
North Coast Regional Water Quality Control Board

California Regional Water Quality Control Board
North Coast Region
Water Code Section 13267 Investigative Order R1-2023-0012
Directing Alan Tirsbeck
To Submit Sampling and Monitoring Reports
Pertaining to Discharges from Fred Deo Property
2000-2018 Broadway Street, Eureka, CA 95501
Geo Tracker Global No. T0602300136.
Humboldt County

Findings

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

1. The Fred Deo property (Site or Deo Property) consists of two parcels that are currently owned by Alan Tirsbeck that total approximately 3.18 acres in the City of Eureka, Humboldt County, California. The eastern parcel (APN 003-182-005-000) located at 2000-2018 Broadway Street had many prior uses, including former storage, former Antich Automotive, and an Underground Storage Tank (UST), and is currently used to provide outdoor automotive parking lot for an automotive sales business. The western parcel (APN 003-182-010-000) located at 936 W. Hawthorne Street includes former Humboldt Paint Factory, USTs, truck repair shop and vehicle storage. The large building within western parcel used to be operated by the Humboldt Paint Factory (HPF). In 2003, Mr. Tirsbeck purchased and operated a used car lot, Eureka Auto Wholesalers, and leased the rest of the property to various tenants. Auto repairs and maintenance activities are currently performed by these tenants on the northern portion of the property. The property was owned by Mr. Deo and occupied by a variety of commercial/industrial users before 2003.
2. The Site generally slopes east to west and there are two drainage ditches running east-west across the site. The drainage ditch south of the

building on the north portion of the site is concrete lined. Also, there is a concrete lined drainage ditch on the north side of the HPF building that transitions to an unlined vegetated swale west of the building. Both drainage ditches flow westward, toward a wetland on the adjacent property referred to as the City Garbage property that was previously purchased by Humboldt Waste Management (HWM) in June 2000. The Site discharges to the adjacent City Garbage property, part of which is a designated wetland. The wetland is about 1000 feet away from Humboldt Bay to the east.

3. Four Underground Storage Tanks (USTs) were removed from the Site in 1989. One UST was located on the south side of the former Antich Automotive (currently occupied by Eureka Auto Wholesales) and three USTs were located immediately north of the HPF building. These USTs leaked gasoline and diesel fuel which caused contamination of soil and groundwater. Regulatory and remediation work was undertaken to address the two contamination plumes. Soil and groundwater sampling was conducted and confirmed criteria has been met to close case No. 1THU171 on this property. As a result, on July 13, 2022, the Regional Water Board recommended closure with a soil and a groundwater management plan¹. There are no USTs currently present on the Site.
4. In the course of the investigative work done related to the USTs, soil and groundwater quality was evaluated by West & Associates Environmental Engineers, Inc. in May 2020 for the City Garbage Property (currently owned by Humboldt Waste Management) that is located downstream and along the west side of the Fred Deo property. A portion of this parcel has been designated as a seasonal wetland. The sampling recorded motor oil, diesel, and gasoline range constituents in shallow soil samples. The samples were taken from the drainage way on the eastern edge of the City Garbage property immediately downstream of the discharge from the Site².
5. On March 30, 2022, the Regional Water Board staff conducted a joint inspection of the Site with the Humboldt County staff. The auto repair shops and the lined and unlined ditches and drainage areas within the Site were inspected (Attached Site Maps 1 & 2). Evidence of hydrocarbon leakage on the ground was observed in vicinity of auto repair shops

¹

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/5303449332/220713_Deo%20Fred_Memo.pdf

²

https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/2252309978/T0602300136.PDF

operated by the tenants on the Site. Also, the lined drainage ditches were full of dark colored water during the inspection and algae was found on the lined ditch surface water adjacent to HPF building.

6. Two potential discharge points from the Site to the adjacent City Garbage Property were identified located on the western property line during the Regional Water Board's inspection including the discharge point from the existing open channel (swale) and a corrugated outfall pipe³. Per the Regional Water Board staff observation, no significant run-on is anticipated to be received from the adjacent public streets to the Site. Therefore, stormwater runoff (discharge) from the Site to the City Garbage Property has no significant contribution from other sources.
7. The Site is not currently regulated under the Industrial General Permit (IGP), Order No. 2014-0057-DWQ, NPDES No. CAS000001, as the activities conducted on the Site are not required to obtain coverage. As a result, no stormwater monitoring or sampling has been performed to characterize the stormwater runoff discharging into the adjacent wetlands on the City Garbage property.

