

Buciak, Melissa@Waterboards

From: Buciak, Melissa@Waterboards
Sent: Wednesday, October 10, 2012 11:52 AM
To: Cullen, Pat@Waterboards
Cc: Snyder, Clint@Waterboards
Subject: RWQCB Comments on Preliminary 5-Year Review Summary Report; Payless Gas & Food Mart, 3440 South Market Street Redding, CA

Pat,

As per our phone conversation, this is the second site I'd like to discuss with you this afternoon.

On 17 September 2012, a Preliminary 5-Year Review Summary Report for Payless Gas & Food Mart, 3440 South Market Street Redding, CA 96001 and submitted a review to the RWQCB Redding Office shortly thereafter. The Fund requests that the RWQCB Redding Office staff notify the Fund within 45 days from the date of this letter.

http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0608900234

The Fund recommended short-termed, focused remediation in the source area to reduce residual mass. I concur with this recommendation however, I cannot give you a timeframe for implementing this recommendation because of the following issues/impediments:

1. I spoke with the consultant a few weeks ago to get a status update of the site since I am the new case worker. According to our files, the site has been inactive since July 2011. The consultant made me aware of potential fraud against the Fund. Apparently the Discharger received payment from the Fund for a number of tasks performed by the consultant but neglected to pay the consultant. The Discharger owes the consultant approximately \$80K for services rendered. The consultant went through their legal department for breach of contract but the Discharger stop returning calls, etc. Sometime during the fall of 2011 the consultant removed all remediation equipment form the site. Note, once the consultant provides me with the documentation outlining the fraud against the Fund, I will pass it down to the SWRCB.
2. My plan was to issue 13247 letter by the end of October 2012 with specific deadlines to get forward movement of this site. I did confirm the station was still operating this morning but given the unresponsiveness of the Discharger, I am not confident that these deadlines will be achieved.

In short, I am in agreement with the Fund's recommendation for this site but wanted to make the technical review team aware that we are heading down the enforcement route and though a separate issue, the potential fraud against the Fund.

Thanks,
-Melissa.

Melissa Buciak
Engineering Geologist

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