



North Coast Regional Water Quality Control Board

February 6, 2024

John Smith
416 N Franklin Street
Fort Bragg, CA 95437
jsmith@fortbragg.com

Scott and Mary Dabel
285 Wall Street
Fort Bragg, CA 95437

Dear Addressees:

Subject: Release of Petroleum Hydrocarbons, Requirement for Corrective Action: Order to Submit Workplan Pursuant to California Health and Safety Code section 25296.10

Site: Adams, Irma
285 Wall Street, Fort Bragg, CA
Case No. 1TMC126

Our agency, the North Coast Regional Water Quality Control Board (Regional Water Board), is the state agency tasked with oversight of subsurface contamination at 285 Wall Street in Fort Bragg, California. As a result of the pollution detected at the site, pursuant to California Health and Safety Code section 25296.10, you (as the owners of the property) are required to undertake corrective action as outlined in the California Code of Regulations Title 23, Division 3, Chapter 16, Article 11 (Underground Storage Tank Regulations, Corrective Action Requirements). Specifically, you are required to submit a workplan for a preliminary site assessment to investigate the impact of the pollution to soil and groundwater.

Site Background

In July 1990, an underground storage tank (UST) was removed from 285 Wall Street and fuel contamination was found in soil and groundwater samples taken from the UST excavation. At that time, Regional Water Board staff sent a directive letter to the owner, Irma Adams, requiring a subsurface investigation to be performed. To date, the investigation has not been performed. Our office did receive information that the former UST location may be on the City of Fort Bragg's property because the City of Fort Bragg had claimed the front yard of the residence (285 Wall Street) for back taxes due to a surveying error. Previous communication with the City of Fort Bragg Public Works staff indicates that it is possible that the former UST location is on city property.

It is currently unclear whether the fuel leak was from the former UST itself or its associated piping to the residence. Mr. and Ms. Dabel have been named responsible parties due to

being current owners of the property where associated piping may have leaked. The City of Fort Bragg has been named a potential responsible party due to the tank having been potentially located on city property. It is our understanding that the previous property owners, Irma Adams, and Leslie and Edith Stornetta, are deceased; therefore, they are no longer responsible parties.

The [City of Fort Bragg previously responded](#) in a letter dated September 26, 2019 (https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/5988137364/190926_RWQCB%20response%20ltr%20signed.pdf) that the site can be closed using the site's existing information. The information provided in the city's letter is inaccurate as it relies on assumptions not supported with data, incorrect screening levels, and has a lack of evidence to support its statements and conclusions. Analytical data collected during UST removal is above screening levels, therefore, a preliminary site assessment investigation is required to be performed.

Required Action

The preliminary site assessment investigation needs to be of sufficient scope to address all the components of the California State Water Resources Control Board's "[Low-Threat Underground Storage Tank Case Closure Policy](#)" available on the internet at (http://www.waterboards.ca.gov/water_issues/programs/ust/lt_cls_plcy.shtml). Please contact me if you would like a paper copy of the policy mailed to you.

Pursuant to Section 2725 of Chapter 16, Division 3, Title 23 of the California Code of Regulations, the required subsurface investigation must include an assessment of the sensitive receptors within the area potentially impacted. This assessment should include, at a minimum, the location of water supply wells, surface waters, preferential water pathways, sensitive environmental habitats, and the identification of any relevant health and safety issues.

In addition, pursuant to Section 25296.20 of the California Health and Safety Code, the Regional Water Board is required to notify all current fee titleholders of sites impacted by releases from Underground Storage Tanks prior to case closure. Please submit the name, address, and phone number(s) of all the current record owners of fee title to the subject site, as listed in the Title or Deed of Trust.

Many of the costs associated with the investigation and cleanup of releases from petroleum underground storage tanks may be reimbursable by California's Petroleum Underground Storage Tank Cleanup Fund. [Information about applying to the Cleanup Fund](#) can be found on the internet at (http://www.waterboards.ca.gov/water_issues/programs/ustcf/claimformsinfo.html) or by contacting the Cleanup Fund directly at ustcleanupfund@waterboards.ca.gov or 1-800-813-3863.

If you fail to respond to this Order, you may be subject to additional enforcement activities, including civil liability of up to \$10,000 per day pursuant to Health and Safety Code Section 25299(d). The property may also be nominated to the Emergency, Abandoned,

and Recalcitrant (EAR) Account Program. Under this program, a contractor from the State Department of General Services would perform the required investigation and cleanup using EAR Account funding and recover the cost incurred through placing a lien on the property or referring the case to the Attorney General's Office to file a civil action. (Health and Safety Code, §§25296.10, subd. (f), 25299.36.)

I look forward to working with you and receiving your subsurface investigation workplan and the name, address, and phone number(s) of all the current record owners of fee title by **April 5, 2024**. Please contact your case manager, Kelsey McLaughlin, at Kelsey.McLaughlin@waterboards.ca.gov or (707) 576-2466 if you have any questions.

Sincerely,

Claudia Villacorta, P.E.
Assistant Executive Officer

240206_KRM_AlmaIrma_staff letter.docx