Legal and Regulatory Authority

8. This California Water Code (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.
9. 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 investigating, may require a discharger to furnish, under penalty of perjury, technical or monitoring program reports. The reports required by this Order, pursuant to Water Code section 13267, are necessary to understand the impacts of these discharges to adjacent wetland (HWM property), and to ensure that any threat to water quality created by

³ If the pipe is connected to a subsurface corrugated pipe within the property and receives property's runoff, then it is considered as a discharge point.

activities at the Deo property are properly assessed and controlled. The Wetland is approximately a thousand feet away from the Humboldt Bay, which is Clean Water Act section 303(d)-listed as impaired by Dioxin Toxic Equivalents and PCBs. The Deo property is suspected to pose a threat of discharge of untreated stormwater containing sediment and hydrocarbon materials to the wetland. As the current owner of the Site, who exercises control over conditions and operations on the Site, Alan Tirsbeck is properly identified as the person responsible for furnishing the information required by this Order. The costs associated with developing the requested reports and workplans bear a reasonable relationship to the benefits that will be obtained from having the necessary information for the Regional Water Board to properly evaluate and monitor the Deo property.

10. Regional Water Board staff estimate that the costs for producing the reports required by this Order could range from \$4,092 to \$5,112 if developed by consultants. The monitoring reports required by this Order are necessary for Regional Water Board staff to determine/assess the nature and volume of stormwater discharges to waters of the State from the Deo property, the potential impacts to the quality and beneficial uses, and determining if wetland was impacted during the Site activities within the Deo property. Alan Tirsbeck owns and/or operates the Site and is responsible for causing the unauthorized and/or threatened discharges of waste to waters of the state that are the subject of this Order. For the above reasons, the burden, including costs, of the reports bear a reasonable relationship for the need for the reports and the benefits to be obtained from the reports.

Information Required

Pursuant to the requirements of section 13267 of the Water Code, the current property owner (Responsible Party), Alan Tirsbeck, is directed to submit the following information to the Regional Water Board:

Requirements

1. The Responsible Party shall conduct a sampling and monitoring program that meets the following criteria:
 - a. The samples must be representative of stormwater associated with the Site activities and any commingled authorized non storm water discharges.

- b. All samples shall be collected by personnel properly trained by a Qualified Storm Water Pollution Prevention Plan (SWPPP) Practitioner/Qualified SWPPP Developer (QSP/QSD) or Qualified Industrial Stormwater Practitioner (QISP).
- c. Collected Stormwater samples must be analyzed by a State of California Environmental Laboratory Accreditation Program (ELAP) certified laboratory, unless otherwise noted herein, for the following analytical parameters from all discharge points shown on the attached Site Map 3, as well as any other discharge points observed:
 - i. Total Suspended Solids (TSS) using analytical test method SM 2540-D
 - ii. pH (Field Measurement)
 - iii. Turbidity (Field measurement)
 - iv. Oil and Grease (O&G) using EPA analytical method 1664A
 - v. Volatile Organic Compounds (VOCs) using EPA analytical method 8260
- d. The pH screen shall be performed as soon as practicable, but no later than 15 minutes after the sample is collected. pH meter must be used for pH analysis.
- e. All samples shall be analyzed for turbidity and pH using calibrated field meters. The data recorded on field sampling sheets and all supporting calibration records shall be in the reports.
- f. Any result for these field measured parameters that exceed the range of the field meter must further be analyzed by a certified laboratory to determine an actual value in the sample.
- g. All supporting documentation including but not limited to chain of custody, laboratory reports, and field notes shall be provided.
- h. Include National Oceanic and Atmospheric Administration (NOAA) sourced precipitation data. Site specific and/or other rain gage data may be provided to supplement the NOAA data. Reference information, including data source, must be provided with any supplemental data submitted.

