

CITY OF RICHMOND  
**Pt. Molate Community Advisory Committee**

Monday, August 15, 2011 6:30 PM  
Multi-Purpose Room, 440 Civic Center Plaza

**AGENDA**

**Members:**

**Bruce Beyaert**  
Vice-Chair

**Stephen M. Clark**

**Joan Garrett**  
Chair

**Dorothy Gilbert**

**Susan Glendening**

**Jon B. Gordon**

**Robert W. Ham**

**Toni Hanna**

**David Helvarg**

**Jim Hite**

**Jeanne Kortz**

**Eduardo Martinez**

**Steven Rosing**

**Charles T. Smith**

**Nina G. Smith**

**Andres Soto**

**Pam Stello**

**Mary H. Sundance**

**Eileen Whitty**

**1. Call to Order** (1 min.)

**2. Roll Call** (1 min.)

**3. Welcome and Meeting Procedures** (1 min.)

*Individuals who would like to address the commission on matters not listed on the agenda may do so under Open Forum. Please file a speaker's card with the note taker prior to the commencement of Open Forum. Individuals who want to comment on an individual item, please file a speaker's card before the item is called. The standard amount of time for each speaker will be three minutes.*

*At 8:30 PM, any items remaining on the agenda that require immediate attention may be taken out of turn, as necessary. All other items will be continued to another or the following commission meeting in order to make fair and attentive decisions. This meeting adjourns at 9:00 PM. The meeting may be extended by a majority vote of the commissioners.*

**4. Agenda Review and Adoption** (2 min.)

*The order in which items will be heard may be adjusted at this time. In addition, items may be removed from or placed on the Consent Calendar at this time.*

**5. Announcements through the Chair** (3 min.)

**6. Open Forum** (3 minutes per person limit)

**7. Presentations, Discussions & Action Items** (70 min.)

*Following discussion of each item, the Commission may vote to make recommendations to staff or to the City Council.*

a. Establish Day, Time for a tour of certain Pt Molate grounds and facilities (20 min.)

b. Tentative Order for adoption of Site Cleanup Requirements – CA Regional Water Quality Control Board (40 min.)

c. Presentation on General Plan timelines, and current LUD for Change Area 13; Point Molate and the San Pablo Peninsula – Hector Rojas (10 min.)

**8. Staff Reports** (10 min.)

a. Discussion on Administrative Expenditure/Remediation by City/Upstream (10 min.)

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**9. Consent Calendar (2 min.)**

*Items on the consent calendar are considered matters requiring little or no discussion and will be acted upon in one motion*

- a. APPROVE – July 18, 2011 minutes

**10. Future Agenda Items (5 min.)**

**11. City Council Liaison Reports (10 min.)**

- a. Report by Councilmember/Mayor McLaughlin regarding recent issues in Richmond relevant to the Advisory Committee.

**12. Chair and Sub-Committee Reports (30 min.)**

- a. By-Laws
- b. Clean-Up and Restoration
- c. Finance
- d. Legal

**13. Adjournment**

**14. Scheduled Meetings**

- a. Committee Meeting – Monday, September 19, 2011, 6:30 PM, Multi-Purpose Room, 440 Civic Center Plaza

This meeting is held in a building that is accessible to people with disabilities. Persons with disabilities, who require auxiliary aids of services using city facilities, services or programs or would like information of the city's compliance with the American Disabilities Act (ADA) of 1990, contact: Rochelle Monk, City of Richmond (510) 620-6511 (voice).

Pt. Molate Community Advisory Committee Staff Liaison Contact: Craig K. Murray (510) 307-8140, [craig\\_murray@ci.richmond.ca.us](mailto:craig_murray@ci.richmond.ca.us). Agenda and minute information on the PMCAC can be found on the City Clerks web location: <http://ca-richmond2.civicplus.com/index.aspx?NID=2442>



Matt Rodriguez  
Secretary for  
Environmental Protection

# California Regional Water Quality Control Board

## San Francisco Bay Region

1515 Clay Street, Suite 1400, Oakland, California 94612  
(510) 622-2300 • Fax (510) 622-2460  
<http://www.waterboards.ca.gov/sanfranciscobay>



Edmund G. Brown, Jr.  
Governor

July 26, 2011  
File No. 2119.1057(GVL)  
Geotracker: T0609592138

Attn: Mr. Alan Lee [alan.lee@navy.mil](mailto:alan.lee@navy.mil)  
U.S. Department of the Navy  
BRAC Program Management Office West  
1455 Frazee Road, Suite 900  
San Diego, California 92108-4310

Attn: Mr. Steve Duran [steve\\_duran@ci.richmond.ca.us](mailto:steve_duran@ci.richmond.ca.us)  
Community & Economic Development, City of Richmond  
440 Civic Center Plaza  
Richmond, CA 94804-1630

SUBJECT: Tentative Order, Site Cleanup Requirements for Former Point Molate  
Naval Fuel Depot, Richmond, Contra Costa County

Dear Mr. Duran and Mr. Lee:

A draft copy of a Tentative Order for the adoption of Site Cleanup Requirements for the Former Point Molate Naval Fuel Depot, located in Richmond, Contra Costa County, is now available for review. Electronic copies can be downloaded from the Water Board's website at the following URL:

[http://www.waterboards.ca.gov/sanfranciscobay/board\\_decisions/tentative\\_orders.shtml](http://www.waterboards.ca.gov/sanfranciscobay/board_decisions/tentative_orders.shtml)

This public notice is also being distributed via the State Water Board's email notification system. To subscribe, go to the following URL, click on the region of concern and enter the required information: [http://www.waterboards.ca.gov/resources/email\\_subscriptions/](http://www.waterboards.ca.gov/resources/email_subscriptions/)

The primary purpose of the Tentative Order is to establish due dates for tasks related to cleanup of soil and groundwater at the site commensurate with redevelopment plans approved by the City of Richmond.

Consideration of the Tentative Order is scheduled for the October 12th, 2011, Water Board public meeting to be held at the Elihu M. Harris State Building, First Floor Auditorium, 1515 Clay Street, Oakland, California, beginning at 9:00am.

Comments and recommendations concerning the adoption of the Tentative Order should be submitted to me in writing via email ([gleyva@waterboards.ca.gov](mailto:gleyva@waterboards.ca.gov)) no later than 5pm, September 9th, 2011. Comments received after this date cannot be given full consideration.

Should you have any questions, please contact me at [gleyva@waterboards.ca.gov](mailto:gleyva@waterboards.ca.gov), or by phone at 510-622-2379.

Sincerely,



George V. Leyva  
2011.07.26  
09:45:58 -07'00'

George Leyva, P.G.  
Project Manager  
Groundwater Protection Division

enclosure:

Tentative Order, Site Cleanup Requirements for the Former Naval Fuel Depot, Point Molate

cc list:

Lamont Thompson, [Lamont\\_Thompson@ci.richmond.ca.us](mailto:Lamont_Thompson@ci.richmond.ca.us)  
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Upstream Developers, LLC

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Mr. Paul Andrews [Pandrews@hds.co.contra-costa.ca.us](mailto:Pandrews@hds.co.contra-costa.ca.us)  
Contra Costa County, Environmental Health

Water Board Public Distribution List

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION**

**TENTATIVE ORDER  
UPDATED SITE CLEANUP REQUIREMENTS AND  
RECISSION OF ORDER Nos. 95-235, 97-124 and 97-125 FOR:**

**CITY OF RICHMOND AND  
UNITED STATES DEPARTMENT OF DEFENSE, DEPARTMENT OF THE NAVY**

**For the:**

**FORMER POINT MOLATE NAVAL FUEL DEPOT, LOCATED AT 1009 WESTERN  
DRIVE, RICHMOND, CONTRA COSTA COUNTY**

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter Regional Water Board) finds that:

- 1) Site Location:** The Point Molate Naval Fuel Depot (Point Molate NFD herein the facility or site), is a former Department of Defense (DoD) Navy fuel storage facility, located on the eastern shore of San Francisco Bay. The site is about one-mile north of the Richmond-San Rafael Bridge in the City of Richmond (Figure 1), in Contra Costa County. The site consists of approximately 413 acres with topography varying from flat lying, filled tidal marsh along the bay front to steep hills rising to an elevation of more than 500 feet. Approximately 100 acres of the site are submerged and extend into the bay. The facility is bordered on the north by property owned by the City of Richmond (City) while property on the south and east boundaries is owned by the Chevron Corporation. San Francisco Bay borders the western boundary.
- 2) Purpose of the Order:**

This Order applies to the final cleanup of the entire 413-acre Point Molate NFD facility. Although many cleanup tasks required pursuant to Board Order Nos. 95-235, 97-124 and 97-125 have been completed, final cleanup of the site is needed. Residual contamination from former Navy operations necessitates further cleanup to ensure protection of human health, water quality, and the environment consistent with the intended reuse and redevelopment plans approved by the City.
- 3) Site History:**
  - a) The Navy established Point Molate NFD in the early 1940s. Over 40 million gallons of fuel and oil were stored in 20 underground tanks, each having a capacity of approximately two-million gallons. Each tank has a diameter of about 100 feet and a depth of 20 feet, and is basically a concrete vault built into the hillside and covered by native soil. The facility configuration is largely similar to what it has historically been since being completed in 1943.
  - b) Several fuel types were stored in the tanks over the years including Navy Special Fuel Oil (NSFO), a black viscous bunker fuel, diesel fuel, F-76 (marine diesel), JP-5 (jet turbine fuel), and aviation and motor vehicle gasolines. The facility also operated a sanitary sewer system

and a ballast water fuel reclamation/treatment system. The reclamation/treatment system included three former treatment ponds that are discussed in greater detail in Finding 11b. The ponds were built on the site of a larger single pond that was used for the disposal of oily waste water from various facility activities.

