

ITEM: 9

SUBJECT: Robert L. French, Circle A Gas Station, Marysville, Yuba County

BOARD ACTION: Consideration of an Administrative Civil Liability Order

BACKGROUND: On November 20, 2006, the Executive Officer of the Regional Water Board issued Cleanup and Abatement Order (CAO) No. R5-2006-0722 to Robert L. French and Stockton Marketing Inc., which required the investigation and cleanup of a release of petroleum hydrocarbon constituents. Stockton Marketing Inc., a defunct company, was operating the business at the time of the release and Mr. French owns the property.

The Complaint alleges that Mr. French failed to comply with Yuba County staff requests and Regional Water Board staff requests for technical reports and a subsurface investigation. The State Water Board has authorized funds from the State Emergency, Abandoned, and Recalcitrant (EAR) Account to the Regional Water Board for direct site cleanup.

On 8 July 2008, the Assistant Executive Officer issued an Administrative Civil Liability Complaint to Robert L. French in the amount of \$50,000 for failing to comply with the CAO.

ISSUES The Complaint alleges that to date, Robert L. French has not complied with CAO No. R5-2006-0722 or any previous Regional Water Board or Yuba County staff directives; and that Robert L. French has failed to comply with staff requests to define the extent and severity of the petroleum hydrocarbon release, which has impacted groundwater and remains an unquantified threat to groundwater resources. The Regional Water Board has received emergency public funds through the EAR account to investigate the extent of petroleum hydrocarbon constituents beneath the Site. The Prosecution Team states that as of 31 July 2008, only one of the six reports required by the CAO has been submitted.

The Complaint states that Mr. French has previously asserted that the site was cleaned up and/or that he was not the primarily responsible party.

RECOMMENDATION: The Prosecution Team recommends that the Regional Water Board adopt a \$50,000 Administrative Civil Liability Order for Robert L. French for violating CAO No. R5-2006-0722. The Board's advisors will provide a recommendation after the Board has heard all evidence.

Mgmt. Review _____
Legal Review LTO

11/12 September 2008 Regional Water Board Meeting
11020 Sun Center Dr. #200
Rancho Cordova, CA 95670