

**Response to Public Comments received from Mr. Sukwinder Singh on August 25, 2015  
Regarding the Closure Recommendation for Hilltop Gas,  
Located at 722 East Cypress Avenue, Redding  
Claim 18650**

A comment letter dated August 25, 2015, prepared by Mr. Sukwinder Singh, the Responsible Party for Hilltop Gas, was submitted to the State Water Board. The key comments are excerpted below, followed by the response of the State Water Board staff.

*Comment 1: We are concerned that if the environmental case is closed, and AT&T experiences another issue with their underground communication lines near our service station that the whole situation will once again 'go in a circle'. Our current network of groundwater monitoring wells (MW-10 through MW-19) is in place for use under the current environmental case. If these wells are destroyed, and AT&T once again complains to the local governmental agencies and takes legal action against us, we are concerned that a third environmental case will be opened in the future and we will once again be required to perform environmental drilling and sampling...*

*We understand that it is not the responsibility of the State of California to provide our service station with legal protections or to negotiate an indemnification agreement with AT&T. However, we do believe that it is reasonable to keep the environmental case open in the event that interim efforts are needed to alleviate the nuisance condition that is being attributed to our service station. Given our position regarding this situation, we are therefore asking that the environmental case be kept open, in the event that funds from the UST Cleanup Fund are needed in the future for interim abatement of nuisance conditions to AT&T and their employees/subcontractors.*

Response: The State Water Board staff has reviewed the historic and current data associated with the SBC/AT&T manholes, the former Texaco Station, the Former Exxon Station and current Hilltop Valero. The responsible party for Hilltop Gas has performed two assessments to identify a link between the petroleum hydrocarbons in the vicinity of MH#79 and the Caltrans ROW and the USTs at the Former Exxon Station/current Hilltop Valero. No link has been conclusively identified. The data does not show that Hilltop Valero is the sole or primary source of the petroleum hydrocarbons in soil in the vicinity of AT&T manhole #79 or in the water inside manholes #78, 79 and 80. There are several potentially responsible parties including, but not limited to:

- Wickland Oil (722 E. Cypress Avenue, 1960 to 1988)
- Exxon-Mobil Oil Company (Former Exxon Station, 722 E. Cypress Avenue, 1988 to 1995)
- Nella Oil Company (722 E. Cypress Avenue, 1995 to 2003)
- DJS Partners LLC (Hilltop Valero, 722 E. Cypress Avenue, 2003 to present)
- Union Oil Company Unocal SS #5967, 755 E. Cypress Avenue
- Chevron Products Company (Chevron SS#9-2562, 765 E. Cypress Avenue )
- Chevron Products Company (Former Texaco Station, 800 E. Cypress Avenue approximately 1983 to 1992)
- Kobra Restaurant Properties (Jack In The Box, 800 E. Cypress Avenue)
- Shasta Siskiyou Transport (Hilltop Union 76, 2604 Hilltop Drive)
- Parties responsible for unauthorized releases on I-5 or East Cypress Avenue

MH#79 is immediately adjacent to a storm drain and a ditch engineered to funnel runoff into the storm drain. It is highly probable that storm water runoff containing gasoline and diesel has saturated the soil in that area and has entered and continues to enter MH#79. In addition, the soil and groundwater data collected at MH#79 in 2003 reported elevated total lead concentrations which are consistent with storm water runoff in areas with high vehicle gasoline and diesel particulate emissions, such as a freeway or major road. MH#79 is located near both a freeway (I-5) and a major road (East Cypress Avenue).

The Site does not constitute a nuisance, which is a specific term in the State Water Code. As stated in the Policy, State Water Code section 13050 defines “nuisance” as anything which meets all of the following requirements:

- (1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
- (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although to the extent of the annoyance or damage inflicted upon individuals may be unequal.
- (3) Occurs during, or as a result of, the treatment or disposal of wastes.

The conditions at Hilltop Gas do not constitute a nuisance.

The State Water Board staff recommends closure for the Hilltop Valero site because it meets the criteria of the Low Threat Closure Policy and thus has been determined to not pose a risk human health or the environment. No further assessment or remediation associated with a release from the USTs at this Site is warranted. In addition, the data indicate that there are several potential sources other than Hilltop Gas for the contamination observed in the Caltrans right of way and the AT&T communications conduit. A link between Hilltop Gas and that contamination has not been conclusively identified. State Water Board staff specifically discussed this Site with Regional Water Board staff in December 2015 and the Regional Board indicated no objections to closure by the State Water Board.

The monitoring wells associated with Hilltop Gas are unlikely to provide valuable information regarding the cause of the contamination in the Caltrans right of way or the AT&T communications conduit; therefore there is no benefit to retain those monitoring wells or delay site closure. Destruction of the monitoring wells is part of the site closure process.

The combined data obtained to date indicate that Hilltop Gas is not the source of contamination in the area of the Caltrans right of way or the AT&T communications conduit. Therefore, if additional investigation is required for that area, it should not be the financial responsibility of the Responsible Party for Hilltop Gas or funded by the Underground Storage Tank Cleanup Fund.