



**California Regional Water Quality Control Board
North Coast Region
Bob Anderson, Chairman**



Linda S. Adams
Secretary for
Environmental Protection

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135

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April 30, 2009

Mr. James R. Rabe
Masonite Corporation
1955 Powis Road
West Chicago, IL 60185

Mr. Thomas C. Richardson
International Paper
6400 Poplar Avenue
Memphis, TN 38197

Dear Messrs. Rabe and Richardson:

Subject: Response to Report of Waste Discharge for Masonite Former Storm Water Ponds

File: Masonite Corporation, 300 Ford Road, Ukiah, California
Case No. 1NMC042

Background

Regional Water Board staff have reviewed the August 15, 2008 SCS Engineers document *Report of Waste Discharge for Masonite Property Former Storm Water Ponds* (Report), submitted for the Ukiah Masonite site. In response to the Report, Regional Water Board staff commented upon the winterization proposal in a letter dated September 29, 2008, but did not complete a review of the Report. In addition to the Report, information regarding this project was provided in a March 24, 2009 letter from SCS Engineers, and in an April 7, 2009 meeting between Ms. Kasey Ashley of the Regional Water Board, Ms. Linda Taverner of SCS Engineers, and Mr. Scott Steever of the law offices of Lanahan and Reilley.

Order 92-66 Requirements

In the Report, SCS Engineers propose bioremediation of the sediments of former stormwater Ponds 7, 9, 10, and 11 under the conditions of North Coast Regional Water Quality Control Board Order No. 92-66, *General Waste Discharge Requirements for Soil Bioremediation and/or Aeration Activities*. The sediments contain petroleum hydrocarbons and some polynuclear aromatic hydrocarbons. The Report contains information necessary to comply with the requirements of Order 92-66. Specifically, Order 92-66 (Section A.1.) requires the discharger to complete a report of waste discharge describing the following:

- Estimated volume of soil to be treated;
- Characterization of the contamination in the soils;
- Description of the treatment system;
- Description of the nature and volume of any nutrient or chemical additives;

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- All necessary sizing calculations to accommodate the treatment volume;
- Description of wet weather controls;
- Description of procedures to collect and address any leachate;
- Schedule for submittal of sampling plan for remediated soils and soils under the liner;
- Schedule for submittal of a closure plan; and,
- Other pertinent information.

Regional Water Board Technical Review

The Report provides the information required by Order 92-66 and, together with the documents it references, completes the technical portion of the Report of Waste Discharge for *General Waste Discharge Requirements for Soil Bioremediation and/or Aeration Activities* (Order No. 92-66), with the understanding that the former stormwater Pond 7 is not covered by this review, as agreed in the April 7, 2009 meeting. This review and conclusion is conditioned on the accuracy of the information presented in the Report and referenced documents.

In the Report, SCS Engineers states: "It is anticipated that the proposed clean closure plan will result in unrestricted future use of the property around the former Treatment Ponds." The allowable future use of the treated soils and the property will be determined when the results of the remediation effort are analyzed and in consultation with local authorities and this office.

As a point of clarification, please note that the term "soluble threshold limit concentrations (STLC)" on page 6 of the Report is misused. The STLC is a regulatory threshold for determining whether a waste is appropriately classified as hazardous or nonhazardous pursuant to Title 22 California Code of Regulations §66261.24, and the methodology using a citrate leaching solution is described in Title 22 California Code of Regulations Chapter 11, Appendix 2. An STLC is not a laboratory method. It does not describe the use of deionized water for the extraction. Its misuse creates confusion about the analytical methods used and the results.

The Report provides a discussion by Sparger Technology Environmental Laboratories (Appendix I) about the chemical nature of the hydrocarbon detections in Pond 7 – whether the detections show petroleum or wood oil-derived hydrocarbons. The argument presented in the Report is not convincing, but since Pond 7 is no longer subject to the proposal, the issue is not pertinent to this letter. If you would like to discuss the issue further, please let me know.

Next Steps

The remaining steps to obtaining coverage under the general waste discharge requirements of Order 92-66 for the proposed bioremediation of the sediments in former stormwater Ponds 9, 10 and 11 are administrative, and are described below.

Order 92-66 (Section A.2.) requires a public notice of the proposal before waste discharge requirements can be issued. The Order states that "these waste discharge

requirements shall not take effect until thirty days after the discharger has filed a complete report of waste discharge and published a description of the project in a newspaper of general circulation, posted the notice in the general area of the discharge and provided copies of the notice to nearby residences or businesses." This office must concur with the proposed public notice. After concurrence, publish the notice and provide this office with proof of publication and a list of the addresses to which the notice was sent. The notice also will be posted on the Regional Water Board website. Additionally, as described in Order 92-66, if significant public controversy arises from the issuance of waste discharge requirements, they may not take effect and shall be considered at a regularly scheduled meeting of the Regional Water Board.

This office also must receive a completed Form 200 and appropriate filing fee in order for the waste discharge requirements to take effect. The form and the fee schedule are attached.

