

**California Regional Water Quality Control Board**

**North Coast Region**

**Water Code Section 13267 Investigative Order R1-2021-0013**

**Directing**

**Sierra Pacific Industries  
and  
JBM Land LLC  
Jeffrey Meyer  
Becca Meyer**

**To Submit Technical and Monitoring Reports  
Pertaining to Discharges from the Sierra Pacific Arcata Division Site**

**2593 Navy Base Road  
Arcata  
Humboldt County**

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

1. Sierra Pacific Industries (SPI) and JBM Land LLC (JBM) are the former and current owner and operators, respectively, and are Responsible Parties (RPs), of the SPI Arcata Division site located at 2593 Navy Base Road in Arcata, Humboldt County (Site).
2. SPI sold the Site to JBM in December 2016.
3. The Site is approximately 68 acres in size and is located on the Samoa Peninsula along the northern shoreline of Arcata Bay, approximately four miles west of the city of Arcata.
4. The Site began sawmill operations in approximately 1950 and ceased operations in 2016. Wood surface protection activities historically conducted at the Site included the use of an anti-stain solution containing pentachlorophenol (PCP) and tetrachlorophenol (TCP) to control sap stain and mold on milled lumber. The use of the solution containing PCP and TCP in the former green chain area reportedly began in the 1960s and ceased in 1987.
5. PCP was detected in storm water runoff at the Site in the early 1980s. The storm water was conveyed by drainage ditches and discharged to the Mad River Slough, and Arcata Bay. These detections and discharges prompted the environmental investigations at the Site.

- 6.** Several subsurface investigations were performed at the Site including soil boring drilling and monitoring well installations and sampling.
- 7.** In October 2001, the Regional Water Board issued Cleanup and Abatement Order (CAO) No. R1-2001-0200 which required the abatement of discharges of petroleum hydrocarbons, PCP, TCP, and any other toxic substances to groundwater and the Mad River Slough.
- 8.** In May 2003, an Administrative Civil Liability complaint (ACL Complaint No. R1-2003-0069-A, amended in August 2003) was filed for failure to submit a complete and timely report of feasibility study workplan implementation in accordance with the 2001 CAO.
- 9.** In November 2003, the Regional Water Board issued CAO No. R1-2003-0127 which ordered the abatement of discharges petroleum hydrocarbons, PCP, TCP, and any other toxic substances to the Mad River Slough and groundwater.
- 10.** In June, September, and November 2003, SPI excavated PCP impacted soil from the former green chain area. Approximately 145 cubic yards of impacted material was excavated and disposed. Confirmation soil samples indicate residual concentrations of PCP remained in soil following the excavation at concentrations ranging from 2.1 to 33 mg/kg. Dioxins and furans were also detected with toxic equivalency quotient (TEQ) values ranging from 173 to 4,560 picograms per gram (pg/g).
- 11.** In 2006, SPI submitted the "Revised Supplement to Scoping Ecological and Offsite Human Health Risk Assessment." The report utilized data from previous site investigations including sampling of sediments from the Mad River Slough which indicated dioxins and furans were present at higher concentrations in deeper sediments.
- 12.** In July 2006, SPI submitted the "Results of Pilot Study of Proposed Remedial Action" report. The report was required under CAO No. 2003-0127. The purpose of the report was to demonstrate that natural attenuation was occurring at the Site, that discharges of wood surface protection chemicals to surface water has been abated, and to implement risk management measures for worker safety regarding exposure to chemicals. The report recommended monitored natural attenuation (MNA) and implementing best management practices at the Site to mitigate discharges. The Regional Water Board concurred with MNA in a letter and MRP No. R1-2007-0047 dated June 5, 2007.
- 13.** In December 2006, SPI submitted the "Follow-up Items Regarding Sediment in Mad River Slough" report. The report proposed monitoring sediment

in the Mad River Slough as a remedial action. The report concluded that sediment removal was not a viable option to mitigate the impacts of dioxins and furans historically detected in deeper sediments in the Mad River Slough along the Site shoreline. The reason monitored natural recovery was chosen as the remedial method was that sediment removal would cause more ecological damage than if the material remained in place, effectively entrained beneath the overlying sediment.

**14.** In January 2008, the Regional Water Board concurred with the slough sediment monitoring proposal. The concurrence letter was included with MRP No. R1-2008-0006. The monitoring was to occur once a year for five years then every five years thereafter into perpetuity.

