

Judy's Market

1) Site name and address

Judy's Market
7695 Hwy 36
Carlotta, CA 95528

2) Responsible Party

Bonnie Mulder
7695 Hwy 36
Carlotta, CA 95528

3) Corrective Action Order and Cleanup and Abatement Order

See attached letters dated April 7, 2004

4) Regulatory Lead

Humboldt County Environmental Health, Local Oversight Program
Mark Verhey, PG
100 H Street, Suite 100
Eureka, CA 95501
(707) 268-2208
mverhey@co.humboldt.ca.us

5) Description of Unauthorized Release:

This site was used as a retail fuel facility since the 1950s. USTs were removed in October 1992. An URF was filed that same month. Soil samples collected during the UST removal recorded TPHg in soil as high as 1200 ppm. The site is in close proximity to residences and is approximately 1200 feet easterly of the Van Duzen river. Groundwater of the Hydesville Hydrologic Area may be impacted. The threat to human health, safety, and the environment has not been defined. There is a threat to human health for a construction worker in the case of soil disturbances.

6) Documentation of why recalcitrant funds are being requested

See attached letters from USTCF dated 8-17-1994, 1-5-1995 and 6-12-1995.

7) Description of why RP cannot or will not clean up contamination or abate the effects.

The RP originally named for this site, Tony Michelet, did submit a workplan for subsurface investigation in July 1994. The workplan was never executed. Mr. Michelet did apply to the USTCF, was issued a letter of commitment, but was withdrawn due to no response. The site was sold to Bonnie Mulder in January 2003, who was subsequently named RP.

8) Documentation of dispute between regulatory agency and RP

See attached letter from Robert Tancreto dated 5-17-2002.

9) Actions taken to clean up or abate effects of unauthorized release

UST were removed in October 1992. No other work has been done.

10) Description of proposed cleanup or abatement.

Humboldt County LOP proposes to oversee investigative work on the site to determine the vertical and lateral extent of TPHg contamination in soil. We also recommend installation of a monitoring well(s) in the area(s) of identified soil contamination to evaluate natural attenuation as an option. Due to subsurface conditions, namely a coarse unit near the surface, HCDEH anticipates this site may be a candidate for no further action if the funding is approved and some field work is completed.

11) Amount of annual funding requested and estimated total required funding.

Humboldt County requests \$25,000 annual funding and estimates \$100,000 total required funding.

12) Description of results should funding be denied.

If funding is not secured, the threat to surrounding properties utilizing groundwater for domestic supply will remain undefined. The threat to human health will also remain unidentified including any indoor air exposure issues. In addition, any groundwater contaminant plume will continue to migrate and affect a larger area. The site will also remain a non-compliant open case.

COUNTY OF HUMBOLDT
UST Local Oversight Program
NOTICE OF RESPONSIBILITY

Site Code: 12436 Date First Reported: 10/16/1992
Site Name: Judy's Market Substance: gasoline
Address: 7695 Highway 36 Funding: Federal (X) State ()
City/State/Zip: Carlotta, California 95528 Certified Mail: 7002 3150 0002 1144 8532

Responsible Party: Bonnie M Mulder
Responsible Party Contact: _____
Address: 7695 Highway 36
City/State/Zip: Carlotta, California 95528

Multiple Responsible Parties: Yes () No (X)

Pursuant to sections 25297.1 and 25297.15 of the Health and Safety Code, you are hereby notified that the above site has been placed in the Local Oversight Program and the individual(s) or entity(ies) shown above, or on the attached list, has(have) been identified as the party(ies) responsible for investigation and cleanup of the above site. Section 25297.15 further requires the primary or active Responsible Party to notify all current record owners of fee title before the local agency considers cleanup or site closure proposals or issues a closure letter. For purposes of implementing section 25297.15, this agency has identified ~~Bonnie M Mulder~~ as the primary or active Responsible Party. It is the responsibility of the primary or active Responsible Party to submit a letter to this agency within 20 calendar days of receipt of this notice which identifies all current record owners of fee title. It is also the responsibility of the primary or active Responsible Party to certify to the local agency that the required notifications have been made at the time a cleanup or site closure proposal is made or before the local agency makes a determination that no further action is required. If property ownership changes in the future, you must notify this local agency within 20 calendar days from when you are informed of the change.

Any action or inaction by this local agency associated with corrective action, including responsible party identification, is subject to petition to the State Water Resources Control Board. Petitions must be filed within 30 days from the date of the action/inaction. To obtain petition procedures, please FAX your request to the State Water Resources Control Board at (916) 227-4349 or telephone (916) 227-4408.

Pursuant to Section 25299.37(c)(7) of the Health and Safety Code, a responsible party may request the designation of an administering agency when required to conduct corrective action. Please contact this office for further information about the site designation.

