correcting the conditions of non-compliance at the Site does not preclude future enforcement for the violations alleged in this Notice of Violation. The Regional Water Board reserves its rights to fully enforce the law by taking enforcement actions such as a cleanup and abatement order, a cease and desist order, time schedule order, administrative civil liabilities, and referral to the State Attorney General.

Pursuant to Water Code section 13268, any person failing or refusing to furnish technical reports required under Water Code section 13267, or falsifying any information provided

therein, is guilty of a misdemeanor and subject to an administrative civil liability of up to one thousand dollars (\$1,000) for each day in which the violation occurs.

Should you have any questions regarding this matter, please contact Gina Morrison at (707) 576-2501, or Gina.Morrison@waterboards.ca.gov.

Sincerely,

Shin-Roei Lee
Assistant Executive Officer

170721_GMM_er_HRC Tank Gulch Waste Pile_NOV -13267 Order

Enclosures:

Attachment A: October 28, 2016, Humboldt County Environmental Health Division LEA staff Site Inspection Report

Attachment B: December 9, 2016, Humboldt County Environmental Health Division LEA staff Site Inspection Report and corresponding attachments

Attachment C: January 6, 2017, Humboldt County Environmental Health Division LEA staff Site Inspection Report and corresponding attachments

Attachment D: February 21, 2017, Humboldt County Environmental Health Division LEA staff Site Inspection Report and corresponding attachments

Attachment E: email communications between Craig Greenlee, Humboldt County Environmental Health Division staff and Gina Morrison Regional Water Board staff on January 11, 2017 and February 23, 2017

Attachment F: email communications between Craig Greenlee, Humboldt County Environmental Health Division staff and Gina Morrison Regional Water Board staff on February 23, 2017 and February 24, 2017 and corresponding attachments

Attachment G: email communications between Rodger Ferguson, HRC and Gina Morrison Regional Water Board staff on March 2, 2017

Attachment G: email communications between Rodger Ferguson, Humboldt Redwood Company, and Gina Morrison, Regional Water Board staff, on March 2, 2017.

Attachment H: Requirement for Information Pursuant to Water Code section 13267

Certified-Return Receipt Requested

cc: Dean Kerstetter, Executive Vice President, Operations, Humboldt Redwood Company, P.O. Box 996, Ukiah, CA 95482 DKerstetter@MendoCo.com

Carolyn Hawkins, Harriet Hill, and Craig Greenlee, Humboldt County Environmental Health Division, CHawkins@co.humboldt.ca.us, HHill@co.humboldt.ca.us, CGreenlee@co.humboldt.ca.us

Anthony VanderSchaaf, CalRecycle, Anthony.VanderSchaaf@calrecycle.ca.gov

Disposal Facility Inspection Report (52)

| | |
|---|-------------------------------|
| Enforcement Agency: County of Humboldt | |
| SWIS Facility File Number (99-xx-9999) | Inspection Date |
| 12-AA-0091 | 10/28/2016 |
| Program Code | LEA Periodic |
| Time In | Time Out |
| 0909 hours | 0959 hours |
| Inspection Time | 50 minutes |
| Facility Name | Received By |
| Tank Gulch Disposal Site | |
| Facility Location | Owner Name |
| 1/4 Mi East Of Scotia, Tank Gulch Rd, Scotia 95565 | Humboldt Redwood Company, LLC |
| Inspector | Also Present (Name) |
| Craig Greenlee | Suzanne McClurkin-Nelson, HRC |

THE ABOVE FACILITY WAS INSPECTED FOR COMPLIANCE WITH APPLICABLE SECTIONS OF DIVISION 30 OF PUBLIC RESOURCES CODE (PRC) AND TITLE 14 AND TITLE 27 CALIFORNIA CODE OF REGULATIONS (CCR)

| | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | No Violations or Areas of Concern |
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| Inspection Report Comments: |
| <p>Some temporary repairs had been made to the washed-out portion of the access road located at the 1.5 mile marker. Logs had been placed along the outside edge of the road at the top of the slope; hay had been distributed across the slope below the road, and gravel had been applied to the road surface (see photo: Tank Gulch 10-28-16, P1).</p> <p>The metal effluent pipe and culvert in the lower sedimentation pond had been replaced with a PVC pipe and culvert. The joint between the elbow piece in the pond and the culvert piece running under the adjacent access road did not fit tightly together and was allowing water to enter. Suzanne McClurkin-Nelson stated that she would advise the company's roads crew regarding the necessity for repair. The pond was approximately 30% full.</p> <p>The rolling water bar that crosses the access road near the truck rinsing station had been built up with fresh gravel and extended so that its full height intersected with the edge of the disposal site.</p> <p>The upper sedimentation pond was approximately 5% full, and water was flowing through the influent pipe at a rate of about 3 gallons per minute.</p> <p>It appeared that there had been no changes to the disposal site or waste footprint since the last inspection. A water truck was in the process of pumping out the leachate collection tank. The driver stated that he was in the process of pumping the third truck load that day.</p> <p>Weather: Overcast and calm.</p> <p>e: Suzanne McClurkin-Nelson, Humboldt Redwood Company, LLC Howard Hughes, Mendocino Forest Products Company, LLC (HHughes@mendoco.com) Frank Bacik, Town of Scotia, LLC Gina Morrison, NCRWQCB</p> |

Disposal Facility Inspection Report (52)

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|---|------------|---------------------------|-------------------------------|------------------------|------------|
| Enforcement Agency: | | County of Humboldt | | | |
| SWIS Facility File Number (99-xx-9999) | | Inspection Date | | Program Code | |
| 12-AA-0091 | | 12/9/2016 | | LEA Periodic | |
| Time In | 1025 hours | Time Out | 1130 hours | Inspection Time | 65 minutes |
| Facility Name | | | Received By | | |
| Tank Gulch Disposal Site | | | | | |
| Facility Location | | | Owner Name | | |
| 1/4 Mi East Of Scotia, Tank Gulch Rd, Scotia 95565 | | | Humboldt Redwood Company, LLC | | |
| Inspector | | | Also Present (Name) | | |
| Craig Greenlee | | | Suzanne McClurkin-Nelson, HRC | | |

THE ABOVE FACILITY WAS INSPECTED FOR COMPLIANCE WITH APPLICABLE SECTIONS OF DIVISION 30 OF PUBLIC RESOURCES CODE (PRC) AND TITLE 14 AND TITLE 27 CALIFORNIA CODE OF REGULATIONS (CCR)

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|-------------------------------------|--|
| <input checked="" type="checkbox"/> | No Violations or Areas of Concern |
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| Inspection Report Comments: |
| <p>The LEA's contact person for the site, Suzanne McClurkin-Nelson, from Humboldt Redwood Company, accompanied me during the inspection.</p> <p>The end of the effluent pipe inside of the lower sedimentation pond had been altered by the operator's roads crew since the last inspection. An additional piece of pipe had been inserted at an ascending angle between the horizontal portion of pipe that runs underneath the access road, and the vertical portion of pipe where overflow first enters (see photo: Tank Gulch 12-9-16, P1 and P2). This appears to have raised the inlet of the pipe above the top of the pond; if the pond overflows water may cross the road instead of entering the pipe.</p> <p>The lower sedimentation pond was approximately 40% full. Influent was trickling in at a very slow rate. Based upon the presence of truck tire tracks and a hose at the edge of the pond it appeared that the pond had recently been pumped. During my inspection the water truck arrived and proceeded to pump from the leachate collection tank. The gauge on the leachate collection tank indicated 4.5 feet of liquid.</p> <p>The partial washout of the access road at the 1.5 mile marker appeared essentially the same as it was during last month's inspection; the road was passable and remained covered with gravel, logs lined the top edge of the slope along the road, and the slope remained mostly covered with straw.</p> <p>The upper sedimentation pond was approximately 25% full, and influent was entering at about one gallon per minute. It appeared that no change had been made to the effluent pipe which has what appears to be a small corrosion hole at the bottom of the pipe just behind the 90 degree elbow. The drainage ditch that feeds the upper sedimentation pond contained a small amount of slow moving water. There had been no apparent changes to the waste footprint.</p> <p>Weather: Overcast.</p> <p>e: Suzanne McClurkin-Nelson, Humboldt Redwood Company, LLC Howard Hughes, Mendocino Forest Products Company, LLC (HHughes@mendoco.com) Frank Bacik, Town of Scotia, LLC Gina Morrison, NCRWQCB</p> |



