

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

Monday, December 19, 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**

**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 committee 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 committee 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 committee.*

**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, Discussion & Action Items (75 min.)**

- a. Presentation of Point Molate Visioning Summary of Committee Members – Bruce Beyaert (20 min.)
- b. Discussion of Committee Log for PMCAC inquiries to staff, contractors – Craig K. Murray (10 min.)
- c. Presentation of document Repository resources – Joan Garrett (10 min)
- d. Presentation of Western Drive/I-580 Interchange Work and Bridge Deck Replacements through 2014 – Bruce Beyaert (5 min.)
- e. Review of the Proposed General Plan Pt. Molate Land Use Designations – Joan Garrett (20 min.)
- f. Schedule of 2012 PMCAC Meetings – Craig K. Murray (10 min.)

**8. Staff Reports (20 min.)**

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

- a. Presentation of new Finance Department assigned Staff Andrea Miller and review of Pt Molate Areas/Finance Dept. Areas – Andrea Miller (20 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 – October 17, 2011 minutes
- b. APPROVE - November 21, 2011 minutes
- c. APPROVE - Action-Style minute implementation commencing January, 2012

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

**11. City Council Liaison Reports (20 min.)**

- a. Report by Councilmember/Mayor McLaughlin regarding recent issues in Richmond relevant to the Advisory Committee.
- b. PMCAC appointment status – Marilyn Langlois (10 min.)

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

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

- a. By-Laws (10 min.)
- b. Clean-Up and Restoration (15 min.)
- c. Finance
- d. Legal

**13. Adjournment**

**14. Scheduled Meetings**

- a. Committee Meeting – Monday, January 16, 2012, 6:30 PM scheduled on Martin Luther King Jr. Day/PMCAC poll TBD actual meeting date (1/9,1/16,1/17 or 1/23), Multi-Purpose Room, 440 Civic Center Plaza
- b. Clean-Up & Restoration SubCommittee Meeting – Tuesday, December 20, 6:30pm, Richmond Room, 450 Civic Center Plaza
- c. Clean-Up & Restoration SubCommittee Meeting – Tuesday, January 17, 2012 6:30pm, Richmond Room, 450 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 Clerk's web location: <http://ca-richmond2.civicplus.com/index.aspx?NID=2442>

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

**STAFF SUMMARY REPORT (George Leyva)  
MEETING DATE: December 14, 2011**

- ITEM:** 5
- SUBJECT:** **City of Richmond and the United States Department of Defense, Department of the Navy, for the Former Point Molate Naval Fuel Depot, Richmond, Contra Costa County – Adoption of Revised Site Cleanup Requirements and Rescission of Order Nos. 95-235, 97-124, and 97-125**
- CHRONOLOGY:** December 1995 - Site Cleanup Requirements order adopted  
October 1997 – Updated Site Cleanup Requirements and Time Schedule orders adopted  
November 2008 – Site Cleanup Requirements order adopted  
September 2009 – November 2008 order remanded by State Water Board
- DISCUSSION:** The Revised Tentative Order (TO), Appendix A, would update site cleanup requirements for the 413-acre former Point Molate Naval Fuel Depot (Depot) in Richmond. The Depot is located along the Bay's eastern shoreline immediately north of the Richmond-San Rafael Bridge. Past releases from operations at the Depot have resulted in petroleum impacts to soil and groundwater and releases to the Bay. While currently controlled by an actively pumped extraction trench, petroleum deposits continue to pose a threat to water quality. The TO would require the cleanup of the entire 413-acre Depot site consistent with land uses outlined in the Environmental Impact Report (EIR) for the site, certified by the City of Richmond on April 5, 2011.
- The TO names the City and the Navy as dischargers since the City currently owns the Depot site and the Navy is responsible for past contaminant releases at the site. The City is primarily responsible to ensure that cleanup actions occur; however, liability would fall to the Navy in the unlikely event that the City fails to achieve cleanup.
- In 2008, the Board adopted updated site cleanup requirements largely similar to those in the TO. However, the State Board vacated and remanded those requirements back to the Board in 2009, after having determined in response to a petition that the Board had relied on an erroneous categorical exemption from CEQA when adopting those requirements. The TO relies on the EIR certified by the City earlier this year, rather than any categorical exemption, to comply with CEQA.
- The original TO for these updated requirements was circulated for public comment from July 26 through September 9, 2011. We received comments

(Appendix B) from two private individuals and one comment from the City's consultant. The original TO was revised as appropriate. Additional non-substantive staff-initiated changes have been made to the TO, including to the finding specific to the Board's consideration of the City-certified EIR, solely for clarification. Appendix C responds to all comments received.

This item was to be considered at the Board's October meeting. However, due to the cancellation of that meeting, and a request by the City to delay the hearing by two months to study the TO, the item was delayed until this Board meeting.

Board staff planned to participate in a November 15 City Council study session to present the TO to the City Council. However, the City chose to cancel the presentation on the day of the study session and did not reschedule the presentation.

The TO represents the culmination of years of staff effort to obtain final cleanup at the Depot site and ensure cleanup will occur, in consideration of the land uses defined by the City. The Navy has indicated support for the TO, while the City has not clearly stated its support. Based on a teleconference Board staff had with members of the Point Molate Community Advisory Committee on November 29, the chair of that committee has indicated that the committee does not object to adoption of the TO. However, given the historic public controversy over redevelopment of the Depot site, we anticipate that we may receive testimony on this item by members of the public.

**RECOMMEN-  
DATION:**

Adoption of the Revised Tentative Order

**FILE No.**

2119.1057; T0609592138

**APPENDICES:**

A – Revised Tentative Order  
B – Comments Received  
C – Response to Comments

**Appendix A**  
**REVISED TENTATIVE ORDER**

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

**REVISED TENTATIVE ORDER**

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

**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 site or Facility), is a former U.S. Department of Defense (DoD), Department of the Navy (Navy) fuel storage facility, located on the eastern shore of San Francisco Bay. The Facility is about one-mile north of the Richmond-San Rafael Bridge in the City of Richmond (Figure 1), in Contra Costa County. The Facility 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 Facility are submerged and extend into San Francisco Bay. The onshore facility is bordered by property 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 Site. Although many cleanup tasks required pursuant to Order Nos. 95-235, 97-124 and 97-125 have been completed, final cleanup of the Facility 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 gasoline. 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 described 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 wastewater 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 Facility were transferred to the City in September 2003. By letter dated September 1, 2009, the Governor determined that the remaining 40 acres (the 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). This determination allowed the early transfer to occur. As a result all land at the Point Molate NFD is now owned by the City.
- 4) **Early Transfer Cooperative Agreement:** “Early Transfer” as described in Finding 3(d) above, is defined by CERCLA 120(h)(3)(C), which allows the transfer of federal property before remedial action is completed. 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 are excluded).
- 5) **Named Dischargers:** The parties responsible for complying with the requirements of this Order are the City and the Navy as described below. Collectively, they are referred to as the Discharger.
- a) The City is named Discharger because it is the current owner of the Point Molate NFD site 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 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 Facility 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 cleanup plan submitted pursuant to this Order. Such a plan must be consistent with the land use proposed by the Navy (e.g., commercial and industrial) and must ensure no discharges of waste into waters of the State.
  - d) The Regional Water Board will give the Navy written notice of the City’s failure to comply with this order and will 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 to CERCLA due to the existence of 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 Facility to ensure protection of human health, water quality, and the environment.

- 7) **Sites of Historic Significance:** A 100-acre portion of the Facility 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:** The Facility 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 Facility is five 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 century, and likely earlier, the bay inter-tidal mud flats have been filled to create most of the low-lying flat areas of the Site.
- 9) **Hydrogeology:** The Facility is located in the East Bay Plain groundwater basin as designated by the State Department of Water Resources. The Facility is predominantly bedrock overlain by a thin mantle of colluvium (loose deposits of slope debris). Groundwater primarily flows through 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 through this colluvium mantle. The groundwater at this Facility may not be a potential source of drinking water, primarily due to the lack of production volume.
- 10) **Offshore Environmental Amenities:** Special areas of significance exist onsite 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 offshore areas. However, Prohibition A.4 requires protection of these offshore areas 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 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 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 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 into three smaller ponds with its use changed to sewage treatment and stormwater control for the Facility. In 1991, petroleum product as well as oil sheen was observed along the shoreline of the Bay adjacent to these ponds. The petroleum discharge was determined to be coming from the oil and sludge deposited prior to the 1973 conversion.

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 and 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 remains, a potential threat to water quality exists if the extraction trench fails to function effectively.

Although the groundwater extraction treatment system has generally contained the oily source, a more permanent remedy is needed to abate the long-term threats to water quality. This Order requires the development of Cleanup Criteria for contamination greater than ten feet below ground surface (**Task 1**) and a Final Feasibility Study and Remedial Action Plan (FS/RAP) describing a remedy for Site 3 (**Task 3.a**).

- c) **Site 4** – Site 4 consists of Drum Lot 1 and Drum Lot 2 (Figure 2). This Order requires an Interim Remedial Action Plan (**Task 4**) to assess what technologies will 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 4 a thru e**).
- 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 location, although at concentrations that are below the approved cleanup goals for industrial use.
- 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 (MW-29-01, October 2007).
- d) **UST Area** – Large petroleum underground storage tanks (USTs) at the Facility are generally located on its 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 9 out of 20 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 **UST Management Plan (Task 5)** to manage the remaining USTs, and to achieve final environmental closure of those tanks.

**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 is for soil contamination to ten feet below the ground surface (less than 10ft bgs) and incorporates findings from Ecological Risk Assessment and Human Health Risk Assessment studies for this site. The FPAL report establishes fuel product cleanup levels based upon the depth of the pollutants below ground surface and its distance away from the Bay for various land use scenarios. However, the FPAL report does not address cleanup levels below ten feet, or >10ft bgs. This Order requires the development of **Soil Cleanup Criteria (Task 1)** for all depths greater than ten feet below ground surface, protective of human health and the environment for different land use scenarios.

**14) Recordation of Deed Restrictions:** A land use control document (LUC) has been developed and recorded for the entire 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 Facility 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 Facility that do not meet unrestricted use standards. This Order requires the Discharger to propose **Amended Land Use Controls (Task 8)** for the Regional Water Board's Executive Officer's review and approval after an acceptable remedy has been successfully completed pursuant to this Order.

**15) Basis for Cleanup Standard:**

- a) State Water Resources Control Board (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:** The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) is the Regional Water 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 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 Facility (San Francisco Bay):

- |                                  |   |
|----------------------------------|---|
| a. Commercial and sport fishing; | g. Preservation of rare and endangered species; |
| b. Estuarine habitat;            | h. Water contact recreation;                    |
| c. Industrial service supply;    | i. Non-contact water recreation;                |
| d. Fish migration;               | j. Shellfish harvesting;                        |
| e. Navigation;                   | k. Fish spawning; and                           |
| f. Industrial process supply;    | 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 (CWC) 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 CWC 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 Regional Water Board previously adopted a final cleanup order (Order No. R2-2008-0095) for the entire Facility on November 12, 2008; however, that order was vacated and remanded by the State Water 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. R2-2008-0095, since the Facility is on what is commonly referred to as the "Cortese List". The Cortese List is a statewide 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 prepared and certified an environmental impact report (EIR) for redevelopment of the Site, including cleanup needed for redevelopment. See Finding 20 below. The Regional Water Board, as a responsible agency, is therefore relying on that EIR to comply with CEQA.

**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 protection of human health and the environment redevelopment. The EIR evaluated the environmental impacts associated with cleanup and redevelopment of the Point Molate NFD site under various alternative development scenarios. The Regional Water Board has considered the EIR and finds that with respect to those environmental impacts associated with cleanup of the Point Molate NFD that are within the Regional Water Board's jurisdiction, they 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 CWC 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 CWC section 13304, 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 and/or non-hazardous or hazardous substances 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 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 that will cause adverse migration of wastes or hazardous substances are prohibited.
4. The tidal marsh habitat and wetland habitats onsite shall be completely avoided unless encroachment on these areas is required to implement Facility remediation work and resultant impacts to the affected habitat are mitigated through a plan approved by the Executive Officer. A setback of 50 feet shall be established around the tidal marsh and any wetland area as a means of preventing any unintended impacts to it from the remediation.
5. The Site's offshore eel-grass habitat shall be completely avoided during any remedial work to the maximum extent practicable.

**B: TASKS and COMPLIANCE DATES**

**1. SOIL CLEANUP GOALS**

**COMPLIANCE DATE: February 13, 2012**

The Discharger shall propose soil cleanup goals, acceptable to the Executive Officer, for contaminated soils. The cleanup goals developed to date by the Navy for the Point Molate NFD (FPALs), describe goals for pollutants situated less than 10 feet below ground surface only. The cleanup goals for this task shall include petroleum hydrocarbons as well as other

chemicals of concern and shall include any reasonably expected decomposition byproducts, for all depths greater than 10 feet below ground surface.

**2. SOIL and GROUNDWATER MANAGEMENT PLAN**  
**COMPLIANCE DATE: March 15, 2012**

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 Facility.

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 Facility 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. SITE 3**

**a. FEASIBILITY STUDY and REMEDIAL ACTION PLAN (FS/RAP)**  
**COMPLIANCE DATE: May 4, 2012**

The Discharger shall propose a final FS/RAP, acceptable to the Executive Officer, to clean up Site 3. The final Site 3 FS/RAP shall incorporate the applicable cleanup goals for the Facility 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 Site 3, acceptable to the Executive Officer. The Remedial Action Report shall include LUCs as needed. The report shall identify the location of all remedial actions and describe the volume of soil excavated, describe the specifics of the disposal of that material, and present all test data generated during the remediation process and how the remediation activities met or did not meet remediation goals.

**4. 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, as an initial remedy for 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 Site 4.

**c. HUMAN HEALTH RISK ASSESSMENT**

**COMPLIANCE DATE: November 4, 2013**

The Discharger shall prepare a human health risk assessment for Site 4 to be used in determining if additional remedial measures are necessary to mitigate risks at the Site. If additional remedial measures are required for the expected land use, a Feasibility Study and Remedial Action Plan will be developed (Site 4 FS/RAP, Task 4.d), which shall include a time schedule for sub-actions to attain the final cleanup and shall be submitted to the Executive Officer for approval.

**d. FEASIBILITY STUDY and REMEDIAL ACTION PLAN**

**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, the Discharger shall propose a final FS/RAP, acceptable to the Executive Officer, to cleanup Site 4. The final FS/RAP shall incorporate cleanup goals for the Facility 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 Site 4, acceptable to the Executive Officer. The report shall identify the location of all remedial actions and describe the volume of soil excavated, describe the specifics of the disposal of that material, and present all test data generated during the remediation process and how the remediation activities met or did not meet remediation goals.

If additional remediation is required but an acceptable LUC provision can be implemented to the satisfaction of the Executive Officer, the existing LUCs shall be amended per Task 8 below.

**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 Site. Environmental case closure has been approved for nine UST cases. Eleven UST cases 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 Groundwater Management Plan required by this Order and shall incorporate all the relevant mitigation measures set forth in the certified EIR and the 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 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 LUCs, acceptable to the Executive Officer, for any area of the Facility that does not meet "unrestricted use standards" after an acceptable cleanup has been implemented. In areas with existing LUCs, the Discharger may submit amended LUCs 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 onsite remediation activities, and then on a monthly basis beginning 30 days after the start of the remediation activities, outlining the onsite 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 Facility's Cleanup Goals shall be reported to the Executive Officer within 48 hours of its discovery. A cleanup shall be promptly implemented according to **Task 2, Soil and Groundwater Management Plan**. The initial reporting shall be followed up by a Cleanup/Investigations Report submitted to the Regional Water Board and acceptable to the

Executive Officer, 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 Water Board's Construction General Permit (CGP), Order No. 2009-0009-DWQ, prior to commencement of any cleanup activity that will include disturbing greater than one acre of land. Proof of coverage under the CGP may consist of a Notice of Intent (NOI) after being assigned a WDID number for that NOI. As required by the CGP, a stormwater pollution prevention plan must be implemented and maintained at the Facility and shall be submitted to the Regional Water 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 CWC 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 CWC 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 Facility addressed by the 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 Facility and Facility Records:** In accordance with CWC 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 that 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 records for Regional Water Board review. This provision does not apply to analyses that can only reasonably be performed onsite (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 HealthThe 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 Facility as 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 (**Provision C.11**).
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 registered 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 Regional Water 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 requirement is in addition to reporting to the California Emergency Management Agency, required pursuant to the State Health and Safety Code Section 25507.
13. **Periodic Order 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

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

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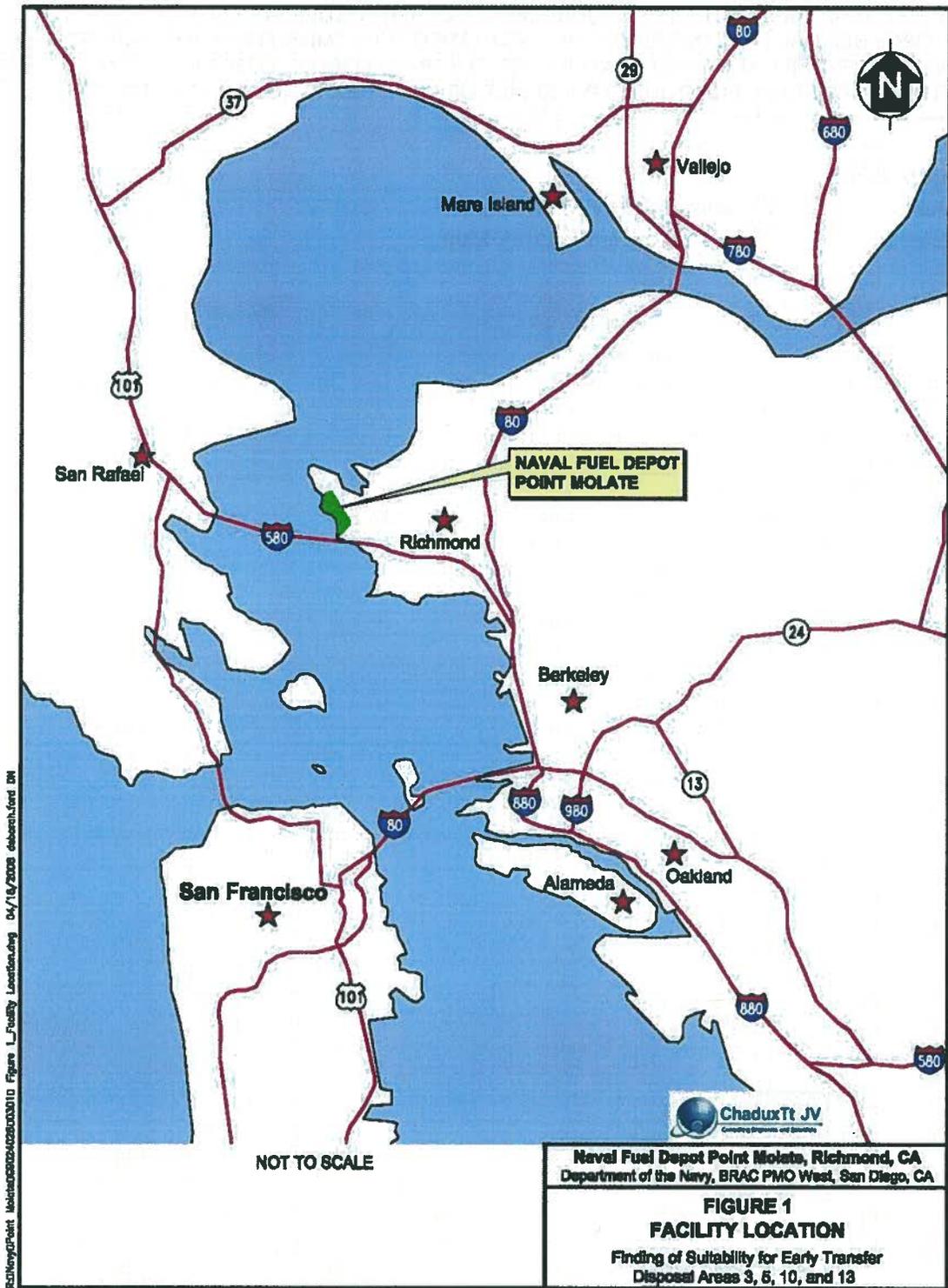
FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY SUBJECT YOU TO ENFORCEMENT ACTION, INCLUDING BUT NOT LIMITED TO: IMPOSITION OF ADMINISTRATIVE CIVIL LIABILITY UNDER CALIFORNIA WATER CODE SECTIONS 13268 OR 13350, OR REFERRAL TO THE ATTORNEY GENERAL FOR INJUNCTIVE RELIEF OR CIVIL OR CRIMINAL LIABILITY