Project Director: James W. Clark, R.E.H.S.

	<u>(707) 268-2212</u>	<u>4/7/2004</u>
Signature	Telephone Number	Date

Add: _____
Delete: _____
Change: X Responsible Party

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF CLEAN WATER PROGRAMS

2014 T STREET, SUITE 130

P.O. BOX 944212

SACRAMENTO, CALIFORNIA 94244-2120

(916) 227-4307

(916) 227-4530 FAX



RECEIVED

AUG 22 1994

AUG 17 1994

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

T. L. Michelet
1250 Garden Lane
Fortuna, CA 95540

UNDERGROUND STORAGE TANK CLEANUP FUND, CLAIM NO. 008325, FOR SITE ADDRESS: 7695 Highway 36,
Carlotta, CA 95528

The State Water Resources Control Board (SWRCB) takes pleasure in issuing the attached Letter of Commitment in an amount not to exceed \$20,000. This Letter of Commitment is based upon our review of the corrective action costs incurred to date and your application received on January 23, 1994 and may be modified by the SWRCB in writing by an amended Letter of Commitment.

The SWRCB will take steps to withdraw this Letter of Commitment after 90 calendar days from the date of this transmittal letter unless you proceed with due diligence with your cleanup effort. This means that you must take positive, concrete steps to ensure that corrective action is proceeding with all due speed. For example, if you have not started your cleanup effort, you must obtain three bids and sign a contract with one of these bidders within 90 calendar days. If your cleanup effort has already started and was delayed, you must resume the expenditure of funds to ensure that your cleanup is proceeding in an expeditious manner. You are reminded that you must comply with all regulatory agency time schedules and requirements. We constantly review the status of all active claims, and failure to proceed with due diligence will be grounds for withdrawal of this Letter of Commitment.

You should read the terms and conditions listed in the Letter of Commitment. Also attached you will find:

- A "Reimbursement Request Instructions" package. You should retain this package for future reimbursement requests. Among other information, the package includes instructions for completion of the "Reimbursement Request" form and the "Spreadsheet". These instructions must be followed when seeking reimbursement for corrective action costs incurred after January 1, 1988. Included in these instructions are samples of Reimbursement Request forms and completed Spreadsheets. Within the package also included are:
 - A "Bid Summary Sheet" to document data on bids received.
 - Recommended Minimum Invoice Cost Breakdown.
 - A "Certification of Non-Recovery From Other Sources" which must be returned before any reimbursements can be made.
- "Reimbursement Request" forms which you must use to request reimbursement of costs incurred.
- "Spreadsheet" forms which you must use in conjunction with your Reimbursement Request.
- "Vendor Data Record" (Std. Form 204) which must be completed and returned with your first Reimbursement Request.

If you have any questions regarding the Letter of Commitment or the Reimbursement Request package, please contact Deborah Cheung at (916) 227-0748.

Sincerely,

Dave Deaner, Manager
Underground Storage Tank
Cleanup Fund Program

Attachments

cc: California Regional Water Quality
Control Board, North Coast Region
Attn: Luis Rivera
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

Humboldt County EHD
Attn: Jim Clark
100 H Street, Suite 100
Eureka, CA 95501

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF CLEAN WATER PROGRAMS
2014 T STREET, SUITE 130
P.O. BOX 944212
SACRAMENTO, CALIFORNIA 04244-2120
(916) 227-4427
(916) 227-4530 (FAX)



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JAN 09 1995

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

January 5, 1995

Mr. Tony Michelet
1250 Garden Lane
Fortuna, CA 95540

Dear Mr. Michelet:

UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, NO RESPONSE TO LETTER OF COMMITMENT (LOC), CLAIM NUMBER: 008325, SITE ADDRESS: 7695 HIGHWAY 36, CARLOTTA, CA 95528

It has come to my attention that the LOC issued to you on August 1, 1994 in the amount of \$20,000 for the cleanup of the above-mentioned site has not been responded to with a request for reimbursement.

Please submit your reimbursement request with all of the required supporting documentation, or a written explanation as to the status of the cleanup and why you have not requested reimbursement to date. If a request or adequate explanation is not received within thirty (30) calendar days from the date of this letter, I will take steps to begin the withdrawal process of your LOC.

Please send your reimbursement request or written explanation to:

State Water Resources Control Board
Division of Clean Water Programs
Underground Storage Tank Cleanup Fund Program
P. O. Box 944212
Sacramento, CA 94244-2120

If you have any questions, please call me at (916) 227-4427.

