



North Coast Regional Water Quality Control Board

June 27, 2023

Eureka Auto Wholesale – Deo Property
2004 Broadway Street
Eureka, CA 95501

GLS Tracking No. 559660772

Alan Timothy Tirsbeck
PO Box 9047
Eureka, CA 95502
eawatt1@aol.com

Dear Mr. Tirsbeck:

Subject: Water Code Section 13260/13376 Directive to Submit either Report of Waste Discharge for Stormwater Discharges to adjacent wetland from Fred Deo Property or obtaining Industrial General Permit (IGP) coverage for the subject property

File: Fred Deo Property, 2000-2018 Broadway Street, Eureka, Humboldt County, Geo Tracker Global No. T0602300136

Mr. Alan Tirsbeck is the current owner of the Fred Deo Property located at 2000-2018 Broadway Street in Humboldt County (Site). 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.

Due to gasoline and diesel fuel spills from the former Underground Storage Tanks (USTs), the North Coast Regional Water Board, Cleanup unit, issued an Order directing the Discharger to conduct soil and groundwater sampling. Remediation work was undertaken to address the contamination plumes. Soil and groundwater sampling was conducted and confirmed criteria has been met to close case No. 1THU171 on this property.

However, sampling conducted associated with the UST remediation recorded motor oil, diesel, and gasoline constituents in shallow soil samples within the western drainage area in vicinity of the site discharge point. Furthermore, on March 30, 2022, evidence of

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

hydrocarbon spills was observed on the ground at the Facility during the Regional Water Board inspection.

As a result, the Regional Water Board issued an investigative order directing the property owner to collect stormwater samples from the designated discharge points where the Facility's runoff where it discharges to the adjacent wetlands that are owned by Humboldt Waste Management. The results of the sampling and the photos provided of the discharge points indicate that highly turbid water discharging from the Facility to the adjacent wetlands contributes to a violation of a water quality standard and/or is a significant contributor of pollutants to waters of the United States. Also, the samples were analyzed for oil and grease and this parameter was detected in runoff.

The discharge from your Facility constitutes a discharge of waste to a Waters of the State and/or Waters of the United States. Based on staff's evaluation of the current discharge location it appears the discharge from the Facility is to a Water of the United States, and as such, you are required to obtain coverage under a National Pollutant Discharge Elimination System (NPDES) permit. NPDES permit coverage may be obtained by either:

1. Enrollment under IGP:

The [IGP, Order 2014-0057-DWQ](#), is a statewide general permit for industrial stormwater discharges.

(https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial/2014indgenpermit/wqo2014_0057_dwq_revmar2015.pdf) Facilities are required to enroll under this order in order to authorize stormwater discharges from specific industry types, or Standard Industrial Classification (SIC). While the SIC code¹ for this site is not identified as being required to categorically obtain coverage under the IGP, consistent with 40 Code of Federal Regulations section 122.26(a)(9)(i)(D)², the Regional Water Boards may require any discharge that is not regulated by this General Permit, that is determined to contribute to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States, to be covered under the IGP as appropriate. Enrollment under the IGP requires preparation of [Permit Registration Documents](#) including site map, Storm Water Pollution Prevention Plan (SWPPP), a signed e-authorization form, and annual enrollment fees.

(https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/industrial/in_dst_help_guides.html)

¹ [SIC code 9999 \(Nonclassifiable Establishments\)](#) (<https://www.naics.com/sic-industry-description/?code=9999&v=2022>) must be selected in SMARTS.

² This provision specifies that either the State or EPA Regional Administrator may require a NPDES permit if the discharge contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States.

2. Submitting a Report of Waste Discharge:

Individual permit coverage under the NPDES program would be obtained through the submittal of a complete Report of Waste Discharge (ROWD). Submittal of a ROWD would include State Water Board

[Form 200](https://www.waterboards.ca.gov/publications_forms/forms/docs/form200.pdf) (https://www.waterboards.ca.gov/publications_forms/forms/docs/form200.pdf) and [EPA Form 1](https://www.epa.gov/sites/default/files/2019-05/documents/form_1_epa_form_3510-1.pdf), (https://www.epa.gov/sites/default/files/2019-05/documents/form_1_epa_form_3510-1.pdf)

[Form 2C](https://www.epa.gov/sites/default/files/2020-04/documents/form_2c_epa_form_3510-2cr.pdf), (https://www.epa.gov/sites/default/files/2020-04/documents/form_2c_epa_form_3510-2cr.pdf)

and [Form 2F](https://www.epa.gov/sites/default/files/2019-05/documents/form_2f_epa_form_3510-2f.pdf). (https://www.epa.gov/sites/default/files/2019-05/documents/form_2f_epa_form_3510-2f.pdf)

In order to submit a complete ROWD, the Permittee will need to review the Line-by-Line Instructions included within each application form to ensure that all required information is provided. Individual and NPDES permits include sites specific monitoring requirements, operation and maintenance requirements, site characterization, pollutant control plans, special studies, annual reporting, and annual fees.

Pursuant to California Water Code section 13260/13376, the Regional Water Board hereby requires that the Discharger obtain coverage under an NPDES permit.

By July 27, 2023, the Permit Registration Documents must be certified and submitted electronically via Stormwater Multiple Application and Report Tracking System (SMARTS).

By August 28, 2023, the property owner is required to submit the ROWD via email at farzad.kasmaei@waterboards.ca.gov within 60 days from the issuance date of this letter, if this option is selected.

Failing to furnish a complete ROWD, or enrollment under the IGP, required under 13260/13376 authority as requested by the Regional Water Board may subject the Discharger up to \$10,000 administrative civil liability for each day of violation, and the Discharger may be found guilty of a misdemeanor pursuant to Water Code section 13261. Discharging pollutant-laden storm water outside the scope of a permit or without a permit is a violation of federal Clean Water Act section 301, which may subject the Discharger up to \$10,000 for each day of violation, and up to \$10 per gallon over 1,000 gallons not cleaned up. The Regional Water Board reserves its rights to take any enforcement action authorized by law.

If you have any questions, please contact Farzad Kasmaei of my staff, at farzad.kasmaei@waterboards.ca.gov.

Sincerely,

Heaven Moore, P.E.
Senior Water Resource Control Engineer

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cc:

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