12 09 2016

Disposal Facility Inspection Report (52)

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| Enforcement Agency: | | County of Humboldt | | | |
| SWIS Facility File Number (99-xx-9999) | | Inspection Date | | Program Code | |
| 12-AA-0091 | | 1/6/2017 | | LEA Periodic | |
| Time In | 0930 hours | Time Out | 1040 hours | Inspection Time | 70 minutes |
| Facility Name | | | Received By | | |
| Tank Gulch Disposal Site | | | | | |
| Facility Location | | | Owner Name | | |
| 1/4 Mi East Of Scotia, Tank Gulch Rd, Scotia 95565 | | | Humboldt Redwood Company, LLC | | |
| Inspector | | | Also Present (Name) | | |
| Craig Greenlee | | | Suzanne McClurkin-Nelson, HRC | | |

THE ABOVE FACILITY WAS INSPECTED FOR COMPLIANCE WITH APPLICABLE SECTIONS OF DIVISION 30 OF PUBLIC RESOURCES CODE (PRC) AND TITLE 14 AND TITLE 27 CALIFORNIA CODE OF REGULATIONS (CCR)

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| | No Violations or Areas of Concern |
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| V | A | Regulations |
|---|---|--------------------------------------|
| | X | 20820 - Drainage and Erosion Control |
| <p>Comments: Issue #1: The effluent pipe in the lower sedimentation pond had been altered since the last inspection so that the top of the pipe was at a higher elevation than the lowest edge of the pond (see photo: Tank Gulch 1-6-17, P1). A hole approximately 8 X 3 inches had been cut into the pipe near the bend in the elbow that would allow some water to enter the pipe (see photo: Tank Gulch 1-6-17, P2) It appeared that if the pond were to exceed capacity water may run onto the road before entering the pipe. The pond was nearing its full capacity.</p> <p>Title 27 California Code of Regulations Section 20820 states, "(a) The drainage system shall be designed and maintained to: (1) ensure integrity of roads, structures, and gas monitoring and control systems; (2) prevent safety hazards; and (3) prevent exposure of waste."</p> <p>During the inspection Suzanne McClurkin-Nelson made phone calls and arranged for two water trucks to pump water from the pond and the leachate collection tank that same day. She stated that arrangements would be made to pump water from the pond as necessary until the pipe could be corrected.</p> <p>Issue #2: A section of the hillside on the west side of the site had slid down into the waste footprint and was obstructing the perimeter drainage ditch (see photo: Tank Gulch 1-6-17, P3). The obstruction was causing the water in the ditch to back up (see photo: Tank Gulch 1-6-17, P4), and the ground immediately down gradient (inside the footprint) was very soggy. S.McClurkin-Nelson stated that she would inform the roads crew that the slide material needs to be cleared.</p> | | |

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| <p>Inspection Report Comments:</p> <p>The gauge on the leachate collection tank read 7.75 feet. Since it reads 3 ft. when empty, the tank was probably about half full.</p> <p>The partial washout of the access road at the 1.5 mile marker didn't appear any different than it was during the last inspection, and remained safely passable for vehicular traffic.</p> <p>Weather: Sunny and cold.</p> <p>e: Suzanne McClurkin-Nelson, Humboldt Redwood Company, LLC Howard Hughes, Mendocino Forest Products Company, LLC (HHughes@mendoco.com) Frank Bacik, Town of Scotia, LLC Gina Morrison, NCRWQCB</p> |
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01 06 2017



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01 06 2017

Disposal Facility Inspection Report (52)

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|---|------------|---------------------------|-------------------------------|------------------------|------------|
| Enforcement Agency: | | County of Humboldt | | | |
| SWIS Facility File Number (99-xx-9999) | | Inspection Date | | Program Code | |
| 12-AA-0091 | | 2/21/2017 | | LEA Periodic | |
| Time In | 0945 hours | Time Out | 1044 hours | Inspection Time | 59 minutes |
| Facility Name | | | Received By | | |
| Tank Gulch Disposal Site | | | | | |
| Facility Location | | | Owner Name | | |
| 1/4 Mi East Of Scotia, Tank Gulch Rd, Scotia 95565 | | | Humboldt Redwood Company, LLC | | |
| Inspector | | | Also Present (Name) | | |
| Craig Greenlee | | | Suzanne McClurkin-Nelson, HRC | | |