Conclusion

In summary:

1. The Regional Water Board agrees that the technical aspects of the Report of Waste Discharge for *General Waste Discharge Requirements for Soil Bioremediation and/or Aeration Activities*, Order No. 92-66, for former stormwater Ponds 9, 10 and 11 are complete. Former stormwater Pond 7 is not subject to these waste discharge requirements. A separate proposal for Pond 7 will be submitted to this office.
2. You must prepare and submit a public notice with a description of the proposed bioremediation project to this office for concurrence. After concurrence, publish the notice in a newspaper of general circulation in Ukiah and mail the notice to nearby residences and businesses. Provide this office with proof of publication and the mailing list used. This office will post the public notice on the Regional Water Board website.
3. You must submit a completed Form 200 and appropriate filing fee.
4. When you receive permission to proceed (i.e., the concurrence of the Executive Officer of the Regional Water Board with the Report of Waste Discharge), please plan to:
 - a. Provide at least five business days notice to this office of the commencement of activities permitted under the waste discharge requirements.
 - b. Provide this office with a final report describing the project results, including confirmation sampling results and recommendations for final disposal of soils within 60 days after the completion of the project. Do not dispose of the treated soils without concurrence from this office.
 - c. Provide a winterization plan to this office by October 1, 2009, if the project will not be complete by that date. Please include the winterization requirements described in the Regional Water Board letter of September 29, 2008.

Section 13267 of the California Water Code contains the authority for this request. If you have any questions, please contact me at 707-576-2701 or Ms. Kasey Ashley at 707-576-2673. I apologize for the delay in reviewing the Report; thank you for your patience.

Sincerely,



Caryn Woodhouse
Staff Environmental Scientist

Attachment: Form 200 and fee schedule

cc: Mr. Jeff Adams, Developers Diversified Realty, 3685 Mount Diablo Blvd, Suite 355, Lafayette, CA 94549
Ms. Carmel Angelo, Director, Mendocino County Health and Human Services Agency, 1120 S. Dora St., Ukiah, CA 95482
Mr. Phil Baldwin, Mayor, City of Ukiah, c/o City Clerk's Office, 300 Seminary Avenue, Ukiah, CA 95482
Mr. James C. Camp, McKenna Long & Aldridge, 300 South Grand Ave, 14th Floor, Los Angeles, CA 90071-3124
Mr. Mathew Clark, Masonite Corporation, 1 N Dale Mabry Hwy, Suite 950, Tampa, FL 33609
Ms. Ellen Faulkner, PO Box 351, Redwood Valley, CA 95470
Mr. Tyler Griffith, URS Corporation, Century Square, 1501 4th Avenue, Suite 1400, Seattle, WA 98101-1616
Mr. Earl D. James, Eler & Kalinowski, Inc., 1870 Ogden Drive, Burlingame, CA 94010
Mr. Stephen Knuttel, SCS Engineers, 3843 Brickway Blvd, Suite 208, Santa Rosa, CA 95403-8226
Ms. Pinky Kushner, 504 N. Oak Street, #1, Ukiah, CA 95482
Mr. Tom Mitchell, CEO, County of Mendocino, 501 Low Gap Road, Room 1010, Ukiah, CA 95482
Mr. John Morely, Mendocino County Environmental Health Division, 501 Low Gap Rd, Room 1326, Ukiah, CA 95482
Mr. Charles Sawyer and Mrs. Nancy Sawyer, 1305 Rafello Dr., Ukiah, CA 95482
Mr. Dan Thomas, Moreno & Company, P.O. Box 748, Ukiah, CA 95482
Mr. Keith Uland, Lanahan & Reilley LLP, 600 Bicentennial Way, Suite 300, Santa Rosa, CA 95403
Ms. Meca Wawona, P.O. Box 206, Ukiah, CA 95482-0206

"Tony Shaw" <shawt@co.mendocino.ca.us>
"Ronald K. Rinehart" <rkrinehart@comcast.net>
"Robert Perkey" <r.perkey@att.net>
"Richard Johnson" <richard@mendocinocountry.com>
"Christina Aanestad" <christina@kzyx.org>

California Environmental Protection Agency

"Ruth Valenzuela" <Ruth.Valenzuela@asm.ca.gov>
"Roseanne Ibarra" <Roseanne.Ibarra@asm.ca.gov>
"Vicki E. Land" <land@bwcalaw.com>
"Rachel Howlett" <rach@sonic.net>
"Jimmy Rickel" <jim.rickel@yahoo.com>
"UVSGC" <smartgrowthuk@yahoo.com>
"Jason Gray" <jason.gray@erm.com>
"Gene Tienken" <gtienken@envirocon.com>
"Sherry Glavich" <s_glavich@pacbell.net>
"Steve Scalmanini" <sscalmanini@yahoo.com>
"Cliff Paulin" <cliffpaulin@hotmail.com>
mcaqmd@co.mendocino.ca.us
"Antonio Andrade" <asand@pacific.net>