- c) Point Molate NFD has been inactive since September 30, 1995. Since then, it has undergone closure under the congressionally authorized Base Realignment and Closure (BRAC) Act.
  - d) Approximately 373 acres of the 413 acre site were transferred to the City in September 2003. By letter dated September 1, 2009, the Governor determined that the remaining 40 acres (Early Transfer Property) were suitable for transfer to the City in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 120(h)(3)(C) and deferred the covenant required by CERCLA section 120(h)(3)(A)(ii)(1) allowing for the early transfer to occur. All land at the Point Molate NFD is now owned by the City.
- 4) Early Transfer Cooperative Agreement:** The Navy and the City have entered into an Early Transfer Cooperative Agreement (ETCA), for the environmental cleanup of the Early Transfer Property, which provides funding to the City to address most cleanup activities required by this Order (demolition of underground storage tanks (USTs) are excluded).
- 5) Named Dischargers:** The parties responsible for complying with the requirements of this Order are the City and the United States Department of the Navy (Navy) as described below. Collectively they are referred to as the Discharger.
- a) The City is named as a Discharger because it is the current owner of the Point Molate NFD property on which there is an ongoing discharge of pollutants, it has knowledge of the discharge or the activities that caused the discharge, and it has the legal ability to control the discharge. The Navy is named as Discharger because of substantial evidence that it discharged waste to soil and waters of the state at the Point Molate NFD site during its ownership and operation.
  - b) In the event that the City and/or its successors-in-interest fail to implement and comply with this Order, the Navy remains liable for compliance with this Order. In addition, the Navy has retained separate liability at the property should certain pollutants related to unexploded ordinance and radioactive constituents be discovered. The Regional Water Board retains all of its enforcement authorities should either or both parties fail to comply with the requirements of this Order.
  - c) The Regional Water Board agrees that in the event of failure by the City to comply with this Order, the Navy may at its discretion, propose and implement a different cleanup plan than that proposed by the City. Such a plan would be subject to the same public and regulatory agency review and approval, as the City's plan submitted pursuant to this Order. Such a plan must be consistent with the proposed commercial and industrial re-use of the property and ensure no discharges of waste into waters of the State.
  - d) This Regional Water Board will give the Navy written notice of the City's failure to comply and provide the Navy 60 days without penalty to negotiate revised due dates for Task

- submittals. The revised due dates and the submittal of a revised cleanup plan may be incorporated into this Order as an administrative action by the Executive Officer.
- 6) **CERCLA:** The Early Transfer Property is subject CERCLA due to the existence hazardous substances but of low concentrations and limited extent. This Order sets forth the framework and schedule for investigating and completing all necessary response actions. The agreements between the Navy and the City require compliance with the provisions of this and future Regional Water Board Orders to achieve completion of all necessary cleanup actions at the Point Molate NFD to ensure protection of human health, water quality, and the environment.
  - 7) **Sites of Historic Significance:** A 100 acre portion of the site that includes the historic Winehaven Buildings and a residential complex has been nominated to the National Register of Historic Places. Any tasks that will directly or indirectly affect this historic district will require compliance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980, in accordance with the regulations for the protection of historic properties (36 CFR Part 800).
  - 8) **Site Geology:** Point Molate NFD is situated on the western side of the Point San Pablo peninsula, projecting into San Francisco Bay. The peninsula is composed of fractured, fine to medium grained sandstones and siltstones of the Jurassic-Cretaceous age (~150 million year old) Franciscan formation. The site is 5 miles west of the Hayward Fault zone and just east of the projected San Pedro-San Pablo Fault. Bay mud overlays the Franciscan Formation along the shoreline. During the past 50 years, the bay inter-tidal mud flats have been artificially filled to create the low-lying flat areas of the facility.
  - 9) **Hydrogeology:** Point Molate NFD is located in the East Bay Plain groundwater basin as designated by the State Department of Water Resources. The site is predominantly bedrock overlain by a thin mantle of colluvium (loose deposits of slope debris). Groundwater primarily flows via this mantle and discharges to the Bay. A relatively minor amount of groundwater is transmitted by the bedrock. It is therefore reasonable that pollutant transport, to the extent it has occurred, was in this colluvium mantle. The groundwater at this site is not considered a potential source of drinking water, primarily due to the lack of production volume.
  - 10) **Offshore Environmental Amenities:** Special areas of significance exist on-site in the offshore areas. The special areas delineated in the Point Molate Environmental Impact Report are the tidal marsh habitat and the eel-grass bed habitat. No remediation work is expected in the off-shore area. However, special provisions stated herein require monitoring of those offshore areas and to prevent impacts from the remedial operations.
  - 11) **Areas of Known Contamination:** There are four areas of concern (see Figure 2) that may present a continued source of pollution at Point Molate NFD. All of the following areas are subject to the requirements of this Order.
    - a) **Site-1 Landfill** – Waste from the operation of the Point Molate NFD was disposed of in a steep ravine area known as Site-1. The thickness of the waste may extend as much as 50 feet below the present ground surface. Volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs), pesticides, jet fuel, diesel, motor oil, and drums have all been documented to be in the landfill waste. Pursuant to a 2005 Record of Decision, the waste was capped with a soil cover, and groundwater monitoring is conducted to confirm waste

containment. This Order requires the continuance of long-term monitoring and maintenance for the Site-1 landfill in accordance with the June 2005 Record of Decision for the landfill.

- b) **Site-3 Treatment Pond Area** – At the time the Navy began operations at the facility in 1942, Site-3 was a single pond formed by diking off a small embayment just west of the historic Winehaven Building. The pond was approximately ten to eleven acres in surface area, and was used to capture oily waste from facility operations. In 1973, the pond was reconfigured to three smaller ponds with its use continuing for treatment of oily waste water from the facility. In 1991, petroleum product as well as oil sheen were observed along the shoreline of San Francisco Bay adjacent to these ponds. The petroleum discharge was subsequently determined to be coming from the waste oil and sludge deposited within the ponds.

In 1995, the Navy installed a subsurface groundwater extraction trench approximately 1,000 feet long and 20 feet deep along the shoreline to capture oil-contaminated groundwater coming from the Site-3 ponds as an emergency and interim remedy. The result of that remedy was that the oily discharge to the Bay was stopped. In 2003, the ponds were removed from service and backfilled after removal of contaminated material to a depth of ten feet below ground surface (bgs). High concentrations of petroleum contaminated material remained below ten feet bgs. The groundwater extraction treatment system has continued to be operated to date. However, since the contamination at the site continues, a potential threat exists if the extraction trench fails or becomes inoperable.

Although the groundwater extraction treatment system has effectively contained the oily water discharge, a more permanent remedy is needed to address the oily waste source, particularly if groundwater extraction is to be discontinued as proposed by the Navy in its 2005 draft feasibility study (FS). This Order requires the development of saturated zone soil cleanup criteria (Task No. 1) and a final feasibility Study and remedial action plan (FS/RAP) describing the remedy for Site-3 (Task No. 3.a).

