

ITEM: 20

SUBJECT: Antlers Shell/Subway, Leaking Underground Storage Tank Case, Lakehead, Shasta County

BOARD ACTION: *Reconsideration of Cleanup and Abatement Order R5-2011-0713*

BACKGROUND: Antlers Shell/Subway (the "Site") is a fueling station, convenience store, and Subway Restaurant located in Lakehead, Shasta County.

Mr. Bob Davis ("Davis") owned and operated the Site from 1997 until 2005, at which time Mr. Davis sold the Facility to TBS Petroleum, LLC ("TBS"). Underground storage tanks ("UST") were removed and upgraded in 1997. Soil samples collected from the UST excavation showed relatively low concentrations of methyl tertiary butyl ether ("MtBE"). Groundwater was not present in the excavation, and therefore samples were not collected for laboratory analyses.

In 2007, MtBE was detected in the onsite supply well. Shasta County referred the case to the Central Valley Water Board in 2008. That same year, staff jointly requested that Davis and TBS submit a Preliminary Site Assessment Work Plan to determine the extent of pollution and to evaluate sensitive receptors. Since 2008, Davis and TBS have sought resolution from the Board and Courts to determine what party is ultimately responsible for cleanup. Non-compliance with Board directives led to the issuance of a Water Code section 13267 Order (the "13267 Order") to both Davis and TBS on 27 April 2010. Subsequent non-compliance with the 13267 Order led to the issuance of Cleanup and Abatement Order R5-2011-0713 (the "Order") on 6 December 2011.

The Order requires the investigation and cleanup of the Site, at which releases from the operation of USTs have impacted groundwater. The Order solely names TBS. TBS petitioned the State Water Board on 4 January 2012 asking the State Board hold the matter in abeyance. State Board responded affirming the request for a period of two years

ISSUES: TBS contends that the Board erred in naming only TBS and asks the Central Valley Water Board to reconsider the Order, primarily to add Mr. Davis as a responsible party.

RECOMMENDATION: Reaffirm as adopted on 6 December 2011.

Mgmt. Review _____
Legal Review _____

7/8 June 2012

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