

California Regional Water Quality Control Board
North Coast Region

Cleanup and Abatement Order No. 99-15

for

Redwood Oil Company
50 West Lake Mendocino Drive
Ukiah, California

Mendocino County

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

1. Redwood Oil Company owns and operates a card lock service station and bulk petroleum facility located at 50 West Lake Mendocino Drive, Ukiah, California. The facility stores gasoline, diesel, fuel oil, solvents and mixed oils.
2. Petroleum products are or have been stored at the site in aboveground containers since 1989 and continue to be stored on the site, which is subject to the California Aboveground Petroleum Storage Act. Bulk petroleum facilities fall under Standard Industrial Classification No. 5171. This facility does not operate a portion of the site as a vehicle maintenance area, and therefore this facility is not categorically included in the General Permit No. CAS000001, Water Quality Order No. 97-03-DWQ, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction (general storm water permit). However, pursuant to Finding 3 of Order No. 97-03-DWQ, the Regional Water Board hereby designates this facility as needing to file a Notice of Intent to comply with the general storm water permit due to its location and the history of storm water discharges and threatened discharges detailed within this cleanup and abatement order. The facility has contributed to a violation of water quality standards as detailed below.
3. Storm water from the site drains to a storm drain system on West Lake Mendocino Drive through onsite drop inlets or through runoff as sheet flow. The drop inlets have been in contact with petroleum products from the facility. The storm drain on West Lake Mendocino Drive discharges to an unnamed tributary of the Russian River and thence to the river.
4. The onsite drop inlet is connected to a culvert leading to a drop inlet in West Lake Mendocino Drive. This drop inlet is shown as DI #1 on Attachment A.
5. West Lake Mendocino Drive and storm drains therein are owned and operated by the County of Mendocino.
6. DI #1 is connected to DI #2, shown on Attachment A. DI #2 is located in the county right of way adjacent to an undeveloped parcel across the street from Redwood Oil. This parcel is owned by Joseph J. and Linda R. Schwede.
7. The Regional Water Board staff has received complaints of discharges and reports of spills at the Redwood Oil facility commencing in 1989. Inspections in 1989 documented a spill of diesel and the Regional Water Board staff requested improved spill prevention planning. Local agency and Regional Water Board records document spills reported as follows: diesel in 1991, diesel in 1994, diesel in 1995, petroleum in 1996, and diesel in 1998. In addition, oily discharges from steam-cleaning of vehicles occurred until 1995.

8. Free petroleum product was observed in DI #1 during a spill investigation at the Redwood Oil facility by Mendocino County Environmental Health Department (MCEHD) staff on February, 20, 1994 and during a site inspection of the Redwood Oil facility by Regional Water Board staff on June, 30, 1995.
9. Local agency correspondence dated December 23, 1993, to Redwood Oil documented concerns with the method for securing the valving from the aboveground storage tank containment system, and the process for releasing rainwater from the system.
10. On January 18, 1994, and March 3, 1994, the Regional Water Board staff identified the lack of a storm water runoff plan for the facility as a concern, and requested a plan be developed and submitted. Further, the Regional Water Board staff advised that discharges from the containment containing petroleum hydrocarbons were prohibited.
11. On March 25, 1995, Redwood Oil Company advised the local agency that they would address the potential for discharge from the tank containment system by constructing a roof over the facility. Subsequently in 1995, a consultant to Redwood Oil Company advised the local agency and the Regional Water Board that Redwood Oil would cease steam-cleaning vehicles, re-grade and pave the area to redirect storm water runoff from petroleum storage areas and would install a clarifier in the discharge line leading to DI #1. The consultant further advised in September of 1995 that an oil/water separator would be installed and that the valve box would become an "inspection box" for addressing discharges to the storm drain system to visually screen rainwater prior to discharging from the line.
12. On February 5, 1999, an unauthorized release of petroleum at the site was reported by a private citizen to the MCEHD. MCEHD's initial investigation documented the presence of an unknown amount of petroleum product floating on the surface of the water contained in DI #1. Investigation of DI #2 further revealed a sheen, a dark liquid, and staining. MCHED requested that Redwood Oil perform cleanup of the two affected storm drains.
13. MCEHD observed on February 5, 1999 that "petroleum contaminated thick sludge" was present in DI #1 in a pipe leading from Redwood Oil's bulk tank containment basin, and also observed the presence of "various amounts of petroleum contaminated liquids" in all three inlet surface openings at the southwest corner of the spill containment basin on the Redwood Oil site. Redwood Oil records indicate that a release of storm water from the bulk tank containment basin occurred on the morning of February 5, 1999.
14. Redwood Oil placed absorbent pads in DI #1 and DI #2 on February 5, 1999. Redwood Oil's contractor recovered diesel mixed with water from DI #1 on February 6, 1999. Interrupted by a significant rain event, the contractor returned for additional cleanup on February 10, 1999, and steam cleaned DI #1 and DI #2, and vacuumed out all liquids. Redwood Oil's contractor reported the drains leading to and from the inlets were partially to completely blocked with solids.
15. Regional Water Board staff received notification of a potential discharge at the site on February 9, 1999, and inspected the area on February 18, 1999. Regional Water Board staff observed visible petroleum product in DI #2, and collected samples. Water sample RO021899C was collected from DI #2. Because of the high percentage of diesel product in