Sincerely,

Francine Aguirre
Francine Aguirre
Team Leader, Regions 1 and 2
Underground Storage Tank Cleanup Fund

cc: Mr. Luis Rivera
California Regional Water Quality
Control Board, North Coast Region
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

Mr. Jim Clark
Humboldt County EHD
100 H Street, Suite 100
Eureka, CA 95501

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF CLEAN WATER PROGRAMS
2014 T STREET, SUITE 130
P.O. BOX 944212
SACRAMENTO, CALIFORNIA 94244-2120
(916)227-4360
(916)227-4530 (FAX)

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JUN 12 1995

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH
June 12, 1995

Mr. Tony L. Michelet
1250 Garden Lane
Fortuna, CA 95540

Dear Mr. Michelet:

UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, NOTICE OF WITHDRAWAL OF LETTER OF COMMITMENT: CLAIM NUMBER 008325; FOR SITE ADDRESS: 7695 HIGHWAY 36, CARLOTTA, CA 95528

On April 5, 1995, a "Notice of Proposed Withdrawal of Letter of Commitment" was sent to you. The notice informed you that your Letter of Commitment (LOC) was to be withdrawn and the reason(s) for that determination. The notice also informed you that if you did not agree with the determination, you could request a review within thirty (30) calendar days of the date of the Notice.

Since you did not request a review within the time specified, I have determined that your claim is not eligible for participation in the Underground Storage Tank Cleanup Fund and your LOC is hereby withdrawn.

If you have any questions, please contact Francine Aguirre at (916) 227-4427.

Sincerely,

A handwritten signature in cursive script that reads "Dave Deaner".

Dave Deaner, Manager
Underground Storage Tank Cleanup Fund

cc: Mr. Luis Rivera
California Regional Water Quality
Control Board, North Coast Region
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

Mr. Jim Clark ✓
Humboldt County EHD
100 H Street, Suite 100
Eureka, CA 95501

7682



California Regional Water Quality Control Board

North Coast Region

William A Massey, Chairman



Gray Davis
Governor

Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb1/>
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone 1-887-721-9203 Office (707) 576-2220 FAX (707) 523-0135

May 17, 2002

Mr. Tony Michelet
1250 Garden Lane
Fortuna, CA 95540-0680

Dear Mr. Michelet:

Subject: California Water Code Section 13267(b) Order

File: Judy's Market, 7695 Highway 36, Carlotta, California - Case No. 1THU436
LOP No. 12436

On January 18, 2002, North Coast Regional Water Quality Control Board (Regional Water Board) staff received a request from the Humboldt County Department of Health and Human Services-Division of Environmental Health (HCDH) for assistance in enforcing underground storage tank program requirements for a soil and groundwater investigation at the referenced site.

Review of the record by my staff indicates a pattern of failure to comply with directives to conduct an investigation. An *Underground Storage Tank Unauthorized Release Form* (URF) was filed on October 19, 1992, and at that time you were named as the responsible party and notified of the requirement to begin an environmental site investigation. In a letter dated July 26, 1994, HCDH staff concurred with a workplan for further investigation at the site. The workplan has never been implemented. The HCDH staff has made numerous requests for the implementation of the workplan.

My staff spoke with you on April 15, 2002, and you indicated that the property had been transferred to foreclosure. However, the records at the Humboldt County Assessor's office indicate that you still hold title to the property. You are requested to submit the name and contact information for the financial institution that foreclosed on the property to our agency or implement the approved workplan.

Therefore, pursuant to Section 13267 (b) of the California Water Code (CWC), I require that the contact information for the current property owner or the implementation schedule for the investigation workplan be submitted to this office and to the HCDH by June 30, 2002. Failure to

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California Environmental Protection Agency



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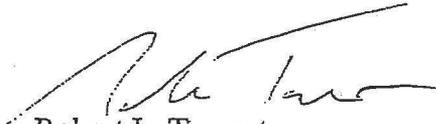
submit the information on that date is a violation of CWC Section 13267(b), and is subject to administrative civil liabilities of up to \$1,000 per day of violation as described in CWC Section 13268.

Any person affected by this action of the Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Water Board, any person affected by this Order may request the Regional Water Board to reconsider this Order. Such request should be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Water Board is sought, filing a petition with the State Water Board within the 30-day period is necessary to preserve the petitioner's legal rights. If you choose to appeal the Order, be advised that you must comply with the Order while your appeal is being considered.

If you wish to discuss this further, you may contact Kasey Ashley of my staff at (707) 576-2673.

Sincerely,

Susan Warner, Executive Officer



Robert L. Tancreto
Supervising Water Quality Control Engineer

KA:tmk/ka12436

Certified Return Receipt

cc: Jim Clark, Humboldt County Health Department, 100 H Street, Suite 100,
Eureka, CA 95501
Mr. Louis Wolff, 7695 Highway 36, Carlotta, CA 95528

