



EDMUND G. BROWN, JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

18 June 2013

CERTIFIED MAIL

7012 2920 0001 2252 7105

Jaswinder Shergill
Hardip Singh Sandhu
420 Alamo Avenue
Weed, CA 96094

FORTHCOMING ASSESSMENT OF CIVIL LIABILITY FOR FAILURE TO COMPLY WITH CALIFORNIA WATER CODE SECTION 13267, UST CASE #450240, PAYLESS GAS & FOOD MART, 3440 SOUTH MARKET STREET, REDDING, SHASTA COUNTY

The purpose of this letter is to inform you of a forthcoming Administrative Civil Liability Complaint (Complaint) and to notify you of your opportunity to negotiate and settle the assessment of monetary penalties for your failure to comply with the California Water Code. **Please read this notice carefully.**

Evidence in the files of the Central Valley Regional Water Quality Control Board (Central Valley Water Board) indicates that the investigation into the release of petroleum products at 3440 Market Street in Redding (the "Site") has not been completed. Constituents released at the Site may still pose a threat to human health and/or the environment. Therefore in a letter dated 21 December 2012, Central Valley Water Board staff issued an order to submit technical reports. The 21 December 2012 letter contained reporting requirements pursuant to section 13267 of the California Water Code, which authorizes the Central Valley Water Board to request an entity to furnish technical or monitoring reports. Anyone failing to comply with section 13267 is guilty of a misdemeanor and liable civilly in accordance with section 13268 of the California Water Code in an amount up to one thousand dollars (\$1,000) for each day the violation occurs.

The 21 December 2012 letter required you to submit a technical memorandum to Central Valley Water Board staff by 18 January 2013 providing reasons why the remediation system is not currently operating and why groundwater monitoring and reporting has not been conducted since first quarter 2011. Furthermore, groundwater monitoring was to be conducted during the first quarter 2013 by 31 March 2013 with the associated groundwater monitoring report due to this office by 30 April 2013. As of 18 June 2013, the technical memorandum is 152 days overdue and the groundwater monitoring report is 50 days overdue. The maximum potential penalty for the violation(s) described above is **two hundred and two thousand dollars (\$202,000)** based on a calculation of the total number of per-day violations times the statutory maximum penalty (202 total days of violation X \$1,000 per day).

By way of this letter, **you are being notified of the opportunity to meet with the Central Valley Water Board staff prior to the issuance of the Complaint to discuss the alleged violations and proposed penalty amount.** The Water Board's Water Quality Enforcement

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BOEE, EXECUTIVE OFFICER

364 Knollcrest Drive, Suite 200, Redding, CA 96002 | www.waterboards.ca.gov/centralvalley

Policy requires that the Central Valley Water Board take certain factors in to consideration certain factors when it assesses an Administrative Civil Liability, including culpability, cleanup and cooperation, history of violations, ability to pay and continue in business, and other factors as justice may require. This meeting affords you the opportunity to potentially reduce or forgo the recommended penalty amount if you present new information to the Central Valley Water Board staff regarding these factors or other information you believe is relevant to determining an appropriate monetary penalty. If a settlement is reached at this meeting, which may include committing to move forward with active remediation and monitoring, the Executive Officer will forego issuing the Complaint and will not refer the violations to the Attorney General. **To avoid further liability, you are urged to submit the outstanding report(s).**

In order to initiate any discussions to settle this matter, you must contact Melissa Buciak at (530) 224-4854 by **12 July 2013** to schedule a day and time to meet with Central Valley Water Board staff. If we do not receive a response from you by this date, the Executive Officer will issue you a Complaint and this matter will proceed to a formal enforcement hearing before the Central Valley Water Board or will refer the matter to the Attorney General's Office or other prosecution agency.



CLINT E. SNYDER, P.G.
Assistant Executive Officer

MAB: lmw

cc: Ms. Pamela Creedon, Central Valley Water Board, Rancho Cordova
Mr. Cris Carrigan, Office of Enforcement, SWRCB, Sacramento
Ms. Ellen Howard, Office of Enforcement, SWRCB, Sacramento
Mr. Kevin Westlake, Shasta County Environmental Health Division, Redding
Mr. Mark Chaney, SHN Consulting Engineers & Geologists, Inc., Redding