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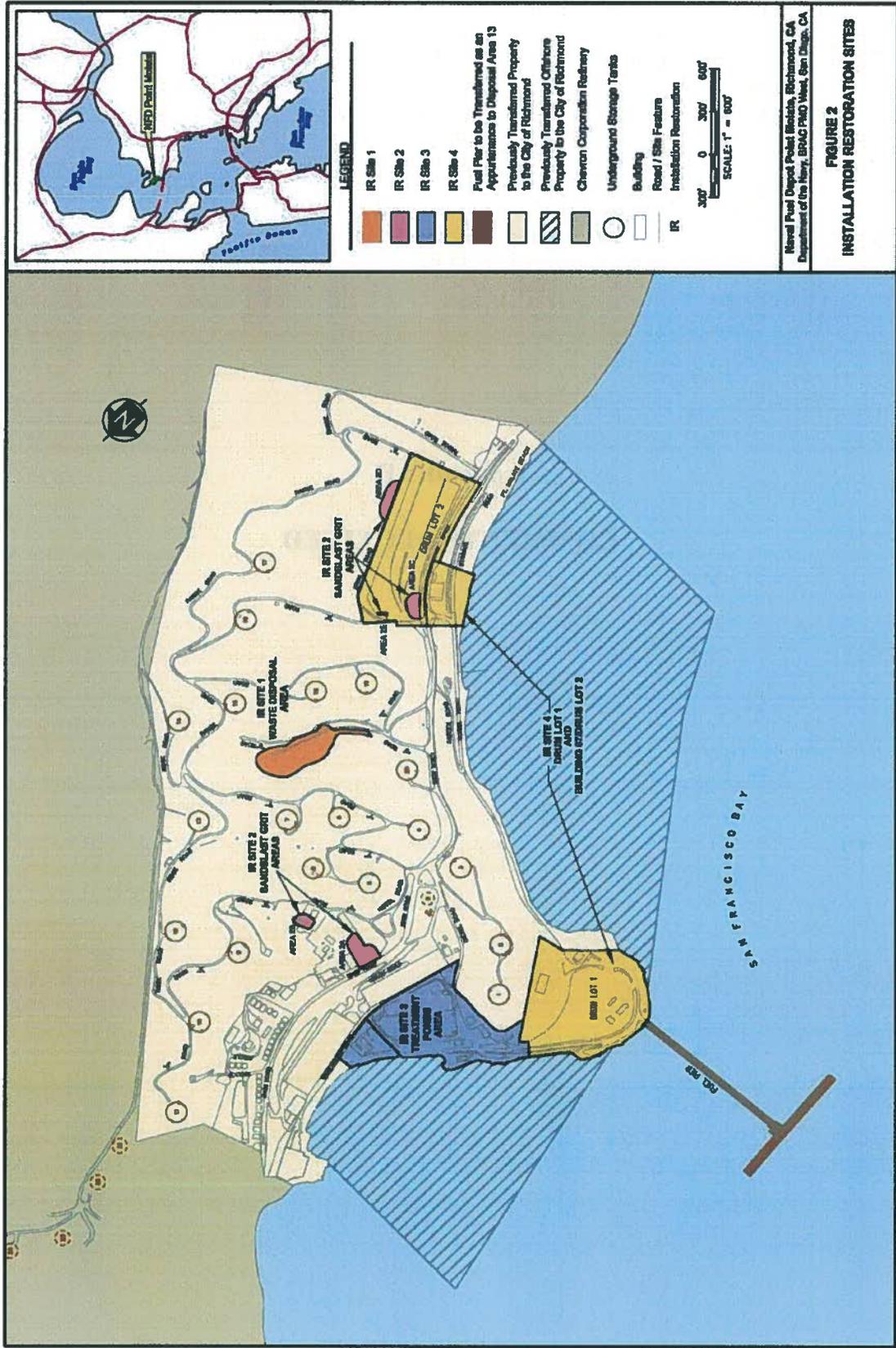
Attachments:

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

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



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



**Appendix B**  
**COMMENTS RECEIVED**

**From:** Susan Glendening <sglending@gmail.com>  
**To:** George Leyva <GLeyva@waterboards.ca.gov>  
**Date:** 9/9/2011 4:21 PM  
**Subject:** Comments on the Point Molate Tentative Order

Dear Mr. Leyva,

This email is to provide comments to you and the Water Board on the **"Tentative Order: Updated Site Cleanup Requirements for the Former Point Molate Naval Fuel Depot"**

**\*(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)\*.**

My comments are contained within this email.

My husband and I have owned a home and been raising our family in Richmond for 11 years. In spring 2011 I joined the Point Molate Community Advisory Committee (PMCAC) although my comments are my own and not meant to represent those of the entire committee.

**\*Project Has Yet to be Defined\***

I urge the San Francisco Bay Water Quality Control Board to postpone its consideration to adopt the Tentative Order (T.O.) because the T.O. is based on an Environmental Impact Report (EIR) for a project that is not going to take place. As you are aware, the city of Richmond, as the lead agency, certified the EIR for a mega-casino project. Not only is the formerly-proposed casino project in nonconformance with the Indian Gaming Regulatory Act as ruled by the U.S. Department of the Interior (September 2, 2011), it has very little public support including that of the Richmond voters, and other stakeholders including the neighboring city of San Pablo.

Without an approved project, the footprint and design of future redevelopment at the site are unknown. The approach that the T.O. uses in which the footprint and designs of a mega-casino project guide the cleanup decisions does not make sense. A new EIR or amended EIR needs to take place for the city of Richmond to fulfill its CEQA requirements for the site as well as for the Water Board to fulfill its CEQA obligations. Without a new or amended EIR, the Water Board should not adopt this T.O.

This issue is particularly relevant in Paragraph 20, which states "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." This statement embodies the crux of the problem with relying on an EIR for a project that is now moot.

**\*Cleanup Schedule\***

Regarding the T.O. comment period and Site Cleanup Requirements adoption schedule, the cleanup schedule in the T.O. and thus the public comment period is structured on meeting a planned cleanup and construction schedule to begin in 2012 for a project that is not going to take place. Because there is no approved project for the site to date, the Water Board's urgency to adopt a site cleanup plan should be alleviated and more time should be given for the stakeholders to be able to fully understand the implications of a proposed cleanup plan. A cleanup plan that would rely on the future redevelopment design should not be adopted before the project is delineated or properly vetted in the CEQA process.

**\*Public Outreach\***

Water Board staff Mr. George Leyva stated in a PMCAC meeting on 18-July-11 that the Water Board hopes to facilitate public participation for site cleanup decision-making. However, public outreach for the T.O. has been minimal, to my knowledge; it has consisted of a presentation at the July PMCAC meeting, before the T.O. was released, and at the 15-Aug-11 PMCAC meeting Mr. Leyva fielded questions about the T.O. from the PMCAC. While these sessions were very helpful in providing for clarification about the project and the T.O., I would need more time, at least four months after September, to gather and review all of the related documents to be able to fully understand the implications of a site cleanup requirements tentative order. I therefore urge the Water Board to postpone consideration of adopting the T.O. so that the public can be better informed about the project, site cleanup goals, and the implications of a site cleanup requirements put forth in a future T.O.

The PMCAC has not been provided with adequate documentation as of yet, nor enough time to provide a learned opinion on the adequacy of the proposed remediation measures. Specifically, the PMCAC has not yet been provided a copy of the environmental remediation insurance policy, nor has it been provided information regarding the specifics of how and where the \$28M contributed to the City of Richmond by the Navy as part of the Early Transfer Agreement is to be spent. Under Item 11d on Page 5 of the draft TO for instance, it is noted that provisions were made in the ETCA to fund the closure of all remaining UST's. Is this where the \$28M is earmarked? or is it earmarked for a series of remediation steps, across cleanup sites.

The following comments are taken directly from an email I received from Richmond resident Joan Garrett. I share the same opinions and have inserted

her text almost verbatim. (I don't know if she's submitting comments as well.)

**\*B1\***, Tasks and Compliance Dates. The water board is dependent upon Feasibility Studies and a Soil and Groundwater Management Plan emanating from the consultant Terraphase, who specifically has targeted areas to be put in use under the Tribal Destination Resort Project, vs. the Point Molate site as a whole, and is under contract to Upstream. The City of Richmond as discharger, must ensure that the Feasibility Studies and Soil and Groundwater Management Plan reflect intended use of the property, or in an absence of a stated intended use, must ensure that the entire property is covered by Feasibility Studies and a Soil and Groundwater Management Plan - a task that would be expensive, and wasteful. This issue further reinforces the need for the future project to be better defined and delineated so that cleanup can be conducted efficiently and strategically.

**\*B2\*** states that the Soil and Groundwater Management Plan be consistent with and incorporate all mitigation measures as set forth in the certified Tribal Destination Resort EIR, a document that is now moot.

**\*B3a\***, the remedial action plan for site 3 specifically states that the remediation must address all land use cleanup goals. We don't have an approved land use for site 3, and thus cannot have appropriate cleanup goals. Further, historic documentation indicates that the trench is inadequate as a long term solution, and a trench improvement is what is advocated in the FEIR/EIS for the Tribal Destination Project.

**\*B3b\***, a Final Remedial Action Completion Report is required by 2/3/2014 for site 3, but again is dependant on the FS/RAP that is produced. Refer to items B2 and B3a above.

**\*B4\*** continues with a calendar supposing the use of FS/RAPs based on the FEIS/EIR of the Tribal Destination Resort.

**\*B8\*** requires submission of LUC's after an acceptable cleanup has been implemented, however as per items above, developing a remediation plan against a now moot FEIR/EIS will serve no purpose.

Thank you for the opportunity to comment on the "Updated Point Molate Site Cleanup Requirements" Tentative Order.

Regards,  
Susan Glendening  
34 Montana Street  
Richmond, CA 94801

# Bruce Beyaert

75 Belvedere Ave Richmond, CA 94801

Tel: 510 255-2835 Fax: 510 255-2835 beyaert@earthblink.net

August 17, 2011

Mr. George V. Leyva, P.G., Project Manager  
Groundwater Protection Division  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

Dear Mr. Leyva:

I was a member of the Navy's Restoration Advisory Board for the former Point Molate Naval Fuel Depot (NFD) and before that chaired the Environmental Subcommittee of the Blue Ribbon Advisory Committee which developed the 1997 Reuse Plan adopted by the Richmond City Council. Currently, I serve as Vice Chair of the City of Richmond's Point Molate Community Advisory Committee. With this background, please consider the following personal comments regarding the proposed Tentative Order (TO) for site cleanup of former Point Molate NFD.

Page 1, item 1 Site Location: On shore, the facility is bordered entirely by property owned by Chevron — not as stated on the northern side by City of Richmond lands. Chevron lands lie between the facility and the City's former Terminal 1 at Point San Pablo.

Page 2, item 5 Named Dischargers: The last sentence of item 5c requires the Navy to prepare a cleanup plan consistent with only "proposed commercial and industrial re-use" in the event that the City fails to comply with the order. Referring to the attached Figure 7, this is inconsistent with the City of Richmond's mixed use Reuse Plan. The Navy's cleanup plan under item 5c should be consistent with the Reuse Plan.

Page 3, item 8 Site Geology: The last sentence should state that filling has occurred over the last 105 years, rather than the last 50 years. Filling started with the establishment of Winehaven in 1906, if not earlier.

Pages 4 & 8 Site 3 Saturated Zone Soil Cleanup Criteria: The last sentence of item 11b. on page 4 describes Task 1 development of saturated zone soil cleanup criteria **for IR Site 3**. For clarity, I suggest moving Task 1 Saturated Zone Soil Cleanup Criteria to become a sub-task under Task 3 for IR Site 3. In any event, the language of Task 1 should be amended to make it clear that this task is limited to IR Site 3. No justification is presented for developing or applying these criteria to other locations on the former NFD.

I urge the RWQCB to expedite issuance of a TO after taking into account all comments, especially those of the City of Richmond with regard to feasibility of compliance dates in the face of uncertainty regarding the nature and location of future land uses. Cleanup of this contaminated land has been delayed for too long.

Sincerely,



Bruce Beyaert

Attachment: Point Molate Reuse Plan Figure 7



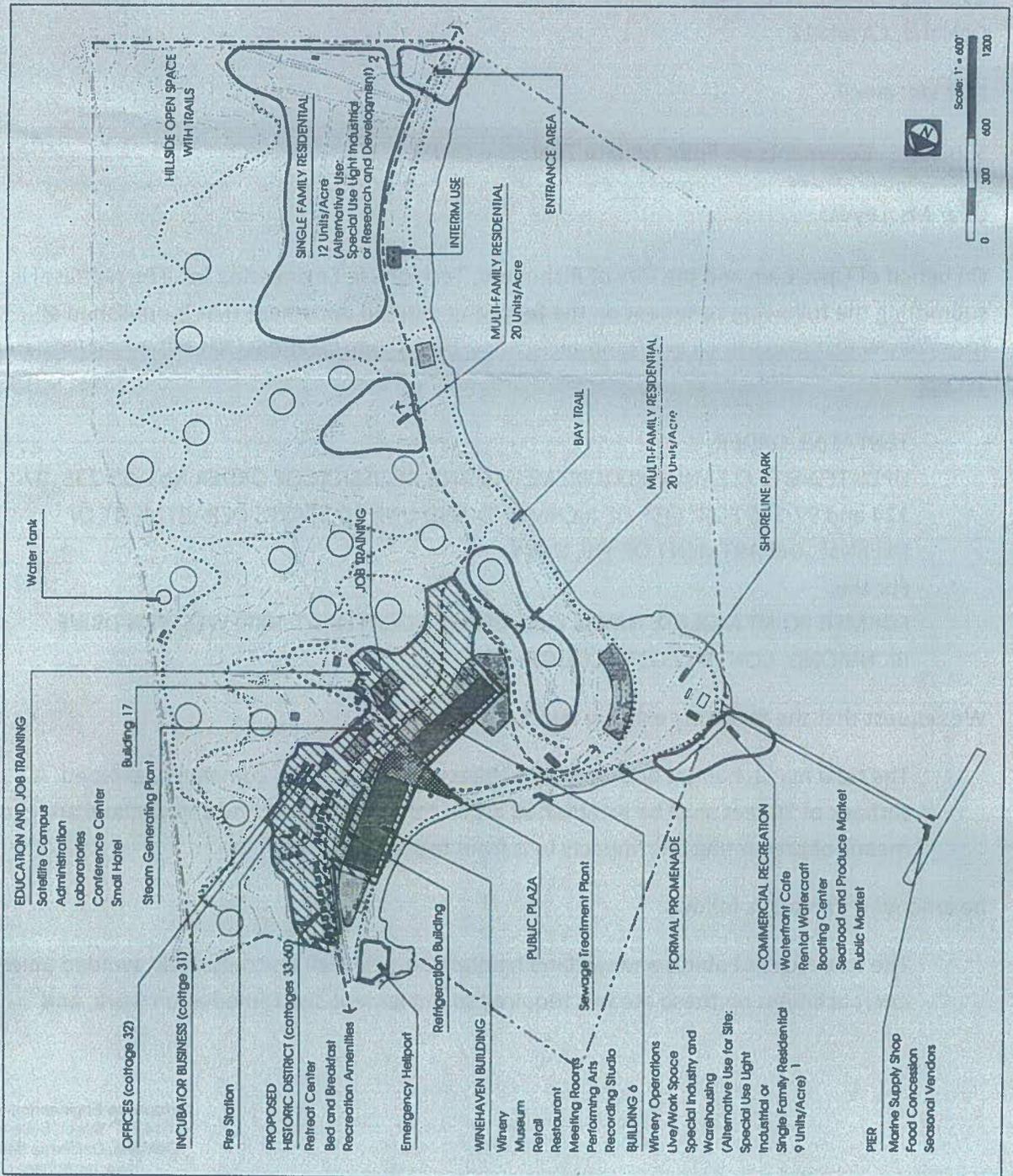
# POINT MOLATE REUSE PLAN

## City of Richmond

Figure 7:  
Conceptual Land Use Plan

-  Buildings to be Reused
-  Proposed Parking
-  Recommended Land Use
-  Use of Area is Contingent on Building 6 Demolition
-  Revised Historic District
-  Roads to be Reused
-  Proposed Trail
-  Existing Underground Fuel Tank

1. Alternative use assumes demolition of building 6.
2. Special use light industry is recommended over single family residential if building 6 is demolished and light industry is not accommodated around the building.



5.25



September 9, 2011

George Leyva  
Groundwater Protection Division  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

*sent via: email*

Subject: Comments on Point Molate Tentative Order

Dear Ms. Leyva:

On behalf of Upstream and the City of Richmond, Terraphase Engineering Inc. (Terraphase) is submitting the following comment on the following entitled document that is published at [http://www.waterboards.ca.gov/sanfranciscobay/board\\_info/agendas/2011/October/Molate/TO.pdf](http://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2011/October/Molate/TO.pdf)

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

We request that the following existing text from page 8:

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.

be amended to read as follows:

The tidal marsh habitat and wetland habitats on-site shall be completely avoided unless encroachment on these areas is required to implement site remediation work, and

resultant impacts to the affected habitat are mitigated through a plan approved by the RWQCB.

Thank you for your consideration.

For Terraphase Engineering Inc.



William Carson, P.E. (60735)  
President and Principal Engineer

Cc: Steve Duran, City of Richmond  
Bruce Goodmiller, City of Richmond  
Jim Levine, Upstream Point Molate

**Appendix C**  
**STAFF RESPONSES TO COMMENTS RECEIVED**

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

**Response to Written Comments for Item 5, Updated Site Cleanup Requirements, and Rescission of Order Nos. 95-235, 97-124 and 97-125, for the Former Point Molate Naval Fuel Depot, Richmond, Contra Costa County**

**December 14, 2011 Water Board Meeting**

Comments on the tentative order, circulated for public comment from July 26 through September 9, 2011, were received from the following parties:

- 1) Ms. Susan Glendening, private individual,
- 2) Mr. Bruce Beyaert, private individual, and
- 3) Mr. Bill Carson, Terraphase Engineering (consultant to the City of Richmond)

Navy staff contacted Water Board staff by phone and indicated they support the tentative order.

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Comments received are summarized below and followed by the Water Board staff response. For the full context and content of each comment, refer to the original comment letters in Appendix B. Pursuant to those comments, Water Board staff revised the tentative order as indicated.

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**1) Ms. Susan Glendening, private individual, and member of the City of Richmond's Point Molate Community Advisory Committee – September 9, 2011**

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**Comment 1:**

I urge the San Francisco Bay Water Quality Control Board to postpone its consideration to adopt the Tentative Order (T.O.) because the T.O. is based on an Environmental Impact Report (EIR) for a project that is not going to take place.

**Response to Comment 1:**

As a responsible agency under CEQA, the Water Board is relying on the Final Environmental Impact Report (FEIR) for the Point Molate site certified by the City of Richmond on April 5, 2011. Six alternatives for redevelopment of the Point Molate site were studied in the EIR:

- Alt.A – Mixed-use tribal destination resort and casino,
- Alt.B – Mixed-use tribal destination resort and casino with residential,
- Alt.C – Reduced intensity mixed-use tribal destination resort and casino,
- Alt.D – Non-trust acquisition with non-gaming mixed-use development,
- Alt.E – Total parkland, and
- Alt.F – No Action.

By resolution dated April 5, 2011, the City chose to discontinue consideration of alternatives associated with a gaming casino, alternatives A, B and C, and affirmed pursuing Alternative D, *Non-trust acquisition with non-gaming mixed-use development*. Under this alternative, the EIR conceptually describes a development footprint for land use providing the basis for cleanup of the site required by the T.O. While the cleanup of the Point Molate site must be consistent with the land use needs as determined by the City, the City may finalize redevelopment designs independent from the cleanup action.

Thus, it is not anticipated that the City will consider and certify a subsequent EIR that conflicts with the cleanup actions required by the T.O. There is therefore no benefit to further postpone the Water Board's consideration of adopting the T.O.

The full FEIR may be reviewed at <http://www.ci.richmond.ca.us/index.aspx?nid=1863>.

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**Comment 2:**

As you are aware, the City of Richmond, as the lead agency, certified the EIR for a mega-casino project. Not only is the formerly-proposed casino project in nonconformance with the Indian Gaming Regulatory Act as ruled by the U.S. Department of the Interior (September 2, 2011), it has very little public support including that of the Richmond voters, and other stakeholders including the neighboring city of San Pablo.

Without an approved project, the footprint and design of future redevelopment at the site are unknown. The approach that the T.O. uses in which the footprint and designs of a mega-casino project guide the cleanup decisions does not make sense.

**Response to Comment 2:**

As described in Response to Comment 1, above, while the cleanup of the Point Molate site must be consistent with the land use needs as determined by the City, the City may finalize redevelopment designs independent from the cleanup action.

---

**Comment 3:**

A new EIR or amended EIR needs to take place for the City of Richmond to fulfill its CEQA requirements for the site as well as for the Water Board to fulfill its CEQA obligations. Without a new or amended EIR, the Water Board should not adopt this T.O.

