



EXECUTIVE OFFICERS REPORT
North Coast Regional Water Quality Control Board
December 10, 2009

Personnel News

Following successful careers serving the people of the State of California and the North Coast Regional Water Board, we say goodbye and wish a happy retirement to:

Janet Blake, Environmental Scientist, with the North Coast RWQCB since February 1999, and previously with the State Water Board;

Kathleen Daly, Associate Governmental Program Analyst, staff member since February 1981, and former Regional Administrative Officer;

David Evans, Supervising Engineer, and Chief of the Cleanups Division, staff member since October 1978.

A celebration of their careers and gratitude for their contributions was held on October 30th, and we wish them all in their well-deserved retirement the time to pursue the company of friends and family and a world of new destinations.



State Water Resources Control Board
Oct 6, 2009 Board Meeting,
Informational Item No. 6 Summary

At the October 6, 2009 Meeting of the State Water Board, State Board and

Region 1 staff presented an information item on the wetland definition developed by the Wetland Policy Development Team's Technical Advisory Team (TAT). The Board gave the Wetland Policy Development Team two directives: 1) to inform the Board of any variance between the U.S. Army Corps of Engineers' wetland definition and delineation methods and the TAT's definition and delineation methods, and 2) solicit stakeholder input prior to the 60-day public comment period on Phase 1 of the Policy.



Great Egret at Fay Slough Wildlife Area
Photo courtesy of CDFG.

The Board heard testimony from the public on the informational item. Five commenter's came before the board representing Western States Petroleum Association, California Building and Industry Association, Defenders of Wildlife, San Francisco Sierra Club and

Citizens to Complete the Refuge, and California Department of Food and Agriculture.



Freshwater Creek Total Maximum Daily Load (TMDL) Update

Matthew Buffleben

Sediment discharges generated by have contributed to significant water quality degradation and impaired beneficial uses in the Freshwater and Ryan Creek watersheds, located near Eureka. The excessive sediment discharges affect domestic water supplies and threatened fish species such as coho and Chinook salmon. Also, sediment aggradation in the lower reaches of Freshwater Creek contributes to increases in frequency and magnitude of localized flood events, which creates nuisance conditions in the watershed.

Logging activities increased in the late 1980s and early 1990s. These activities had numerous environmental impacts which lead to increased scrutiny by Federal and State agencies. Eventually, Pacific Lumber Company, at the time the owner of the majority of timberlands in Freshwater Creek, agreed to conduct timber operations under a Habitat Conservation Plan to protect endangered species as part of the Headwaters Agreement.



This is a smolt trap. On the South Fork of Freshwater Creek, Fish and Game maintains this trap. Photo by Matthew Buffleben

The Regional Board has taken several actions in these watersheds starting with ordering the development and implementation of an erosion control plan in Little Freshwater Creek in 1996, and issuance of a watershed wide WDRs in 2006. Currently, logging activities by the current owner, Humboldt Redwood Company, are regulated by Waste Discharge Requirements in Freshwater Creek (R1-2006-0041) and Cleanup and Abatement Order (R1-2006-0046). Green Diamond Resource Company logging activities in the Ryan Creek drainage are regulated by General Waste Discharge Requirements (R1-2004-0030).

In 1998, Freshwater Creek was placed on the federal Clean Water Act section 303(d) list of impaired waterbodies due to excess sediment. The Clean Water Act requires the development of TMDLs for 303(d) listed waterbodies.

The TMDL for this watershed was reprioritized by the Regional Water Board and scheduled for development by 2003. However, implementations of a permitting program, petitions, litigation, enforcement matters and contracting difficulties have all contributed to delays in developing the TMDL. Currently, staff is again actively working on the TMDL and nearing completion on drafts of the first two chapters, the introduction and problem statement. Staff is continuing to work on a significant portion of the TMDL, which is the development of the source analysis. We anticipate a public review draft of this section and other components of the TMDL by March 2010. We anticipate this review will include CEQA scoping, a Regional



Fish weir on Freshwater Creek, Fish and Game maintains this trap. Photo by Matthew Buffleben

Board workshop, and scientific peer review preparatory to the actual TMDL proposal for Board consideration. The staff contact for this TMDL is Dr. Matthew Buffleben.



Enforcement Report

Diana Henrioulle

On August 13, 2009, the Regional Water Board Timber and Nonpoint Source Division Chief issued a Notice of Violation (NOV) to the **United States Forest Service, Mendocino National Forest** for surface erosion and discharge of sediment into waters of the state from the Sanhedrin Road Wilderness Road Decommissioning project and Pine Mountain LSR Timber Sale. The NOV requested that the USFS provide documentation identifying how it plans to address these sites prior to the upcoming winter season.

On August 13, 2009, the Regional Water Board Assistant Executive Officer (AEO) issued Administrative Civil Liability Complaint (ACLC) No. R1-2009-0095 to the **California Department of Transportation**, for various unauthorized construction discharges on its Confusion Hill Bypass Project. The total proposed liability is \$1,511,000.

On August 17, 2009, the Regional Water Board AEO issued ACLC No. R1-2009-0055 to the **City of Yreka Wastewater Treatment Facility** for violations of discharge prohibitions contained in Waste Discharge Requirements Order No. R1-2003-0047 and State Water Resources Control Board Order No. 2006-0003-DWQ for ten sewage spills. The total proposed liability is \$20,685.

On August 17, 2009, the Regional Water Board AEO issued a staff enforcement letter to **Graton Community Services District** due to

failure to submit a final project report for the SEP the District conducted in connection with ACLC No. R1-2005-0004. The enforcement letter directs the District to submit the final report by no later than October 15, 2009, or to pay the suspended liability of \$16,450.

On August 27, 2009, the Regional Water Board Executive Officer (EO) issued Cleanup and Abatement Order (CAO) No. 2009-0097 to **Wayne Bare Trucking, Incorporated** requiring plans, documents, and actions necessary to clean up and mitigate the spilled diesel and motor oil associated with a truck accident that occurred on July 8, 2009, on Hwy 299 west of Junction City.

On August 28, 2009, the Regional Water Board AEO issued CAO No. R1-2009-0098 to the **Redwood Valley County Water District** requiring plans, documents and actions necessary to mitigate the extensive erosion damage and sedimentation caused by two unexpected discharges of large volumes of water, on June 11 and 12, 2009, from its main pipeline into a small unnamed tributary and the Upper West Fork of the Russian River.

On September 10, 2009, the Regional Water Board EO issued a combined CAO No. R1-2009-0106 and 13267(b) Order to **Nancy Woodward**, requiring plans, documents and actions necessary to clean up and abate discharges of waste associated with grading and construction activities in and adjacent to a tributary to Reas Creek, in the Salt River watershed in Humboldt County.

On September 15, 2009, the Regional Water Board EO issued Notices of Violation to the following facilities for failure to submit 2008/2009 Annual Storm Water Reports: **Jepson Winery; Bed Rock Inc.; Clos Du Bois; Eel River Lumber Products; Eel River Sawmill Mozzetti 2; Everett Ridge Winery; Global Material Recovery Systems; Humboldt Bay Forest Products; Industrial Carting; Laytonville Rock; Menne Pit Gravel Operations; Portosan Co, LLC; Purple Wine Productions; Quivira Vineyards & Winery; Northwestern Pacific Railways, Inc.; Retech Systems LLC; Ron's Used Cars & Auto Wreckers; Scott Valley Builders; Seghesio Wineries Inc.; Shiloh Group LLC; Business & Ind ; Sonoma Wine Co.;** and **Tali Pak**. The September 15 notices are the second late report notices to each of these dischargers; failure to submit the late reports by October 15, 2009 will subject these dischargers to penalties.

On September 16, 2009, the Regional Water Board EO issued Order No. R1-2009-0108 rescinding CAO No. 90-100 and Monitoring & Reporting Program Order No. 88-51 to **Pellini Chevrolet** as no further action is necessary to finish cleaning up petroleum at the site located at 105 Petaluma Road in Sebastopol.

On September 24, 2009, the Regional Water Board AEO issued ACLC No. R1-2009-0056 to **Jepson Vineyards Ltd.** for failure to submit its 2007/2008 Annual Storm Water Report, due July 1, 2008, in a timely manner. The proposed liability is \$1,000.



On September 24, 2009, the Regional Water Board AEO issued ACLC No. R1-2009-0060 to **Tali Pak** for failure to submit its 2007/2008 Annual Storm Water Report, that was due July 1, 2008. The proposed liability is \$2,620.

On September 24, 2009, the Regional Water Board AEO issued ACLC No. R1-2009-0061 to **Laytonville Rock** for failure to submit its 2007/2008 Annual Storm Water Report, that was due July 1, 2008. The proposed liability is \$2,620.

On September 24, 2009, the Regional Water Board AEO issued ACLC No. R1-2009-0101 to **the University of California, Davis, Bodega Marine Laboratory** for violations of effluent limitations and discharge prohibitions contained in Waste Discharge Requirements Order No. R1-2008-0002. The total proposed liability is \$15,000.

On September 25, 2009, the Regional Water Board EO issued a CAO to **Mr. Jack Ludwick**, requiring plans, documents and actions necessary to clean up and abate the continued threat of discharges of sediment to State waters from unauthorized soil disposal activities which occurred on his property located at 125 Carlson Lane, in the Ryan Slough watershed, in Humboldt County.

On October 6, 2009, the Regional Water Board AEO issued ACLC No. R1-2009-0113 to **the City of Eureka, Greater Eureka Area, Elk River Wastewater Treatment Facility** for violations of and discharge prohibitions contained in Waste Discharge Requirements Order

No. R1-2004-0013. The total proposed liability is \$10,000.

On October 15, 2009, the Regional Water Board Watershed Protection Division Chief issued an NOV to **Cream's Dismantling** for failure to properly implement a Storm Water Pollution Prevention Plan and discharges of pollutants outside the facility that may discharge to surface water.

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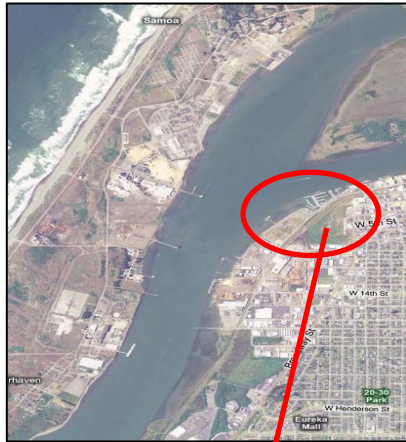
Southern Pacific Transportation Company Site – Eureka, California

Caryn Woodhouse

Introduction – In the past several months, there has been an increased interest by members of the public, environmental advocacy groups, and the media in the ongoing soil and groundwater investigation and cleanup at the Southern Pacific Transportation Co. (SPTC) former rail yard site in Eureka (locally referred to as the Balloon Track). The increased interest is largely due to plans by the new property owner to develop the site. This report is intended to update the Board on cleanup efforts and current plans for completing the project.

Site History & Background – The SPTC site is located at 736 Broadway in Eureka across Waterfront Drive from Humboldt Bay.





The SPTC site includes a former Union Pacific Railroad switching, maintenance and freight yard and two former petroleum bulk fuel collection and storage sites. The site covers about 43 acres. Until the late 1800's, the site was undeveloped tidal marsh. The rail yard operated from the late 1800's until the mid-1980's. Since the rail yard closed, the site has fallen into disrepair.

Regional Water Board Activities at the Site –

- **Cleanup and Abatement Order –** In May 2001, the Regional Water Board issued Cleanup and Abatement Order No. R1-2001-26, which ordered the landowner to cleanup the discharges and threatened discharges from the property. The owner submitted an

Interim Remedial Action Plan in December of the same year.

- **Sampling & Investigations –** There is on-going monitoring of groundwater and surface water and numerous soil borings and trenches scattered throughout the site. Hundreds of field and laboratory analyses have been assessed during the site investigation. These analyses confirmed that long-chain petroleum hydrocarbons, lead, copper, and arsenic are the primary contaminants of concern. More recently, dioxins and polychlorinated biphenyls have also been found at the site.
- **Interim Remedial Actions –** While working with the Regional Water Board, the site owners have performed various interim actions and source removals, including removal of: contaminated soils; potentially hazardous waste; underground and aboveground storage tanks; and oily waste and petroleum-impacted water.
- **Monitoring and Reporting Program –** In July 2002, the Regional Water Board issued Monitoring and Reporting Program No. R1-2002-0082 requiring the collection, analysis, and reporting of groundwater and storm water runoff samples. Based on data gathered, the Regional Water Board required the site owner to implement practices to control the stormwater runoff. Additional monitoring showed copper levels in stormwater runoff that were still of concern to the Regional Water Board, which then ordered the site owner to propose additional stormwater controls. In response,



the site owner submitted a Supplemental Interim Remedial Action Plan in June 2009.

- **Supplemental Interim Remedial Action Plan** – The June 2009 Supplemental Interim Remedial Action Plan proposes: removal of debris piles, concrete, and old foundations; focused excavation of contaminated soil; site grading to eliminate stormwater runoff; and an 11-acre wetlands restoration. On June 18, 2009, Regional Water Board staff concurred with the Plan in a letter that included additional conditions for the concurrence.
- **Final Remedial Action Plan** – A final remedial action plan has not been prepared for the site yet. The CAO does not require a final remedial action plan until “at least eight months prior to seeking or applying for any entitlement for development of the site...”

Current Issues:

- **Development Proposal** – The SPTC site was purchased from Union Pacific Railroad by Security National Properties in 2006. The current site owner is proposing to cleanup and develop the site to include a mix of residential and commercial units, a “big box” store, and 11 acres of restored wetlands. The proposal has led to heated community discussions at Eureka City Council meetings and other public forums. Questions about the adequacy of the site investigation and cleanup have become intertwined with controversial local land use proposals.
- **Supplemental Interim Remedial Action Plan** – The staff concurred

with the Supplemental Interim Remedial Action Plan (with additional conditions explained in the June 18, 2009 concurrence letter). It has not been the practice of the Regional Water Board to solicit public review of *interim* remedial actions, but after the concurrence letter was issued an interested party requested a public comment period for the Plan. A 30-day public review period was provided in mid-August. The staff considered all of the comments received and continues to concur with the Plan. The site owner, however, must obtain various local, state, and federal approvals for cleanup activities and development to occur.

- **Public Meeting** – At the request of the Eureka City Council, the staff participated in a public meeting about the site on September 30, 2009. It was well-attended and Regional Water Board staff answered questions about site cleanup, dioxins, risk assessment, and development of contaminated property.
- **City Council Actions** – The Eureka City Council certified the EIR for the proposed development on October 27, 2009. The City has been threatened with a lawsuit over that certification. The City Council approved the Coastal Development Permit for developing the site on November 3, 2009. The approval will allow the site owner to move forward with the interim remedial actions described in the June 2009 Supplemental Interim Remedial Action Plan.

