

ITEM: 15

SUBJECT: Jaswinder Shergill and Hardip Singh Sandu, Payless Gas & Food Mart, Shasta County

BOARD ACTION: Consideration of Administrative Civil Liability Compliant No. R5-2014-0523

BACKGROUND: Payless Food & Gas Mart (Payless) is currently an active service station and convenience store in Redding, Shasta County. Jaswinder Shergill and Hardip Singh Sandhu (Discharger) owned and operated Payless until 12 June 2013. The Dischargers still operate the facility, however it is currently owned by Good Luck Me, a California Limited Liability Corporation.

In March 1998, an Unauthorized Release Report occurred at Payless and Shasta County referred the case to the Central Valley Water Board [Underground Storage Tank (UST) Case #450240].

To delineate the soil and groundwater impacts Payless, a number of subsurface investigations were conducted from March 1997 until October 2003. Furthermore, a total of 11 monitoring wells have been installed at the Site, and routine groundwater monitoring has been conducted since 2000. Groundwater remediation began at Payless in 2006 using an ozone sparge system. Due to budgetary constraints, the treatment system has not operated since March 2009. However, according to the Discharger's consultant, SHN Consultants & Geologists, Inc. the Discharger received notification from the UST Cleanup Fund that remediation activities were approved for the maximum reimbursement of \$50,000 for Fiscal Year 2011-2012. Therefore, re-initiation of the treatment system and groundwater monitoring on a semi-annual basis were to be performed.

A review of the most recent groundwater data from March 2011 indicates that residual contaminant mass is still present in the source area. Current maximum concentrations of total petroleum hydrocarbons as gasoline and methyl tertiary-butyl ether of 63,000 and 1,000 micrograms per liter, respectively, were detected.

Central Valley Water Board issued a 13267 Order, dated 21 December 2012, to the Discharger for the Payless site. The 13267 Order required Discharger to submit a technical memorandum to Central Valley Water Board staff by 18 January 2013 providing reasons why the remediation system is currently not operating and there has been no activity at the Payless site since 15 July 2011. The 13267 Order also required a groundwater monitoring report for the first quarter 2013 to be submitted by 30 April 2013.

By failing to submit the requested technical memorandum and the groundwater monitoring data, the Discharger violated Water Code section 13267. On 18 June 2013 the Central Valley Water sent the Discharger a *Forthcoming Assessment of Civil Liability for Failure to Comply with California Water Code Section 13267*. This assessment outlined the violations, potential penalties, and instructed the Discharger to submit the required technical memorandum and report. The requested material has not been received to date.

ISSUES: The Discharger has not responded to the Complaint.

RECOMMENDATION: Adopt the proposed Administrative Civil Liability Complaint No. R5-2014-0523.

Mgmt. Review__BJS____
Legal Review____JMR__

7/8 August 2014
11020 Sun Center Dr. #200
Rancho Cordova, CA 95670