**Response to Comment 3:**

As described in Response to Comment 1, above, the Water Board is relying on a valid EIR certified by the City when considering the T.O. The City's decision not to proceed with the casino alternatives does not render the EIR invalid. Alternative D (Non-trust acquisition with non-gaming mixed-use development) and Alternative E (Total parkland), evaluated in the EIR, remain viable alternatives. Moreover, the cleanup evaluated in the EIR remains unchanged even though the casino alternatives have been dropped. As such, there is no reason for the Water Board not to consider the certified EIR. In fact, under CEQA, as a responsible agency, the Water Board is *required* to

consider the EIR prepared and certified by the lead agency, here the City (Cal. Code Regs., tit. 14, § 15096).<sup>1</sup> In addition, the final EIR is conclusively presumed to comply with CEQA for purposes of use by the responsible agency unless a court determines otherwise or a subsequent EIR is necessary. (Cal. Code Regs., tit. 14, § 15231)

In this case, no court has determined the EIR is invalid, and no cause exists for a subsequent EIR. A subsequent EIR is warranted only where there are substantial changes to the project or new information that will require major revisions to the EIR due to the involvement of new significant environmental impacts or a substantial increase in the severity of previously identified impacts. Just because the casino alternatives will not proceed does not mean there has to be major revisions to the EIR because of new significant impacts. The EIR was crafted to consider the environmental impacts of six projects in the form of alternatives. Rejection of the casino alternatives does not change the remediation evaluated in the EIR or its environmental impact. Thus, at this point, no subsequent EIR is required, and the Water Board may properly rely on the existing EIR. (If, in the future, the City were to decide on a radically different land use and cleanup for Point Molate beyond what was evaluated in the EIR, then the City would have to prepare a new or subsequent EIR or negative declaration. The Water Board would then consider such environmental document when approving specific cleanup plans required under the T.O.)

In sum, all potentially significant environmental impacts associated with the T.O. have been adequately evaluated in the EIR and remain unchanged even with the rejection of the casino alternatives. The Water Board may consider the existing EIR in connection with the T.O.

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**Comment 4:**

Regarding the T.O. comment period and Site Cleanup Requirements adoption schedule, the cleanup schedule in the T.O. and thus the public comment period is structured on meeting a planned cleanup and construction schedule to begin in 2012 for a project that is not going to take place.

Because there is no approved project for the site to date, the Water Board's urgency to adopt a site cleanup plan should be alleviated and more time should be given for the stakeholders to be able to fully understand the implications of a proposed cleanup plan. A cleanup plan that would rely on the future redevelopment design should not be adopted before the project is delineated or properly vetted in the CEQA process.

**Response to Comment 4:**

As described in the above responses, there is no basis or benefit to further postpone the Water Board's consideration of adopting the T.O. As to "the Water Board's urgency to adopt a site cleanup," cleanup of the Point Molate site has been delayed over three years since the Water Board's initial adoption of updated cleanup requirements in November 2008. Further delay continues to threaten water quality. Additionally, City staff has indicated that the December date for the Water Board's consideration of the T.O. is adequate and does not wish to postpone consideration of the T.O. further.

Detailed redevelopment plans pursuant to Alternative D could be debated for years to come. It is not necessary or appropriate to continue delaying cleanup when a credible basis for performing that cleanup currently exists and has been evaluated in a certified EIR.

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**Comment 5:**

Water Board staff Mr. George Leyva stated in a Point Molate Community Advisory Committee, (PMCAC) meeting on 18-July-11 that the Water Board hopes to facilitate public participation for site cleanup decision-making. However, public outreach for the T.O. has been minimal, to my knowledge; it has consisted of a presentation at the July PMCAC meeting, before the T.O. was released, and at the 15-Aug-11 PMCAC meeting Mr. Leyva fielded questions about the T.O. from the PMCAC.

While these sessions were very helpful in providing for clarification about the project and the T.O., I would need more time, at least four months after September, to gather and review all of the related documents to be able to fully understand the implications of a site cleanup requirements tentative order. I therefore urge the Water Board to postpone consideration of adopting the T.O. so that the public can be better informed about the project, site cleanup goals, and the implications of a site cleanup requirements put forth in a future T.O.

**Response to Comment 5:**

We do not support further postponing the Water Board's consideration of the T.O. We feel the public has been adequately informed about the need to complete the cleanup of the Point Molate site and the goals of that cleanup. In addition to the meetings cited in the comment, the T.O. was broadcast to a wide range of stakeholders on July 26, 2011, including, but not limited to, a direct emailing to all PMCAC members. In addition, a public notice was placed in the Contra Costa Times on or around July 26, announcing the availability of the T.O., the due date for submitting comments and the anticipated date for the Water Board's public hearing for consideration of the T.O.

Additionally, the T.O. was made available for download from our website on or about July 26 and an email announcement was sent at that time via the State Water Board's Lyris list server to any and all parties that sign up to receive such electronic notices. Forty-five days of public notice were provided, which is more than the customary 30-day period we provide, even though the law does not require public notice of cleanup orders.

Since the delay of consideration of the T.O. at the October Water Board meeting, Water Board staff had a teleconference meeting with the PMCAC on November 29. After that meeting, Water Board staff received the following email message from Joan Garrett, Chair of the PMCAC:

“...the PMCAC will not be submitting in writing or in person additional questions for the December 14th Executive Board meeting on the adoption of the T.O. nor any objections to the adoption of the T.O. as currently written at the December 14th Executive Board meeting.”

Also, as described in Response to Comment 4 above, City staff has not expressed concern with considering adoption of the T.O. at the December Water Board meeting.

Finally, prior to approving any of the specific cleanup plans required by the T.O., Water Board staff will issue a fact sheet describing the plans and will provide a minimum of 30-day public comment period as required by Water Code section 13307.5(a)(3). The fact sheets would be distributed to the

PMCAC and nearby residents, and would be circulated by the City at the City Hall/library in accordance with the State Water Board's public participation guidelines.

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**Comment 6:**

The PMCAC has not been provided with adequate documentation as of yet, nor enough time to provide a learned opinion on the adequacy of the proposed remediation measures. Specifically, the PMCAC has not yet been provided a copy of the environmental remediation insurance policy, nor has it been provided information regarding the specifics of how and where the \$28M contributed to the City of Richmond by the Navy as part of the Early Transfer Agreement is to be spent.

**Response to Comment 6:**

The T.O. requires completion of final cleanup of the Point Molate site by either the Navy or the City. The Water Board has no jurisdiction regarding how the funds provided by the Navy to the City are spent. Also, as noted in Response to Comment 5, the PMCAC Chair has indicated that the PMCAC has no objection to considering adoption of the T.O. at the December Water Board meeting.

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**Comment 7:**

Under Item 11d on Page 5 of the draft T.O. for instance, it is noted that provisions were made in the ETCA to fund the closure of all remaining UST's. Is this where the \$28M is earmarked? Or is it earmarked for a series of remediation steps, across cleanup sites.

**Response to Comment 7:**

The T.O. requires completion of final cleanup of the Point Molate site. The Water Board has no jurisdiction regarding how the funds provided by the Navy to the City for cleanup are allocated.

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**Comment 8:**

The Water Board is dependent upon Feasibility Studies and a Soil and Groundwater Management Plan emanating from the consultant Terraphase, who specifically has targeted areas to be put in use under the Tribal Destination Resort Project, vs. the Point Molate site as a whole, and is under contract to Upstream. The City of Richmond as discharger, must ensure that the Feasibility Studies and Soil and Groundwater Management Plan reflect intended use of the property, or in an absence of a stated intended use, must ensure that the entire property is covered by Feasibility Studies and a Soil and Groundwater Management Plan - a task that would be expensive, and wasteful. This issue further reinforces the need for the future project to be better defined and delineated so that cleanup can be conducted efficiently and strategically.

**Response to Comment 8:**

The T.O. is written with the intent to address all remaining pollutant issues at the Point Molate site. There are onsite areas where the EIR has focused the future land uses, and the T.O. requires submittal of documents (FS/RAP & Soil Management Plan) with those future uses in mind. Every attempt possible is being made to ensure that all cleanup actions are appropriate and cost effective.

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**Comment 9:**

**\*B2\*** states that the Soil and Groundwater Management Plan be consistent with and incorporate all mitigation measures as set forth in the certified Tribal Destination Resort EIR, a document that is now moot.

**Response to Comment 9:**

As described in Response to Comment 1, the EIR was certified by the City and recommends moving forward with the non-gaming mixed-use development; the EIR is not “moot” as stated by the commenter. All documents submitted pursuant to the T.O. must relate to the land uses defined in the EIR.

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**Comment 10:**

**\*B3a\***, the remedial action plan for Site-3 specifically states that the remediation must address all land use cleanup goals. We don't have an approved land use for Site-3, and thus cannot have appropriate cleanup goals. Further, historic documentation indicates that the trench is inadequate as a long term solution, and a trench improvement is what is advocated in the FEIR/EIS for the Tribal Destination Project.

**Response to Comment 10:**

See Response to Comments 1 & 9 above. As to “trench improvement” comment, we have not yet approved a remedial action as required by Task B.3 of the T.O. However, whatever remedial action does get final approval, that plan will be publicly vetted before being approved and must comply with all aspects of the T.O.

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**Comment 11:**

**\*B3b\***, a Final Remedial Action Completion Report is required by 2/3/2014 for Site-3, but again is dependent on the FS/RAP that is produced. Refer to items B2 and B3a above.

**Response to Comment 11:**

See Response to Comments 1, 9 & 10 above.

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**Comment 12:**

**\*B4\*** continues with a calendar supposing the use of FS/RAPs based on the FEIS/EIR of the Tribal Destination Resort.

**Response to Comment 12:**

See Response to Comments 1, 9 & 10 above.

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**Comment 13:**

**\*B8\*** requires submission of LUC's after an acceptable cleanup has been implemented, however as per items above, developing a remediation plan against a now moot FEIR/EIS will serve no purpose.

**Response to Comment 13:**

See Response to Comments 1, 9 & 10 above.

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**2) Mr. Bruce Beyaert, private individual, and member of the City of Richmond's Point Molate Community Advisory Committee – August 17, 2011**

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**Comment 1:**

Page 1, item 1 Site Location: On shore, the facility is bordered entirely by property owned by Chevron, not as stated on the northern side by City of Richmond lands. Chevron lands lie between the facility and the City's former Terminal 1 at Point San Pablo.

**Response to Comment 1:**

We have modified the last two sentences of Finding 1 of the T.O. to read:

*The onshore facility is bordered by property owned by the Chevron Corporation. San Francisco Bay borders the western boundary.*

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**Comment 2:**

Page 2, item 5 Named Dischargers: The last sentence of item 5c requires the Navy to prepare a cleanup plan consistent with only "proposed commercial and industrial re-use" in the event that the City fails to comply with the order. Referring to the attached Figure 7, this is inconsistent with the City of Richmond's mixed use Reuse Plan. The Navy's cleanup plan under item 5c should be consistent with the Reuse Plan.

**Response to Comment 2:**

In the unlikely event the Navy were to clean up the site instead of the City, the Navy is not bound by the City's intended land use. We have modified the last sentence of Finding 5.c. of the T.O. to read:

*Such a plan must be consistent with the land use proposed by the Navy (e.g., commercial and industrial) and must ensure no discharges of waste into waters of the State.*

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**Comment 3:**

Page 3, item 8 Site Geology: The last sentence should state that filling has occurred over the last 105 years, rather than the last 50 years. Filling started with the establishment of Winehaven in 1906, if not earlier.

**Response to Comment 3:**

We will modify the last sentence of Finding 8 of the T.O. to read:

*During the past century, and likely earlier, the bay inter-tidal mud flats have been artificially filled to create most of the low-lying flat areas of the Site.*

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**Comment 4:**

Pages 4 & 8 Site 3 Saturated Zone Soil Cleanup Criteria: The last sentence of Item 1b. on page 4, describes Task 1 development of saturated zone soil cleanup criteria *for IR Site 3*. For clarity, I suggest moving Task 1 Saturated Zone Soil Cleanup Criteria to become a sub-task under Task 3 for IR Site 3. In any event, the language of Task 1 should be amended to make it clear that this task is limited to IR Site 3. No justification is presented for developing or applying these criteria to other locations on the former NFD.

**Response to Comment 4:**

Since there is no cleanup standard for soil deeper than ten feet below the ground surface for any area of the Point Molate site, this requirement should remain pertinent to the whole site. Even though Site 3 is the primary area that would benefit from this, a site-wide saturated zone cleanup goals report would be beneficial and could be used in any other area of the Point Molate site.

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**Comment 5:**

I urge the RWQCB to expedite issuance of a T.O. after taking into account all comments, especially those of the City of Richmond with regard to feasibility of compliance dates in the face of uncertainty regarding the nature and location of future land uses. Cleanup of this contaminated land has been delayed for too long.

**Response to Comment 5:**

Comment acknowledged.

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**3) Mr. Bill Carson, Terraphase Engineering, Consultant to the City of Richmond – September 9, 2011**

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**Comment 1:**

We request that the following existing text from page 8:

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, be amended to read as follows:

*The tidal marsh habitat and wetland habitats on-site shall be completely avoided unless encroachment on these areas is required to implement site remediation work, and resultant impacts to the affected habitat are mitigated through a plan approved by the RWQCB.*



**Response to Comment 1:**

Prohibition 4 has been modified to read:

*The tidal marsh habitat and wetland habitats onsite shall be completely avoided unless encroachment on these areas is required to implement site remediation work and resultant impacts to the affected habitat are mitigated through a plan approved by the Executive Officer. A setback of 50 feet shall be established around the tidal marsh and any wetland area as a means of preventing any unintended impacts to it from the remediation.*

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<sup>i</sup> As a responsible agency, the Water Board is limited in what it can do under CEQA. For example, if it finds the EIR to be inadequate, the Water Board's options as a responsible agency are limited to:

- a) Suing the lead agency within 30 days of a notice of determination;
  - b) Being deemed to have waived any objection to the adequacy of the EIR;
  - c) Preparing a subsequent EIR if permissible; or
  - d) Assuming lead agency status, if the lead agency did not consult the Water Board .
- (Cal. Code of Regs., tit. 14, § 15096(e))

Absent these conditions, the Water Board must consider the lead agency's environmental document.



Matthew 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

Date: December 7, 2011  
File No. 2119.1044 (ADF)

### PUBLIC NOTICE

**Subject: Tentative Order for Site Cleanup Requirements for the Chevron Products Company, Chevron Richmond Refinery, 841 Chevron Way, Richmond, Contra Costa County**

Dear Interested Party,

Enclosed is a Tentative Order for issuing Site Cleanup Requirements for the Chevron Richmond Refinery. The Tentative Order will be considered by the Regional Board at its February 8, 2012 hearing. The hearing will be held at:

Elihu Harris State Building  
First Floor Auditorium  
1515 Clay Street  
Oakland, CA 94612  
February 8, 2012, 9:00 a.m.

This Order issues that Site investigations be made and that there be continued monitoring of corrective action measures at specified areas of the Refinery.

Comments to the Tentative Order must be submitted in writing to this office by January 13, 2012. Any comments submitted after the deadline may not be considered. Questions regarding this matter should be directed to me at (510) 622-2347, or by e-mail at [afriedman@waterboards.ca.gov](mailto:afriedman@waterboards.ca.gov).

Sincerely,

Alan D. Friedman, P.E.  
Water Resource Control Engineer

Enclosures: Tentative Order  
Mailing List

Mailing List

Leslie Graves, Senior Engineering Geologist  
SWRCB  
1001 I Street  
Sacramento, CA 95812-4025  
[Lgraves@waterboards.ca.gov](mailto:Lgraves@waterboards.ca.gov)

Paul Ryan  
Chevron environmental Management Company  
BR1Y Room 3514  
6111 Bollinger Canyon Road  
San Ramon, CA 94583-2324

John Karachewski, PhD, PG, CHG  
Engineering Geologist  
Brownfields and Environmental Restoration Program  
Department of Toxic Substances Control  
700 Heinz Avenue  
Berkeley, CA 94710

Ronald Leach, Project Manager  
U.S. EPA (WST-5)  
75 Hawthorne St.  
San Francisco, CA 94105

Andrea Kopecky  
San Francisco Baykeeper  
785 Market Street, Suite 850  
San Francisco, CA 94103

Board Meeting Lyris List

THE STATE OF TEXAS, COUNTY OF DALLAS, ss. I, \_\_\_\_\_, Clerk of the County, do hereby certify that the within and foregoing is a true and correct copy of the \_\_\_\_\_ as the same appears from the records of the County of Dallas, State of Texas.

Witness my hand and the seal of the County of Dallas, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Clerk of the County of Dallas, Texas.

\_\_\_\_\_  
Notary Public in and for the State of Texas, My Commission Expires \_\_\_\_\_.

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

**TENTATIVE ORDER**

**SITE CLEANUP REQUIREMENTS**

**FOR**

**CHEVRON PRODUCTS COMPANY  
CHEVRON RICHMOND REFINERY  
841 CHEVRON WAY  
RICHMOND, CONTRA COSTA COUNTY**

## FINDINGS

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

## SITE DESCRIPTION

1. Chevron Products Company, a subsidiary of Chevron USA Inc. (hereinafter called Chevron or the Discharger) owns and operates the Chevron Richmond Refinery (hereinafter called the refinery). The refinery was built in 1902, and produces a broad range of fuels, lubricants, asphalt and petrochemicals. The 2,900-acre refinery is located along the southern shore of San Pablo Bay in Contra Costa County (Figure 1). The City of Richmond lies to the east of the refinery. To the east and within one mile from the facility are industrial, residential, and commercial land uses.

## PURPOSE OF ORDER

2. Pursuant to the California Water Code (CWC), Section 13304, the Site Cleanup Requirements (SCR) in this Order requires Site investigations be made and continued monitoring of corrective action measures implemented at specified areas of the Refinery. This Order requires the Discharger to:
  - Ensure that the remediation systems and respective monitoring programs are operated, evaluated and modified as necessary to ensure the requirements of this Order are met.
  - Continue to evaluate the performance of implemented corrective actions at Pollard Pond, the 250-Foot Channel, S.P. Hill, and the site-wide groundwater control system and hydrocarbon recovery program.

## REGULATORY HISTORY

3. On June 16, 2011, the Board issued the Updated Waste Discharge Requirements (WDRs) Order R2-2011-0036, which specified requirements for continued maintenance and monitoring of the inactive and closed waste management units along with requirements for waste management unit corrective action and water quality monitoring programs. This Order shares the same Self Monitoring and Reporting Program with Order R2-2011-0036. Prior to these two Orders, the Board regulated refinery-wide investigations and corrective action activities under Waste Discharge Requirements Order No. 00-043.

Other Orders previously adopted for the refinery are:

- |        |   |
|--------|---|
| 93-109 | Waste Discharge Requirements                              |
| 93-016 | Site Cleanup Requirements for the S.P. Hill Tankfield     |
| 92-092 | Site Cleanup Requirements for the Alkane Sector           |
| 92-010 | Waste Discharge Requirements for Landfill 15              |
| 91-098 | Cease and Desist Order for Pollard Pond and the Hydropits |

90-146	Site Cleanup Requirements for Plant I/Additives Plant
89-175	Waste Discharge Requirements
89-011	Cease and Desist Order for the Pollard Pond
88-044	Waste Discharge Requirements
83-13	Waste Discharge Requirements
81-55	Waste Discharge Requirements

- The Board adopted Order No. R2-2011-0049 (NPDES No. CA0005134) on July 13, 2011. This permit regulates the discharge of effluent from the Discharger's wastewater treatment system, and the discharges of all stormwater associated with industrial activity from the refinery to San Pablo and San Francisco Bays.

## **FACILITY DESCRIPTION AND HISTORY**

### **Hydrogeologic Setting**

- The Richmond Refinery and its tankfields are located on the peninsula of the Potrero-San Pablo Ridge, which is composed of the steeply dipping Franciscan Complex. The refining of the petroleum products generally occurs on the bay fill areas northeast of the ridge. The southwest side of the ridge consists of steep topography where the Franciscan Complex has been terraced for the placement of above ground petroleum storage tanks.
- Past fluctuations in sea level created a complex sedimentary sequence of interfingering estuarine and alluvial fan deposits overlying the Franciscan Complex bedrock. The uppermost deposits are artificially placed bay fill, ranging from approximately 3 feet to approximately 30 feet in depth. The fill materials overlie bay muds which consist of silt and silty clay with abundant plant matter or peat. The bay muds overlap onto the Franciscan bedrock and thicken bayward.
- Three hydrogeologic zones have been identified within the top 150 feet of sediments in the flat lying areas of the refinery, the A-Zone, C-Zone and the B-Zone, in order of increasing depth.
  - The A-Zone is the first water bearing zone and consists of artificial fill and the naturally occurring peat rich, bay mud. The water table elevation for this zone is within two to ten feet of the ground surface and generally discharges to the Bay.
  - The C-Zone is an 80 to 90-foot-thick water bearing zone of interfingering alluvial and estuarine sediments. These sediments generally have low hydraulic conductivity, but sandy, more permeable units occur as channels and lenses. The sand units have not been shown to be contiguous across the site, but do appear to be hydraulically connected. However, based on several years of chemical data there is no indication that the C-Zone groundwater has been significantly impacted. Chevron has concluded that the bay mud has been an effective hydraulic barrier between the A- and C-Zones and has prevented the migration of contaminants in groundwater from the A-Zone to the C-Zone. These results and conclusions were presented to the Regional Water Board in two reports titled C-Zone Investigation - Phase 1 and Phase 2, dated

February 8, 1991 and December 20, 1991 respectively and continue to be supported by groundwater monitoring data collected pursuant to the refinery-wide Self-Monitoring Program.