**15.** Groundwater monitoring and reporting is performed in accordance with MRP No. R1-2007-0047.

**16.** Slough monitoring and reporting is performed in accordance with MRP No. R1-2008-0006.

**17.** The Site was enrolled in the Industrial General Permit for Storm Water Discharges Associated with Industrial Activities (2014-0057-DWQ) until operations ceased and the permit coverage was terminated in 2019. PCP was detected (0.38 micrograms per liter [ $\mu\text{g/L}$ ]) in storm water from the Site during the March 2019 sampling event and reported in the 2018/2019 Annual Storm Water Report. Dioxins and furans were not analyzed during the storm water monitoring.

**18.** The impacts observed in storm water apparently originated in the dip tank and green chain area of the sawmill and were transported by storm water sheet flow to drop inlets and ditches and finally to the Mad River Slough. Various mitigation measures were employed including the construction of settling basins, improved housekeeping and BMP implementation, and remedial excavations. However, the PCP storm water detection in 2019 indicate that a source for the PCP (and dioxins and furans) remains at the Site.

**19.** In September 2020, SPI submitted the "2020 Annual Groundwater Monitoring Report" prepared by GHD for the Site. In the report, GHD stated that the water quality objective (WQO) "for dioxins in the former source area will be met within a relatively short period of time (less than a year)." The WQO referenced in the report is the Maximum Contaminant Level (MCL) of 30 picograms per liter ( $\text{pg/L}$ ) which is listed on Exhibit 1 of CAO No. R1-2003-0127. The report further recommended rescinding MRP No. R1-2007-0047 and CAO No. R1-2003-0127.

**20.** The WQOs for groundwater referenced in CAO No. R1-2003-0127 are the Maximum Contaminant Levels (MCLs) of 30 µg/L TEQ for dioxins, and 1 µg/L for PCP. The Regional Water Board now uses the narrative toxicity objective in the Basin Plan in determining water quality objectives (WQOs) which corresponds to 0.05 µg/L TEQ for dioxins, and 0.30 µg/L for PCP. The WQOs in the CAO for surface water remain the same at 0.014 µg/L.

**21.** The Site is not suitable for unrestricted use because contamination exists in soil, groundwater, and surface water above screening levels. Examples of Site concentrations and screening levels are listed on Table A (attached).

**22.** A final remedial action plan (FRAP) that includes slough sediment monitoring, proposed restrictions on groundwater and property use, an updated soil and groundwater management plan, surface water monitoring, and groundwater monitoring, has not been prepared for the Site.

### **Legal and Regulatory Authority**

**23.** This Water Code section 13267 Investigative Order (Order) conforms to and implements policies and requirements of the Porter-Cologne Water Quality Control Act (Division 7, commencing with Water Code section 13000) including section 13267, and the Water Quality Control Plan for the North Coast Region (Basin Plan) adopted by the Regional Water Board including beneficial uses, water quality objectives, and implementation plans.

**24.** Water Code section 13267, subdivision (a), provides that the Regional Water Board may investigate the quality of any waters of the state within its region in connection with any action relating to the Basin Plan. Water Code section 13267, subdivision (b) provides that the Regional Water Board, in conducting an investigation, may require a discharger to furnish, under penalty of perjury, technical or monitoring program reports. The reports required by this Order will assist the Regional Water Board in determining whether the Discharger has taken, or will take, necessary actions to protect water quality and the beneficial uses of waters in the Mad River Slough and Arcata Bay. The burden of compiling these reports, including the costs associated with collecting the information, bear a reasonable relationship to the benefits that will be obtained from having the necessary information for the Regional Water Board to properly regulate and monitor the Site and to protect the water quality in the Mad River Slough and Arcata Bay. The estimated costs associated with the activities outlined in this Order are attached in Table B.

**25.** Water Code section 13383, subdivision (a) provides in part that the Regional Water Board may establish monitoring, inspection, reporting, and

record keeping requirements for any person who discharges, or proposes to discharge to navigable waters. The Mad River Slough and Arcata Bay are waters of the United States. Subdivision (b) provides that the Regional Water Board may require any person to establish and maintain monitoring equipment or methods and provide other information as may be reasonably required.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to Water Code sections 13267 and 13383, the Discharger shall comply with the following directives:

