

California Regional Water Quality Control Board
North Coast Region

CLEANUP AND ABATEMENT ORDER NO. R1-2000-43

FOR

Dr. Ira Granat, DDS
And
Michael Renner dba Renner Petroleum
76 Products aka Unocal 76 Renner Petroleum

Humboldt County

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

1. Dr. Ira Granat (hereinafter Granat) owns property including aboveground tanks located at 3880 Road Z in Redway, California. Renner Petroleum 76 Products, delivers petroleum products to Mr. Granat's aboveground tanks on the property.
2. Renner Petroleum 76 Products aka Unocal 76 Renner Petroleum is owned and operated by Michael Renner (hereinafter Renner).
3. On or about April 18, 2000 Renner filled a 1000-gallon diesel tank owned and operated by Granat at the site located at 3880 Road Z in Redway, California. The diesel tank was being operated by Granat in violation of the Aboveground Petroleum Storage Act in that no storage statement or annual fees have been filed and no secondary containment or spill prevention devices were in place. It was readily apparent that the tank had been negligently installed, such that there was a substantial risk that the tank would collapse and that any fuel released from the tank would flow into Seely Creek, tributary to Redwood Creek, thence to the South Fork Eel River. The filling and operation of this tank created a threat of discharge.
4. On or about April 20, 2000 the diesel tank fell from its stand, releasing the contents, red off-road diesel fuel, into the ground. The diesel fuel subsequently migrated through subsurface pathways into Seely Creek. The diesel tank was located approximately 135 feet uphill from Seely Creek, at the edge of a very steep incline.
5. Renner Petroleum 76 Products, Unocal 76 Renner Petroleum, Michael Renner, and Dr. Ira Granat are hereinafter referred to as the dischargers.
6. The Regional Water Board Water Quality Control Plan for the North Coast Region includes water quality objectives and receiving water limitations.
7. The beneficial uses of Seely Creek and the Eel River include:
 - a. Agricultural Supply
 - b. Industrial Service Supply

- c. Water Contact Recreation
 - d. Non-contact Water Recreation
 - e. Commercial and Sport Fishing
 - f. Cold Freshwater Habitat
 - g. Habitat for Rare, Threatened or Endangered Species
 - h. Fish Migration
 - i. Fish Spawning
8. Relevant Water Quality Objectives contained in the Basin Plan include:
- a. Waters shall be free of coloration that causes nuisance or adversely affects beneficial uses.
 - b. Waters shall not contain taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, or that cause nuisance or adversely affect beneficial uses.
 - c. Waters shall not contain floating material, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.
 - d. Waters shall not contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses.
 - e. The water quality objectives for diesel to protect the beneficial uses of domestic supply and aquatic habitat is 56 ug/l and <50 ug/l, respectively. Water samples from Seely Creek have tested as high as 800,000,000 parts per billion for diesel fuel because of the discharge.
9. Downstream neighbors have relied upon Seely Creek for domestic water supplies and have been forced to abandon existing water systems and seek alternative sources of water because of the discharge.
10. The dischargers caused or permitted and threatened to cause or permit diesel fuel 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.
11. California Water Code Section 13304 and Health and Safety Code Section 25270.9 provides for the recovery of Regional Water Board costs for oversight of investigation and cleanup and abatement activities for discharges from aboveground tanks.
12. 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 15321, Chapter 3, Title 14, California Code of Regulations.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to California Water Code Section 13267 and Section 13304, the dischargers shall cleanup and abate the effects of the discharge of waste in accordance with the following:

1. On or before June 23, 2000, the dischargers shall submit to the Executive Officer for concurrence, an adequate plan to abate any further discharge of diesel fuel to Seely Creek and its tributaries. This plan shall be implemented within 10 days of receiving concurrence from the Executive Officer.
2. On or before June 23, 2000, the dischargers shall submit to the Executive Officer for concurrence, an adequate plan to characterize and remove discharged wastes from Seely Creek and its tributaries. This plan shall be implemented within 10 days of receiving concurrence from the Executive Officer.
3. On or before August 1, 2000 the dischargers shall submit to the Executive Officer a report that details all cleanup activities conducted to comply with 1 and 2 above. This report shall include an estimate of the amount of diesel product recovered since the spill took place. The estimate shall be made in gallons and describe the estimation methodology used.
4. On or before August 1, 2000, the dischargers shall submit to the Executive Officer, for concurrence, an adequate plan to prevent the uncontrolled mobilization of diesel fuel downstream from the release point during the coming wet weather season. This plan shall be implemented within 10 days of receiving concurrence from the Executive Officer.
5. On or before July 15, 2000, the dischargers shall submit to the Executive Officer for concurrence an adequate plan to fully characterize the extent of soil and groundwater contamination. This plan shall be implemented within 10 days of receiving concurrence from the Executive Officer.
6. The dischargers shall promptly pay invoices for reimbursing Regional Water Board oversight costs in accordance with the terms specified on the billing invoice.

Ordered by _____

Lee A. Michlin
Executive Officer

June 16, 2000

(granatc&a)