sample RO021899C, the lab used a special procedure to analyze the sample and detected the equivalent value of 848,000 ppm diesel, 33,500 ppm motor oil, and 3.79 ppm gasoline. Water sample RO021899B, collected from the drainage swale leading toward the Russian River at a location approximately 90 feet west of DI #2, contained 6.57 ppm diesel, 1.58 ppm motor oil, 0.613 ppm gasoline and 0.005 ppm methyl tertiary-butyl ether (MTBE). These levels characterize an unauthorized discharge in violation of the Water Quality Control Plan for the North Coast Region (Basin Plan). The diesel, motor oil, and gasoline levels exceed water quality objectives for protection of beneficial uses of groundwater and surface water at the site. Further, these chemicals are consistent with aged and current releases from the Redwood Oil Bulk Plant.

16. On February 19, 1999, the Regional Water Board directed Redwood Oil to implement best management practices and enact emergency response actions in the event of a spill at their Ukiah facility. On February 22, 1999, staff met with Redwood Oil to gather facts regarding Redwood Oil's dispute of the bulk plant being the source of the petroleum discharge earlier in the month. On February 22, 1999, Redwood Oil alleged that an unknown truck had directly discharged product on February 4th or 5th, 1999 to the street gutter and thence to the storm drains owned and operated by the County of Mendocino.
17. Nearby industrial facilities located at 100 West Lake Mendocino Drive and 90 West Lake Mendocino Drive have also been evaluated as potential contributors of the petroleum discharges, and no credible evidence has yet been found that would support the involvement of other facilities. A site inspection of 100 West Lake Mendocino Drive was performed by the MCEHD on February 18, 1999, and by Regional Water Board staff on March 19, 1999. Although most activities at the facility involve discharges which do not enter the storm drain system on West Lake Mendocino Drive, there are two parking areas and a small portion of the northeast corner of the facility which do drain to the storm drain system. Based on field observations and sample data collected by Regional Water Board staff on March 19 and March 24, 1999, runoff from these areas is not considered to be a significant contributor to the contamination observed in the storm drain system on West Lake Mendocino Drive. The facility at 90 West Lake Mendocino Drive was inspected by Regional Board staff on March 19, 1999. A portion of the facility involving the entrance from the Caltrans Maintenance Road drains to the storm drain system on West Lake Mendocino Drive. Storm water entering the storm drain system was observed during a storm event on March 24, 1999. Storm water flow from the facility at 90 West Lake Mendocino Drive exhibited no visual signs of petroleum contamination.
18. Storm water with thick petroleum sheen was observed by Regional Water Board staff flowing from the Redwood Oil facility to the storm drain system on West Lake Mendocino Drive on March 19, 1999, and March 24, 1999. Sample RO032499A was collected from storm water exiting the cardlock area and flowing toward DI #1 on March 24, 1999. Preliminary lab results indicate sample RO032499A contains 11,000 ppb diesel, a value which exceeds the water quality objective for diesel of 56 ppb.
19. An assessment of the facts surrounding the February 1999 discharge and prior reported discharges has been completed. Although Regional Water Board staff cannot rule out the possibility that petroleum product was released from an unknown truck as described in Finding 16, the evidence presented is insufficient to prove that the contamination now present in the storm drain system on West Lake Mendocino Drive resulted only from an isolated spill from an

as yet unidentified truck. Historical discharges at this facility indicate a chronic and cumulative discharge of petroleum to the storm drain system. Therefore, even if a spill did occur from an unknown truck on February 4 or 5, 1999, Redwood Oil is responsible for cleanup and abatement of contamination in and around the storm drain system on West Lake Mendocino Drive. Accordingly, Redwood Oil is hereinafter referred to as the discharger.

20. The discharger has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance.
21. Beneficial uses of areal groundwater as contained in Basin Plan include municipal, domestic, and industrial supply.
22. Existing and potential beneficial uses of the Russian River and its tributaries as contained in the Basin Plan include the following:
 - a. municipal supply
 - b. agricultural supply
 - c. industrial service supply
 - d. groundwater recharge
 - e. water contact recreation
 - f. non-contact recreation
 - g. commercial and sport fishing
 - h. cold freshwater habitat
 - i. wildlife habitat
 - j. migration of aquatic organisms
 - k. spawning, reproduction, and/or early development
23. The buildup of accumulated sludges and oily wastes in the storm drain receiving waste discharges from the site affects and threatens to continue to affect the beneficial uses of waters of the state.
24. Water quality objectives exist to ensure protection of the beneficial uses of water. Several beneficial uses of water exist, and the most stringent water quality objectives for protection of all beneficial uses is selected as the protective water quality criteria. Alternative cleanup and abatement actions need to be considered that evaluate the feasibility of, at a minimum: (1) cleanup to background levels, (2) cleanup to levels attainable through application of best practicable technology, and (3) cleanup to protective water quality criteria levels. The following table sets out the protective water quality criteria.

