

ITEM: 25

SUBJECT: Chacon's Auto Clinic Property, UST Case #450122, City of Shasta Lake

BOARD ACTION: *Consideration of a Resolution Authorizing the Executive Officer to Enter into a Covenant Not to Sue*

BACKGROUND: Tom Green, Trustee, the Ethel E. Green Trust, and Mrs. Shirley Chacon (Dischargers) own Shasta County Assessor's Parcel APN 005-250-063, which is described as about 0.37 acres of vacant land. Chacon's Auto Clinic formerly operated on the parcel, and all owners are responsible for the cleanup of petroleum constituents and chlorinated solvents in soil and groundwater.

On 25 June 2007, the Executive Officer issued the Dischargers Cleanup and Abatement Order R5-2007-0717. Due limited finances, the Dischargers have not complied with the Order.

The City of Shasta Lake (City) can assist the Dischargers. Pursuant to an agreement reached between the City and the Dischargers, the City will to perform a limited source excavation, acquire the parcel, and then construct a parking lot. The City wishes to avoid environmental liability by performing the work on behalf of the Dischargers, completing cleanup of the Site prior to acquiring the parcel.

ISSUES: Chlorinated solvents have migrated off-site in groundwater. However, these are in low-permeability soils and therefore pose limited environmental threat. A qualified risk assessor has determined that threat to workers is also limited. The City of Shasta Lake and Dischargers both understand that staff will consider an appropriate land use covenant and deed restriction following the source excavation. The item is uncontested.

RECOMMENDATION: Adopt the proposed resolution.

Mgmt. Review _____
Legal Review ___PEP___
September 23, 2010
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