- c. The B-Zone is a relatively permeable unit at approximately 100 feet below the ground surface. It ranges from 5 to 15 feet thick and contains potable water, but has limited production capacity. The B-Zone occurs under artesian conditions and appears to be hydraulically separate from the overlying zones.
8. As shown in Figure 2, the refinery lies in four geomorphic/geologic settings referred to locally as the "Alluvial," "Flats," "Ridge," and "Transition" Zones.
- a. The **Alluvial Zone** is defined as the broad area of alluvial fan deposits, derived from the Berkeley Hills, east of the Refinery. This zone represents flatland areas in which Bay Mud was not deposited. The upper portion of the alluvial fan deposit is typically clayey with low permeability.
  - b. The **Flats Zone** comprises the flatland marsh area bounded by San Pablo Bay to the north and extending south along the northeast side of Potrero-San Pablo Ridge. For the purpose of the Refinery's investigations, the inland Flats Zone/Alluvial Zone boundary has been defined to be the 5-foot Bay Mud isopach (line of equal thickness). Thus, the Flats Zone is typically underlain by at least five feet of Bay Mud except where removed by excavation or erosion, in local areas of non-deposition, or where displaced by differential settlement of overlying fill.
  - c. The **Ridge Zone** consists primarily of colluvium (slope wash) overlying deformed Franciscan Complex rocks exposed along Potrero-San Pablo Ridge. The boundary of the Ridge Zone is defined as those areas of Potrero-San Pablo Ridge above the 50-foot elevation contour.
  - d. The **Transition Zone** is defined as the area that separates the Flats Zone from the Ridge Zones. As described above, the Flats-Transition boundary is defined as the 5-foot Bay Mud isopach and the Ridge-Transition boundary is defined as the 50-foot elevation contour.

9. Chevron has subdivided the refinery into ten geographic sectors (see Figure 3). Each sector has unique hydrogeology and varying degrees of environmental concern. The sectors are as follows:

- Landfarms/Landfill 15
- Castro/Plant 1/Additives
- North Yard
- Bayside Sector – North
- Bayside Sector - South
- Alkane Sector
- Effluent
- Reclamation
- Pollard
- Interior “C” Zone or Main Yard

10. Sector boundaries are generally defined by a physiographic boundary separating adjacent sectors, or by the refinery property line. The upgradient sector boundaries for the Alkane, North Yard, and Main Yard Sectors correspond to an inferred groundwater drainage divide, which is generally coincident with topographic drainage divides along San Pablo Ridge. The upgradient sector boundaries for the Landfarms/Landfills, Castro, and Reclamation Sectors are generally coincident with the Refinery property line. The Bayside Sectors (North and South) include all Chevron properties on the southwestern side of San Pablo Ridge and adjacent to San Francisco Bay. With the exception of the Bayside Sectors, all sites described in this Order are largely contained by the groundwater protection systems, which are described below.

### **Corrective Action**

11. All sectors have impacted soil and/or groundwater from historic releases and corrective action steps have been implemented. Some of the sectors contain Waste Management Units that are either in the Title 27 Corrective Action Monitoring Program or part of the refinery effluent system; these include the Alkane, Reclamation, North Yard, Effluent, and Landfarms/Landfill sectors. These sectors are regulated by Waste Discharge Requirements contained in Order No. R2-2011-0036. Corrective action occurring at sectors comprised of only impacted soil and/or groundwater from historic releases and not associated with Waste Management Units will be addressed in this Order; these include the Pollard, Castro/Plant 1 Additives, Bayside North, Bayside South and Interior C Zone sectors.

12. Chevron has implemented corrective actions to intercept contaminated groundwater at various locations and thus to prevent migration to San Pablo Bay. The corrective actions include systems comprised of varying combinations of slurry walls, extraction trenches and/or extraction wells for hydraulic control at different locations within the refinery. The systems comprised of slurry walls and/or extraction trenches at the Alkane, North Yard, Effluent, Landfarms/Landfill, Reclamation, Pollard, and the Castro/Plant 1 sectors are referred to collectively as the Groundwater Protection Systems (GPS) (see Figure 4). The GPS establishes and maintains a contiguous capture zone which prevents migration of

potentially contaminated A-Zone groundwater past the GPS alignment. The slurry walls were installed where thick and/or highly permeable intervals of A-Zone fill soils are encountered. A low permeability bay mud "floor" inhibits transport of A-Zone contaminants to the underlying C-Zone in the "Flats Zone" of the Refinery (see Figure 13).

13. Approximately 24,700 feet of extraction trench, 18,535 feet of barrier wall, over 200 groundwater extraction sumps, and one groundwater treatment plant have been installed. The extracted groundwater is routed to the refinery's effluent treatment system and discharged in accordance with existing NPDES permit requirements. The GPS extraction trench and barrier wall are illustrated in Figure 13.
14. The Regional Water Board has determined that the GPS comprised of the slurry walls and extraction trenches at the Alkane, North Yard, Effluent, Landfarms/Landfill, Reclamation, Pollard, and Castro/Plant 1 sectors is a satisfactory corrective action measure for the containment and removal of contaminated groundwater along the perimeter of the refinery. The corrective action at the Alkane, North Yard, Effluent, Landfarms/Landfill, and the Reclamation sectors are addressed by Waste Discharge Requirements contained in Order No. R2-2011-0036. Activities associated with the Castro/Plant 1 Additives, Pollard, Bayside North, Bayside South and Interior C Zone sectors will be addressed in this SCR. There is a single groundwater monitoring program for all sectors which is contained in both the WDRs and the SCRs.
15. The Refinery reports the following GPS performance by Sector, as of the beginning of 2011. All portions of the GPS are currently performing as intended:

Alkane: A continuous hydraulic depression, which indicates that contaminated groundwater is captured prior to offsite discharge, was present along the Alkane GPS, with an average flowrate of 30,000 gallons per day of groundwater.

Landfill 15: A continuous hydraulic depression was present along the Landfill 15 GPS, with an average flowrate of 36,400 gallons per day of groundwater.

Landfarms 2 (partial) and 5: A continuous hydraulic depression was present along the GPS alignments to the west of Landfarms 2 and 5, with an average flowrate of 16,600 gallons per day of groundwater extracted.

Landfarms 2 (partial) and 3 (partial): A continuous hydraulic depression was present along the GPS alignment north of Landfarms 2 and 3, with an average flowrate of 22,600 gallons per day of groundwater extracted.

North Yard: A continuous hydraulic depression was present along the North Yard GPS, with an average flowrate of 52,000 gallons per day of groundwater.

Landfarm 1: A continuous hydraulic depression was present along the GPS alignments downgradient of Landfarm 1, with an average flowrate of 50,100 gallons per day of groundwater extracted.

Castro and Plant 1 Additives: A continuous hydraulic depression was present along the southern alignment of the Castro GPS, with an average flowrate of 26,400 gallons per day of groundwater extracted.

Reclamation Yard: A hydraulic depression or drawdown was generally present, with an average flowrate of 67,200 gallons per day of groundwater extracted.

Pollard: An inward hydraulic gradient was present along the edge of the former Pollard Landfill, with an average flowrate of 1100 gallons per day of groundwater extracted.

### **Summary of Previous Cleanup Actions**

16. The following is a summary of corrective actions taken pursuant to previous Water Board orders. All of the following orders were rescinded and any remaining open items incorporated into this revised site-wide order.
17. 250-foot Channel: The channel was excavated between 1900 and 1920, and comprised the original ship channel for the refinery until the 1950's. The channel was then dammed and used as part of the effluent treatment system until 1987, and now serves to store stormwater and treated process water. In 2002, interim corrective actions were required by Order No. 00-043 for the petroleum hydrocarbon contaminated soil contained in the channel. These included installation of a HDPE barrier, fencing, bank steepening, vegetation control and removal of perching objects used by birds. They also included continued collection and removal of oil, and vegetation management and wildlife surveys, and lastly water elevation monitoring to assure that there is neither a vertical or lateral gradient allowing for the release of contaminated water to either groundwater outside of the GPS or the Bay. Ongoing monitoring performed in accordance with the *Corrective Action Plan for the 250-Foot Channel* (Chevron, 2002) indicates limited wildlife exposure. Additionally the "A" zone groundwater flow is fully contained by the GPS, and there is largely an upward flow into the Channel for the "C" Zone water.
18. Castro/Plant 1 Additives Plant: Between 1930 and 1970 the Plant 1 Additives Plant was used for pesticide formulating and packaging and the Additives Plant was used for gasoline additives manufacturing. As a result, soil is contaminated with pesticides, lead and petroleum hydrocarbons. Hazardous levels of chlordane, DDT and soluble lead have been detected in onsite soil. Corrective action completed pursuant to Order No. 91-046 included installation of an extraction system for containment of contaminated shallow groundwater (GPS), and covering the site with a combination of the Richmond Parkway, passing directly over a portion of the site, and placement of a geotextile and asphalt cap (or vegetated fill in some areas) over the non-roadway portions. The combined cover provides a low-permeability cap over the site and the encompassing groundwater extraction system prevents contaminated shallow groundwater from leaving the site. No further closure activities are necessary or required for the Plant 1/Additives Plant.

19. Pollard Pond and the Hydrolyzing Pits: The Toxic Pits Cleanup Act (TPCA) required the closure of hazardous waste surface impoundments in two areas of the refinery, with schedules provided in Order No. 91-098. The first impoundment, known as Pollard Pond, was a 3-acre surface impoundment located in the northwestern portion of the refinery (Figure 6) adjacent to San Pablo Bay that contained sludges with a pH less than 2 and Bay Mud dredge spoils from the refinery yacht harbor.

Closure activities included removal of all low-pH hazardous wastes, installation of a GPS groundwater extraction trench at the downgradient boundary of the pond, dismantling of Pollard Dam, and confirmation sampling of petroleum hydrocarbons soil from the bottom of the pond excavation. The remaining 30,000 cubic yards of non-hazardous hydrocarbon contaminated were removed from the site and placed in Landfill 15. Following the clean closure, groundwater in several wells continued to have low pH and elevated nickel and zinc. In November and December 2008, Chevron injected 263,000 gallons of calcium polysulfide into 18 boreholes in an attempt to neutralize remaining soil contamination. Measurable changes to the pH occurred during injection, however the effects were short-lived and groundwater conditions have returned to historic levels.

The second set of impoundments, known as the Hydrolyzing Pits (Hydropits), were three small unlined surface impoundments located on the shore of San Pablo Bay in the Alkane Sector (Figure 7) that received wastewater from the refinery's Alkane Plant until 1986. The most significant constituents of this waste stream were neutralized hydrofluoric acid, fluoride salts, and small amounts of oil containing benzene. Closure involved placing a multi-layer cap and installing the Alkane GPS along the northeastern perimeter of the Hydropits adjacent to Castro Cove. No further closure activities are necessary or required for the Hydropits.

20. Alkane Plant Plume Remediation: Corrective action was required by Order No. 92-092 for shallow groundwater plumes containing benzene, hydrofluoric acid and free-phase petroleum hydrocarbons, in addition to implementation of the GPS to hydraulically contain shallow contaminated groundwater. Chevron operates eight extraction wells to recover floating liquid hydrocarbons and contaminated groundwater. These extraction wells make up the Alkane Plant Groundwater Recovery System. Groundwater and liquid hydrocarbons recovered by the extraction wells are routed to the refinery's effluent treatment system and discharged in accordance with existing NPDES permit requirements.

21. Bayside South/S.P. Hill Tankfield: Corrective action required by Order No. 93-016 consists of the cleanup of contaminated groundwater and removal of free-phase liquid petroleum hydrocarbons under the S.P. Hill Tankfield. Free-phase petroleum hydrocarbons were discovered in 5 wells located in the central portion of the tankfield within a 250-foot radius of each other. Chevron has been recovering free product and some incidental groundwater from these wells since 1994. Free product recovery rates are generally less than one gallon per day. The primary cleanup objective is to recover as much free-phase hydrocarbon product as is technically feasible and cost-effective. Chevron also operates additional extraction wells in Basins 4 and 7 to create a hydraulic depression and capture dissolved petroleum hydrocarbon constituents in groundwater several hundred feet downgradient of the free product recovery system.

22. **Bayside North/Point Orient Tankfield:** In 1990 aboveground petroleum storage tanks in the Point Orient Tankfield were taken out of service, dismantled, and contaminated soils removed. There was no evidence of an accumulation of free-phase hydrocarbons on the water table along the perimeter of the tankfield, hydrocarbon-contaminated soil was observed beneath the former tanks. Chevron submitted a hydrogeologic investigation for this tankfield on June 23, 1992 which determined that minor soil and groundwater contamination exists at the No.10 Basin. Groundwater monitoring in this area is ongoing.
23. **Salt Water Pump Station:** In 1998, hydrocarbon sheen was observed on the Bay near the intake of the former Salt Water Pump Station. The source is believed to be from historic pipeline leaks from an adjacent pipeway. In 1999, a soil bentonite barrier was built and two monitoring wells were installed. Chevron continues visual inspections of the shoreline and monitors the two wells for free product as part of the attached monitoring program. Minor amounts of free product are occasionally observed in these wells.

## MONITORING PROGRAMS

24. To record the compliance of the corrective actions described above, Chevron is required to implement the attached monitoring program described in these Site Cleanup Requirements.
25. Pursuant to a plan approved by the Regional Board in 2002, Chevron performs a statistical evaluation and trend analysis of groundwater well monitoring results, to establish concentration trends and note the overall effectiveness of the remedial actions at the Refinery.
26. Chevron also reports on groundwater elevations, flow patterns and velocities, hydrocarbon thicknesses and recovery, and closure unit monitoring, inspection and maintenance activities as part of their monitoring program.

## BASIN PLAN

27. The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) is the Regional Water 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 Water Board and approved by the State Water Resources Control Board, Office of Administrative Law and the U.S. EPA, where required.
28. State Board Resolution No. 68-16: State Water Resources Control 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 shall 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.

29. State Board Resolution No. 92-49: State Water Resources Control Board Resolution No. 92-49, "Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under California Water Code Section 13304," establishes policies and procedures to be used by the Board when:
- Determining when a person is required to investigate, cleanup, or abate a discharge;
  - Concurring with a discharger's selection of cost-effective investigation and remedial measures;
  - Overseeing implementation of investigation and remedial measures; and
  - Determining schedules for investigation and remedial measures.
30. Board Resolution No. 89-39: The Basin Plan provides that all groundwaters are considered suitable, or potentially suitable, for municipal or domestic water supply (MUN) and that, in making any exceptions, the Board will consider the criteria referenced in Regional Board Resolution No. 89-39, "Sources of Drinking Water", where:
- i) The total dissolved solids exceed 3,000 mg/l (5,000  $\mu$ S/cm, electrical conductivity), and it is not reasonably expected by the Board that the groundwater could supply a public water system, or
  - ii) There is contamination, either by natural processes or human activity (unrelated to the specific pollution incident), that cannot reasonably be treated for domestic use using best management practices or best economically achievable treatment practices, or
  - iii) The water source does not provide sufficient water to supply a single well capable of producing an average, sustained yield of 200 gallons per day.
31. Basis for California Water Code Section 13304 Order: The Discharger has caused or permitted, causes or permits, or threatens to cause or permit 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 contamination or nuisance.

## **BENEFICIAL USES**

32. Shallow groundwater beneath the "Flats Zone" which comprises the flatland marsh area bounded by the San Pablo Bay to the north and extending south along the northeast side of the Potrero-San Pablo Ridge has Total Dissolved Solids (TDS) that is significantly higher than the 3000 mg/l (5000  $\mu$ S/cm electrical conductivity) level which the Board (Regional Board Resolution No. 89-39)) set as a maximum for a municipal or domestic water supply in the Sources of Drinking Water Policy. There is no historical, existing or planned use of groundwater as a source of drinking water in either the shallow (A- and C-Zone) or deeper (B-Zone) aquifers in this part of the refinery.

Groundwater beneath the "Ridge Zone," which is bounded on the south by San Francisco Bay and extends northwest up to the top of the Potrero-San Pablo Ridge (Bayside sectors), is primarily contained in fractured bedrock of the Franciscan Complex. Based on hydraulic conductivity data collected during hydrogeologic investigations of the tankfields in the Bayside North and Bayside South sectors, it is unlikely that a single well could produce an average sustained yield of 200 gallons per day for drinking water supply purposes (State Board Resolution No. 88-63, exemption criterion 1(c) and Regional Board Resolution No. 89-39). There is no historical, existing or planned use of unconfined groundwater as a source of drinking water in this part of the refinery.

There is the potential, however, for groundwater on either side of the Potrero-San Pablo Ridge to discharge into San Francisco and San Pablo Bays at the shoreline groundwater/surface water interface. Therefore, the surface water beneficial uses named in the Basin Plan for these bodies of water are applicable to groundwater in point-of compliance monitoring wells near the shoreline interface.

33. The existing and potential beneficial uses of groundwater underlying the site which is not contained in bedrock and is greater than 100 feet below ground surface are:
  - a. Industrial process and service supply
  - b. Agricultural water supply
  - c. Municipal and domestic supply  
(however due to the proximity of the Bay, groundwater at the site contains elevated TDS levels, which render the groundwater nonpotable).
34. The existing and potential beneficial uses of San Francisco and San Pablo Bays are:
  - a. Ocean, commercial, and sport fishing;
  - b. Shellfish harvesting;
  - c. Estuarine habitat;
  - d. Fish migration;
  - e. Preservation of rare and endangered species;
  - f. Fish spawning;
  - g. Wildlife habitat;
  - h. Water contact recreation;
  - i. Non-contact water recreation;
  - j. Industrial service supply;
  - k. Industrial process supply; and
  - l. Navigation.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

35. This site has previously been subject to cleanup requirements under Regional Water Board Order Nos. 93-016, 92-092, and 90-146. This Order only requires that the requirements first imposed by these previous orders be continued. Continuing activities previously imposed does not have the potential for significant impacts on the environment. As such, the general rule that the California Environmental Quality Act ("CEQA) only applies to projects which have the potential for causing a significant effect on the environment (the "common sense" exemption) applies and no environmental document needs to be prepared in connection with the adoption of this Order. [Cal. Code Regs., tit. 14, § 15061(b)(3)]. Furthermore, this Order does not approve any specific cleanup plan beyond those already imposed by the previous orders, and it is generally the first imposition of a cleanup plan that might result in impacts to the environment. This further supports the application of the "common sense" exemption for adoption of this Order. When a specific cleanup proposal is submitted to the Assistant Executive Officer for approval, such proposal must and will be evaluated under CEQA prior to approval.

## **NOTICE AND MEETING**

36. The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to amend the Waste Discharge Requirements, and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
37. The Board, at a public meeting, heard and considered all comments pertaining to this issuance of Site Cleanup Requirements.

**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:

### **PROHIBITIONS**

1. The discharge of wastes or hazardous substances in a manner that will degrade water quality or adversely affect beneficial uses of waters of the State is prohibited.
2. Migration of pollutants through subsurface transport to waters of the State outside of the GPS is prohibited.
3. There shall be no discharge of wastes or hazardous substances to surface waters except as permitted under NPDES Permit R2-2011-0049.
4. Activities associated with the subsurface investigation and cleanup that will cause significant adverse migration of wastes or hazardous substances are prohibited.
5. The storage, handling, treatment, or disposal of polluted soil or groundwater shall not create a nuisance as defined in California Water Code Section 13050(m).
6. The Discharger shall not cause the following conditions to exist in waters of the State at any place outside of the GPS:
  - a. Surface Waters
    - i. Floating, suspended, or deposited macroscopic particulate matter or foam;
    - ii. Bottom deposits or aquatic growth;
    - iii. Adversely altered temperature, turbidity, or apparent color beyond natural background levels;
    - iv. Visible, floating, suspended or deposited oil or other products of petroleum origin; or
    - v. Toxic or other deleterious substances to be present in concentrations or quantities which may cause deleterious effects on aquatic biota, wildlife or waterfowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentrations.
  - b. Groundwater
    - i. Further degradation of groundwater quality and/or substantial worsening of existing groundwater impacts;
    - ii. Subsurface migration of pollutants associated with Chevron's operations to Waters of the State is prohibited.

