



# Mendocino County Health & Human Services Agency

*Healthy People, Healthy Communities*



## Environmental Health

Anne Molgaard – Transitional Public Health Director

**Ukiah Office**  
860 N. Bush St.  
Ukiah, CA 95482  
Phone: 707-234-6625

**Fort Bragg Office**  
120 W. Fir St.  
Fort Bragg, CA 95437  
Phone: 707-961-2714

## **NOTICE OF VIOLATION**

December 6, 2021

Mendocino Railway, d.b.a. Skunk Train  
Attn: Robert Pinoli  
100 W. Laurel St.  
Fort Bragg, CA 95437  
rjp@mcn.org

Dear Mr. Pinoli,

On December 1, 2021, Mendocino County Environmental Health received a report from a private citizen of an oil discharge at the Mendocino Railway yard, located at 100 W. Laurel Street, Fort Bragg. An Environmental Health Specialist (EHS) was dispatched to the scene to investigate, observe and report. In the process the EHS confirmed a spill had occurred and attempted to confirm the source was secured when he was denied access to where the train engines were stored.

The Mendocino Railway has been permitted by Mendocino County Environmental Health's Certified Unified Program Agency (CUPA) dating back to 1994. As a condition of the permit, the applicant and facility is to be in compliance with all applicable rules, regulations, and laws pertaining to the CUPA program.

Division 20, Chap 6.5, Article 8, Section 25511 of the California Health and Safety Code (H&S) provides authority to a representative of the CUPA to conduct inspections concerning hazardous material, in addition to hazardous waste.

Section 25185 H&S allows any authorized representative of the CUPA to enforce, at any reasonable hour of the day, to enter and inspect any place where hazardous wastes are stored, handled, processed, disposed of, or being treated to recover resources. The same section allows the CUPA inspector to photograph any waste, waste container, waste container label, vehicle, waste treatment process, waste disposal site, or condition constituting a violation of law found during an inspection.

Section 25515.4 H&S declares a person who willfully prevents, interferes with, or attempts to impede the enforcement by any authorized representative of a CUPA is, upon conviction, guilty of a misdemeanor.

Section 25510.2 H&S allows CUPAs to respond to the release or threatened release of a hazardous material.

Section 25510(b) H&S, requires "the handler facility representative or employees to, upon discovery, immediately report any release or threatened release of a hazardous material, or an actual release of a hazardous substance." Additionally, title 19 of the California Code of Regulations (CCR) section

2631(a)(1) requires an immediate, verbal report of any release or threatened release of a hazardous material to the CUPA and the California Governor's Office of Emergency Services (OES) as soon as a person has knowledge of the release or threatened release.

Title 22 CCR section 66268.1, prohibits persons who generate or transport hazardous waste from the disposal of hazardous waste on land.

Therefore, this is your official notice to do the following:

1. Contact this office or the state warning center to report a release immediately.
2. Schedule an inspection of the location of the release immediately.
3. Provide, in writing, your facility's plan for removing any, hazardous material that has been released to the ground, as well as any contractor's name and contract information to be used for cleanup.
4. Remove and replace any soils contaminated by crankcase (motor), hydraulic, or diesel oils and/or bunker fuels at the direction and satisfaction of Mendocino County Environmental Health, State of California agencies, and/or the government agencies of the United States.
5. Provide proof the contaminated soils have been characterized by a certified laboratory. Tests shall include Total petroleum Hydrocarbons (TPH) test, as well as tests for Benzene, Toluene, Ethylbenzene, and Xylene (TPEX).
6. Provide any invoices, hazardous waste manifests, or other record of waste disposal.
7. Provide any documentation showing that your facility has complied or attempted to comply with the above sections.

All of these violations must be cleared immediately, with proof of said compliance provided to this office within thirty (30) days of this letter. Failure to comply with these terms within the time afforded may result in fines, and/or criminal action(s).

Feel free to discuss this issue with Kirk Ford, Hazardous Materials Program Manager or Will Nalty, Hazardous Materials Operations Specialist, at (707) 234-6625.

Sincerely,



Will Nalty  
Hazardous Materials Operations Specialist

Cc:

**Kirk Ford**, Hazardous Materials Program Manager, Mendocino County Environmental Health

**Anne Molgaard**, Transitional Director, Mendocino County Public Health

**Christian Curtis**, Mendocino County Counsel

**EH file**