

California Regional Water Quality Control Board
North Coast Region

CLEANUP AND ABATEMENT ORDER NO. R1-2000-76

FOR

LESTER C. BELL
HONEYDEW-BRICELAND ROAD
ASSESSORS PARCEL NUMBER 221-202-11
ETTERSBURG, CALIFORNIA

Humboldt County

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

1. Lester C. Bell (hereinafter, the “discharger”) owns property in Humboldt County, California known as Assessor’s Parcel Number 221-202-11 (hereinafter, the “site”), shown on Attachment A.
2. The discharger owned and/or operated a minimum of two aboveground tanks, which stored diesel product at the site to power a generator(s) used to supply electricity to buildings onsite.
3. On April 7, 2000, the Regional Water Board received notification of diesel discharges at the site. On April 17, 2000, the Regional Water Board staff conducted a site inspection and found the site soils were saturated with diesel. The discharges have affected groundwater since diesel-contaminated springs and seeps were found on the slope draining to Blue Slide Creek. Diesel discharges from these seeps into Blue Slide Creek were also apparent.
4. In response to Regional Water Board requirements including verbal directives at the time of inspection, staff letters, and 13267 Orders, the discharger contracted services for placement of petroleum absorbent booms and pads in Blue-Slide Creek, installation of a groundwater intercept trench, removal of impacted groundwater and soil, and completion of other cleanup activities.
5. On September 21, 2000, Regional Water Board staff collected surface water samples from Blue-Slide Creek. Total petroleum hydrocarbons as diesel (TPHd) was detected at 9,900 ug/l (ppb) in Blue-Slide Creek below the seeps discharging diesel. The laboratory reports detected diesel as being weathered. The diesel was also detected at 85 ppb in Blue Slide Creek at a location one hundred fifty feet downstream of the discharging seeps, and downstream of the last petroleum absorbent booms.

6. Cleanup and abatement activities remain to be performed at the site. These activities include, but are not limited to: a) defining the extent of contamination, b) conducting a feasibility study assessing remedial alternatives, and c) performing appropriate cleanup and abatement activities. The remaining activities require a schedule for completion, which is reflected in this Order.
7. Site groundwater has been impacted with petroleum hydrocarbons. Beneficial uses of areal groundwater include domestic water supply, agricultural water supply, and industrial water supply.
8. The site is immediately adjacent to Blue-Slide Creek, which has been adversely impacted by the diesel discharges. Blue-Slide Creek is a tributary to the Mattole River. The existing and potential beneficial uses of the Mattole River and its tributaries include:
 - a) municipal & domestic supply
 - b) agricultural supply
 - c) water contact recreation
 - d) non-contact water recreation
 - e) cold freshwater habitat
 - f) wildlife habitat
 - g) migration of anadromous fish
 - h) fish spawning area
 - i) industrial supply
 - j) commercial and sport fishing
 - k) estuarine habitat
 - l) aquaculture
9. The discharger has caused or permitted, causes or permits, or threatens to cause or permit waste to be discharged where it is, or probably will be, discharged into waters of the state and create, or threatens to create, a condition of pollution or nuisance. The discharge and threatened discharge of petroleum hydrocarbons has unreasonably affected water quality in that the discharge or threatened discharge is deleterious to the above described beneficial uses of state waters, and has created a condition of pollution or nuisance which threatens to continue unless the discharge or threatened discharge is permanently cleaned up and abated.

10. The California Water Code, and regulations and policies developed thereunder, require cleanup and abatement to provide attainment of background levels of water quality, or the highest water quality which is reasonable if background levels of water quality cannot be restored, considering all demands being made and to be made on those waters and the total values involved, beneficial and deleterious, economic and social, tangible and intangible. Alternative cleanup levels less stringent than background concentrations shall be consistent with the maximum benefit to the people of the State, not unreasonably affect present and anticipated beneficial uses of such water, and not result in water quality less than prescribed in the Water Quality Control Plans and Policies adopted by the State and Regional Water Boards.
11. Water quality objectives exist to ensure the beneficial uses of water. The highest beneficial use of water to be protected at or near the site is domestic water supply. However, other beneficial uses of water exist, and the most stringent objective for protection of all beneficial uses is selected as protective for water quality. Resolution No. 68-16 "Statement of Policy with Respect to Maintaining High Quality of Waters in California" requires the continued maintenance of existing high quality water in Blue-Slide Creek and there-by prohibits the discharge of any contaminant to those waters. The water quality objectives for groundwater at this site are identified in the following table.