### **TASKS**

**ALL REQUIRED SUBMITTALS MUST BE ACCEPTABLE TO THE EXECUTIVE OFFICER (SEE PROVISION NO. 1 COMPLIANCE)**

### **GPS Requirements**

1. Chevron shall continue to extract water from the Groundwater Protection System (GPS) at a rate which eliminates or reverses the bayward migration of contaminants in the uppermost water bearing zone (the "A" zone). Chevron shall also operate the GPS so as to prevent significant threats to the second water bearing zone (the "C" zone). Chevron shall install, if practicable, a physical barrier downgradient of any extraction well(s) or extraction trenches that are producing Bay water at volumes deemed to be unacceptable by the Executive Officer.

COMPLIANCE DATE: Immediately.

### **Hydraulic Containment**

2. Chevron shall continue to monitor the "A Zone" for contaminants on the downgradient side of the GPS trench/barrier and groundwater levels on both sides of the GPS trench/barrier for the primary purpose of evaluating the effectiveness of the GPS. Chevron shall demonstrate compliance with Task 1 above by submitting, pursuant to the Self-Monitoring and Reporting Program of WDR Order R2-2011-0036 attached to this Order, potentiometric water elevation contour maps which graphically demonstrate maintenance of an inward hydraulic gradient into the GPS.

COMPLIANCE DATE: Immediately.

3. Chevron shall continue to operate the GPS as a corrective action measure for remediation of groundwater contamination along the San Pablo Bay side of the Refinery for at least one year after compliance has been achieved with the Maximum Allowable Concentration Limits established by this Order before any reduction or termination of groundwater extraction will be considered.

COMPLIANCE DATE: Immediately, for at least one year after full compliance with the relevant MACLs.

4. If it is determined by the Executive Officer, based on groundwater monitoring information, that water quality impairment downgradient of the GPS is not improving, or continues to degrade, Chevron will be required to submit additional site- specific groundwater corrective action proposals.

COMPLIANCE DATE: Six months after notification from the Executive Officer.

5. Components of the GPS Engineering Report pertaining to operation of the system may be amended as appropriate to incorporate changes in technology that will improve operational efficiency. All proposed changes shall be submitted in writing to the Executive Officer for review and approval.

COMPLIANCE DATE: As needed.

### **Alkane Plant Plume Remediation**

6. Chevron shall continue extracting free-phase hydrocarbons and to remediate dissolved benzene in groundwater from the central portion of the Alkane Plant plume area such that contaminants do not migrate further from the source. The contaminant extraction shall be performed until the cleanup levels outlined in the *Revised Alkane Plant Plume Remediation Goals Plan* (URS, 2001), are achieved and it is demonstrated that further recovery and remediation are no longer technically feasible or cost-effective and that termination of the program will not allow further subsurface migration of either free-phase or dissolved constituent plumes or any other adverse impacts to groundwater or surface water quality.

COMPLIANCE DATE: Immediately, until Executive Officer approval is received.

### **S.P. Hill Tankfield Groundwater Cleanup Requirements**

7. Chevron shall continue to operate the S.P. Hill Hydrocarbon Recovery System as provided by the *S.P. Hill Tankfield FPLH Recovery Facilities Installation and Startup Report and Remediation Monitoring Plan* (Chevron Products Company, 1994). An operational change to the S.P. Hill FPLH Recovery System was presented in a letter to the Regional Water Board dated July 8, 2009. Chevron will continue to operate the Recovery System until it receives written approval from the Executive Officer to cease operations. To be eligible for this approval, Chevron must submit a written request that includes adequate supporting documentation demonstrating that free-phase liquid hydrocarbon recovery is no longer technically feasible and cost-effective in this part of the refinery.

COMPLIANCE DATE: Immediately, until Executive Officer approval is received.

8. Chevron shall continue to operate the S.P. Hill Groundwater Recovery Systems in Basins 4 and 7 until it receives written approval from the Executive Officer to cease operations. To be eligible for this approval Chevron must submit a written request certifying that the Maximum Allowable Concentration Limits (MACLs) for the Bayside Sector - South have not been exceeded in any groundwater monitoring wells sampled per the attached Self-Monitoring Program for at least four consecutive reporting periods.

COMPLIANCE DATE: Immediately, until Executive Officer approval is received.

### **Salt Water Pump Station Monitoring Program**

9. Chevron shall continue the monitoring and inspection program for the Salt Water Pump Station Area as outlined in the *No. 3 Salt Water Pump Station Monitoring Program* (Chevron Products Company, 1998).

COMPLIANCE DATE: Immediately.

### **Corrective Action Work Plan 250-foot Channel**

10. Chevron shall continue to implement the plan, dated November 2002, for interim corrective action measures for petroleum hydrocarbon contaminated sediment in the 250 Foot Channel site. The plan evaluated risks to potential human and ecological receptors at this site and included corrective action alternatives designed to minimize any identified risks.

COMPLIANCE DATE: Immediately.

#### **Free-Phase Liquid Petroleum Hydrocarbon (FPLH) Recovery**

11. Chevron shall continue to perform recovery activities, as needed, to remove FPLH from beneath the refinery if they are found in significant and recoverable quantities during routine groundwater well monitoring, in accordance with the *Free Phase Liquid Petroleum Hydrocarbon Recovery Evaluation Plan* (Chevron USA, 2000). The GPS, where present, is designed to function as a groundwater containment system that captures and prevents offsite migration of dissolved constituents; it is not intended to perform FPLH source control. FPLH recovery may be necessary to reduce the source for dissolved constituents that are introduced via the free-phase.

COMPLIANCE DATE: Immediately.

#### **Spill Reporting and Documentation of Cleanup**

12. Chevron shall notify this Board of any reportable quantity (42 gallons or more) of petroleum as defined in Health & Safety Code Chapter 6.67 *Above Ground Storage of Petroleum* that is either spilled or leaked to any unlined ground surface (any surface not protected by a barrier which is impermeable to petroleum products or other constituents which may cause adverse water quality impacts). Verbal notification shall be within one working day of knowledge of the spill and shall be followed by a written description to include the nature, location and volume of the spill, and the total area and/or soil volume affected. In addition, the written report shall include a map which identifies the location of the spill and photographic documentation of the spill area before and after cleanup.

COMPLIANCE DATE: One day for verbal notification, five for written.

#### **Update Groundwater Self-Monitoring Program**

13. Following implementation of each task described above, the Discharger shall review WDR Order No. R2-2011-0036 Self-Monitoring Program and propose any necessary updates to incorporate new groundwater monitoring wells, extraction systems, and/or sampling parameters. All sampling protocols and reporting requirements shall be consistent with those described in WDR Order No. R2-2011-0036 (see Attachment A).

COMPLIANCE DATE: As needed.

14. Revision of the Self-Monitoring Program: The Discharger shall submit a plan for the revision of the monitoring locations, parameters, frequency and MACLs contained within the

Self-Monitoring Program (SMP) attached to this Order (Part B). This plan is to be immediately upon Executive Officer approval.

COMPLIANCE DATE: December 15, 2011.

### **Pollard Pond Corrective Action**

15. **Pollard Pond Remedial Action Plan:** The Discharger shall submit a plan, acceptable to the Executive Officer, proposing remedial plans to meet all MACLs at the point of compliance for the Pollard Pond.

COMPLIANCE DATE: May 31, 2012

### **PROVISIONS**

1. **Compliance:** The Discharger shall comply immediately, or as prescribed by the time schedule below, with all Prohibitions, Specifications, and Provisions of this Order. All required submittals must be acceptable to the Executive Officer. The Discharger must also comply with all conditions of these Site Cleanup Requirements. Violations may result in enforcement actions, including Water Board Orders or court Orders requiring corrective action or imposing civil monetary liability, or in modification or revocation of this Order by the Board. [CWC Section 13261, 13262, 13265, 13267, 13268, 13300, 13301, 13304, 13350].
2. **Authority to Request Technical Reports:** All technical and monitoring reports required by this Order are requested pursuant to Section 13267 of the CWC. Failure to submit reports in accordance with schedules established by this Order or failure to submit a report of sufficient technical quality to be acceptable to the Executive Officer may subject the Discharger to enforcement action pursuant to Section 13268 of the CWC.
3. All reports submitted pursuant to this Order shall be prepared under the supervision of and signed by a California registered civil engineer, registered geologist, and/or certified engineering geologist
4. At any time, the Discharger may file a written request (including supporting documentation) with the Executive Officer, proposing modifications to the attached SMP. If the proposed modifications are acceptable, the Executive Officer may issue a letter of approval that incorporates the proposed revisions into the SMP.

5. Modifications to Remedial Action Plan: The Discharger shall notify the Executive Officer at least 60 days prior to proposed major modifications to any approved Remedial Action Plan, Implementation Schedule, or remediation system. The notification shall include the rationale for any proposed modification.
6. Delayed Compliance: If the Discharger is delayed, interrupted, or prevented from meeting one or more of the completion dates specified for the required Tasks, the Discharger shall promptly notify the Executive Officer of the delay and reason for the delay and the Board may consider revisions to this Order.
7. Operation and Maintenance (O&M): The Discharger shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with conditions of this Order. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this order. [CWC Section 13263(f)]
8. Availability: A copy of these site cleanup requirements shall be maintained by the Discharger and shall be made available by the Discharger to all employees or contractors performing work necessary to comply with the Tasks set forth in this Order. [CWC Section 13263]
9. Change in Ownership: In the event of any change in control or ownership of the facility presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be forwarded to the Board upon a final change in ownership.

To assume operation of this Order, the succeeding owner or operator must apply in writing to the Executive Officer requesting transfer of this Order within 30 days of the change of ownership. The request must contain the requesting entity's full legal name, mailing address, electronic address, and telephone number of the persons responsible for contact with the Board. Failure to submit the request shall be considered a discharge without requirements, a violation of the CWC. [CWC Sections 13267 and 13263]

Due Date: 30 days after a change in facility control or ownership

10. Stormwater: The Discharger shall comply with the site's NPDES permit (Order No. R2-2011-0049) for the management, monitoring and discharge of stormwater and wastewater effluent.
11. Reporting of Hazardous Substance Release: If any hazardous substance is discharged in or on any waters of the State, or discharged or deposited where it probably will be discharged in or on any waters of the State, the Discharger shall:
  - a. Report such discharge to the following:

- i. The Water Board by calling (510) 622-2300 during regular office hours (Monday through Friday, 8 a.m. – 5 p.m.); and to
  - ii. The California Emergency Management Agency at (800) 852-7550.
- b. A written report shall be filed with the Water Board within five working days. The report shall describe:
- i. The nature of the waste or pollutant.
  - ii. The estimated quantity involved.
  - iii. The duration of the incident.
  - iv. The cause of the release.
  - v. The estimated size of the affected area, and nature of the effect.
  - vi. The corrective actions taken or planned and a schedule of those measures.
  - vii. The persons/agencies notified.

This reporting is in addition to reporting to the California Emergency Management Agency that is required pursuant to the Health and Safety Code.

12. Contractor/Consultant Qualifications: All technical documents shall be signed by and stamped with the seal of a California professional geologist, a California certified professional geologist or hydrogeologist, or a California registered civil engineer.
13. Lab Qualifications: All samples shall be analyzed by State-certified laboratories or laboratories accepted by the Board using approved EPA methods for the type of analysis to be performed. All laboratories shall maintain quality assurance/quality control (QA/QC) records for Board review. This provision does not apply to analyses that can only reasonably be performed on-site (e.g., temperature).
14. Document Distribution: Copies of all correspondence, technical reports, and other documents pertaining to compliance with this Order shall be provided to the following entities:
  - a) The Board, and
  - b) The Department of Toxic Substances Control.The Executive Officer may modify this distribution list as needed.

15. Submittal Revisions: Where a Discharger becomes aware that it failed to submit any relevant facts in a report or submitted incorrect information in any report to the Board, it shall promptly submit such facts or information. [CWC Sections 13260 and 13267]
16. Severability: Provisions of these site cleanup requirements are severable. If any provisions of these requirements are found invalid, the remainder of these requirements shall not be affected. [CWC 9213]
17. Geotracker Requirements: The State Board has adopted regulations requiring electronic report and data submittal to Geotracker. The text of the regulations can be found at the following URL:  
[http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/index.shtml)  
Parties responsible for cleanup of pollution at sites overseen by the Regional Water Board's Land Disposal Programs are required to submit over the internet, the following information electronically to Geotracker:
- a. Groundwater analytical data;
  - b. Surveyed locations of monitoring wells;
  - c. Boring logs describing monitoring well construction; and
  - d. Portable data format (PDF) copies of all reports (the document in its entirety [signature pages, text, figures, tables, etc.] must be saved as a single PDF file).

Note that the Discharger is still responsible for submitting one hard copy of all reports pursuant to this Order. Individual Regional Water Boards may require direct submittal of electronic reports and correspondence in addition to the State Board's Geotracker requirements.

18. Entry and Inspection: The Discharger shall allow the Board, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:
- a. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;
  - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
  - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
  - d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the CWC, any substances or parameters at any location. [CWC Section 13267]

19. Maintenance of Records: The Discharger shall retain records of all monitoring information including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Executive Officer. Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
- b. The individuals who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The individuals who performed the analyses;
- e. The analytical techniques or method used; and
- f. The results of such analyses.

20. Report Certification: All application reports or information to be submitted to the Executive Officer shall be signed and certified as follows:

- For a corporation – by a principal Executive Officer or the level of vice president.
- For a partnership or sole proprietorship – by a general partner or the proprietor, respectively.
- For a municipality, state, federal, or other public agency – by either a principal Executive Officer or ranking elected official.

A duly authorized representative of a person designated in this provision may sign documents if all of the following are met:

- a. The authorization is made in writing by a person described in paragraph (a) of this provision;
- b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated facility or activity; and
- c. The written authorization is submitted to the Executive Officer.

Any person signing a document under this Section shall make the following certification:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.” [CWC Sections 13263, 13267, and 13268]

21. Cost Recovery: The Discharger (as applicable) shall be liable, pursuant to California Water Code Section 13304 and Health and Safety Code Section 25270.9 to the 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 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 (as applicable) over reimbursement amounts or methods used in that program shall be consistent with the dispute resolution procedures for that program.

22. Periodic Site Cleanup Requirements (SCR) Order Review: The Board will review this Order periodically and may revise it when necessary. The Discharger (as applicable) may request revisions and upon review the Executive Officer may recommend that the Board revise these requirements.

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

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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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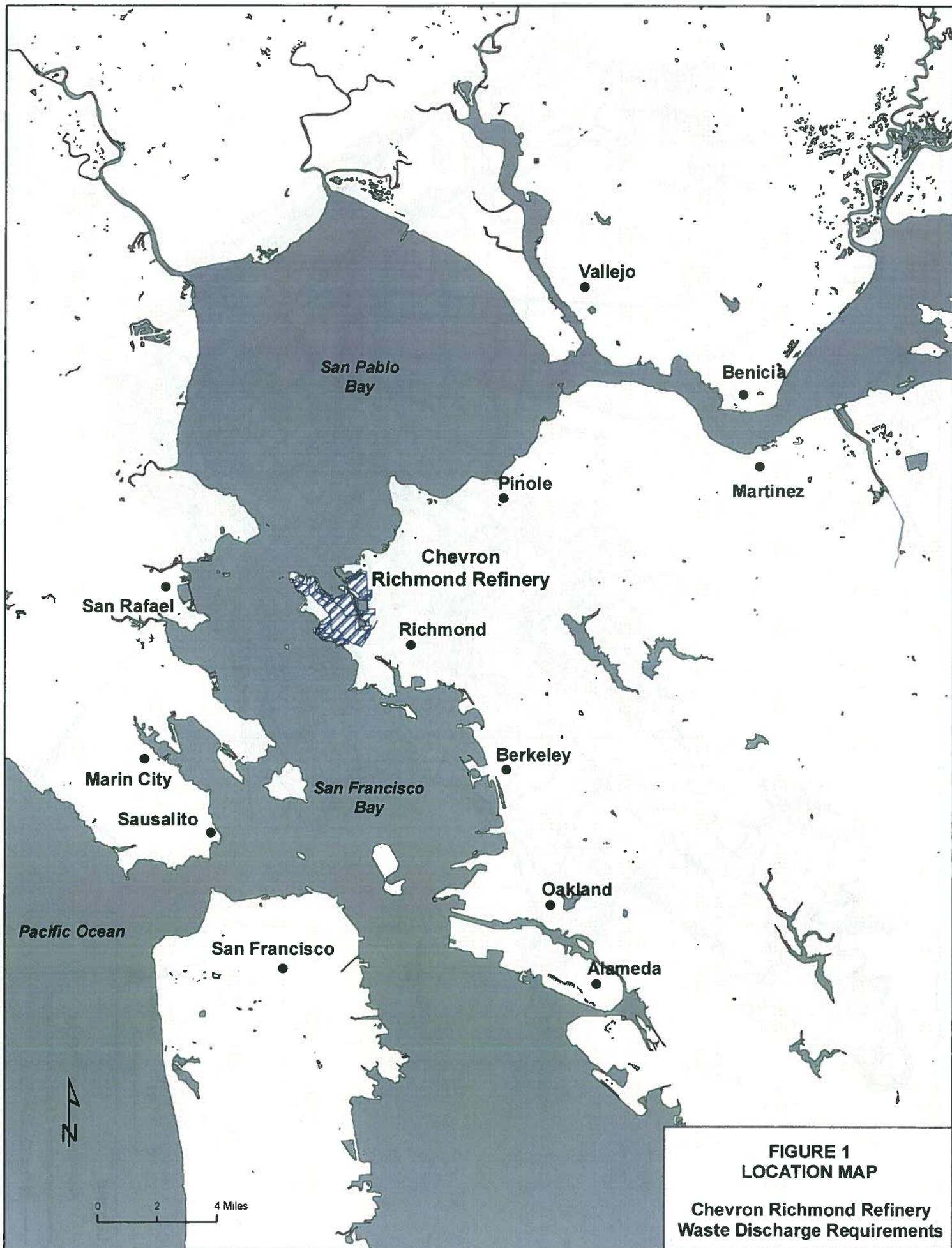
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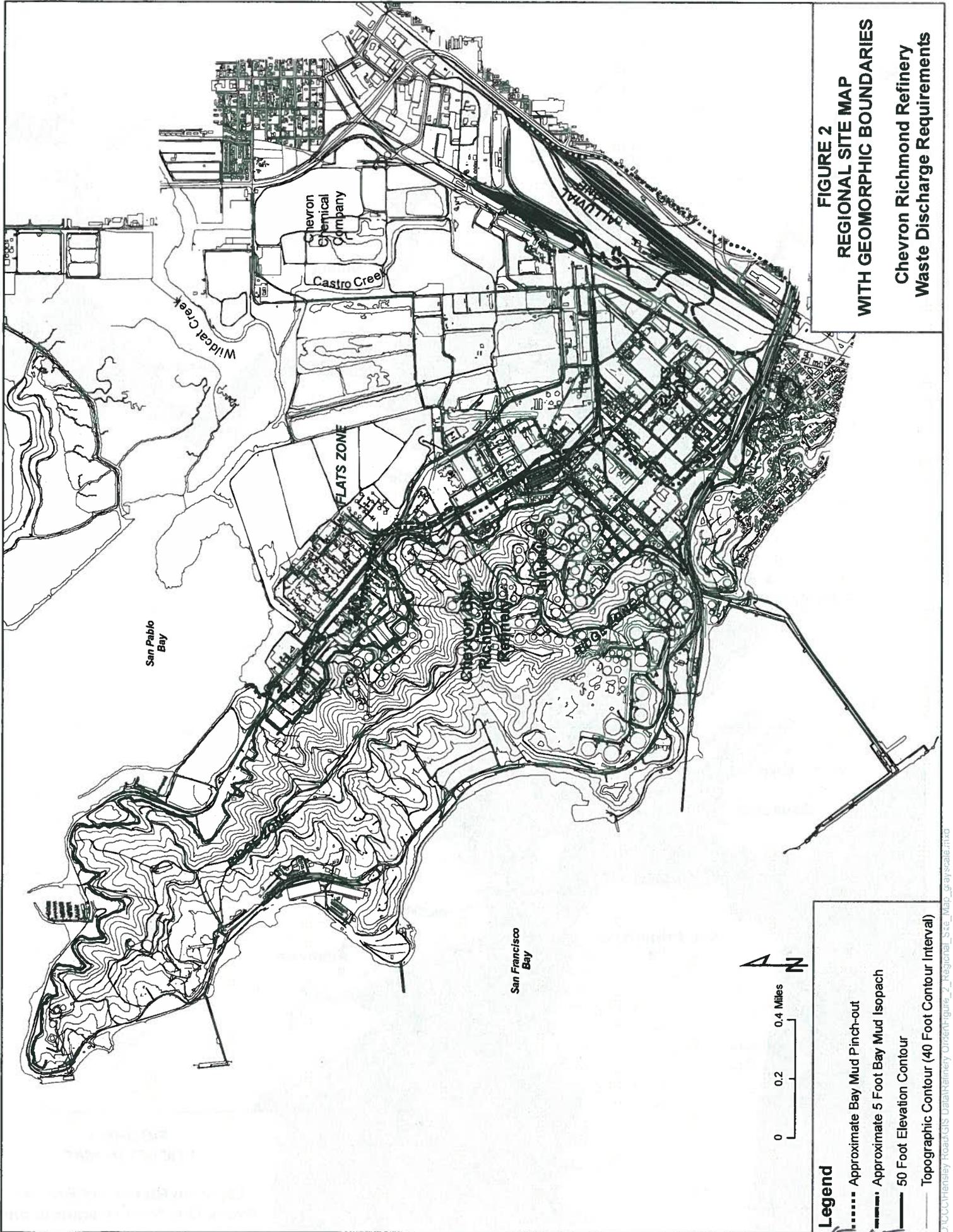
Attachments:

Figures:

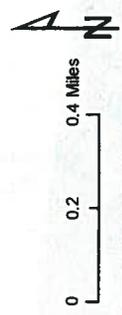
- Figure 1 - Location Map
- Figure 2 - Regional Site Map with Geomorphic Boundaries
- Figure 3 - Sector Boundaries
- Figure 4 - Groundwater Protection System Location Map
- Figure 5 - Plant 1 / Additives Plant Cap
- Figure 6 - Pollard Sector
- Figure 7 - Alkane Sector
- Figure 8 - Landfarm/Landfill Sector
- Figure 9 - Bayside Sector
- Figure 10 - Effluent Sector
- Figure 11 - Reclamation Sector
- Figure 12 - North Yard Sector
- Figure 13 - Groundwater Protection System

Attachment: Self-Monitoring and Reporting Program, WDR Order R2-2011-0036

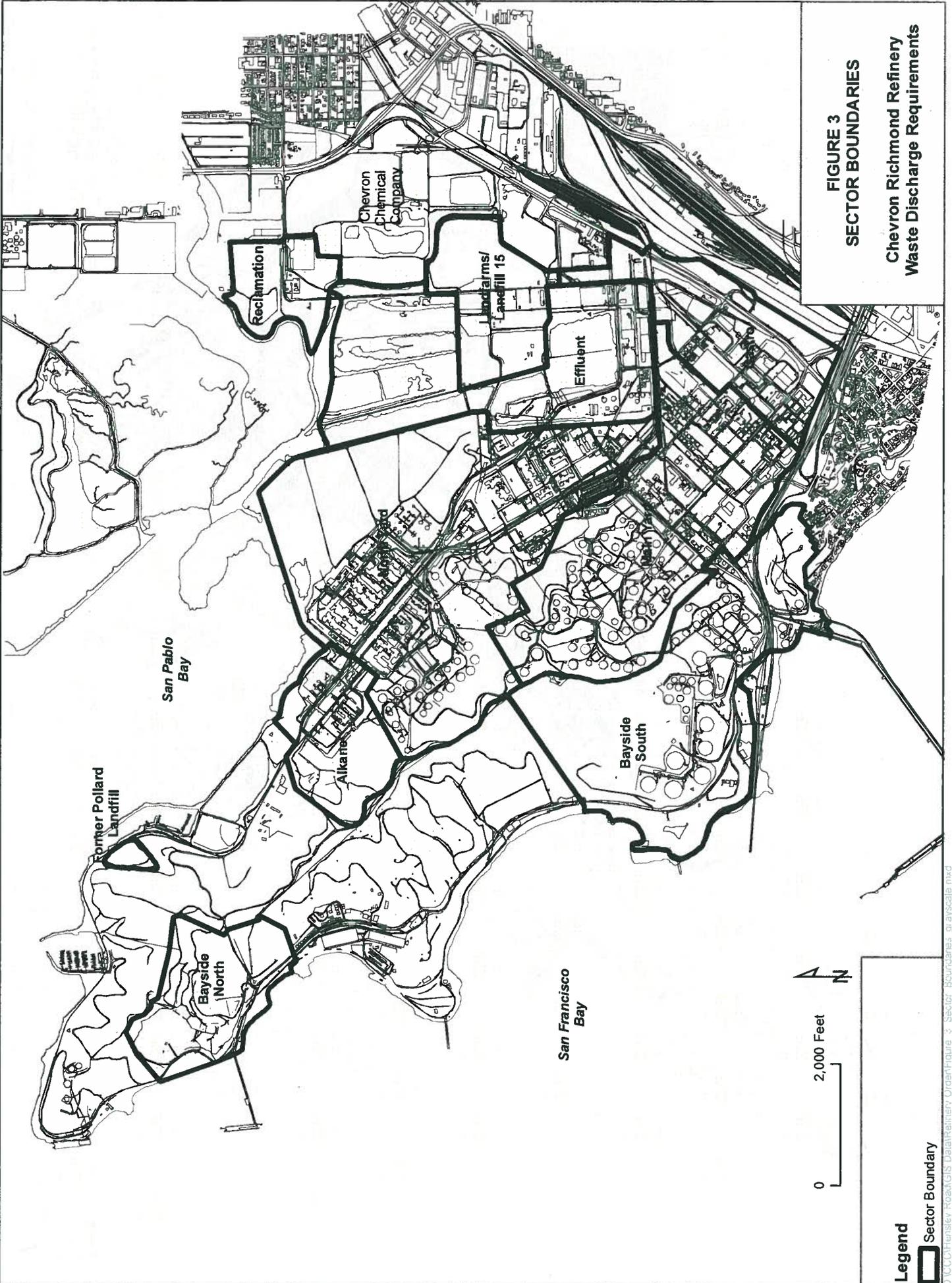




**FIGURE 2**  
**REGIONAL SITE MAP**  
**WITH GEOMORPHIC BOUNDARIES**  
**Chevron Richmond Refinery**  
**Waste Discharge Requirements**



- Legend**
- ..... Approximate Bay Mud Pinch-out
  - - - - - Approximate 5 Foot Bay Mud Isopach
  - 50 Foot Elevation Contour
  - Topographic Contour (40 Foot Contour Interval)

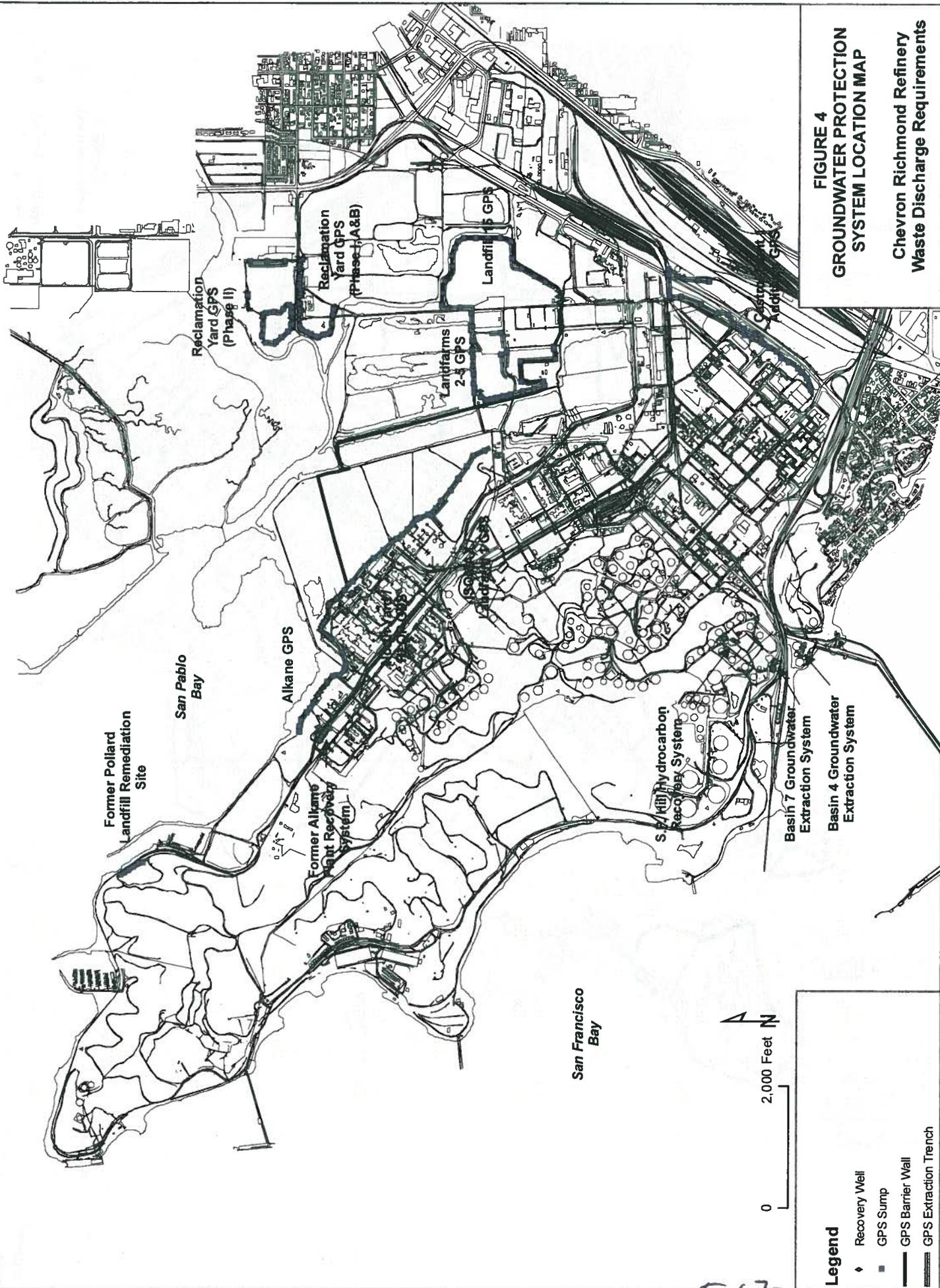


**FIGURE 3**  
**SECTOR BOUNDARIES**  
 Chevron Richmond Refinery  
 Waste Discharge Requirements

**Legend**  
 [Thick black line symbol] Sector Boundary

0 2,000 Feet  
 N

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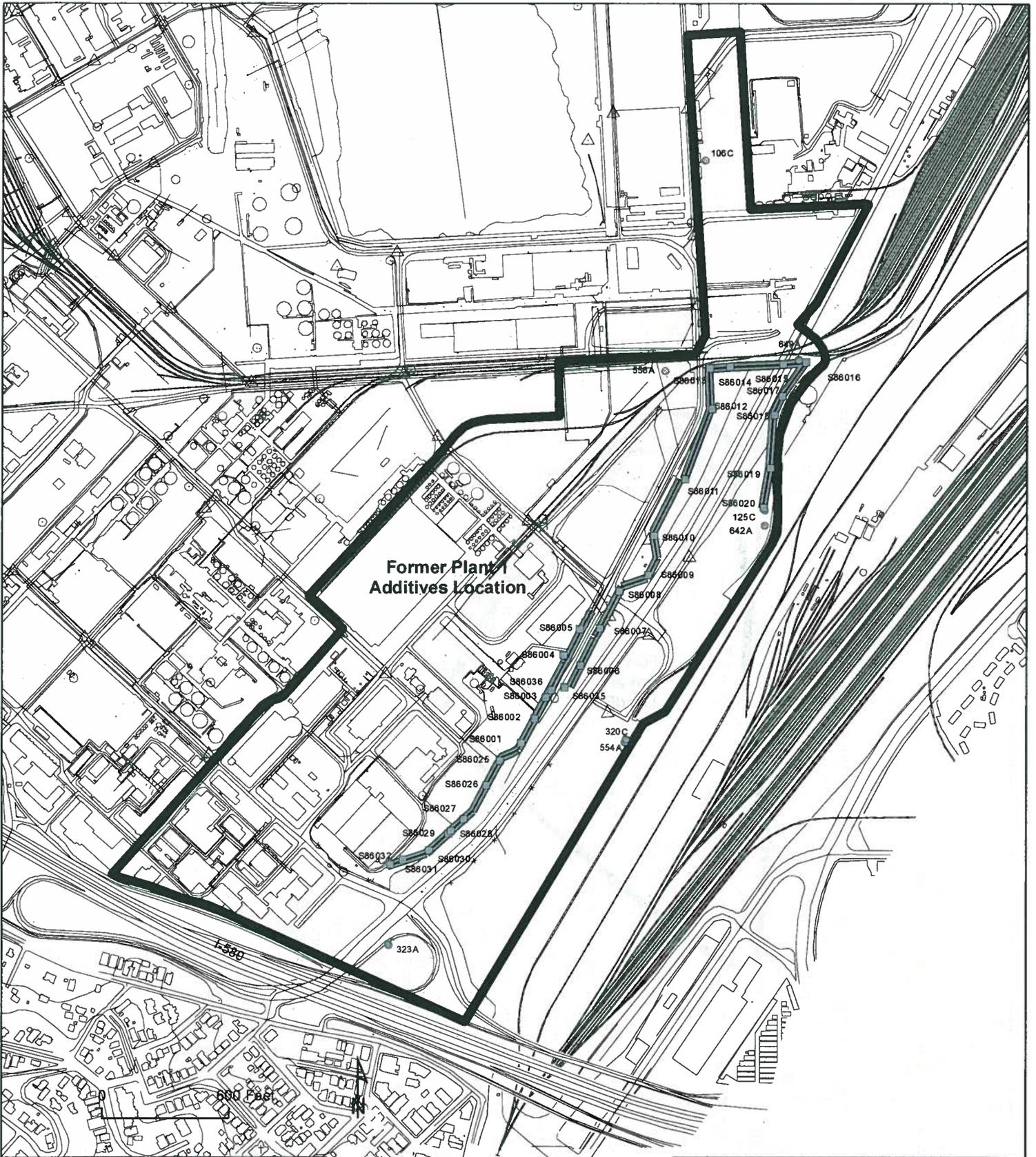
**FIGURE 4**  
**GROUNDWATER PROTECTION**  
**SYSTEM LOCATION MAP**  
**Chevron Richmond Refinery**  
**Waste Discharge Requirements**

**Legend**

- ◆ Recovery Well
- GPS Sump
- GPS Barrier Wall
- ══ GPS Extraction Trench

5.67

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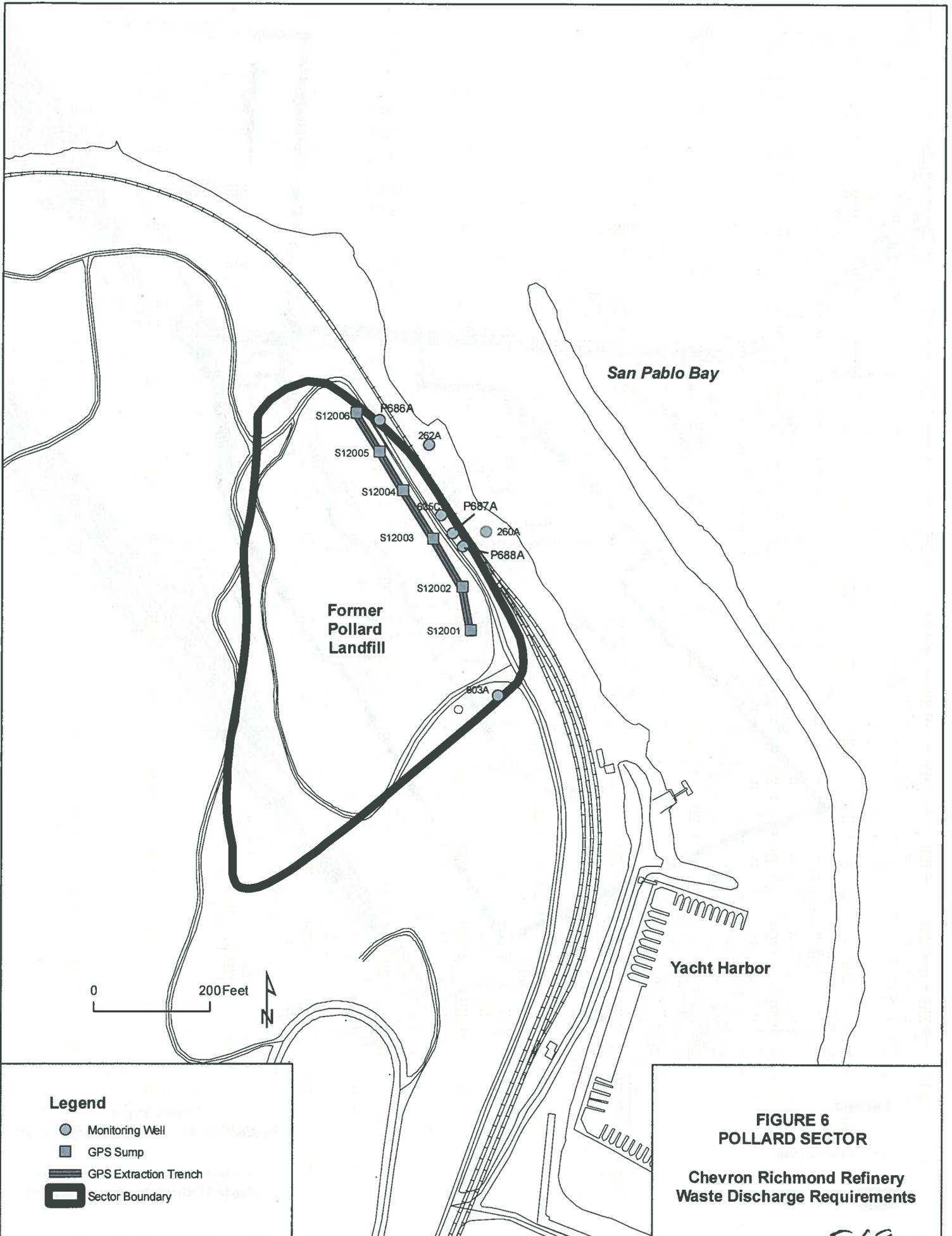