THE ABOVE FACILITY WAS INSPECTED FOR COMPLIANCE WITH APPLICABLE SECTIONS OF DIVISION 30 OF PUBLIC RESOURCES CODE (PRC) AND TITLE 14 AND TITLE 27 CALIFORNIA CODE OF REGULATIONS (CCR)

No Violations or Areas of Concern

| V | A | Regulations |
|---|---|--------------------------------------|
| | X | 20820 - Drainage and Erosion Control |
| <p>Comments: The section of the hillside on the west side of the site that had slid down into the waste footprint and was obstructing the perimeter drainage ditch (see photo: Tank Gulch 2-21-17, P1), and was cited in the 1/6/17 inspection report, appears unchanged. The obstruction continues to cause water to back up in the ditch, and apparently some water to seep into the lined waste footprint. I observed a small amount of water in the drainage ditch immediately down-gradient of the slide. It appears that some water contained in the ditch may be seeping past the slide, but due to the vegetation growing out of the slide material this could not be confirmed. S.McClurkin-Nelson stated that it was unlikely the slide material could be cleared until the rainy season ends and the roads crew has addressed other priority maintenance issues.</p> | | |

Inspection Report Comments:

Two vertical cuts had been made in the top portion of the effluent pipe in the lower sedimentation pond since the last inspection (see photo: Tank Gulch 2-21-17, P2 and P3). The pond was near full capacity and water was draining into the pipe. It appears that the pipe may allow an adequate volume of water to drain out of the pond and possibly prevent an overflow.

This resolves the first issue of the Area of Concern for Section 20820 – Drainage and Erosion Control, cited in the 1/6/17 inspection report.

A water truck was in the process of pumping water from the pond.

The LEA was copied on a 2/24/17 e-mail from Gina Morrison of the North Coast Regional Water Quality Control Board to Suzanne McClurkin-Nelson of Humboldt Redwood Company regarding discharge from the pond, prevention efforts, and sampling and reporting requirements.

The washout in the access road located at the 1.5 mile marker appeared as passable and stable during this inspection as it had during the previous inspections. It is apparent that some minor road maintenance, such as grading and rebuilding of low berms on the outside of the road, has taken place since the last inspection. The leachate collection tank gauge indicated its current depth was approximately 2.25 feet. The secondary containment held approximately two inches of water.

Weather: Mostly overcast with some sun and light precipitation.

e: Suzanne McClurkin-Nelson, HRC, LLC
Gina Morrison, NCRWQCB







Morrison, Gina@Waterboards

From: CGreenlee@co.humboldt.ca.us
Sent: Thursday, February 23, 2017 4:24 PM
To: Morrison, Gina@Waterboards
Cc: HHill@co.humboldt.ca.us
Subject: RE: Tank Gulch
Attachments: Tank Gulch 2-21-17, P1.JPG; Tank Gulch 2-21-17, P2.JPG; Tank Gulch 2-21-17, P3.JPG; Tank Gulch 2-21-17, P4.JPG

Hi Gina,

My most recent inspection at the Tank Gulch Disposal Site was on 2/21/17. I wanted to advise you now of my most significant observation, since the report for that inspection likely will not be submitted for a couple of weeks (see attached photos). The north (lower) sedimentation pond was nearly full. The effluent pipe in that pond had been modified (cut/split) at the top to allow water to drain. Water was draining into the pipe. A water truck was pumping water from the pond.

Is this issue covered under the site's WDRs?

Also, is the split in the pipe large enough to allow proper drainage so that the threat of the pond overflowing has been sufficiently reduced?

I would be interested to know what are your thoughts are on?

Thanks.