- c) **Site-4** - IR Site-4 consists of Drum Lot 1 and Drum Lot 2 (Figure 2). This Order requires an **Interim Remedial Action Plan (Task No. 4.a)** to assess what technologies best restore impacted groundwater to beneficial uses. This Order also requires a **Human Health Risk Assessment** and if Interim Actions are not successful in achieving acceptable risk reductions, a **Feasibility Study and Remedial Action Plan** is required for a final remedial action, and a **Remedial Action Completion Report**, (Task No.4).
- i) **Drum Lot 1** – This area is directly south of Site-3. Contamination is generally petroleum related. Groundwater continues to be impacted from historic discharges at this site although at concentrations that are below the approved cleanup goals for industrial use. Site-4 also includes Drum Lot 2.
- ii) **Drum Lot 2** – Drum Lot 2 is located at the southern portion of the facility (Figure 2). Drums of liquid product were historically stored there. Groundwater monitoring as well as soil and soil-gas data indicate that trichloroethylene (TCE) is present in soils and groundwater. TCE in groundwater beneath Drum Lot 2 was recently measured at 400 ug/L (MW29-01, October 2007). This Order requires a final FS/RAP describing the remedy for Site-4, including Drum Lots 1 and 2.
- d) **UST Area** – Large petroleum underground storage tanks (USTs) at the Point Molate NFD are generally located on the hillsides. Soil and groundwater contamination detected adjacent to

the USTs and former valve boxes are the result of historic spillage and leakage. Free-phase product has been observed at some UST locations, however those observations are generally limited in extent. As of July 2011, the Regional Water Board had approved closure for nine out of twenty USTs (USTs 1, 7, 9, 10, 11, 14, 16, 17, and 20). The UST structures remain. The ETCA contains provisions and funding for the City to complete the regulatory closure of all the remaining USTs. Monitoring and maintenance of the remaining tanks will continue into the future. This Order requires a plan to manage the remaining USTs, and to achieve final environmental closure of those tanks (Task No. 5).

#### 12) Risk Assessments:

- a) **Ecological Risk Assessment:** The Navy submitted a Final Offshore Ecological Risk Assessment Report, dated November 24, 1999, which evaluates soil and sediment chemical data along the shoreline down-gradient of Site-3. Results from this report are incorporated into the Fuel Product Action Levels (FPALs) discussed in Finding 13 below.
- b) **Human Health Risk Assessment:** The Navy submitted a Human Health and Environmental Risk Assessment Report, for Site-4 dated March 2003. Results from this report are incorporated into the FPALs discussed in Finding 13 below. However, the Discharger shall submit a revised Human Health Risk Assessment for Site-4.

**13) Cleanup Levels:** The Navy submitted a Fuel Product Action Level report, dated August 31, 2001, (the FPAL report), which specifies soil and groundwater pollutant concentrations considered safe based on commercial and industrial land uses. The FPAL report incorporates findings from Ecological Risk Assessment and Human Health Risk Assessment studies for this site. The FPAL report establishes fuel cleanup levels based upon depth below ground surface and distance away from the Bay for different land use scenarios. However, the FPAL report does not address cleanup levels at or below the groundwater table, specifically at Site-3. This Order requires a proposal for the establishment of the cleanup of residual contamination below the groundwater table under different land use scenarios and that are protective of human health and the environment, (see Task No. 1).

**14) Recordation of Deed Restrictions:** A land use control document (LUC) has been developed and recorded for the entire Point Molate NFD site. The LUC in this situation is known as a covenant to restrict use, or CRUP, which was recorded in Contra Costa County on March 29, 2010. The CRUP protects the public during the completion of site remediation activities and provides for the necessary access to complete those activities. In some cases, the CRUP may need to be amended as appropriate, depending on the scope of each proposed cleanup action for areas of the site that do not meet unrestricted use standards. This Order requires the Discharger to propose amendments to the CRUP for Regional Water Board review and approval after an acceptable remedy has been successfully completed pursuant to this Order, (see Task No. 8).

#### 15) Basis for Cleanup Standard:

- a) State Water Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California," applies to this discharge and requires attainment of background levels of water quality, or the highest level of water quality which is reasonable if background levels of water quality cannot be restored. Cleanup levels other than background

must be consistent with the maximum benefit to the people of the State, not unreasonably affect present and anticipated beneficial uses of such water, and not result in exceedance of applicable water quality objectives. This Order and its requirements are consistent with Resolution No. 68-16.

- b) State Water Board Resolution No. 92-49, "Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304," applies to this discharge. This Order and its requirements are consistent with the provisions of State Board Resolution No. 92-49, as amended.
- c) **Beneficial Uses:** Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) is the Board's master water quality control planning document. It designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. It also includes programs of implementation to achieve water quality objectives. The Basin Plan was duly adopted by the Regional Water Board and approved by the State Water Resources Control Board, Office of Administrative Law and the U.S. EPA, where required. The Basin Plan designates the following potential beneficial uses of groundwater underlying and adjacent to the site (San Francisco Bay):
  - a. Commercial and sport fishing;
  - b. Estuarine habitat;
  - c. Industrial service supply;
  - d. Fish migration;
  - e. Navigation;
  - f. Industrial process supply;
  - g. Preservation of rare and endangered species;
  - h. Water contact recreation;
  - i. Non-contact water recreation;
  - j. Shellfish harvesting;
  - k. Fish spawning; and
  - l. Wildlife habitat.

- 16) Reuse or Disposal of Extracted Groundwater:** Resolution No. 88-160, adopted by the Regional Water Board, allows discharges of extracted and treated groundwater from site cleanups to surface waters only if it has been demonstrated that neither reclamation nor discharge to the sanitary sewer is technically and economically feasible".
- 17) Basis for 13304 Order:** California Water Code Section 13304 authorizes the Regional Water Board to issue orders requiring a discharger to cleanup and abate waste where the discharger has caused or permitted waste to be discharged or deposited where it is or probably will be discharged into waters of the State and creates or threatens to create a condition of pollution or nuisance.
- 18) Cost Recovery:** Pursuant to California Water Code Section 13304, the Discharger is hereby notified that the Regional Water Board is entitled to, and may seek reimbursement for, all reasonable costs actually incurred by the Regional Water Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Order.
- 19) Board Order No. R2-2008-0095:** The Board previously adopted a final cleanup order (Order No. R2-2008-0095) for the entire site on November 12, 2008; however, that order was vacated and remanded by the State Water Resources Control Board on September 15, 2009, due to an erroneous finding under the California Environmental Quality Act ("CEQA"). Specifically, the State Water Board held that the Regional Water Board should not have used a categorical exemption from CEQA when adopting Order No. R2-2008-95, since the Point Molate NFD is on

what is commonly referred to as the "Cortese List," which is a list of sites involving the discharge of hazardous materials. CEQA prohibits the use of categorical exemptions for projects that take place on sites included on the Cortese List.

The State Water Board remanded the matter to the Regional Water Board to comply with CEQA. Since the remand, the City of Richmond prepared and certified an environmental impact report for redevelopment of Point Molate NFD, including cleanup needed for redevelopment. The Regional Water Board, as a responsible agency, is therefore relying on that EIR for the purposes of adopting this Order. See Finding 20 below.

- 20) CEQA:** The City of Richmond, as the lead agency under CEQA, has prepared and certified an Environmental Impact Report (EIR) on March 8, 2011, for the redevelopment of the Point Molate NFD, including cleanup required for redevelopment. That EIR evaluated the environmental impacts associated with cleanup and redevelopment of the Point Molate NFD site under various alternative development scenarios. The EIR concluded that there would be significant unavoidable impacts related to cultural resources, socioeconomic conditions, traffic, and/or aesthetics under each alternative, including the no project alternative. The Regional Water Board has considered the EIR and finds that the significant unavoidable impacts are within the jurisdiction of other public agencies who can and should require changes, alterations or mitigation measures. Such impacts are outweighed by the benefits of cleanup of the site. Furthermore, with respect to environmental impacts within the Regional Water Board's jurisdiction, the Board finds that the impacts of those parts of the Point Molate NFD redevelopment project it approves, have been mitigated to less than significant levels.
- 21) Notification:** The Regional Water Board has notified the Discharger and all interested agencies and persons of its intent under California Water Code Section 13304 to prescribe site cleanup requirements for the Point Molate NFD and has provided them with the opportunity to submit their written comments.
- 22) Public Hearing:** The Regional Water Board in a public meeting heard and considered all comments pertaining to this Order.

**IT IS HEREBY ORDERED**, pursuant to Section 13304 of the California Water Code, that the Discharger (or its agents, successors, or assigns) shall cleanup and abate the effects described in the above findings as follows:

**A: PROHIBITIONS**

1. The discharge of wastes, non-hazardous or hazardous materials, in a manner which will degrade, or threaten to degrade, water quality or adversely affect, or threaten to adversely affect, the beneficial uses of the waters of the State is prohibited.
2. Further significant migration of wastes or hazardous substances through subsurface transport to waters of the State is prohibited.
3. Activities associated with the subsurface investigation and cleanup which will cause significant adverse migration of wastes or hazardous substances are prohibited.

4. The tidal marsh habitat and wetland habitats on-site shall be completely avoided. A setback of 50 feet shall be established around the tidal marsh and any wetland area as a means of preventing any impacts to it from the remediation.
5. The offshore eel-grass habitat on-site shall be completely avoided during any remedial work.

