

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2014-0093

IN THE MATTER OF

JASWINDER SHERGILL AND HARDIP SINGH SANDHU
PAYLESS FOOD & GAS MART
SHASTA COUNTY

This Order is issued to Jaswinder Shergill and Hardip Singh Sandhu (Dischargers) pursuant to California Water Code (CWC) section 13268, which authorizes the imposition of Administrative Civil Liability. This Order is based on findings that the Discharger failed to furnish technical or monitoring reports and data as required by a Water Code section 13267 Order (13267 Order) issued on 21 December 2012.

The Central Valley Regional Water Quality Control Board (Central Valley Water Board or Board) finds the following:

1. From November 12, 2008 to November 12, 2013, Jaswinder Shergill owned the Underground Storage Tanks located at 3440 South Market Street, Redding, Shasta County (Site). From November 12, 2008 to November 12, 2013, Hardip Sandhu operated the Underground Storage Tanks located at the Site.
2. Water Code section 13267 authorizes the Regional Water Boards to require the submittal of technical and monitoring reports from any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge to waters of the state.
3. On 21 December 2012 the Central Valley Water Board sent an Order (13267 Order) to Dischargers in accordance with Water Code section 13267. The 13267 Order required the Discharger to submit:
 - a. By **18 January 2013**, a technical memorandum to Central Valley Water Board staff that provides reasons why the remediation system was not operating and why groundwater monitoring and reporting has not been conducted since first quarter 2011.
 - b. By **30 April 2013**, groundwater monitoring data for the first quarter 2013.
4. The Dischargers violated the 13267 Order by failing to submit the requested technical memorandum by 18 January 2013, and by not submitting the groundwater monitoring report by 30 April 2013.

5. On 12 March 2014, the Assistant Executive Officer issued Administrative Civil Liability Complaint (Complaint) No. R5-2014-0523 to the Dischargers. The Complaint recommends that the Central Valley Water Board assess the Dischargers an administrative civil liability in the amount of \$43,600 for failure to comply with the Section 13267 Order by not submitting the requested technical memorandum by 18 January 2013, and by not submitting the groundwater monitoring report by 30 April 2013. Attachment A of the Complaint, states the proposed penalty is \$43,627.50; however, the proposed penalty in the Complaint itself is \$43,600 and thus the Board has adopted the amount stated in the Complaint minus \$1,800 in staff costs incurred as noted in Finding 6.
6. In Attachment A of the Complaint, Prosecution Team proposed recovery of \$1,800 in staff costs incurred in preparation of this Complaint. However, the Central Valley Water Board elects to not incorporate staff costs into the penalty assessed in this Order.
7. Upon considering the Complaint and making an independent review of the record, the Central Valley Water Board, during its meeting on 7 and 8 August 2014, imposed the Prosecution Team's proposed administrative civil liability for the violations alleged in the Complaint, less the proposed staff costs of \$1,800.
8. Issuance of this Administrative Civil Liability Order to enforce CWC Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).
9. This Order is effective and final upon issuance by the Central Valley Water Board. Payment must be received by the Central Valley Water Board no later than thirty (30) days from the date on which this Order is issued.
10. In the event that the Discharger fails to comply with the requirements of this Order, the Executive Officer or her delegatee is authorized to refer this matter to the Attorney General's Office for enforcement.
11. Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with CWC section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date that this Order becomes final, except that if the thirtieth day following the date that this Order becomes final falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

IT IS HEREBY ORDERED that pursuant to section 13323 of the CWC, the Dischargers shall make a cash payment of \$41,800.00 (check payable to the State Water Pollution Cleanup and Abatement Account) no later than thirty days from the date of issuance of this Order. I, Pamela Creedon, Executive Officer, do hereby certify that the foregoing is a full, true, correct copy of an Order issued by the California Regional Water Quality Control Board, Central Valley Region, and that such action occurred on 8 August 2014.



for Pamela C. Creedon, Executive Officer