Constituents of Concern	Water Quality Objectives: ug/l	Reference for Objectives
diesel	56.0	U.S. EPA Health Advisory of September 4, 1992. SNARL of 56 ug/l, is applied to the narrative TOXICITY objective of the Basin Plan.
motor oil	<150.0 ug/l (minimum detection limit)	U.S. EPA National Ambient Water Quality Criteria, Freshwater Aquatic Life Protection, May 1, 1986. Recommended toxicity limit of

gasoline	<50 ug/l (minimum detection limit)	0.1 ug/l to 1.0 ug/l is applied to the narrative TOXICITY objective of the Basin Plan and Oil and Grease criteria of the Basin Plan. U.S. EPA National Ambient Water Quality Criteria, Freshwater Aquatic Life Protection, May 1, 1986. Recommended toxicity limit of 0.1 ug/l to 1.0 ug/l is applied to the narrative TOXICITY objective of the Basin Plan and taste and odor criteria of the Basin Plan
MTBE	5 ug/l	Dept. of Health Services secondary drinking water standards. Effective January 7, 1999. MCL is 1.0 ug/l; U.S. EPA health advisory for cancer risk is 0.7 ug/l applied TOXICITY water quality objective
benzene	1.0 ug/l	U.S. EPA taste and odor threshold, Federal Register 54(97):22064-22138; applied TASTE AND ODOR water quality objective. There is a less stringent CA DHS Action Level of 100 ug/l applied to the TOXICITY water quality objective
toluene	42 ug/l	U.S. EPA taste and odor threshold, Federal Register 54(97):22064-22138; applied TASTE AND ODOR water quality objective; there is a less stringent CA MCL of 1750 ug/l.
xylenes	17 ug/l	U.S. EPA taste and odor threshold, Federal Register 54(97):22064-22138; applied TASTE AND ODOR water quality objective; there is a less stringent CA MCL of 580 ug/l.
ethyl benzenes	29 ug/l	

25. Reasonable costs incurred by Regional Water Board staff in overseeing cleanup or abatement activities are reimbursable under Section 13304 of the California Water Code and Section 25270.9 of the Health and Safety Code.
26. This enforcement action is 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 Section 13267(b) and 13304, the discharger shall immediately cease discharging waste and 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 familiar with contamination investigations and mitigation.
2. The discharger shall submit a workplan to the Executive Officer for concurrence that addresses interim cleanup and abatement of the discharges to the storm drain system and elimination of discharges of petroleum to the drainage way surface waters on or before June 5, 1999.

3. The discharger shall implement the interim cleanup and abatement workplan within 30 days following concurrence by the Executive Officer.
4. The discharger shall abate further discharges and threatened discharges by revising and submitting a Spill Prevention Control and Countermeasure Plan (SPCC plan) which addresses collection and complete treatment or appropriate disposal of effluent from within the containment basin on or before July 30, 1999.
5. The discharger shall submit a Notice of Intent (NOI) for an Industrial Storm Water General Permit on or before May 20, 1999. The discharger shall then develop and submit a storm water pollution prevention plan (SWPPP) pursuant to the State Water Resources Control Board Order No. 97-03-DWQ General Permit No. CAS000001 (Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities). The SWPPP shall comply with Order 97-03-DWQ, shall address the implementation of best management practices to prevent pollutant discharges, and specifically shall address the entire facility including but not limited to the drain rack for motor oil, barrel storage area, card lock facility, and any vehicle wash areas. The SWPPP shall include the development of a post-remedial action monitoring program. Submittal of the SWPPP shall occur on or before August 15, 1999.
6. The discharger shall develop a preliminary assessment workplan to characterize the threat to surface water and groundwater from past spills including surface soil samples which represent a discharge with storm water runoff from this facility and from where discharges from the facility may have migrated. The preliminary assessment workplan shall be submitted on or before June 5, 1999.
7. The discharger shall implement the preliminary assessment workplan 30 days following concurrence by the Executive Officer.
8. The discharger shall provide a schedule for the submittal of a corrective action plan on or before July 15, 1999.
9. The discharger shall implement the corrective action plan 30 days following concurrence by the Executive Officer.
10. Within 60 days of this Order, the discharger shall develop, implement, and annually report on an employee training plan addressing emergency response and facility operations for implementing Best Management Practices.
11. The discharger shall promptly reimburse the State Water Resources Control Board for regulatory oversight pursuant to finding 25 of this Order.
12. 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. An extension may be granted for good cause, in which case this Order will be revised accordingly.

Ordered by _____

Lee A. Michlin
Executive Officer

May 5, 1999

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