

**Central Valley Regional Water Quality Control Board**

15 October 2012

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

**ORDER TO SUBMIT TECHNICAL REPORTS IN ACCORDANCE WITH SECTION 13267 OF THE CALIFORNIA WATER CODE, PAYLESS GAS & FOOD MART, 3440 SOUTH MARKET STREET, REDDING, SHASTA COUNTY**

**You are legally obligated to respond to this Order. Please read this Order carefully.**

Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the 14 June 2011 *First Half 2011 Groundwater Monitoring Report* by your consultant SHN Consulting Engineers & Geologists, Inc. (SHN). Based on the recent groundwater data from first quarter 2011, residual contaminant mass is present in the source area. The table below summarizes current maximum remaining concentrations and applicable regulatory limit levels.

Constituent	Maximum Level Remaining (ug/l)	Regulatory Limit (ug/l)	Comments
TPHg	63,000	5	Taste and Odor Threshold
Benzene	ND	1	California Primary MCL
Toluene	760	150	California Primary MCL
Ethylbenzene	1,800	300	California Primary MCL
Xylenes	21,000	1,750	California Primary MCL
MTBE	1,000	13	California Primary MCL

ND = below detection limits.

Groundwater remediation began at the site in November 2006 and consisted of an ozone sparge system. Due to budgetary constraints, the ozone treatment system has not operated since March 2009. In a letter dated 15 July 2011, your consultant indicated that they received notification from the Underground Storage Tanks Cleanup Fund that site remediation activities were approved for the maximum reimbursement of \$50,000 for Fiscal Year 2011-2012. In accordance with the approved Corrective Action Plan and Remedial Action Plan, the following tasks were to be implemented:

1. Re-initiation of the ozone treatment system at the site with associated operation and maintenance activities.
2. Continue groundwater monitoring at the site on a semi-annual basis, with monitoring in the third quarter 2011 and first quarter 2012.

Although the Central Valley Water Board staff did not formerly respond to this plan, none above the abovementioned tasks have been completed.

Therefore, pursuant to Water Code section 13267, you are hereby required to provide a technical memorandum providing reasons why the remediation system is not currently operating and there has been no activity at the site since the letter dated 15 July 2011. This technical memorandum shall be submitted to this office **by 15 December 2012**. Furthermore, groundwater monitoring shall 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**.

Water Code section 13267 (b)(1) states, in part:

*"In conducting an investigation . . . , the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region . . . shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports."*

Furthermore, the California Code of Regulations, title 23, section 2720, defines a responsible party as:

*... any person who owns or operates an underground storage tank used for the storage of any hazardous substance... any person who owned or operated the underground storage tank immediately before the discontinuation of its use... any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred, and any person who had or has control over a underground storage tank at the time of or following an unauthorized release of a hazardous substance.*

A responsible party has a legal obligation to investigate and remediate contamination. You are subject to this Order because you either owned the property, and/or the underground storage tanks at the time of, or following, an unauthorized release of a hazardous substance, and therefore you are a "person who has discharged ... waste" within the meaning of Water Code section 13267. The GWR required by this Order is required to ensure protection of waters of the state and to protect public health. Failure to submit the groundwater monitoring report **by 30 April 2013** may result in additional enforcement action(s) being taken against you. Failing to submit the groundwater monitoring report by the above deadline is considered a misdemeanor, and the Central Valley Water Board may impose liability of up to \$1,000 per day for late or falsified reports pursuant to Water Code section 13268.

Furthermore, compliance with Central Valley Water Board requirements is mandatory in order to be eligible for reimbursement of corrective action costs from the State's Underground Storage Tank Cleanup Fund according to California Code of Regulations, title 23, section 2812.2. All work shall be performed according to the Tri-Regional Recommendations for Preliminary

Investigation and Evaluation of Underground Storage Tank Sites, and permits required by State, County, and Local agencies.

Electronic copies of all reports and analytical results are to be submitted over the Internet to the State Water Board Geographic Environmental Information Management System database (GeoTracker) at <https://geotracker.waterboards.ca.gov>. Electronic copies are due to GeoTracker concurrent with the corresponding hard copy. Electronic submittals shall comply with GeoTracker standards and procedures as specified on the State Water Resources Control Board's (State Board) web site.

Any person affected by this action of the Central Valley Water Board may petition the State Board to review the action in accordance with CWC section 13320 and California Code of Regulations, title 23, section 2050. The petition must be received by the State Board, Office of Chief Counsel, P. O. Box 100 Sacramento, 95812, within 30 days of the date of this order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

If you have any questions, please contact Melissa Buciak at (530) 224-4854, [mbuciak@waterboards.ca.gov](mailto:mbuciak@waterboards.ca.gov), or the footer address.



Robert A. Crandall  
Assistant Executive Officer

MAB: jmtm

cc: Mr. Kevin Westlake, Shasta County Environmental Health Division, Redding  
Mr. Mark Chaney, SHN Consulting Engineers & Geologists, Inc., Redding