

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION _____

AUTHORIZING THE EXECUTIVE OFFICER TO ENTER INTO AN AGREEMENT
FOR
MUTUAL RELEASE AND COVENANT NOT TO SUE
FOR
CHACON'S AUTO CLINIC PROPERTY
4657 SHASTA DAM BLVD
CITY OF SHASTA LAKE
SHASTA COUNTY

WHEREAS, the California Regional Water Quality Control Board, Central Valley Region (hereinafter Central Valley Water Board or Board), finds that:

1. **Jurisdiction:** The Chacon's Auto Clinic Property is located at 4657 Shasta Dam Boulevard, City of Shasta Lake (the Property). The Property is more particularly described in Attachment B, legal description and map. Pollution exists in the soil and groundwater at the Property. The Central Valley Water Board is the lead agency for site cleanup at the Property.
2. **Site Status:** The Central Valley Water Board issued Cleanup and Abatement Order R5-2007-0717 on June 25, 2007 for the Property. This Order names Tom Green, Trustee for the Ethel E. Green Trust, primarily, and Shirley Chacon, secondarily, as dischargers. Limited investigation and remediation activities have been performed as discussed in the attached Mutual Release and Covenant Not to Sue (Attachment A). Entering into a Mutual Release and Covenant Not to Sue with the City of Shasta Lake Redevelopment Agency will facilitate work related to cleanup of the Property.
3. **Board Authority:** Pursuant to California Water Code sections 13300, et seq., the Central Valley Water Board has authority to release and covenant not to sue or assert claims for environmental investigation or remediation or other related claims against potentially responsible parties if such agreements are sufficiently in the public interest to warrant expending the public resources necessary to reach such agreement.
4. **CEQA:** The granting of a Covenant Not to Sue does not constitute a "project" as defined by Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378(a). Thus, this activity is exempt from CEQA.
5. **Public Notice:** The Board provided notice of its intention to consider this matter at the _____, 2010, Central Valley Water Board meeting and provided an

opportunity for interested persons to comment on the draft resolution and its attachments.

6. **Public Hearing:** The Central Valley Water Board, at a public meeting, heard and considered all comments pertaining to this discharge.

NOW, THEREFORE BE IT RESOLVED, that the Central Valley Water Board authorizes the Executive Officer to negotiate minor amendments to the draft Mutual Release (Attachment 1), sign, and execute the Mutual Release and Covenant Not to Sue (Attachment 1 as amended) with the City of Shasta Lake Redevelopment Agency.

I, _____, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on _____2010.

- Attachment A: Mutual Release and Covenant Not to Sue
- Attachment B: Legal Description and Map of Property
- Attachment C: Cleanup and Abatement Order R5-2007-0717