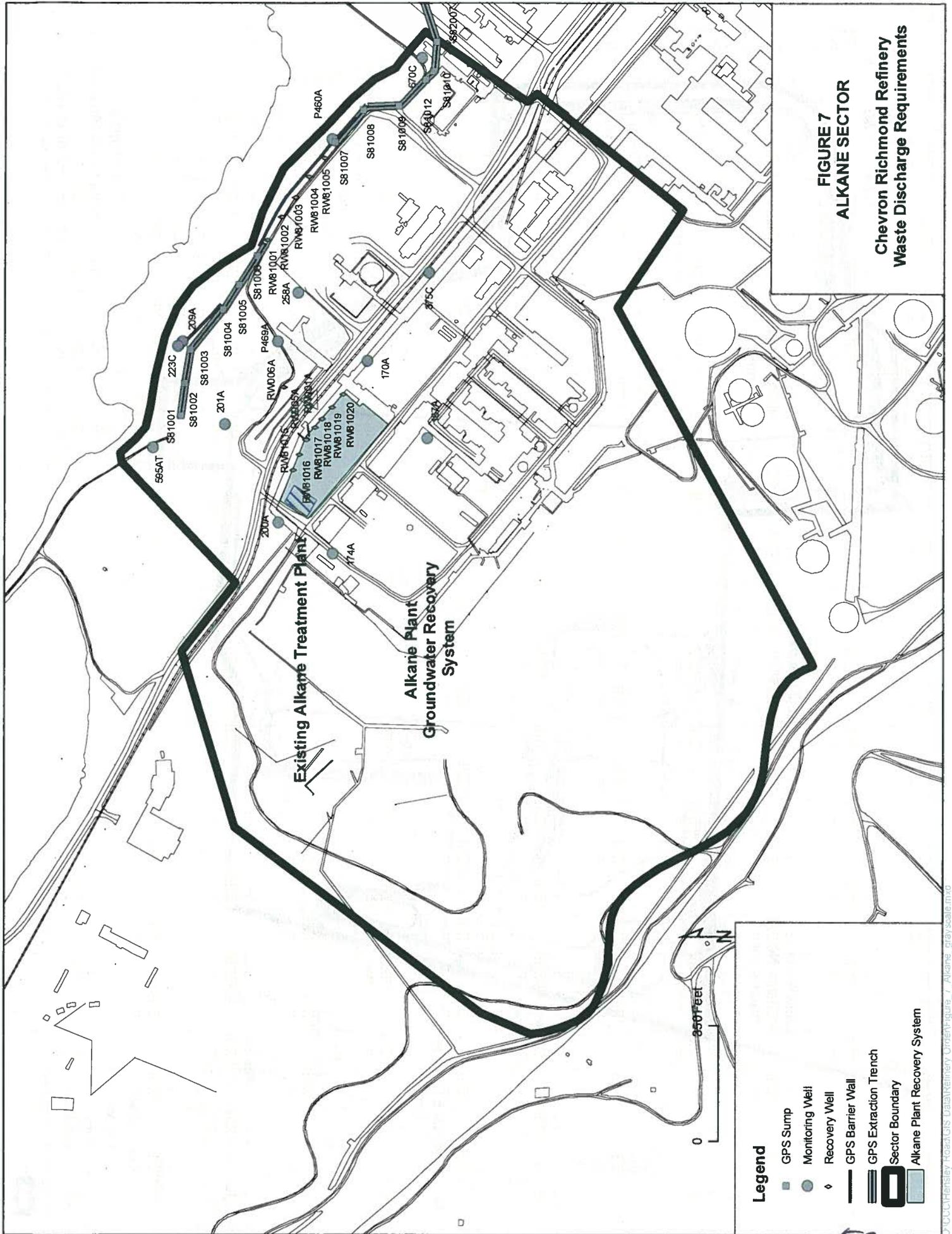
**Legend**

- GPS Sump
- Monitoring Well
- ▬ GPS Extraction Trench
- ▭ Sector Boundary

**FIGURE 5  
PLANT 1 / ADDITIVES PLANT CAP**

**Chevron Richmond Refinery  
Waste Discharge Requirements**





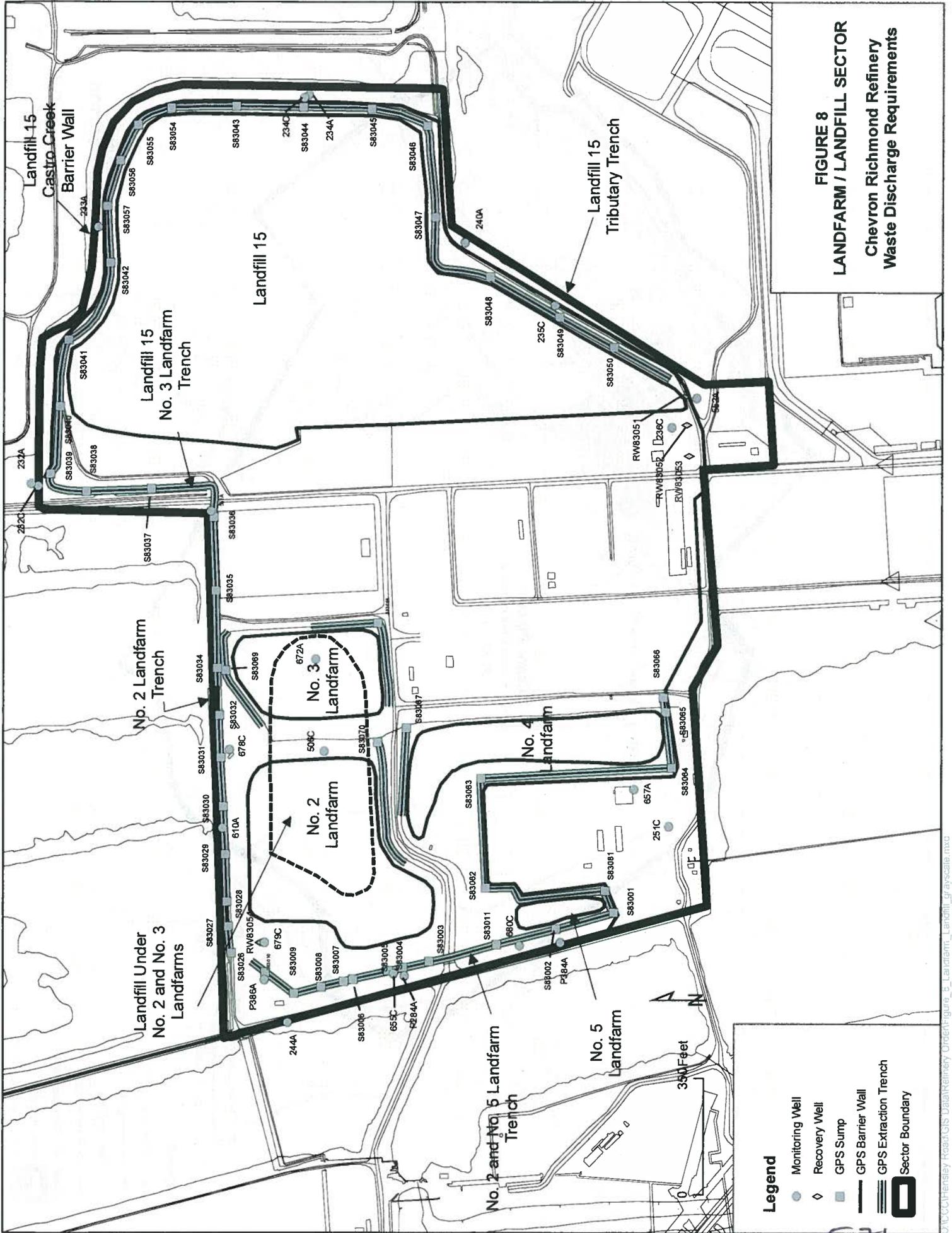
**FIGURE 7**  
**ALKANE SECTOR**  
**Chevron Richmond Refinery**  
**Waste Discharge Requirements**

- Legend**
- GPS Sump
  - Monitoring Well
  - ◆ Recovery Well
  - GPS Barrier Wall
  - ▨ GPS Extraction Trench
  - ▭ Sector Boundary
  - ▩ Alkane Plant Recovery System

500 Feet



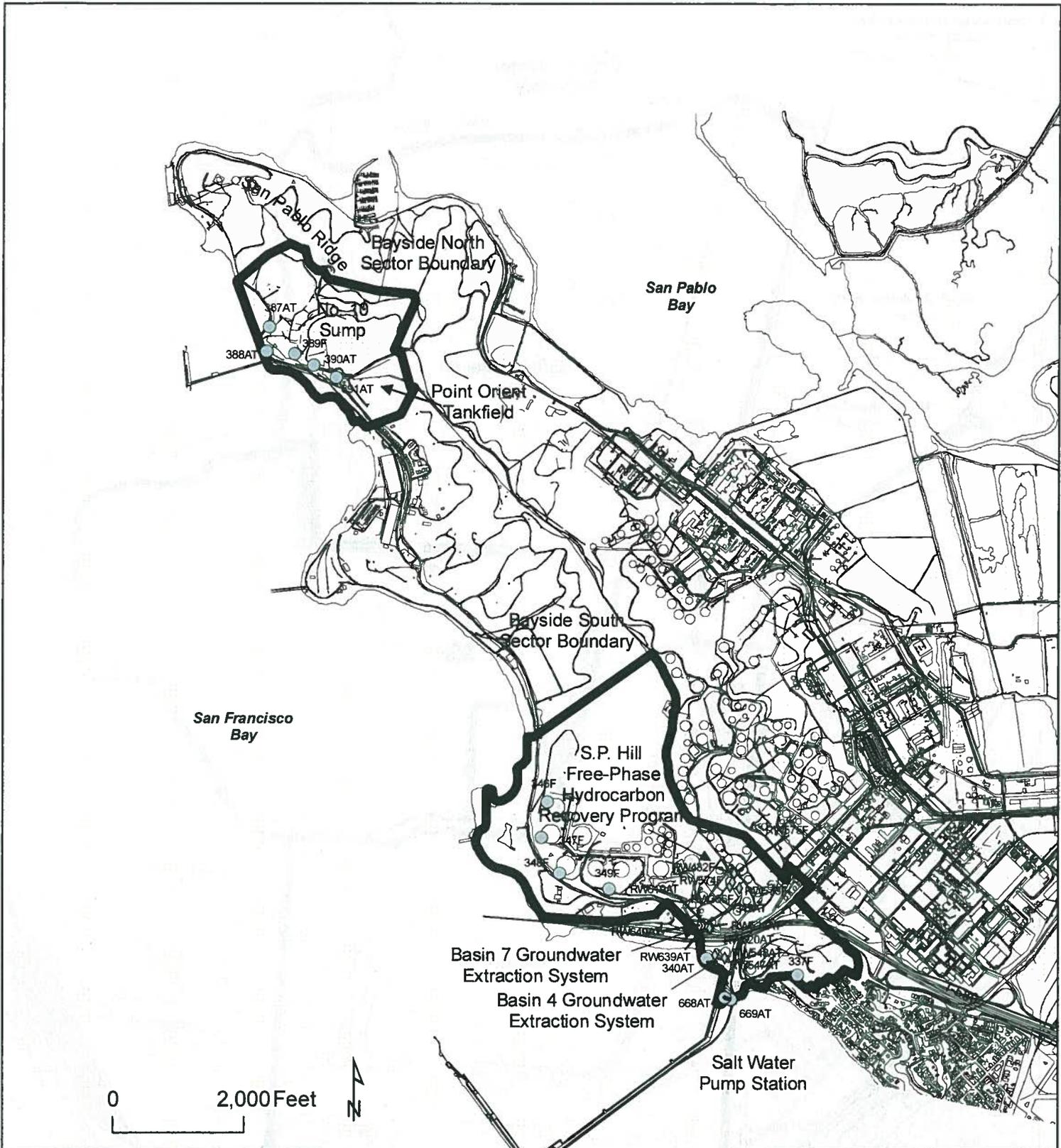
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**FIGURE 8**  
**LANDFARM / LANDFILL SECTOR**  
**Chevron Richmond Refinery**  
**Waste Discharge Requirements**

- Legend**
- Monitoring Well
  - ◇ Recovery Well
  - GPS Sump
  - GPS Barrier Wall
  - ≡ GPS Extraction Trench
  - Sector Boundary

17.5

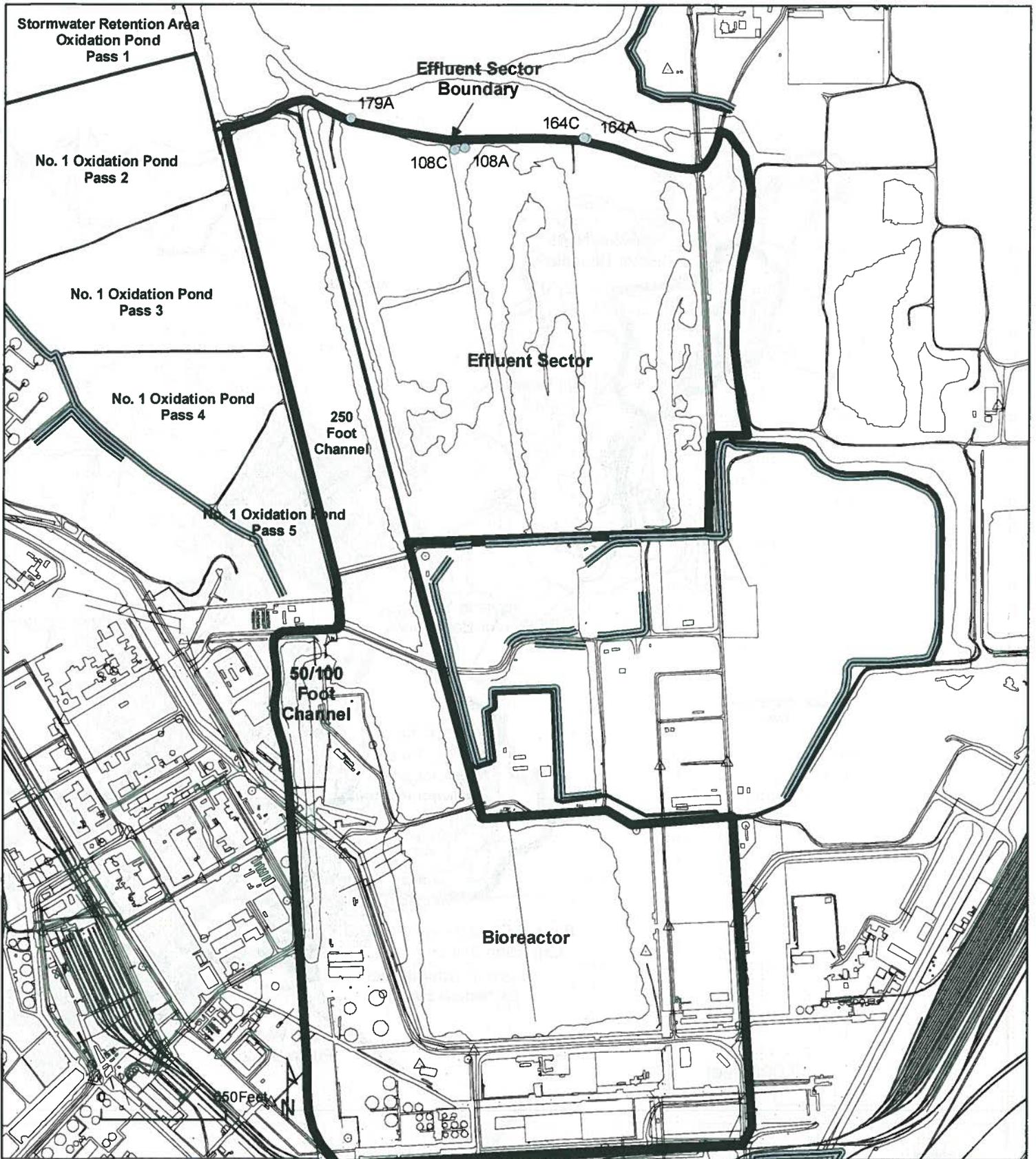


**Legend**

- Monitoring Well
- ◇ Bayside Recovery Well
- GPS Barrier Wall
- ▭ Sector Boundary

**FIGURE 9  
BAYSIDE SECTOR**  
**Chevron Richmond Refinery  
Waste Discharge Requirements**

5.72

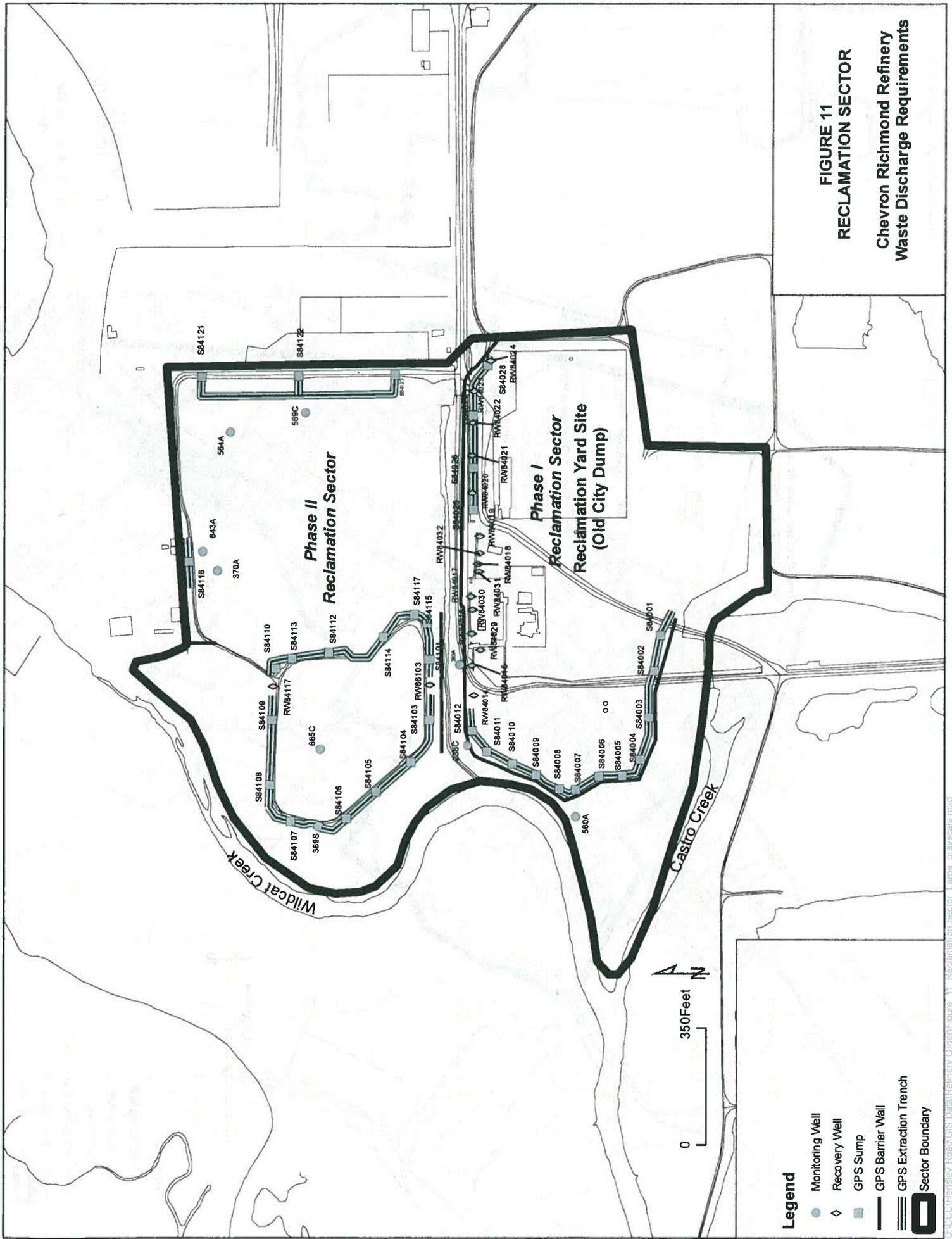


**Legend**

- Monitoring Well
- GPS Barrier Wall
- ▬ GPS Extraction Trench
- ▭ Sector Boundary

**FIGURE 10  
EFFLUENT SECTOR**  
**Chevron Richmond Refinery  
Waste Discharge Requirements**

5.73



**FIGURE 11**  
**RECLAMATION SECTOR**  
 Chevron Richmond Refinery  
 Waste Discharge Requirements

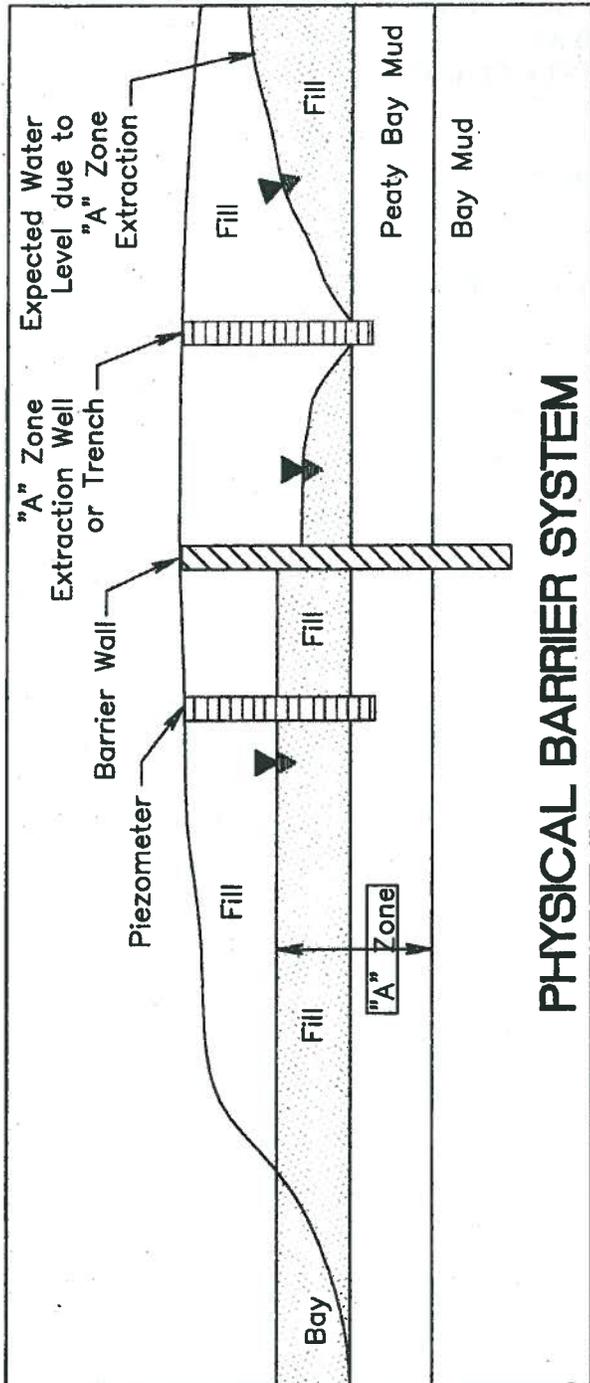
- Legend**
- Monitoring Well
  - ◇ Recovery Well
  - GPS Sump
  - GPS Barrier Wall
  - ≡ GPS Extraction Trench
  - ▭ Sector Boundary



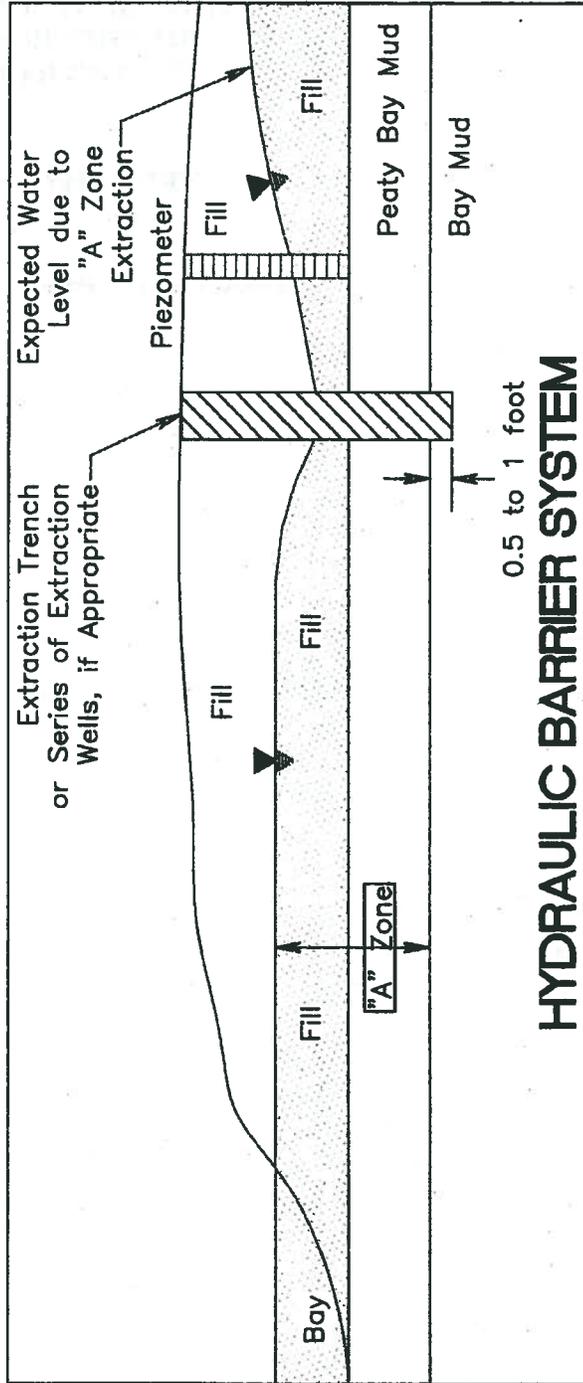
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**PHYSICAL BARRIER SYSTEM**



**HYDRAULIC BARRIER SYSTEM**

**GROUNDWATER PROTECTION SYSTEM**  
 Chevron Richmond Refinery  
 Waste Discharge Requirements

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

**SELF-MONITORING AND REPORTING PROGRAM**

**FOR**

**CHEVRON PRODUCTS COMPANY  
CHEVRON RICHMOND REFINERY  
841 CHEVRON WAY  
RICHMOND, CONTRA COSTA COUNTY**

**TENTATIVE ORDER**

**CONSISTS OF PART A AND PART B**

## PART A

This combined Self-Monitoring Program (SMP) specifies monitoring and reporting programs necessary to fulfill obligations under the Waste Discharge Requirements (WDRs) and Site Cleanup Requirements (SCRs), including:

- (a) General monitoring requirements for landfills and waste management units under the WDRs (Part A);
- (b) General monitoring requirements related to cleanup activities performed under the SCRs (Part A);
- (c) Self-monitoring report content and format (Part A);
- (d) Self-monitoring report submittal frequency and schedule (Part B);
- (e) Monitoring locations, parameters, analytes and frequency for programs under the WDRs (Part B); and
- (f) Monitoring locations, parameters, analytes and frequency for programs under the SCRs (Part B).

