

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2014-XXXX

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 (hereafter 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 21 December 2012.

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

1. The Dischargers owned and operated Payless Food & Gas Mart at 3440 South Market Street, Redding, Shasta County until 12 June 2013. The Dischargers still operate the facility, however it is currently owned by Good Luck Me, a California Limited Liability Corporation.
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 Oder (13267 Order) to Jaswinder Shergill and Hardip Singh Sandhu 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 Discharger 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 May 2014, the Assistant Executive Officer issued Administrative Civil Liability Complaint (Complaint) No. R5-2014-0523 to the Discharger recommending that the Central Valley Water Board assess the Discharger an administrative civil liability in the amount of \$43,600 pursuant to the Section 13267 Order for the failure to submit the requested technical memorandum by 18 January 2013, and by not submitting the groundwater monitoring report by 30 April 2013.
6. In Attachment A of the Complaint, Prosecution Team proposed recovery of \$1,800 in staff cost 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 adopted the findings the Complaint as its own and upheld the imposition of the Prosecution Team's proposed administrative civil liability, less the proposed staff cost of \$1,800, on the Discharger. Therefore, the Central Valley Water Board has determined that civil liability should be imposed on the Discharger in the amount of \$41,800.
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](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 Discharger shall make a cash payment of \$41,800 (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 7 and 8 August 2014.

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Pamela Creedon  
Executive Officer