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## North Coast Regional Water Quality Control Board

September 23, 2015

Mr. Ken Foster  
Eel River Fuels, Inc.  
3371 North State Street  
Ukiah, CA 95482  
[KHFoster@pacific.net](mailto:KHFoster@pacific.net)

Mr. William G. Hay  
27201 S Highway 1  
Gualala, CA 95445-8514  
[xbarbill@mcn.org](mailto:xbarbill@mcn.org)

Dear Mr. Foster and Mr. Hay:

Subject: **Notice of Violation of Order No. R1-2015-0053**

Site: Eel River Fuels Point Arena, 43451 Eureka Hill Road, Point Arena  
Case Number 1NMC633

Eel River Fuels, Inc. and Mr. William G. Hay are hereby given notice that they have violated Cleanup and Abatement Order No. R1-2015-0053 (Order) by failing to maintain soil stockpiles located at the above referenced site with adequate covers or other means to prevent rain infiltration, erosion by water, and migration by wind. Unless corrective actions are implemented, Eel River Fuels, Inc. and Mr. William G. Hay threaten to continue to violate the Order.

### Background

Eel River Fuels, Inc. operated fuel storage facilities at the site and leased a portion of the site located within the Hay Industrial Park for fuel storage and distribution operations. William G. Hay Jr. is the owner and operator of the Hay Industrial Park. Eel River Fuels, Inc. and William G. Hay Jr. are hereinafter collectively referred to as the "Dischargers."

The Dischargers placed or allowed to be placed four 10,000-gallon aboveground tanks at the site to store petroleum fuel products. On or before, February 23, 2015, one of the tanks leaked and released an unknown quantity of diesel fuel to surrounding soil and groundwater. Eel River Fuels, Inc. implemented interim cleanup measures including the excavation of approximately 6,000 cubic yards of fuel-impacted soils. The excavated soils are currently stockpiled at the site.

## Applicable Requirements

The Order issued on August 5, 2015, requires the Dischargers to comply with the following provision:

***Provision 4:** Soil stockpiled at the site shall be maintained with covers and other means to prevent rain infiltration, erosion by water, and migration by wind.*

## Alleged Violations

During and following the rainstorm events on September 15 and 16, 2015, the Dischargers violated Provision 4 of the Order by failing to cover the soil stockpiles at the site. On September 17, 2015, Mr. Hay provided to Regional Water Board staff photographs of the uncovered soil stockpile after the rainstorm events (see Attachment A: photographs).

## Required Actions

The Dischargers must comply with all requirements of the Order. Your actions to correct the conditions of non-compliance with the Order must be implemented immediately and reported in the next weekly status update report required by the Order.

Please note that correcting the conditions of non-compliance with the Order does not preclude enforcement action for the violations alleged in this notice. The Regional Water Board reserves its rights to fully enforce the law against any violation and threatened violation by taking enforcement actions such as a cease and desist order, time schedule order, administrative civil liabilities, and referral to the State Attorney General. Administrative liabilities may be assessed beginning with the date that a violation first occurred, and not as of the date of this notice. The liabilities can be up to \$10,000 per day per violation pursuant to Water Code section 13385, and/or \$1000 per day pursuant to Water Code section 13268.

Should you have any questions regarding this matter, please contact, please contact Jim Tischler of my staff at [James.Tischler@waterboards.ca.gov](mailto:James.Tischler@waterboards.ca.gov) or (707) 576-2469.

Sincerely,

Matthias St. John  
Executive Officer

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Enclosure: Attachment A: Photographs

cc: Mr. Christopher Watt, LACO Associates, [wattc@lacoassociates.com](mailto:wattc@lacoassociates.com)  
Mr. Will Nalty, Mendocino County EHD, [naltyw@co.mendocino.ca.us](mailto:naltyw@co.mendocino.ca.us)  
Mr. Frank R. Bailey, III, [Frank@FBaileyLaw.com](mailto:Frank@FBaileyLaw.com)  
Mr. C. Scott Kirk, [scott@cscottkirk.com](mailto:scott@cscottkirk.com)  
Mrs. Karen Hay, [kb66@mcn.org](mailto:kb66@mcn.org)  
Ms. Diana Henriouille, Regional Water Board, [Diana.Henriouille@waterboards.ca.gov](mailto:Diana.Henriouille@waterboards.ca.gov)

ATTACHMENT A: PHOTOGRAPHS

