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JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

North Coast Regional Water Quality Control Board

August 17, 2020

Richard Wayne Todd
22500 Ridgeway Highway
Redwood Valley, CA 95469
ricktodd@wildblue.net

Dear Mr. Richard Wayne Todd:

Subject: Notice of Violation of Order to Submit Workplan Pursuant to
Health and Safety Code Sections 25289 and 25296.10

Site: Potter Valley Gas: 10120 Main Street, Potter Valley, CA
Case No. 1TMC403, GeoTracker ID T0604500332

Richard Wayne Todd is hereby notified that they are in violation of the Order to Submit a Workplan dated April 26, 2019 (attached).

I. Background

On July 23, 2018, the North Coast Regional Water Quality Control Board (Regional Water Board) issued a letter to Richard Wayne Todd, who is the current owner of the property at 10120 Main Street (Site) in Potter Valley, Mendocino County, requesting a workplan to investigate the subsurface at the site for petroleum contamination from former underground storage tanks (USTs).

Prior to the July 23, 2018 letter, the Regional Water Board made a request to conduct a subsurface investigation in a letter dated July 21, 2003.

On April 26, 2019, the Regional Water Board Executive Officer issued an "Order to Submit Workplan Pursuant to Health and Safety Code Sections 25289 and 25296.10 Corrective Action Requirements" (Order). The Order required you to submit a workplan for the investigation of soil and groundwater contamination at the site by July 26, 2019. On June 4, 2020, Regional Water Board staff emailed you to provide information regarding the Orphan Site Cleanup Fund and attempt to set up a time to speak with you about moving the site into compliance. As of August 17, 2020, the Regional Water Board has not received a response from you.

II. Applicable Legal Authority and Requirements

On April 26, 2019, the Regional Water Board Executive Officer issued an “Order to Submit Workplan Pursuant to Health and Safety Code sections 25289 and 25296.10 Corrective Action Requirements” to Richard Wayne Todd. The cited sections of the Health and Safety Code allow the Regional Water Board to require soil and groundwater investigation for the presence of an unauthorized release of hazardous substances. The Order requires that you provide the following:

- A workplan that outlines the strategy for conducting an investigation that will provide sufficient information to evaluate the site conditions for review under the State Water Resources Control Board’s (State Board) Low-Threat UST Case Closure Policy.

III. Alleged Violations

As of August 17, 2020, the Regional Water Board has received no response from Richard Wayne Todd.

To date, the Regional Water Board has received no workplan, and is not aware of any efforts made by Richard Wayne Todd to investigate the soil and groundwater for petroleum-related contamination or the threatened impacts to water quality associated with the former USTs at the Site.

Required Actions

As the owner of the Site, Richard Wayne Todd must comply with all requirements of the April 26, 2019 Order. If you do not comply with the requirements of that Order and notify Regional Water Board staff of same by September 16, 2020, Regional Water Board staff will recommend that the Board consider assessment of administrative civil liability and additional action by attorneys for the State Board’s Office of Enforcement to obtain compliance with the Order. This deadline is not intended to, and does not, supersede the original deadlines set forth in the Order. Specifically, Richard Wayne Todd shall:

Comply with the April 26, 2019, Regional Water Board Executive Officer’s order to submit a workplan to investigate the soil and groundwater for petroleum contamination and provide an evaluation of risk to sensitive receptors.

All required compliance reports must be submitted to the Regional Water Board via the State Board’s Geographic Environmental Information Management System database (GeoTracker) as specified in 23 California Code of Regulations (CCR) sections 3890-3895.

Future Enforcement Action

Please note that under Health and Safety Code Section 25296.10(f) if a person to whom an order is issued does not comply with the order, the Regional Water Board or the local agency may undertake or contract for corrective action and seek to recover its costs incurred under this subdivision pursuant to Water Code section 13304.

Your continued failure to comply with the Order has exposed you to liability up to \$10,000 for each day of violation pursuant to Health and Safety Code section 25299(d). The potential liability will continue to accrue at a rate of \$10,000 per day until you comply with the Regional Water Board's Order.

The Regional Water Board will consider your response to this Notice of Violation, as well as the number of days of violation already incurred, in determining whether to seek the imposition of an administrative civil liability complaint as well as additional legal action. Therefore, it is imperative that you comply as soon as possible.

Should you have any questions regarding this matter, please contact Paul Nelson of my staff at Paul.Nelson@waterboards.ca.gov or (707) 576-2686.

Thank you,

Charles Reed, P.E.
Supervising Water Resource Control Engineer

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Attachment: April 26, 2019 Order to Submit Workplan Pursuant to Health and Safety Code Sections 25289 and 25296.10

Certified - Return Receipt Required

cc: Matthew Cohen, SWRCB, matthew.cohen@waterboards.ca.gov
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