#### **A. Final Remedial Action Plan**

1. By **June 23, 2021**, the Discharger shall submit an FRAP for approval by the Executive Officer. The FRAP shall be a comprehensive document that memorializes regulatory requirements for the site including, slough sediment monitoring, proposed restrictions on groundwater and property use, an updated soil and groundwater management plan, surface water monitoring, and groundwater monitoring. The FRAP shall include the following:
  - a) Slough sediment monitoring in perpetuity in accordance with MRP No. R1-2008-0006 enclosed as Exhibit 1.
  - b) Groundwater monitoring in accordance with MRP No. R1-2021-0014 enclosed as Exhibit 2, until rescinded. The Regional Water Board may consider rescinding MRP Order No. R1-2021-0014 provided that the Discharger records a groundwater use restriction, makes the adequate demonstration of declining trends in contaminant concentrations at the Site and meets applicable WQOs in a reasonable period of time.
  - c) A surface water monitoring plan that contains potential corrective actions in the event that contaminants are detected above the WQOs.
  - d) Proposed land use restrictions and recording of environmental covenant(s) that would include the FRAP, and restrict the Site to commercial use, no groundwater extraction and consumption, and the recording of a soil and groundwater management plan that addresses residual impacts in soil, groundwater, and surface water.

#### **B. Provisions**

1. **Use of Registered Professionals:** The Discharger shall provide documentation that each technical report required by this Order was prepared under the direction of appropriately qualified professionals. In preparing each technical report required by this Order, any engineering or geologic evaluations and judgments must be performed by or under the direction of

registered professionals pursuant to California Business and Professions Code sections 6735, 7835, and 7835.1. A statement of qualifications and registration numbers of the responsible lead professional shall be included in the report submitted by the Discharger. The lead professional shall sign and affix his or her registration stamp to the report.

2. **Qualified Professionals:** The Discharger's reliance on qualified professionals promotes proper planning, implementation, and long-term cost-effectiveness of investigation, and cleanup and abatement activities. Professionals shall be qualified, licensed where applicable, and competent and proficient in the fields pertinent to the required activities.
3. **Signatory Requirements:** The technical reports shall be signed and certified by either a principal executive officer, ranking elected official, or the person with overall responsibility for environmental matters for the Discharger. Additional reports submitted in support of the technical report must be signed by the principal author.
4. **Certification Statement:** Any report submitted in response to this Order shall include the following perjury statement:

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

5. **Report Submittal:** The technical reports shall be submitted electronically to:

The State of California Geotracker website [Link to Sierra Pacific Arcata Division Site on Geotracker](https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0602393344)  
([https://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=T0602393344](https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0602393344))

### C. Notifications

1. **Enforcement Discretion:** The Regional Water Board reserves its rights to take any enforcement action authorized by law for violations of the terms and conditions of this Order. Furthermore, compliance with this Order is wholly distinct from any possible enforcement that may follow from the discharges themselves, pursuant to violations of the Water Code or other orders issued by the Regional Water Board.
2. **Enforcement Notification:** Pursuant to Water Code section 13268, failure to submit the required technical reports as required by Water Code section 13267(b), or falsifying any information provided therein, may result in the imposition of administrative civil liability of up to \$1,000 per violation per day. Any actual unauthorized discharge to waters of the United States may subject the Discharger to up to \$10,000 for each day of discharge, and \$10 for each gallon over 1,000 gallons not cleaned up pursuant to Water Code section 13385. The Regional Water Board reserves its rights to take any further enforcement action authorized by law.
3. **California Environmental Quality Act Compliance:** The issuance of this Order is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to title 14 of the California Code of Regulations sections: 15306 (information collection); 15301 (existing facilities); and 15304 (minor alterations to land). The submission of technical information does not constitute a project where there is a reasonable possibility that the project will have a significant effect on the environment.
4. **Appeal Notification:** Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00pm, 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday (including mandatory furlough days), the petition must be received by the State Water Board by 5:00pm on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

[https://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/](https://www.waterboards.ca.gov/public_notices/petitions/water_quality/)

or will be provided upon request.

Sierra Pacific Industries  
JBM Land LLC  
SPI Arcata Division  
Order No. R1-2021-0013

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It is hereby ordered.