CHEMICAL	BACKGROUND LEVEL	WATER QUALITY OBJECTIVE	CITATION
Gasoline	< 50 ug/l	< 50 ug/l	Taste and odor threshold is 5 ug/l, but laboratory detection limit is 50 ug/l and is controlling
Diesel	< 50 ug/l	56 ug/l	USEPA health advisory of September 4, 1992, Suggested No Adverse Response Level (SNARL) of 56 ug/l which is applied to narrative TOXICITY water quality objective

CHEMICAL	BACKGROUND LEVEL	WATER QUALITY OBJECTIVE	CITATION
Benzene	< 0.5 ug/l	1.0 ug/l	Maximum contaminant level (MCL) is 1.0 ug/l; USEPA health advisory for cancer risk is 0.7 ug/l applied TOXICITY water quality objective.
Toluene	< 0.5 ug/l	42 ug/l	USEPA taste and odor threshold, Federal Register 54(97): 22064-22138; applied TASTE AND ODOR water quality objective.
Ethyl benzene	< 0.5 ug/l	29 ug/l	USEPA taste and odor threshold, Federal Register 54(97): 22064-22138; applied TASTE AND ODOR water quality objective.
Xylenes	< 0.5 ug/l	17 ug/l	USEPA taste and odor threshold, Federal Register 54(97):22064-22138; applied TASTE AND ODOR water quality objective.
Polynuclear Aromatic Hydrocarbons (PAH) ¹	<0.0028 ug/l	0.0028 ug/l	U.S. EPA Human Health Protection for Sources of Drinking Water is applied to the narrative TOXICITY objective in the Basin Plan for domestic supply

¹ For sum of acenaphthylene, anthracene, benz(a)anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(g,h,i)perylene, benzo(a)pyrene, chrysene, dibenz(a,h)anthracene, fluorene, indeno(1,2,3-c,d)pyrene, phenanthrene, and pyrene.

12. Reasonable costs incurred by Regional Water Board staff in overseeing cleanup or abatement activities are reimbursable under Section 13304 of the California Water Code. Under H&SC 25270.9, reasonable oversight expense are a charge against the owner and operator of the AGTs and reimbursable.
13. The issuance of this cleanup and abatement order is an enforcement action being taken for the protection of the environment and, therefore, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15308 and 15321, Chapter 3, Title 14 of the California Code of Regulations.

THEREFORE, IT IS HEREBY ORDERED that pursuant to California Water Code Sections 13267(b) and 13304, the discharger shall cleanup and abate the discharge and threatened discharge and shall comply with the following provisions of this Order:

1. The discharger shall conduct all work under the direction of a California registered engineer or geologist experienced in pollution investigation and cleanup in accordance with all laws. All necessary permits shall be obtained.
2. The discharger shall immediately cease and abate all petroleum hydrocarbon discharges to Blue-Slide Creek.
3. By November 25, 2000, the discharger shall submit a workplan for the Executive Officer's concurrence to define the extent of petroleum hydrocarbon contaminated surface water and sediments in Blue-Slide Creek as well as the vertical and horizontal extent petroleum hydrocarbons in soil and groundwater. The workplan shall include a proposal to evaluate the potential for future discharge of contaminated storm water and/or groundwater to surface waters. The discharger shall implement the workplan within ten (10) days of the Executive Officer's concurrence with the workplan.
4. After implementing the workplan described in Provision 3 above, the discharger shall submit to the Executive Officer for concurrence, a report of contaminant extent investigation. This report shall be submitted within 90 days of the Executive Officer's concurrence with the workplan proposal required under Provision 3 above.

5. Within 30 days after the Executive Officer's concurrence with the contaminant extent investigation report, the discharger shall submit a feasibility study and remedial action plan (FS/RAP) for the Executive Officer's concurrence, evaluating final cleanup and abatement alternatives for the site and proposing a final cleanup remedy which will achieve water quality objectives.
6. The discharger shall commence implementation of the final RAP within 30 days following concurrence by the Executive Officer. Corrective actions shall be completed in accordance with the schedule provided in the final RAP and approved by the Executive Officer.
7. The discharger shall comply with Monitoring and Reporting Program Order No. R1-2000-77.
8. The discharger shall promptly pay in accordance with the invoicing instructions all invoices for Regional Water Board oversight.
9. If, for any reason, the discharger is unable to perform any activity or submit any documentation in compliance with the work schedule submitted pursuant to this Order and approved by the Executive Officer, the discharger may request, in writing, an extension of the time as specified. The extension request shall include justification for this delay. An extension may be granted for good cause, in which case this Order will be accordingly revised.

Ordered by: _____

Lee A. Michlin
Executive Officer

October 26, 2000