## **B: TASKS & COMPLIANCE DATES**

### **1: SATURATED ZONE SOIL CLEANUP CRITERIA**

#### **COMPLIANCE DATE: November 15, 2011**

The Discharger shall propose soil cleanup criteria, acceptable to the Executive Officer, for contaminated soils below the groundwater table, or in the "saturated" zone. The Cleanup Goals developed to date by the Navy for the Point Molate NFD describe criteria for pollutants below the ground surface but situated above groundwater. The cleanup criteria for this task shall include petroleum hydrocarbons as well as other chemicals of concern and shall include any reasonably expected decomposition byproducts.

### **2: SOIL and GROUND WATER MANAGEMENT PLAN**

#### **COMPLIANCE DATE: December 15, 2011**

The Discharger shall propose a Soil and Groundwater Management Plan for the facility, acceptable to the Executive Officer, identifying how soils and affected groundwater will be managed for any phase of cleanup activities at the facility, including initial cleanup as well as cleanups related to discoveries during any future development of the Point Molate NFD.

The plan must propose how soil and groundwater will be sampled and analyzed during all phases of remediation and development, and how test results will be used to protect site workers and future occupants and visitors from residual pollutants. The Plan shall describe the protocol to be followed for all sampling, field measurements, analytical techniques, and the sequence and methods of any proposed remediation.

The Plan shall be consistent with and incorporate all applicable mitigation measures set forth in the certified EIR. The Plan shall address equipment and the schedule of activities, proposed measures to limit fugitive emissions from site remediation and trucking activities, general soil removal and backfilling specifications, dewatering and discharge activities during the remedy process, and the proposed groundwater treatment activities to protect surrounding groundwater and surface water resources.

### **3: IR SITE 3**

#### **a. FEASIBILITY STUDY and REMEDIAL ACTION PLAN (FS/RAP)**

##### **COMPLIANCE DATE: February 3, 2012**

The Discharger shall propose a final FS/RAP, acceptable to the Executive Officer, to cleanup the IR Site 3. The final IR Site 3 FS/RAP shall address all land-use dependant cleanup goals for the site and shall include a time schedule for sub-actions to attain the final cleanup.

**b. REMEDIAL ACTION COMPLETION REPORT**

**COMPLIANCE DATE: February 3, 2014**

Upon implementation of the Final FS/RAP, the Discharger shall prepare a Remedial Action Completion Report for the IR Site 3, acceptable to the Executive Officer. The Remedial Action Report shall include Land Use Controls as needed. The Report shall identify the location of all remedial actions and describe volume of soil excavated, describe the specifics of the disposal of that material, present all test data generated during the remediation process and how the remediation activities met or did not meet the remediation goals.

**4: IR SITE 4**

**a. INTERIM REMEDIAL ACTION WORK PLAN**

**COMPLIANCE DATE: April 3, 2012**

The Discharger shall prepare an interim remedial action work plan, acceptable to the Executive Officer, to determine the optimal technology for the remediation of IR Site 4 (described in Finding 11.c.i and Finding 11.c.ii.).

**b. INTERIM REMEDIAL ACTION COMPLETION REPORT**

**COMPLIANCE DATE: November 2, 2012**

The Discharger shall conduct the interim action in a manner acceptable to the Executive Officer and provide a completion report by the compliance date. This shall be followed by eight (8) consecutive quarterly rounds of groundwater monitoring to assess the interim remedy chosen according to the accepted work plan described in Task 4.a above for IR Site 4.

**c. HUMAN HEALTH RISK ASSESSMENT**

**COMPLIANCE DATE: November 4, 2013**

Based on the results of the interim action and existing site data, the Discharger shall prepare a human health risk assessment for IR Site 4 that makes recommendations on whether additional remedial measures are necessary to mitigate risks at the Site beyond Land Use Controls. If additional remedial measures are required to meet the then expected future land use at IR Site 4, a Feasibility Study and Remedial Action Plan will be developed (IR Site 4 FS/RAP), which shall include a time schedule for sub-actions to attain the final cleanup and shall be submitted to the Executive Officer for approval.

Upon approval and implementation of the Final IR Site 4 FS/RAP, the Discharger shall prepare a Remedial Action Completion Report for the IR Site 4 site, acceptable to the Executive Officer. The Remedial Action Completion Report shall include Land Use Controls as needed. The Report shall identify the location of all remedial actions, present all test data generated during the remediation process and discuss how the remediation activities met or did not meet the remediation goals. If additional remediation is not required beyond amending the Land Use Controls, the existing land use controls shall be amended per Task 8 below.

**d. FEASIBILITY STUDY and REMEDIAL ACTION PLAN (FS/RAP)**

**COMPLIANCE DATE: February 3, 2014**

If Interim Actions implemented per Task 4.b above are not successful in achieving the acceptable risk reductions per Task 4.c above, the Discharger shall propose a final FS/RAP, acceptable to the Executive Officer, to cleanup the IR Site 4. The final IR Site 4 FS/RAP shall

address all land-use dependant cleanup goals for the site and shall include a time schedule for sub-actions to attain the final cleanup.

**e. REMEDIAL ACTION COMPLETION REPORT**

**COMPLIANCE DATE: February 3, 2015**

Upon implementation of the Final FS/RAP described in Task 4.d, the Discharger shall prepare a Remedial Action Completion Report for the IR Site 4, acceptable to the Executive Officer. The Remedial Action Report shall include Land Use Controls as needed. The Report shall identify the location of all remedial actions and describe volume of soil excavated, describe the specifics of the disposal of that material, present all test data generated during the remediation process and how the remediation activities met or did not meet the remediation goals.

**5: UST MANAGEMENT PLAN**

**COMPLIANCE DATE: March 4, 2013**

The Discharger shall propose a management plan and schedule, acceptable to the Executive Officer, to close the remaining USTs at the Point Molate NFD. Environmental case closure has been approved for nine UST cases. Eleven USTs remain open at the time of this Order because of elevated concentrations of hydrocarbons associated with the USTs. The intent of the UST Management Plan is to document the extent of contamination remaining at the eleven USTs and determine if active remediation is needed or to determine if monitored natural attenuation is adequate to achieve cleanup goals in a reasonable time frame.

**6: UST REMOVAL PLAN**

**COMPLIANCE DATE: 90 days prior to UST Demolition**

If any UST will be demolished during the course of redevelopment, the Discharger shall prepare a UST Removal Plan, acceptable to the Executive Officer, describing the tank demolition. The plan shall be consistent with the UST Management Plan and the Soil and Ground Water Management Plan required by this Order and shall incorporate all the relevant mitigation measures set forth in the certified EIR and the Land Use Controls (LUCs) recorded for this site.

**7: UST STATUS REPORT**

**COMPLIANCE DATE: June 3, 2013**

Quarterly UST status reports shall outline the progress of UST closure activities undertaken pursuant to the Plan developed for Task No. 5. Status reports shall include the results of monitoring and closure activities undertaken during the prior quarter, and include any proposed activities for the upcoming quarter.

**8: AMENDED LAND USE CONTROLS**

**COMPLIANCE DATE: Due at the time Environmental Closure is requested by the Discharger**

The Discharger shall submit amended Land Use Controls, acceptable to the Executive Officer, for any area of Point Molate NFD that does not meet "unrestricted use standards" after an acceptable cleanup has been implemented. In areas with existing land use controls, the discharger may submit amended Land Use Controls to reflect the completed cleanup or may propose eliminating land use restrictions, as appropriate, after cleanup activities are completed.

**9: REMEDIATION STATUS REPORTS**

**COMPLIANCE DATE: Monthly beginning 30 days after the start of the remediation activities and ceasing 30 days after completion of all field activities related to this Order**

The Discharger shall submit a report to the Regional Water Board, 30 days prior to the start of any on-site remediation activities, and then on a monthly basis beginning 30 days after the start of the remediation activities, outlining the on-site remediation activities accomplished during the past month and those planned for the following month. The first monthly report at the beginning of each quarter shall include monitoring and test results and any conclusions or proposed changes to the remediation process based on those results. If any changes to the remediation are proposed during any monthly report, applicable supporting monitoring or test data will be submitted at that time. The status report shall also verify that the Prohibitions in Section A, stipulated above, have been adhered to. Should any of those Prohibitions be trespassed, the report shall propose a recommendation acceptable to the Executive Officer to correct the trespass.