Claudia Villacorta, P.E.  
Assistant Executive Officer

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TABLE A – SITE CONTAMINANT CONCENTRATIONS AND SCREENING LEVELS

Sample ID	Sample Date	Matrix	Constituent	Sample Concentration	Units	Screening Level
S-3S-2.5'	9/14/2003	Soil	Pentachlorophenol	33	mg/Kg	1, 2 <sup>1</sup>
S-7E-3'	9/16/2003	Soil	Dioxin TEQ	4,350	ng/g	50, 220 <sup>2</sup>
MW-7	6/19/2019	GW	Pentachlorophenol	0.79	µg/L	0.30 <sup>3</sup>
MW-20	7/8/2020	GW	Dioxin TEQ	45.16	pg/L	0.05 <sup>4</sup>
SL-1	1/9/2019	SW	Pentachlorophenol	0.48	µg/L	0.28 <sup>5</sup>

<sup>1</sup> Human Health Risk Assessment (HHRA) Note Number 2, DTSC-modified screening levels (DTSC-SLs), June 2020  
<https://dtsc.ca.gov/wp-content/uploads/sites/31/2019/04/HHRA-Note-3-June-2020-A.pdf>

<sup>2</sup> HHRA Note 2 DTSC-SLs, April 2017  
<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/01/HHRA-Note-2-dioxin-2017-04-06.pdf>

<sup>3</sup> California Public Health Goal applied to the narrative toxicity objective in the Basin Plan

<sup>4</sup> California Public Health Goal applied to the narrative toxicity objective in the Basin Plan

<sup>5</sup> California Toxics Rule for Inland Surface Waters applied to the narrative toxicity objective in the Basin Plan

TABLE B – SIERRA PACIFIC ARCATA DIVISION 13267 ORDER COST ESTIMATE

Task	Task Total
Groundwater Monitoring (Per Event)	\$5,000-\$7,000
Groundwater Monitoring Report (Per Report)	\$5,000-\$7,000
Slough Monitoring (Per Event)	\$3,000-\$5,000
Slough Monitoring Report (Per Report)	\$3,000-\$5,000
Final Remedial Action Plan Preparation	\$10,000-\$13,000
<b>TOTAL ESTIMATED COSTS</b>	<b>\$26,000-\$37,000</b>

Sierra Pacific Industries  
JBM Land LLC  
SPI Arcata Division  
Order No. R1-2021-0013

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EXHIBIT 1

MONITORING AND REPORTING PROGRAM R1-2008-0006

California Regional Water Quality Control Board  
North Coast Region

Monitoring and Reporting Program NO. R1-2008-0006

FOR

SIERRA-PACIFIC INDUSTRIES  
2593 New Navy Base Road  
Arcata, California

Humboldt County

This Monitoring and Reporting Program (MRP) is issued pursuant to California Water Code Section (CWC) 13267(b) and requires monitoring of sediment surfaces and submission of technical reports. Reports are required on an annual basis. The objective of monitoring conducted under this monitoring program is to provide the Discharger and the Regional Water Board with information concerning erosional activities along the banks of the Mad River Slough.

Under the authority of CWC section 13267, the Discharger named above is required to comply with the following:

**REQUIREMENTS**

1. Four gauging stations will be installed along the facility shoreline to measure bed elevation changes.
2. Two additional gauging stations will be installed; one within the middle of Mad River Slough and one along the shoreline opposite from the facility.
3. The opposite shore from the Sierra Pacific site is pasture land. If the present agricultural lands are changed to residential or other type of development that will increase storm water runoff, more frequent monitoring will be required.
4. If the Discharger becomes aware of any proposed dredging of the Slough or observes such activities, the Discharger will immediately inform the Regional Water Board.
5. Restrict access to facility shoreline with signage along the shoreline prohibiting trespassing.

**MONITORING**

1. All gauging stations will be measured horizontally and vertically to determine the elevation of the top of the sediment each year for five years and then every five years thereafter.

2. Within one month of the following natural events all gauging stations will be visually inspected (except the center of slough which will be directly measured) from facility shoreline for evidence of erosion, uplift, or subsidence: any diversion or overflow from the Mad River reaching the Mad River Slough, a magnitude 5 or larger earthquake as measured at Humboldt State University or the City of Eureka, a 10 year frequency or greater storm event as measured at the National Weather Service station on Woodley Island, and/or a tsunami entering Humboldt Bay
3. Yearly monitoring of any changes of the areal extent of eel grass. Use photographs taken during the peak of growing season in July or August to determine any substantial changes to the extent of the eel grass within the vicinity of the facility.
4. If sediment elevation data indicates scour along the facility shoreline is occurring greater than six inches, sediment samples will be collected in the area of scour and analyzed for dioxins and furans. The sampling will occur within one month of the collection of the sediment elevation data.