- i. Samples shall be collected from each precipitation event that generates runoff until 3 samples are collected from each discharge point.
- j. Sample collection shall occur during business hours and when sampling conditions are safe. Also, samples from each discharge location shall be collected within four (4) hours of the start of the discharge, or as soon as practicable during business hours following the onset of the discharge.
- k. If a rain event does not generate runoff from the Site, or if a required sample was not successfully collected or analyzed, the Discharger must identify the discharge point(s) where samples were not collected and describe the conditions and/or reason that the sampling event was unsuccessful in the monitoring report.
- l. The sampler shall ensure that the collection, preservation, and handling of all storm water samples are in accordance with Attachment H of the IGP, Storm Water Sample Collection and Handling Instructions.⁴

2. Reporting and Documentation

- a. Monitoring and sampling reports as well as all supporting documentation shall be submitted within 30 days after results are received by the Discharger.
- b. Monitoring and sampling report includes the National Oceanic and Atmospheric Administration (NOAA) sourced precipitation data, during rain visual observation/inspection reports and associated lab results.
- c. The Monitoring and Sampling Reports under this Order shall be submitted electronically to NorthCoast@waterboards.ca.gov and cc Farzad Kasmaei at farzad.kasmaei@waterboards.ca.gov. Also, the Responsible Party shall submit electronic copies of documents and electronic data required by this Order over the Internet to the State Water Board's Geographic Environmental Information Management System ("GeoTracker") database system

4

https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial/2014indgenpermit/atth.pdf

at <https://geotracker.waterboards.ca.gov>. Electronic submittals shall conform to the requirements of the California Code of Regulations, Title 23, Division 3, Chapter 30 and also with GeoTracker standards and procedures as specified on the State Water Board's website.

PROVISIONS

1. Signatory Requirements: The technical reports shall be signed and certified by Responsible Party, or the person with overall responsibility for environmental matters as authorized by the discharger.
2. Certification Statement: Any person signing a document under this provision shall make the following certification:

"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."

3. All sample results, lab reports, and supporting documentation shall be submitted electronically to Farzad Kasmaei at Farzad.Kasmaei@waterboards.ca.gov. Also, electronic copies of documents must be uploaded to GeoTracker.

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 may refer this matter to the Attorney General for enforcement in civil court. The Regional Water Board reserves its rights to take any further enforcement action authorized by law.

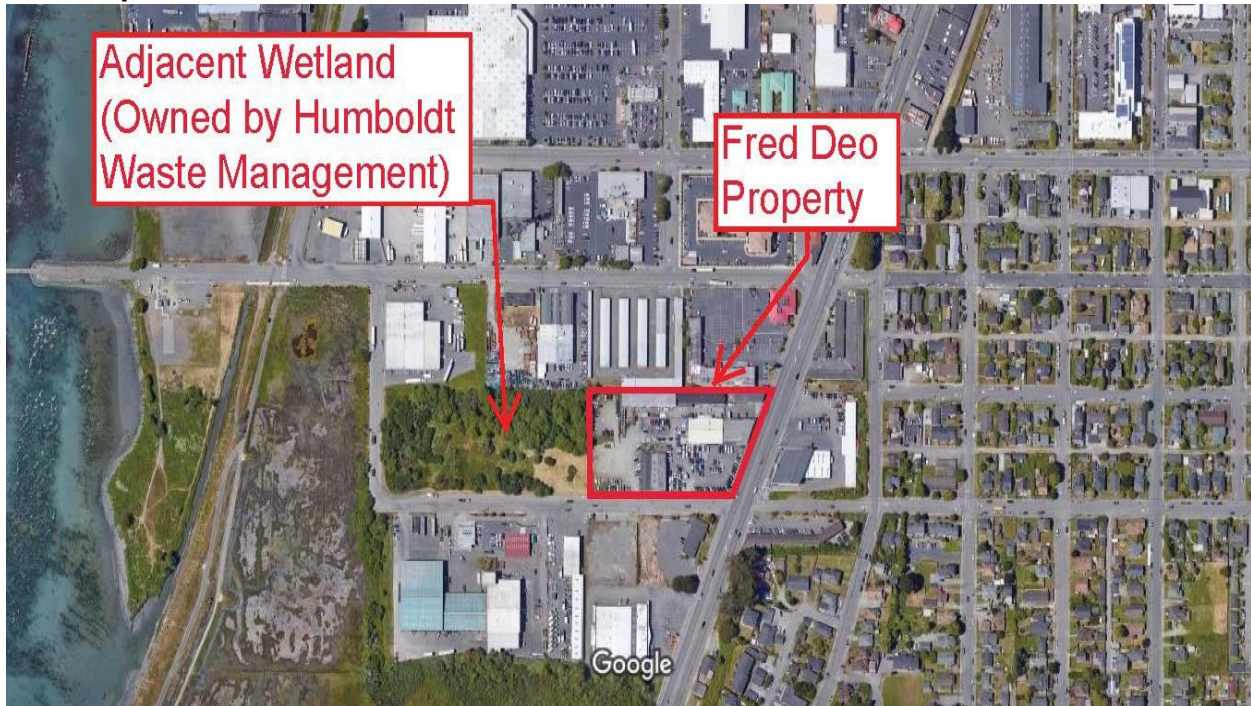
3. **California Environmental Quality Act Compliance:** The issuance of this Order is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant California Code of Regulations, title 14, section 15306. The submission of technical information does not constitute a project with environmental impacts.