Craig Greenlee, REHS
Solid Waste/Local Enforcement Agency
DHHS Public Health, County of Humboldt
100 H Street, Suite 100, Eureka, CA 95501
Phone: (707) 268-2202
Fax: (707) 441-5699
<http://www.humboldt.gov/564/Environmental-Health>

From: Morrison, Gina@Waterboards [<mailto:Gina.Morrison@waterboards.ca.gov>]
Sent: Wednesday, January 11, 2017 5:26 PM
To: Greenlee, Craig <CGreenlee@co.humboldt.ca.us>
Cc: Hill, Harriet <HHill@co.humboldt.ca.us>
Subject: Tank Gulch

Hi Craig,

Just wanted you to know I appreciate your inspection memos very much.

I contacted Suzanne today about the pipe – she said the road crew was just supposed to repair the pipe, but replaced without contacting her and then made the “adjustment” without consulting her. She is going to be working on getting it repaired or replaced again when weather permits. She thinks they may have busted the pipe bending it like that. I

agree and think it is likely that the water is now leaking into the pipe trench beneath the pipe too (notice the water level is right at the bottom of the pipe).

I did let her know that the sed pond should not be allowed to discharge – they must pump the water as often as it takes. Also that repairs/changes must be verified and documented and those documents sent to me and that if they are going to substantially change the design of a landfill system we need a work plan to review before the work is done. She said she would work with SHN for the documentation requirements going forward.

I will keep you posted. Thanks and Happy New Year.

Gina

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Morrison, Gina@Waterboards

From: CGreenlee@co.humboldt.ca.us
Sent: Friday, February 24, 2017 8:18 AM
To: Morrison, Gina@Waterboards
Cc: HHill@co.humboldt.ca.us
Subject: RE: Tank Gulch

Gina,

Yes, the pipe was discharging on the other side of the road at what Suzanne and I estimated to be about 2-3 gallons per minute. The vegetation around the end of the pipe on the other side of the road had been cut back a few months ago and it was clearly visible.

Craig Greenlee, REHS
Solid Waste/Local Enforcement Agency
DHHS Public Health, County of Humboldt
100 H Street, Suite 100, Eureka, CA 95501
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Fax: (707) 441-5699
<http://www.humboldt.gov/564/Environmental-Health>

From: Morrison, Gina@Waterboards [<mailto:Gina.Morrison@waterboards.ca.gov>]
Sent: Thursday, February 23, 2017 5:34 PM
To: Greenlee, Craig <CGreenlee@co.humboldt.ca.us>
Subject: RE: Tank Gulch

That split looks new and no they are not supposed to be discharging out of that pond. It looks as if they need to be bring more water trucks up there. I will contact Suzanne.

Could you tell if it was discharging on the other side of the road?

Gina

From: CGreenlee@co.humboldt.ca.us [<mailto:CGreenlee@co.humboldt.ca.us>]
Sent: Thursday, February 23, 2017 4:24 PM
To: Morrison, Gina@Waterboards <Gina.Morrison@waterboards.ca.gov>
Cc: HHill@co.humboldt.ca.us
Subject: RE: Tank Gulch

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I will keep you posted. Thanks and Happy New Year.

Gina

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Morrison, Gina@Waterboards

From: Rodger Ferguson <rferguson@mendoco.com>
Sent: Thursday, March 02, 2017 6:26 PM
To: Morrison, Gina@Waterboards; Reed, Charles@Waterboards
Cc: Rodger Ferguson; Howard Hughes; Suzanne McClurkin-Nelson; Michael Richardson
Subject: Tank Gulch Report

Hello Gina,

Please accept this email as the report you have requested, specifically in regards to the storm water release from the Tank Gulch sediment pond (S-1):

- A bladder was installed to prevent discharge of water from sed pond (S-1).
- Samples have been taken for analysis.
- The volume of water discharged between 2/20 and 2/21 (following fairly heavy rain on 2/20) is estimated to be approximately 2.5 gpm over a 12 hour period, dropping to ~0.5 gpm intermittently over several days as the pond level increased in response to rain and decreased with pumping, for an estimated volume of 2,000-3,000 gallons over several days (a volume roughly equal to one water truck load).
- Regular pumping from the pond is ongoing as needed, it is currently being pumped directly into the WMU, with removal as needed from the leachate tank and taken to TOS WWTP.
- Although the sedimentation basin was observed discharging, there is no surficial evidence that the discharge reached any receiving water body of which the closest is over 1,500 ft. from S-1. A discharge to the adjacent ground with subsequent infiltration does not significantly differ from water absorption in the pond and drainage system.
- Based on January sample results, HRC is not aware of any reason why the discharge represented a threat to human health or the environment.