**10: DISCOVERIES DURING FACILITY REDEVELOPMENT**

**COMPLIANCE DATE: 60 days from initial discovery**

After the initial remedies have been implemented as ordered by the above Tasks, and facility redevelopment begins, discoveries of otherwise previously unknown pollution that exceeds the site's Cleanup Goals shall be reported to the Executive Officer within 48 hours of its discovery. A cleanup shall be promptly implemented according to the **Soil and Groundwater Management Plan**. The initial reporting shall be followed up by a Cleanup/Investigations Report submitted to this Regional Water Board and acceptable to the Executive, documenting cleanup actions and residual contaminant concentrations achieved, describing the situation and its status, and any further actions needing resolution.

**11: SITE-1 ROD**

This Order requires the continuance of long-term monitoring and maintenance for the Site-1 landfill in accordance with the June 2005 Record of Decision (ROD) for the landfill and any amendments to that ROD.

**12: CONSTRUCTION STORM WATER GENERAL PERMIT**

**COMPLIANCE DATE: Prior to commencement of any field work**

The Discharger shall comply with the State's Construction General Permit (CGP) Order No. 2009-0009-DWQ, prior to commencement of any cleanup activity that will include disturbing greater than 1 acre of land. Proof of coverage by the CGP may consist of a Notice of Intent (NOI) after being assigned a WDID number for that NOI. As required by that CGP, a SWPPP must be maintained at the site and shall be submitted to this Board in digital format (preferably pdf).

**C. GENERAL PROVISIONS**

1. **No Nuisance:** The storage, handling, treatment, or disposal of polluted soil or groundwater must not create a nuisance as defined in California Water Code Section 13050(m).

2. **Good Operation and Maintenance (O&M):** The Discharger must maintain in good working order and operate as efficiently as possible any facility or control system installed to achieve compliance with the requirements of this Order.
3. **Cost Recovery:** The Discharger is liable, pursuant to California Water Code Section 13304, to the Regional Water Board for all reasonable costs actually incurred by the Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Order. If the Site addressed by this Order is enrolled in a State Water Board-managed reimbursement program, reimbursement shall be made pursuant to this Order and according to the procedures established in that program. Any disputes raised by the Discharger over reimbursement amounts or methods used in that program shall be consistent with the dispute resolution procedures for that program.
4. **Access to Site and Site Records:** In accordance with California Water Code Section 13267(c), the Discharger shall permit the Regional Water Board or its authorized representative:
  - a. Entry upon premises in which any pollution source exists, or may potentially exist, or in which any required records are kept, which are relevant to this Order.
  - b. Access to copy any records required by this Order.
  - c. Inspection of any monitoring or remediation facilities installed in response to this Order.
  - d. Sampling of any groundwater or soil which is accessible, or may become accessible, as part of any investigation or remedial action program undertaken by the Discharger.
5. **Contractor / Consultant Qualifications:** All technical documents that make or present geologic or engineering interpretations must be signed by and stamped with the seal of a California registered geologist, a California certified engineering geologist, or a California registered civil engineer.
6. **Lab Qualifications:** All samples shall be analyzed by State-certified laboratories or laboratories accepted by the Regional Water Board using approved U.S. EPA methods for the type of analysis to be performed. All laboratories shall maintain quality assurance/quality control (QA/QC) records for Regional Water Board review. This provision does not apply to analyses that can only reasonably be performed on-site (e.g., temperature).
7. **Document Distribution: Document Distribution:** Copies of all correspondence, technical reports, and other documents pertaining to compliance with this Order shall be provided to the following agencies:
  - a. City of Richmond - Public Library
  - b. County of Contra Costa Department of Environmental Health

The Executive Officer may modify this distribution as needed.

8. **Reporting of Changed Owner or Operator:** The Discharger shall file a technical report on any changes in site occupancy or ownership associated with the property described in this Order.
9. **Compliance Delays:** If the Discharger is delayed, interrupted or prevented from meeting one or more of the completion dates specified in this Order, the Discharger shall promptly notify the Executive Officer. If, for any reason, the Discharger is unable to perform any activity or submit any document within the time required under this Order, the Discharger may make a written request for a specified extension of time. The extension request shall include a justification for the delay, and shall be submitted in advance of the date on which the activity is to be performed or the document is due.
10. **Electronic Reporting Format:** All reports submitted pursuant to this Order must be submitted as both hard copies and electronic files in PDF format. The Regional Water Board has implemented a document database that is intended to reduce the need for storing printed reports and to streamline the public review process. All electronic files, whether in PDF or spreadsheet format must be submitted via email (only if the file size is under 1MB), or on a CD. Email notification should be provided to Regional Water Board staff whenever a file is uploaded to Geotracker (see below).
11. **Geotracker:** The State Water Board adopted regulations requiring electronic report and data submittal to the State's Geotracker database (Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3890-3895 of the CCR). The Discharger is responsible for submitting the following via Geotracker:
  - a. All chemical analytical results for soil, water, and vapor samples;
  - b. The latitude and longitude of any permanent sampling point for which data is reported, accurate to within 1 meter and referenced to a minimum two reference points from the California Spatial Reference System, if available;
  - c. The surveyed elevation relative to a geodetic datum of any permanent sampling point;
  - d. The elevation of groundwater in any permanent monitoring well relative to the surveyed elevations;
  - e. A site map or maps showing the location of all sampling points;
  - f. The depth of the screened interval and the length of screened interval for any permanent monitoring well;
  - g. PDF copies of boring logs; and
  - h. PDF copies of all reports, work plan and other documents (the document, in its entirety [signature pages, text, figures, tables, etc.] must be saved to a single PDF file) including the signed transmittal letter and professional certification by a California Licensed Civil Engineer or a Registered Geologist.
12. **Reporting of Hazardous Substance Release:** If, on or after the effective date of this Order, any hazardous substance is discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of

the State, the Discharger shall report such discharge to the Board by calling (510) 622-2369 during regular office hours (Monday through Friday, 8:00 to 5:00).

- a. A written report must be filed with the Regional Water Board within five working days. The report must describe: the nature of the hazardous substance, estimated quantity involved, duration of incident, cause of release, estimated size of affected area, nature of effect, corrective actions taken or planned, schedule of corrective actions planned, and persons/agencies notified.
- b. This reporting is in addition to reporting to the State Office of Emergency Services, required pursuant to the State Health and Safety Code.

**13. Periodic SCR Review:** The Regional Water Board will review this Order periodically and may revise it when necessary. The Discharger may individually or jointly request revisions, and upon review, the Executive Officer may recommend that the Regional Water Board revise these requirements.

**14. Responsible Discharger:** Within 60 days after being notified by the Executive Officer that any one named discharger has failed to comply with this Order, the remaining discharger(s) shall be responsible to comply with this Order. The subsequent responsibility for compliance is described in Finding 5 of this Order.

**15. Rescission of Existing Orders:** This Order supersedes and rescinds Order Nos. 95-235, 97-124 and 97-125 except for enforcement purposes.

I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on **XXX XX, 2011**.

\_\_\_\_\_  
Bruce H. Wolfe  
Executive Officer

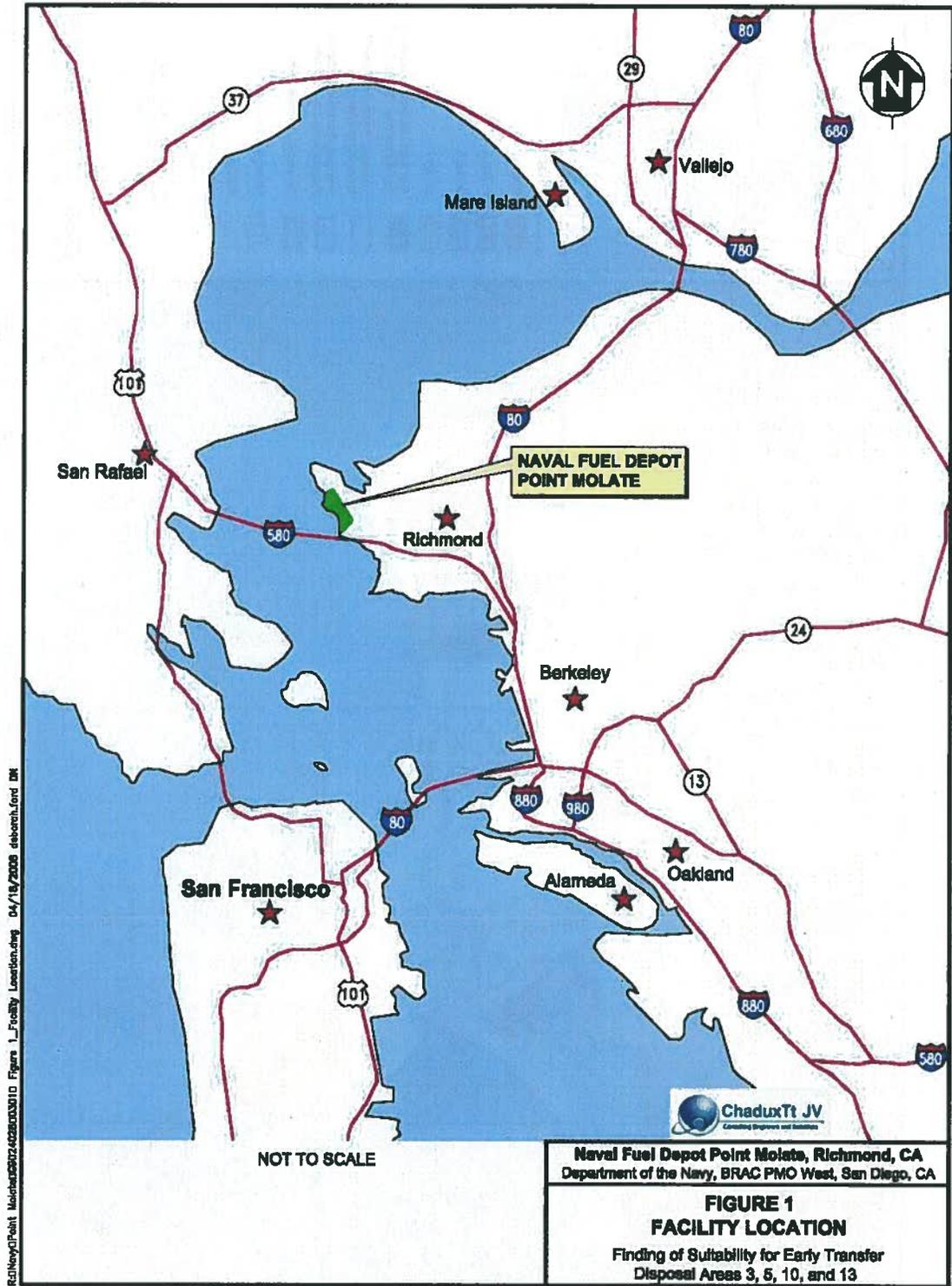
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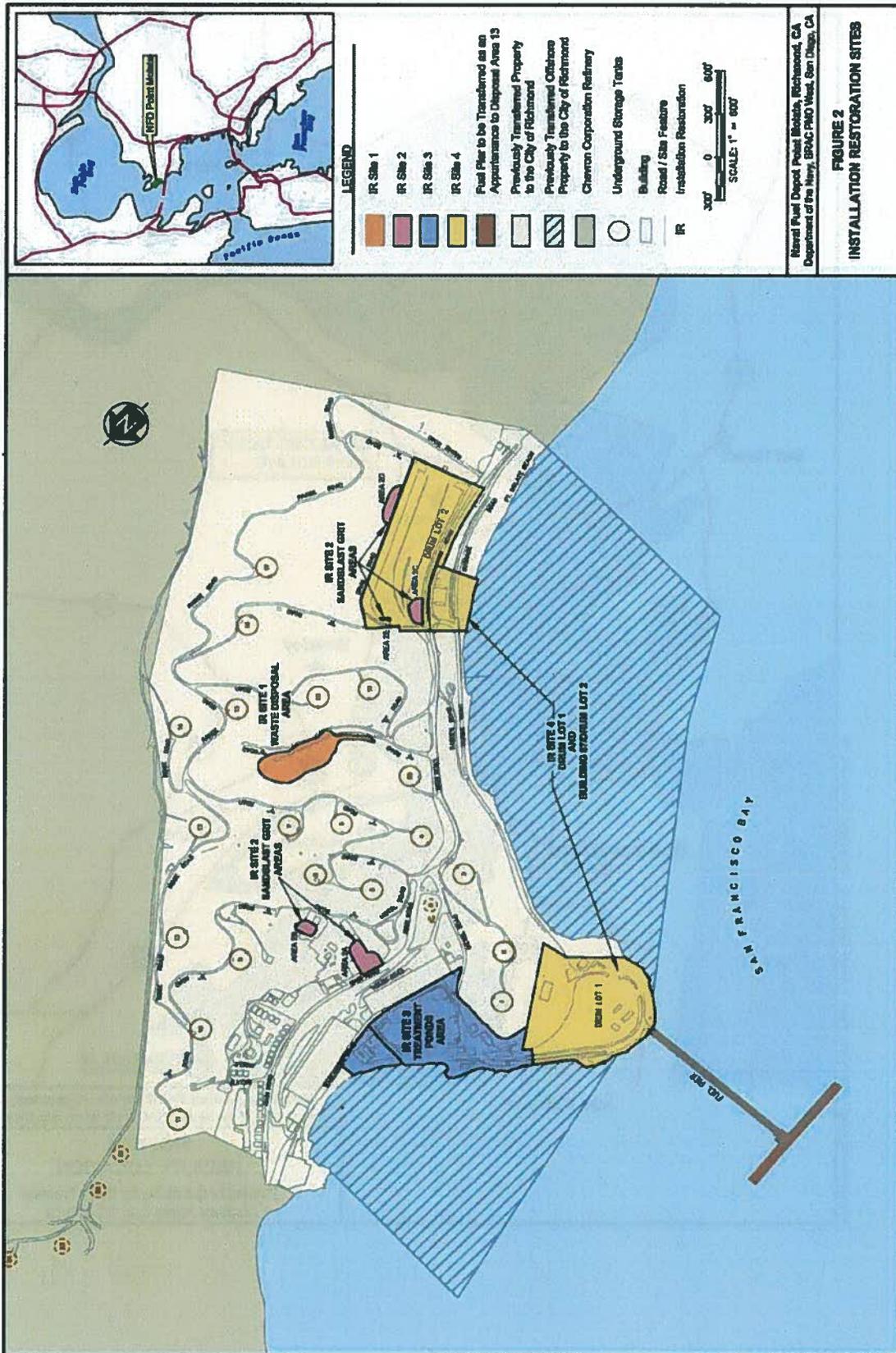
FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY SUBJECT YOU TO ENFORCEMENT ACTION, INCLUDING BUT NOT LIMITED TO: IMPOSITION OF ADMINISTRATIVE CIVIL LIABILITY UNDER WATER CODE SECTIONS 13268 OR 13350, OR REFERRAL TO THE ATTORNEY GENERAL FOR INJUNCTIVE RELIEF OR CIVIL OR CRIMINAL LIABILITY

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Attachments:

- Figure 1:           Location/Facility Map  
Figure 2:           Areas of Concern/Facility Map





7.b.18



## Anticipated Richmond General Plan Adoption Timeline

Richmond Planning Division – July 6, 2011

**\*\*\*Please note all forecasted dates are subject to change\*\*\***

Task		Date
<b>Completed</b>	<b>Public Release of Draft General Plan Elements 1 through 4, 6 through 15 and Draft Environmental Impact Report (DEIR)</b>	<b>February 14, 2011</b>
	<b>45-Day Public Comment Period on Draft General Plan and DEIR</b>	<b>February 14 – March 31, 2011</b>
	<b>Planning Commission DEIR Comment Hearing</b>	<b>March 17, 2011</b>
	<b>Planning Commission Study Session Meeting</b> Public and Commissioners may provide comment on Draft General Plan Elements 1, 3 through 4, 7, 9, 11 and 12	<b>April 7, 2011</b>
	<b>Planning Commission Study Session Meeting</b> Public and Commissioners may provide comment on Draft General Plan Elements 2, 6, 8, 10, and 13 through 15	<b>April 21, 2011</b>
<b>Upcoming</b>	<b>Prepare Final Environmental Impact Report (FEIR) and Final Draft General Plan</b>	<b>April 22 – August 12, 2011</b>
	<del><b>City Council Presentation on General Plan Status</b></del>	<del><b>July 26, 2011 Cancelled</b></del>
	<b>Release FEIR and Final Draft General Plan</b>	<b>August 15, 2011</b>
	<b>Planning Commission Action Meeting</b> Commission to provide a formal recommendation on the Final Draft General Plan and FEIR to City Council	<b>September 1, 2011</b>
	<b>City Council Action Meeting</b> City Council to take action on FEIR and Draft General Plan	<b>October 18, 2011</b>
<b>General Plan Element No. Key:</b> 1 – Economic Development; 2 – Education and Human Services; 3 – Land Use and Urban Design; 4 – Circulation; 6 – Community Facilities and Infrastructure; 7 – Conservation and Open Space; 8 – Energy and Climate Change; 9 – Growth Management; 10 – Park and Recreation; 11 – Community Health and Wellness; 12 – Public Safety and Noise; 13 – Arts and Culture; 14 – Historic Resources; 15 – National Historical Park		





*Aerial of San Pablo Peninsula area*

#### **Change Area 13: San Pablo Peninsula Area**

The San Pablo Peninsula Area includes Point San Pablo and Point Molate. The area is characterized by vacant and underutilized land adjacent to a mix of heavy and light industrial uses, open spaces and the Point San Pablo Yacht Harbor.

The overall character of the peninsula is defined by a natural undulating hillside topography. Large groves of eucalyptus trees on steep slopes further contribute to the natural character of the area. The built environment varies dramatically. Architecturally-distinctive buildings including the historic Winehaven complex and the East Brothers Lighthouse add to the overall sense of history in the area. The scale and design of these buildings signal a sharp contrast to the industrial tanks on the southwestern end of the peninsula. There is very limited infrastructure and access to this area and the vast open space. The only publicly accessible road to the

peninsula is via an off-ramp from Interstate 580 that connects to Western Drive.

#### **General Plan Land Use**

The San Pablo Peninsula Area is envisioned as a place characterized by development that augments and respects the site's historic resources and natural features. The built and open space fabric should elevate San Pablo Peninsula's role as a unique destination in the Bay Area. Specific land uses in this change area are described below.

- The former Point Molate Navy Fuel Depot area is designated as a combination of Business/Light Industrial, Medium-Density Residential, Low-Density Residential, Open Space and Parks and Recreation to reflect the conceptual land uses in the adopted 1997 Point Molate Reuse Plan.
- The shoreline areas of Point San Pablo are designated as Parks and Recreation whereas the uplands are designated for Marine and Waterfront Commercial specifically to encourage uses that serve the general public such as food service, lodging, recreational services and recreational equipment rental. An overlook park should be provided in the uplands above Point San Pablo.
- The yacht harbor east of Point San Pablo is designated as Marine and Waterfront Commercial to promote recreational and water-oriented retail and commercial uses.
- The remaining areas could include open space and ecologically sensitive development to protect natural areas for recreation and habitat.

#### **Desired Urban Form**

In the former Point Molate Navy Fuel Depot area, improvements to public areas should be guided by the 1997 Point Molate Reuse Plan. In general, improvements to public areas should connect the varied open and built spaces through a new network of intimate curvilinear streets and pedestrian and bicycle paths.

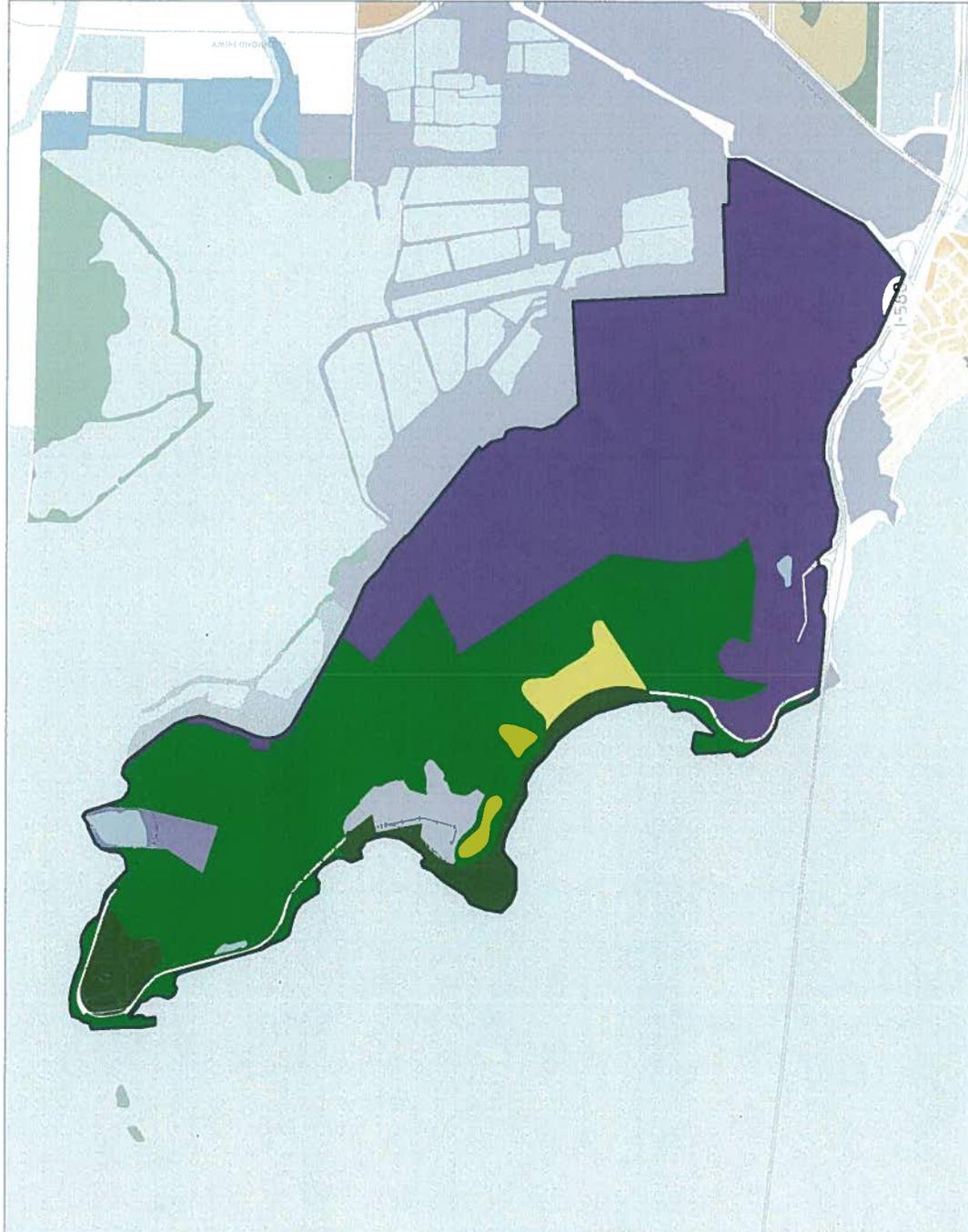
Where possible, these new connections should build upon existing underutilized paths to minimize impacts on the natural environment. Connections should emphasize pedestrian and bicycle access along shared roadways and trails. Natural sanctuaries including the many groves of trees should remain undisturbed and become part of a larger open space preserve. Incorporating public gathering spaces at major destinations such as vista points and trailheads would further accentuate the unique natural environment. New landscaping should integrate the existing native planting palette with the peninsula's unique character.

In the former Point Molate Navy Fuel Depot area, adaptive reuse of historic buildings and new development should seek to reinforce the original rural village character of the area. New buildings should keep a small-scale to reinforce the sense of a hillside town. In general, variety of building uses are encouraged in the private areas including entertainment, lodging and waterfront commercial. All development should respect the natural topographic context. New buildings should blend into the natural and cultural landscape. Sustainable design practices and elements should be an intrinsic part of new buildings.



Map 3.15  
**Change Area 13**  
 San Pablo Peninsula

-  City of Richmond
- Residential Neighborhoods**
  -  Hillside Residential
  -  Low-Density Residential
  -  Medium Density Residential
  -  Neighborhood Mixed-Use
- Key Corridors**
  -  Medium Density Mixed-Use (Residential Emphasis)
  -  Medium Intensity Mixed-Use (Commercial Emphasis)
- Activity Centers**
  -  Medium Intensity Mixed-Use (Gateway and/or Community Node)
  -  High Intensity Mixed-Use (Major Activity Center)
  -  Regional Commercial Mixed-Use
- Business and Industry**
  -  Live/Work
  -  Business/Light Industrial
  -  Marine and Waterfront Commercial
  -  Industrial
  -  Port
- Community**
  -  Agriculture
  -  Open Space
  -  Parks and Recreation
  -  Public, Cultural and Institutional
-  Change Area Boundary
-  Transitional/Buffer Zone (Ord. No. 1808)





**City of Richmond – POINT MOLATE COMMUNITY ADVISORY COMMITTEE**

Multi-Purpose Room  
440 CIVIC CENTER PLAZA

**MINUTES**

**MONDAY, July 18, 2011, 6:30 PM**

**1. CALL TO ORDER**

Garrett called the meeting to order at 6:34 p.m.

**2. ROLL CALL**

Present: Committee Members Beyaert, Clark, Garrett, Glendening, Gordon, Ham, Hanna, Hite, Kortz (6:37pm), Rosing, Smith, C., Smith, N., Soto (8:31pm), Sundance and Whitty.

Absent: Committee Members Gilbert, Helvarg, Martinez, Stello

Staff Present: Gayle McLaughlin, Mayor; Marilyn Langlois, Community Advocate, Mayor's Office; Craig K. Murray, Staff Liaison/Development Project Manager II, Community & Economic Development Department/Redevelopment; Carlos Privat, Deputy City Attorney, Ed Medina, Deputy Chief of Police, Chris Chamberlain, Parks Superintendent, La Shonda Wilson, Management Analyst, City Manager's Office.

**3. WELCOME AND MEETING PROCEDURES**

Garrett welcomed audience, explained meeting procedures and discussed the Speaker Card process.

**4. AGENDA REVIEW AND ADOPTION**

Garrett presented Agenda and that item 8.a on Rosenberg's Rules will be heard first. Beyaert moved that meeting will end at 9:00pm. C.Smith seconded to accept the motion to end meeting at 9:00pm. Passed unanimously.

**5. ANNOUNCEMENTS THROUGH THE CHAIR**

NONE

**6. OPEN FORUM**

Don Gosney, Richmond resident – commented on the choice of meeting venue, trouble recording meeting due to the room and side conversations and request to start meeting on time so speakers will not lose any time.

**7. PRESENTATIONS, DISCUSSIONS & ACTION ITEMS**

Item 8a on Rosenbergs Rules was heard first and information was presented by Privat. Privat answered questions and noted that Roberts Rules of Order are complex and work well for Parliament but in Richmond Rosenberg Rules are used by various public bodies such as the City Council, Planning Commission and Design Review Board. CSmith moved to accept the presentation, Ham seconded and passed unanimously.

**A. Establish Day, Time for posting PMCAC meeting agenda/packet**

Ham indicated that Friday am rather than Friday noon would be better. Beyaert moved that Agenda packet be available no later than noon the Friday prior to each meeting, Ham seconded and passed unanimously.

**B. Establish the following Sub-Committees: 1. By-Laws; 2. Clean-Up and Restoration; 3. Finance and Legal**

Beyaert moved to establish 4 Sub-Committees: 1. By-Laws; 2. Clean-Up and Restoration; 3. Finance and 4. Legal, C.Smith seconded and passed unanimously.

**C. Assignments to Sub-Committees: 1. By-Laws; 2. Clean-Up and Restoration; 3. Finance and 4. Legal. Garrett checked with Committee members and general discussion to establish the following assignments to each of the four Sub-Committees: 1. By-Laws: Ham, Helvarg**

and Soto; 2. Clean-Up and Restoration: Gordon, Hanna, Glendening, Rosing, Clark, Kortz, Whitty, Beyaert, Sundance; 3. Finance: Ham, Glendening, Martinez; 4. Legal: Garrett, N.Smith, Stello.

D. Water Board Update on Site Clean-Up

George Leyva of the California State Regional Water Quality Control Board presented an update on Point Molate from US Navy efforts to current. Leyva introduced his new Supervisor Alec Naugle. Naugle replaces the retired John Kaiser. Leyva advised the Committee that a new Water Board Order for the adoption of the Site Cleanup Requirements is forthcoming and encouraged the Committee to participate in its review and comment. Leyva discussed the various IR sites at Pt Molate, received questions and expressed that the Water Board is working with Terraphase in regards a clean-up methodology.

E. Site Clean-Up Presentation – Terraphase Engineering

William Carson of Terraphase detailed clean-up process and methodology for each Pt Molate site. Carson received questions from audience and Committee members.

**8. STAFF REPORTS**

B. PRESENTATION BY CITY MANAGERS OFFICE REGARDING OPERATING BUDGET

1. LaShonda Wilson presented Operating, Receivables/Payables and Source of Funds Budget detail. Wilson noted that \$7.75M in revenue have been received to date.
2. Kortz inquired of \$500,000. for City Attorney. Wilson explained expenditures are for Land Use and Development Assistance to City Staff and for remediation
3. Garrett inquired about internal service fund being used for City staffing. Wilson explained yes and did not want costs to come out of general fund.
4. Wilson explained that Remediation budget is summarized in packet and details are provided to and reviewed by Project Manager Steve Duran. Wilson explained that Escrow fund is established with First American and the account details the costs
5. Wilson pointed out that \$770,000 has been paid to date for remediation and about \$22.5M of the \$28.5M remains.
6. Beyaert inquired to Upstream & City administrative costs are \$800,000 in six months. Wilson explained that much of this expenditure is for work performed prior to obtaining the \$28.5M and further information may want to reference to Legal,
7. Glendening indicated that Legal sounds like a lot of work at \$500,000/year and City expending another \$600-\$700,000/year.
8. Soto inquired about \$6M spent on clean-up. Wilson explained it is \$4M.
9. Mayor inquired about insurance costs if actual costs do go beyond \$28.5M and who pays for the \$4.1M insurance. Mayor indicated that she thought Upstream would pay this amount.
10. Kortz inquired if \$4.1M is additional cost just for insurance. Mayor stated yes.
11. Hanna inquired if can be reviewed. Garrett indicated that Legal Subcommittee can ask for and get to in the future.
12. Garrett inquired if operating at a \$500,000. deficit with \$1.6M received and \$2.1M spent. Wilson clarified that \$1.7M received and \$1.6M spent.
13. Beyaert inquired if Upstream is no longer paying for security to maintain and anything not out of remediation that being paid out of by City General Fund. Wilson explained that expenditures is from last years budget but additional expenses will come out of general fund.

C. REPORT ON POINT MOLATE BEACH PARK

1. Chris Chamberlain, Park Superintendent, discussed his written report and observations of current state of Pt Molate Beach Park. Chamberlain indicated that basic maintenance principally for fire requirements are being performed and indicated that he does not have budget to perform improvements necessary to re-open park.
2. Deputy Police Chief Ed Medina provided a report regarding the public safety aspect to current Pt Molate Beach Park. Medina indicated that the remote location and difficult one way and vehicle parking/access poses problems for not only Police but fire and medical. Medina indicated that Beach Park area is patrolled but not a priority and necessity for private security on Point San Pablo Peninsula.
3. Beyaert stated park closed 10 years ago.
4. C.Smith stated that twenty-five years ago park was enjoyable place for families with kids with steam engine line accessing park and inquired if Park Supt. Knows of special nature of park
5. Chamberlain explained he knows of special nature of park being on bay shoreline and that there are few others in City. Chamberlain expressed interest in opening & operating park if there was budget and advised Committee of dangers of closing a park and then trying to bring back to operational status.
6. Hanna inquired about redevelopment for project improvements.
7. Chamberlain indicated that there are significant American with Disabilities Act needs and has a number of deferred maintenance capital improvement items.
8. Soto inquired about a Park Conditions Survey.
9. Medina indicated that a survey should include Lighting
10. Ham inquired if the gate is closed at nightfall. Medina stated gate is used.
11. Garrett inquired how far off the beaten path is Pt Molate Beach Park. Medina stated that in is included in Beat 1.
12. Clark stated that he lives at Pt San Pablo Yacht Harbor and questions the cost of RPD versus DP Security. Medina stated cost for one RPD officer is a lot more and provided certain areas for analysis such as vehicle, officer, benefits, and a standard 8 hour shift would be in the \$200,000./year range.
13. Public Speaker Don Gosney indicated that in late 90's there were Rave Parties called Geek Fests. Nature of parties were described and break-ins to various buildings occurred and RPD response times took up to 15 minutes.
14. Beyaert indicated that he would like to see the Park open and motioned that the Parks Superintendent in next month or two bring forward a proposal to open park as-is and open park with enhancements. Soto seconded with friendly amendment to take this to the Park & Recreation Commission first. Beyaert indicated that he would rather not. Beyaert provided photos of park & comparison of other parks regarding motion. Hanna seconded. Passed with Sundance in opposition.

9. **CONSENT CALENDAR**

1. Minutes of June 20, 2011 were approved unanimously and Committee moves extending meeting to 9:30pm.

10. **FUTURE AGENDA ITEMS**

1. Garrett discussed: 1. Update on General Plan; 2. LDA; 3. City Manager office clarification on \$600,000 administration costs; 4. Parks & Landscape re-presentation of costs to open park; 5. Clean-Up Committee report.

**11. CITY COUNCIL LIAISON REPORTS**

- a. Report by Mayor McLaughlin that Developer has not yet submitted an alternative proposal and was provided 120 days that ends approximately August 3. Additional information provided on building stabilization, City consultant Nichols Engineering reviewing work and inquiry regarding insurance funds as part of the \$28.5M allocation.

**12. CHAIR AND SUB-COMMITTEE REPORTS**

(Item continued to next regularly scheduled meeting of July 18)

**13. Adjournment**

Chair Garrett moved to adjourn meeting at 9:31pm. Whitty seconded. Passed unanimously.

**14. SCHEDULED MEETINGS**

Committee Meeting –

Monday, September 19, 2011, 6:30 p.m., Multi-Purpose Room, 440 Civic Center Plaza.

Minutes respectfully submitted by:

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Craig K. Murray, PMCAC Staff Liaison