4. **Appeal Notification:** Any person aggrieved by this action of the Regional Water Board may petition the State Water Resources Control 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/ or will be provided upon request.

It is hereby ordered.

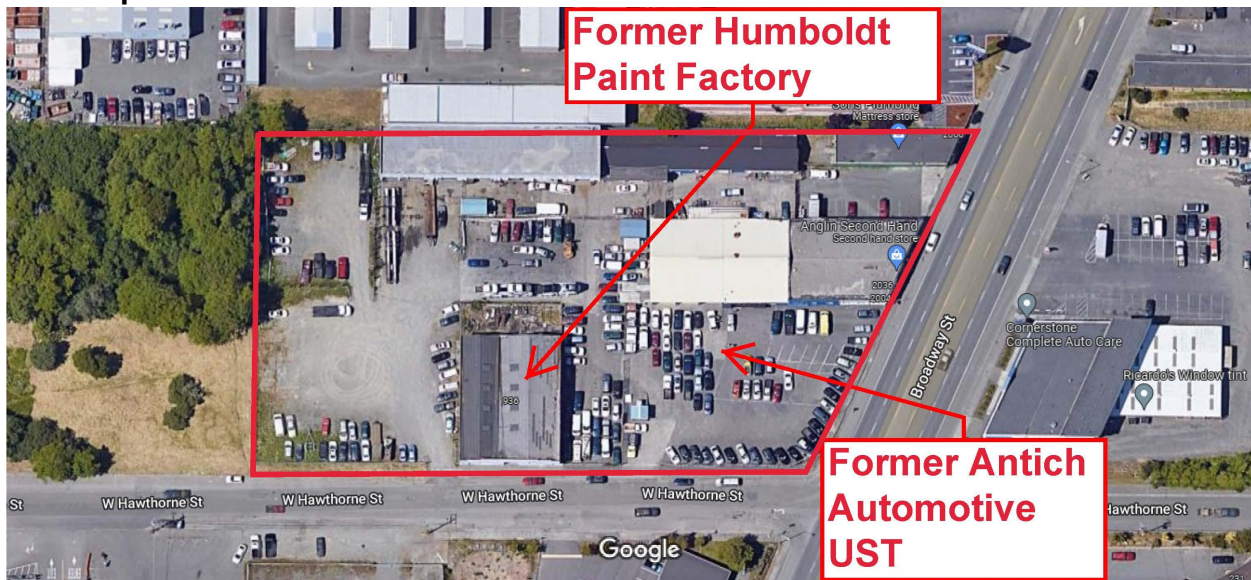
Claudia Villacorta, P.E.
Assistant Executive Officer

Site map 1:



Imagery ©2022 CNES / Airbus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2022 200 ft

Site map 2:



Imagery ©2022 CNES / Airbus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2022 50 ft

Site map 3:

