

California Regional Water Quality Control Board
North Coast Region

CLEANUP AND ABATEMENT ORDER NO. R1 2001-100

FOR

G. N. RENN, INC.
SPILL ON HIGHWAY 129 AT MILE POST 14.16 IN
MENDOCINO COUNTY

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

1. On September 11, 2001 at 1235 hours, a tanker truck overturned on Highway 128 at mile post 14.16, near the Navarro Store, spilling approximately 3,900 gallons of #2 diesel. The closest cross road is Wendling Street.
2. G. N. Renn, Inc., is the owner of the tanker truck involved in the spill. G. N. Renn, Inc., is hereby referred to as the Discharger.
3. The tanker truck overturned, ruptured, and spilled #2 diesel onto the highway and surrounding area. The spill was diverted from entering Soda Creek and therefore flowed across Highway 128 to the south and soaked into the ground. Most of the area where the #2 diesel soaked into the ground is part of the Caltrans right-of-way for Highway 128. A portion of the spill area may include private property.
4. Initial cleanup of Highway 128 was conducted by FOSS Environmental, an emergency spill response group. Cleanup actions included using absorbent material to remove the majority of the #2 diesel from the highway. Excavation of contaminated soil began on September 12, 2001.
5. The private property includes a residence which has an individual domestic water supply well. The diesel fuel spill area is approximately 40 feet from the domestic water supply well. The construction details of the domestic well is unknown at this time. The impact from the spill on the domestic well is unknown at this time. The occupants have evacuated the property due to overwhelming petroleum hydrocarbon odors.
6. The Discharger has caused or permitted, continues to cause or permit, or threatens to cause or permit waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and has created and/or threatens to create, a condition of pollution or nuisance. Continuing discharges are in violation of the Porter-Cologne Water Quality Control Act and provisions of the Water Quality Control Plan for the North Coast Region (Basin Plan).
7. 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 are 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 objective levels. The following water quality objectives apply to this Site:

Constituent of Concern	Background Level ug/L	Water Quality Objective ug/L	Reference for Objective
Total Petroleum Hydrocarbons as diesel (TPH-d)	<50.0	56.0	USEPA health advisory of September 4, 1992, Suggested No Adverse Response Level of 56 ug/l is applied to narrative TOXICITY water quality objective for domestic supply in the Basin Plan.
Methyl-tertiary butyl ether (MtBE)	<5	5	California DHS Secondary MCL, Title 22 of the California Code of Regulations, 5.0 ug/l drinking water standard.
Benzene	<0.5	1.0	California DHS MCL, Title 22 of the California Code of Regulations § 64444 is 1.0 ug/L for domestic supply; USEPA health advisory for cancer risk is 0.7 ug/L ; applied to narrative TOXICITY objective in the Basin Plan.
Toluene	<0.5	42	California DHS MCL, Title 22 of the California Code of Regulations, § 64444 is 150 ug/L for domestic supply; USEPA taste and odor threshold is 42 ug/l, Federal Register 54 (97):22064-22138; applied to the TASTE AND ODOR water quality objective for domestic supply in the Basin Plan.
Ethylbenzene	<0.5	29	California DHS MCL, Title 22 of the California Code of Regulations, § 64444 is 700 ug/l; USEPA taste and odor threshold is 29 ug/l, Federal Register 54 (97):22064-22138; applied to the TASTE AND ODOR water quality objective for domestic supply in the Basin Plan.
Xylene	<0.5	17	California DHS MCL, Title 22 of the California Code of Regulations, § 64444 is 1750 ug/L for domestic supply; USEPA taste and odor threshold, Federal Register 54 (97):22064-22138 is 17 ug/L; applied to the TASTE AND ODOR water quality objective for domestic supply in the Basin Plan.

8. Beneficial uses of groundwater in the affected area include domestic, irrigation, and industrial supply. Beneficial uses of Soda Creek, a tributary to the Navarro River include:
 - agricultural supply
 - industrial process supply
 - groundwater recharge
 - municipal and domestic supply
 - navigation
 - water contact recreation
 - non-contact water recreation
 - commercial and sport fishing
 - cold freshwater habitat
 - wildlife habitat
 - migration of aquatic organisms
 - spawning, reproduction, and/or early development
 - estuarine habitat
9. Discharge prohibitions contained in the Basin Plan apply to this site. State Water Resources Control Board Resolution 68-16 applies to this site. State Water Resources Control Board Resolution 92-49 applies to this site and sets out the "Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Section 13304 of the California Water Code."
10. Reasonable costs incurred by Regional Water Board staff in overseeing cleanup or abatement activities are reimbursable under Section 13304 of the California Water Code.
11. 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 CEQA 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 discharges forthwith and shall comply with the following provisions of this Order:

1. Conduct all work under the direction of a California registered civil engineer or geologist experienced in soil and groundwater assessment and remediation.
2. Contaminated soil shall be removed to the extent feasible. Feasibility will be determined by Regional Water Board staff, Caltrans, and other regulatory agencies involved in the cleanup. Sampling of the excavation must occur prior to closing of the excavation. Concurrence of sampling locations by Regional Water Board staff must occur prior to sampling.
3. Sample the nearby domestic well by 5:00 p.m. September 12, 2001. The well shall be sampled for #2 diesel, methyl tertiary butyl ether (MTBE), and benzene, toluene, ethylbenzene, and xylene, using appropriate EPA methodology. Laboratory analytical data sheets and chain of custody documentation shall be submitted within 24 hours of sample collection. On going sampling of this domestic well shall occur weekly until the Executive Officer determines weekly sampling is no longer required. Weekly laboratory analytical data sheets and chain of custody documentation shall be submitted within 24 hours of sample collection.

4. If the results of sampling the domestic water supply well indicate an impact of #2 diesel and associated constituents, an alternative water supply shall be provided immediately.
5. Conduct a sensitive receptor survey. This survey must include at a minimum: locations of domestic wells, storm drains, utilities, surface water bodies within a radius of 1,000 feet of the spill site.
6. Submit a work plan within 14 days to conduct a groundwater investigation. The work plan shall include the results of a sensitive receptor survey.
7. Implement the work plan within 24 hours following concurrence of the plan by the Executive Officer.
8. Submit a report of findings within 30 days of work plan implementation. This report shall include recommendations for additional work.
9. If, for any reason, the Discharger is unable to perform any activity or submit any documentation in compliance with the work schedule contained in this order or submitted pursuant to this order and approved by the Executive Officer, the Discharger may request in writing, an extension of time as specified. The extension request must be submitted five days in advance, if possible, of the due date and shall include justification for this delay including the good faith effort performed to achieve compliance with the due date. The extension request shall also include a proposed time schedule with new performance dates for the due date in question and all subsequent dates dependent on the extension. A written extension may be granted for good cause, in which case the order will be revised accordingly.

Ordered by

Susan Warner
Executive Officer

September 12, 2001