### REPORTING

Annual monitoring reports shall include required elevation data, eel grass survey results including the photographs, and a status report on the occurrence of any of the above referenced natural events. Annual monitoring reports shall be submitted to this office by September first of each year.

All data and reports shall be electronically submitted in the proper format to the State Water Resources Control Board's GeoTracker database.

Ordered by \_\_\_\_\_ **Original signed by** \_\_\_\_\_  
Robert R. Klamt  
Interim Executive Officer

January 4, 2008

Sierra Pacific Industries  
JBM Land LLC  
SPI Arcata Division  
Order No. R1-2021-0013

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EXHIBIT 2

MONITORING AND REPORTING PROGRAM R1-2021-0014

**California Regional Water Quality Control Board  
North Coast Region**

**Monitoring and Reporting Program  
Order No. R1-2021-0014**

**(Rescinds and Replaces Monitoring and Reporting Program No. R1-2007-0047)**

**for**

**Sierra Pacific Industries  
and  
JBM Land LLC  
Jeffrey Meyer  
Becca Meyer**

**Sierra Pacific Industries Arcata Division  
2593 Navy Base Road  
Arcata**

**Case No. 1NHU526**

**Humboldt County**

This Monitoring and Reporting Program Order is issued pursuant to California Water Code (Water Code) section 13267 (b) and requires monitoring of groundwater and submission of technical reports. The objective of monitoring conducted under this monitoring program is to provide the Discharger and the Regional Water Board with information concerning groundwater quality and pollutant trends at the site, necessitated by the historic discharge of waste to the subsurface. The burden, including costs, of these reports bears a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

This Monitoring and Reporting Program rescinds and replaces Monitoring and Reporting Program Order No. R1-2007-0047.

The failure to furnish any of the required reports, or the submittal of substantially incomplete reports or false information, is a misdemeanor, and may result in additional enforcement actions being taken against the Dischargers, including issuance of an Administrative Civil Liability (ACL) Complaint pursuant to Water Code section 13268. Liability may be imposed pursuant to Water Code section 13268 in an amount not to exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

Under the authority of Water Code section 13267, the Dischargers named above are required to comply with the following:

### MONITORING

1. Prior to purging, the depth to groundwater shall be determined to at least 0.01-foot increments in all groundwater monitoring wells associated with this case during each monitoring event.
2. Groundwater samples from monitoring wells shall be collected annually in May, during the second calendar quarter of each year. The groundwater monitoring wells to be monitored and sampled are identified as MW-7, MW-20, and MW-21.
3. The groundwater monitoring well samples shall be analyzed dioxins and furans. Groundwater samples collected from MW-7 shall be additionally analyzed for pentachlorophenol.
4. Per Water Code section 13176, all laboratory analyses shall be performed at a California certified laboratory. Analytical methods for sample analyses shall achieve practical quantitation limits that are adequate for evaluating regulatory action levels for each constituent.

### REPORTING

1. Annual monitoring reports shall be submitted to the Regional Water Board in accordance with the following schedule:

Sampling Period	Due Date
Second Quarter – May	August 1 of the same year

2. Monitoring data and reports shall be submitted to the Regional Water Board via the State Water Resources Control Board's Geographic Environmental Information Management System database (GeoTracker) as specified in Title 23, Division 3, Chapter 30, Article 2, Sections 3890-3895 of the California Code of Regulations.
3. Monitoring reports shall be prepared by or under the supervision of a California Professional Civil Engineer or Geologist.
4. The groundwater elevation data calculated from the depth to water measurements shall be referenced to the same elevation datum used for GeoTracker.
5. Each annual monitoring report shall include the following elements
  - a. A narrative description of the work conducted
  - b. Field notes and/or sampling logs documenting such activities as well purging, aquifer parameter testing, well recharge prior to sampling
  - c. Chain-of-custody documentation
  - d. Laboratory reports, including QA/QC data

- e. An accurately scaled site plan showing all sampling points in relation to significant site features
- f. Groundwater elevation contours plotted at the same scale as the site plan
- g. Groundwater contaminant concentrations plotted at the same scale as the site plan
- h. Tabular results of the depth to groundwater measurements indicating the surveyed elevations of each reference point, depth to groundwater from the reference point, and the actual groundwater elevation.
- i. Data tables summarizing all current and historical analytical data for the site constituents of concern for each sampling station
- j. A discussion of the groundwater analytical results compared with water quality objectives

Ordered by \_\_\_\_\_  
Matthias St. John  
Executive Officer

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