As stated earlier, HRC was unaware of the 2002 Order until provided on March 1st, 2017. Consultants retained by HRC, who also managed the site under previous ownership, were also unaware of the 2002 Order.

It is presumed there was a modification in requirements to the 2002 Order, based on the April 2, 2002 PALCO letter; if that is not the case, HRC has not complied with the tasks the 2002 Order requires and is not aware of any documents to support reporting by the previous owner/operator. HRC has conducted its operations in compliance with WDR Order No. R1-2001-0061 and the MRP amended September 11, 2008; HRC is unsure why the 2002 Order requirements were not incorporated into the 2008 amended MRP. HRC has requested a meeting to understand why the 2002 prohibition of discharge and any other requirements are not referenced, if they are still in effect.

HRC also is requesting clarification on how it is to respond to the 2002 Order as it contains requirements that are not currently being met and has contradictory requirements to the WDR and 2008 MRP.

Based on the information provided to date, it remains unclear how to comply with the 2 contradictory documents.

HRC considers its environmental responsibilities with the utmost regard and treats every potential non-compliance issue seriously.

Of particular concern is NCRWQCB's suggestion that HRC's request for clarification represented a willful violation.

HRC looks forward to discussing this with you in more detail.

I am confident that HRC and NCRWQCB will reach an understanding and that our ongoing cooperative working relationship will be maintained.

Rodger Ferguson

Director Environmental and Safety
Mendocino Forest Products Co., LLC
(707) - 468 - 1712
(707) - 272 - 5589 (cell)
Box 120
850 Kunzler Ranch Road,
Ukiah, CA
95482



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North Coast Regional Water Quality Control Board

Fact Sheet – Requirements For Submitting Technical Reports Under Section 13267 of the California Water Code

What does it mean when the regional water board requires a technical report?

Section 13267¹ of the California Water Code provides that "...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...that could affect the quality of waters...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires."

This requirement for a technical report seems to mean that I am guilty of something, or at least responsible for cleaning something up. What if that is not so?

The requirement for a technical report is a tool the regional water board uses to investigate water quality issues or problems. The information provided can be used by the regional water board to clarify whether a given party has responsibility.

Are there limits to what the regional water board can ask for?

Yes. The information required must relate to an actual, suspected or proposed discharge of waste (including discharges of waste where the initial discharge occurred many years ago), and the burden of compliance must bear a reasonable relationship to the need for the report and the benefits obtained. The regional water board is required to explain the reasons for its request.

What if I can provide the information, but not by the date specified?

A time extension may be given for good cause. Your request should be promptly submitted in

writing, giving reasons. If a time extension is granted, you will be notified in writing. If you do not receive a response to your request, the original due date must be complied with.

Are there penalties if I don't comply?

Depending on the situation, the regional water board can impose a fine of up to \$5,000 per day, and a court can impose fines of up to \$25,000 per day as well as criminal penalties. A person who fails or refuses to provide technical reports as required or falsifies any information is guilty of a misdemeanor. For some reports, submission of false information may be a felony.

Do I have to use a consultant or attorney to comply?

There is no legal requirement for this, but as a practical matter, in most cases the specialized nature of the information required makes use of a consultant and/or attorney advisable.

What if I disagree with the 13267 requirements and the regional water board staff will not change the requirement and/or date to comply?

You may ask that the regional water board reconsider the requirement, and/or submit a petition to the State Water Resources Control Board. See California Water Code sections 13320 and 13321 for details. A request for reconsideration to the regional water board does not affect the 30-day deadline within which to file a petition to the State Water Resources Control Board.

If I have more questions, whom do I ask?

Requirements for technical reports indicate the name, telephone number, and email address of the regional water board staff contact.

¹ All code sections referenced herein can be found by going to http://www.waterboards.ca.gov/laws_regulations/docs/portercologne.pdf.