### **A. AUTHORITY AND PURPOSE**

For discharges of waste to land, water quality monitoring is required pursuant to the California Code of Regulations (CCR), Division 2, Title 27, Subdivision 1, Chapter 3, Subchapter 3, sections 20380 through 20435. The principal purposes of an SMP include: 1) to document compliance with WDRs and prohibitions established by the Regional Water Board, 2) to facilitate self-policing by the discharger in the prevention and abatement of pollution arising from the waste discharge, 3) to develop or assist in the development of effluent standards of performance and toxicity standards, and 4) to assist the discharger in complying with the requirements of Title 27. Additionally, under California Water Code (CWC) Section 13304, Chevron is required to implement corrective actions and monitor the effectiveness of the implemented corrective actions under this combined SMP.

### **B. MONITORING REQUIREMENTS**

Monitoring refers to the observation, inspection, measurement, and/or sampling of environmental media, waste management units (WMUs), containment and control facilities, and waste disposed in each WMU. The monitoring programs designed to evaluate the potential release of wastes from WMUs are included in the WDRs Monitoring Program described in this combined SMP. Monitoring programs designed to evaluate the effectiveness of corrective actions implemented under CWC Section 13304 are also described in the combined SMP. The following defines the types of monitoring that may be required.

#### **Monitoring of Environmental Media**

The Regional Water Board may require monitoring of groundwater, surface water, vadose zone, stormwater, leachate, and any other environmental media that may pose a threat to water quality or provide an indication of a water quality threat at the refinery.

Sample collection, storage, and analyses shall be performed according to the most recent version of U.S. EPA-approved methods or in accordance with Groundwater Monitoring Program Standard Operating Procedures (SOP) or subsequent revisions approved by Regional Water Board staff. Analytical testing of environmental media required by this SMP shall be performed by a California State-approved laboratory for the required analyses. The director of the laboratory whose name appears on the certification shall be responsible for supervising all analytical work in his/her laboratory and shall have signing authority for all laboratory data reports or may designate signing of all such data included in reports submitted to the Regional Water Board.

All monitoring instruments and devices used to conduct monitoring in accordance with this SMP shall be maintained and calibrated as necessary to ensure their continued accuracy. All flow measurement devices shall be calibrated at least once every two years.

Receiving waters refer to any surface water which actually or potentially receives surface or groundwater that pass over, through, or under waste materials or impacted soils. In this case, the groundwater beneath and adjacent to the WMU areas and the surface runoff from the refinery site are considered receiving waters.

### **Standard Observations**

Standard observations refer to observations within the limits of each WMU, at their perimeter, and of the receiving waters beyond their limits. Standard observations include:

1. Waste Management Units:
  - a. Evidence of ponded water at any point on the WMU;
  - b. Evidence of odors, including their presence or absence, characterization, source, and distance of travel from source; and
  - c. Evidence of erosion and/or daylighted waste.
  
2. Perimeter of Waste Management Units:
  - a. Evidence of liquid leaving or entering the WMU, estimated size of affected area and flow rate (show affected area on map);
  - b. Evidence of odors, including their presence or absence, characterization, source, and distance of travel from source; and
  - c. Evidence of erosion and/or daylighted waste.
  
3. Receiving Waters:
  - a. Floating and suspended materials of waste origin, including their presence or absence, source, and size of affected area;
  - b. Discoloration and turbidity: description of color, source, and size of affected area;
  - c. Evidence of odors, presence or absence, characterization, source, and distance of travel from source;
  - d. Evidence of beneficial use, such as presence of water associated with wildlife;
  - e. Estimated flow rate; and

- f. Weather conditions, such as estimated wind direction and velocity, total precipitation.

### **Facilities Inspections**

Facilities inspections refer to the inspection of all containment and control structures and devices associated with the environmental monitoring of the refinery. Containment and control facilities may include the following:

1. Intermediate and final covers; and
2. Storm-water management system elements such as perimeter drainage and diversion channels, ditches and downchutes, and detention and sedimentation ponds or collection tanks;

### **Quality Assurance/Quality Control (QA/QC) Sample Monitoring**

Chevron shall collect duplicate, field blank, equipment blank (if appropriate) and trip blank samples for each monitoring event at the frequency specified in the latest version of the Groundwater Monitoring Program SOP.

### **C. REPORTING REQUIREMENTS**

Reporting responsibilities of waste dischargers under WDRs and SCRs are specified in CWC sections 13225(a), 13267(b), 13383, and 13387(b) and this Regional Water Board's Resolution No.73-16 and Title 27. At a minimum, each Self-Monitoring Report (SMR) shall include the following information:

1. Transmittal Letter: A cover letter transmitting the essential points of the monitoring report shall be included with each monitoring report. The transmittal letter shall discuss any violations during the reporting period and actions taken or planned to correct the problem. The letter shall also certify the completion of all monitoring requirements. The letter shall be signed by the Discharger's principal executive officer or his/her duly authorized representative, and shall include a statement by the official, under penalty of perjury, that the report is true and correct to the best of the official's knowledge.
2. Graphic Presentation: The following maps, figures, and graphs (if applicable) shall be included in each SMR to visually present data collected pursuant to this SMP:
  - a. Plan-view maps showing all monitoring and sampling locations, WMUs, containment and control structures, treatment facilities, surface water bodies, and site/property boundaries;
  - b. Groundwater level/piezometric surface contour maps for each groundwater-bearing zone of interest showing inferred groundwater gradients and flow directions under/around each WMU, based upon the past and present water level elevations and pertinent visual observations; and
  - c. Any other maps, figures, photographs, cross-sections, graphs, and charts necessary to visually demonstrate the appropriateness and effectiveness of sampling, monitoring, characterization, investigation, or remediation activities relative to the goals of this SMP.

3. Tabular Presentation: The following data (if applicable) shall be presented in tabular form and included in each SMR to show a chronological history and allow quick and easy reference:
  - a. Well designation;
  - b. Well location coordinates (latitude and longitude);
  - c. Well construction (including top of well casing elevation, total well depth, screen interval depth below ground surface, and screen interval elevation);
  - d. Groundwater depths;
  - e. Groundwater elevations;
  - f. Current analytical results (including analytical method and detection limits for each constituent);
  - g. Historical analytical results (including at least the past five years in the annual report unless otherwise requested); and
  - h. Measurement dates.
  
4. Compliance Evaluation Summary and Discussion:
  - a. A summary and certification of completion of all environmental media monitoring, standard observations, and facilities inspections;
  - b. The quantity and types of wastes captured by the GPS and hydrocarbon recovery program, and the location these wastes were disposed of during the reporting period, if applicable;
  - c. A description of the waste stream, if applicable;
  - d. The signature of the laboratory director or his/her designee in laboratory data deliverables indicating that he/she has supervised all analytical work in his/her laboratory; and
  - e. A discussion of the field and laboratory results that includes the following information:
    - (1) Data interpretations (including of trends, especially in the context of potential correlation to the modified waste acceptance criteria);
    - (2) Conclusions;
    - (3) Recommendations;
    - (4) Newly implemented or planned investigations and remedial measures;
    - (5) Data anomalies;
    - (6) Variations from protocols;
    - (7) Condition of wells; and
    - (8) Effectiveness of leachate monitoring and control facilities.
  
5. Appendices: The following information shall be provided as appendices in electronic format only unless requested otherwise by Regional Water Board staff and unless the information is already contained in an SAP or SOP approved by Regional Water Board staff:
  - a. New boring and well logs;
  - b. Method and time of water level measurements;
  - c. Purging methods and results including the type of pump used, pump placement in the well, pumping rate, equipment and methods used to monitor field pH, temperature, and electrical conductivity, calibration of the field equipment, pH temperature, conductivity, and turbidity measurements, and method of disposing of the purge water;

- d. Sampling procedures, field, equipment, and travel blanks, number and description of duplicate samples, type of sample containers and preservatives used, the date and time of sampling, the name of the person actually taking the samples, and any other relevant observations; and
- e. Documentation of laboratory results, analytical methods, detection limits and reporting limits, and Quality Assurance/Quality Control (QA/QC) procedures for the required sampling.

## **D. ANNUAL REPORTING**

The Discharger shall submit an annual self-monitoring report to the Regional Water Board covering the previous calendar year. The annual report must summarize all monitoring, investigation, and remedial activities that have occurred in the previous year. The annual report shall include the following information for each monitoring event during the year required pursuant to this SMP, in addition to the transmittal letter and appendices described in Sections C.1, C.2, and C.3 of this SMP:

### **1. Graphic Presentation**

Include site maps (plot plans) for each aquifer or water-bearing zone monitored that are drawn to a scale that remains constant from reporting period to reporting period. Line or bar graphs are helpful to illustrate variations in groundwater elevations, phase-separated product thickness, and dissolved chemical concentrations with time. These maps and graphs shall include the following information:

- a. Known or probable contaminant sources;
- b. Well locations;
- c. Groundwater elevation contours;
- d. Inferred groundwater flow direction(s);
- e. Identify wells containing phase-separated product;
- f. Extent of dissolved chemical constituents presented in map layout (e.g., isoconcentration maps, chemical box data maps, etc.); and
- g. Appropriate analytical results.

Geologic cross sections are required if new data is available and/or the previous interpretation of subsurface conditions has changed. When required, geologic cross sections shall include the following:

- i. Vertical and lateral extent of contamination;
- ii. Contaminant sources;
- iii. Geologic structures;
- iv. Soil lithology;
- v. Water table/piezometric surfaces;
- vi. Sample locations;
- vii. Sample analytical results; and
- viii. Subsurface utilities and any other potential natural or manmade conduits for contaminant migration.

### **2. Tabular Presentation**

Present all of the following data in one or more tables to show a chronological history and allow quick and easy reference. The table(s) shall include the following information:

- a. Well designations;
- b. Well location coordinates (latitude and longitude);
- c. Well construction (including top of well casing elevation, total well depth, screen interval depth below ground surface, and screen interval elevation);
- d. Groundwater depths;
- e. Groundwater elevations;
- f. Horizontal groundwater gradients;
- g. Vertical groundwater gradients (including comparison wells from different zones);
- h. Phase-separated product elevations;
- i. Phase-separated product thickness;
- j. Current analytical results (including analytical method and detection limits for each constituent);
- k. Historical analytical results for the most recent four sampling events;
- l. Measurement dates;
- m. Groundwater extraction, including:
  - i. Average daily extraction rate;
  - ii. Total volume extracted for monitoring period;
  - iii. Annual cumulative total volume extracted; and
- n. Estimate of contaminant volume extracted (reported in gallons) including:
  - i. Average daily removal rate;
  - ii. Total volume removed for monitoring period;
  - iii. Annual cumulative total volume removed.

### 3. Discussion

Provide a discussion of the field and laboratory results that includes the following information:

- a. Data Interpretations;
- b. Conclusions;
- c. Recommendations;
- d. Newly implemented or planned investigations and remedial measures;
- e. Data anomalies;
- f. Variations from protocols; and
- g. Conditions of wells.

### E. CONTINGENCY REPORTING

1. The Discharger shall report any seepage from the surface of any WMU or discharge prohibited in the WDRs or SCRs immediately after it is discovered to the Regional Water Board by calling the Spill Hotline at 1-800-852-7550 and by sending an email to [Rb2SpillReports@waterboards.ca.gov](mailto:Rb2SpillReports@waterboards.ca.gov). The Discharger shall submit a written report with the Regional Water Board within five days of discovery of any discharge. The written report shall contain, at a minimum, the following information:

- a. A map showing the location(s) of discharge;
  - b. Approximate flow rate;
  - c. A description of the nature of the discharge; and
  - d. Corrective measures underway or proposed.
2. The Discharger shall submit a written report to the Regional Water Board within seven working days of determining that a statistically significant difference occurred in the sample result compared against the historical dataset and above an approved WQPS in a perimeter segment-monitoring well. In addition, evaluation of GPS performance will be reviewed to examine the effectiveness of hydraulic control.
- a. Chevron shall immediately re-sample at the compliance point where the exceedence was observed, evaluate the result against the historical dataset and re-analyze if results are not consistent with historical trends.
  - b. If re-sampling and analysis confirm the exceedence through statistical analysis, Chevron shall document this in the text of the next Annual Report and notify the Regional Water Board in writing within 21 days of re-sampling. In this letter, Chevron shall evaluate whether any re-sampling or additional corrective measures need to be implemented.

## F. ELECTRONIC REPORTING

### 1. Geotracker Requirements

The State Water Board has adopted regulations requiring electronic report and data submittal to Geotracker. The text of the regulations can be found at the following URL:

[http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/index.shtml)

Parties responsible for cleanup of pollution at sites overseen by the Regional Water Board's Land Disposal Programs are required to submit over the internet, the following information electronically to Geotracker:

- a. Groundwater analytical data;
- b. Surveyed locations of monitoring wells;
- c. Boring logs describing monitoring well construction; and
- d. Portable data format (PDF) copies of all reports (the document in its entirety [signature pages, text, figures, tables, etc.] must be saved as a single PDF file).

Note that the Discharger is still responsible for submitting one hard copy of all reports pursuant to this Order. The Regional Water Board may require direct submittal of electronic reports and correspondence in addition to the State Water Board's Geotracker requirements.

### 2. Data Tables

Upon request, monitoring results shall also be provided electronically in Microsoft Excel® or similar spreadsheet format to provide an easy to review chronological summary of site data, and to facilitate data computations and/or plotting that Water Board

staff may undertake during the review process. Data tables submitted in electronic spreadsheet format will not be included in the case file for public review and should therefore be submitted on CD or diskette and included with the print report.

Electronic tables shall include the following information:

- a. Well designations;
- b. Well location coordinates (latitude and longitude);
- c. Well construction (including top of well casing elevation, total well depth, screen interval depth below ground surface, and screen interval elevation);
- d. Groundwater depths and elevations (water levels);
- e. Phase-separated product thicknesses and elevations;
- f. Current analytical results by constituent of concern (including detection limits for each constituent);
- g. Historical analytical results (including the past four sampling events); and
- h. Measurement dates.

#### **G. MAINTENANCE OF WRITTEN RECORDS**

The Discharger shall maintain information required pursuant to this SMP for a minimum of five years. The five-year period of retention shall be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Water Board.

## PART B: MONITORING AND OBSERVATION SCHEDULE

### 1. DESCRIPTION OF OBSERVATION STATIONS AND SCHEDULE OF OBSERVATIONS

#### A. GROUNDWATER MONITORING:

**Semi-Annual Reports: Due August 31 and March 1 of each year**  
**Annual Report: Due March 1 of each year**

Groundwater shall be sampled and analyzed as detailed in Tables 2 and 4. Monitoring well locations are listed in Tables 1 and 3. Groundwater analyses shall include the following field measurements: pH, temperature, specific conductance, water level, volume purged, number of casings volumes purged, and whether the well went dry during sampling (including measures taken to ensure accuracy of analyses given this condition). Groundwater monitoring wells installed in the future will be sampled and analyzed as detailed in Tables 2 and 4 and on a quarterly basis until a statistically significant dataset is established.

#### B. FACILITIES MONITORING - Observe quarterly, report semi-annually

**Semi-Annual Report: Due August 31 and March 1 of each year**  
**Annual Report: Due March 1 of each year**

The Discharger shall inspect all facilities to ensure proper and safe operation and report semi-annually. The facilities to be monitored shall include, but not be limited to:

1. Waste Containment systems;
2. Waste treatment systems;
3. Surface water retention basins;
4. Leak detection systems (where applicable); and
5. Leachate/groundwater management facilities and secondary containment where applicable.

### 2. GPS PERFORMANCE MONITORING

Chevron shall measure the water level in each GPS corrective action monitoring well and in a sufficient number of wells or piezometers both upgradient and downgradient of the GPS to demonstrate continuous maintenance of a hydraulic depression in the GPS trenches (inward hydraulic gradient). To demonstrate the effectiveness of the GPS, Chevron shall include the following for each refinery sector in the semi-annual SMRs:

- a. contour maps of 1st and 3rd quarter GPS groundwater elevation data;

- b. hydrographs showing water level data (measured at least once per week) at each operating extraction sump or recovery well;
- c. a narrative summary of the GPS performance during the reporting period; and,
- d. an estimate of the volume of groundwater extracted during the reporting period.

### **3. ON-SITE OBSERVATIONS/POST-CLOSURE MAINTENANCE AND MONITORING**

Closed WMUs (Plant 1/Additives Plant, Landfill 15, Landfarms 1-5, the Hydropits, Parr-Richmond Landfill and the Gertrude Street Site) shall be inspected annually by a registered California engineer or geologist prior to the onset of the rainy season. These annual inspections shall include identification of areas of the final covers where the soil has become eroded, attacked by rodents, or otherwise damaged, or where the paved areas have become damaged. Chevron shall perform appropriate repairs for these areas prior to the rainy season. In addition, Chevron shall monitor runoff/run-on control facilities for their effectiveness and overall condition as needed according to weather conditions during the winter months (November through April) and as prescribed in the approved post-closure maintenance/monitoring plan for each individual WMU. Chevron shall maintain records of all inspections and repairs and summarize in each semi-annual monitoring report any repairs made during the corresponding reporting period.

### **4. ALKANE PLANT PLUME REMEDIATION MONITORING**

Chevron shall continue to monitor the Alkane Plant Plume remediation effort in accordance with *the Revised Alkane Plant Plume Remediation Goals Plan* (URS, 2001). The monitoring components of this plan include measuring potentiometric water levels, liquid hydrocarbon thickness, and benzene and fluoride concentrations. Benzene and fluoride concentrations will continue to be measured annually in samples collected from 6 wells (listed in Table 1), located around the perimeter of the plume to verify containment of the plume.

### **5. FREE-PHASE LIQUID HYDROCARBON (FPLH) RECOVERY SUMMARY**

Chevron shall include a map in each semi-annual SMR that shows the locations of all wells within the refinery that contain FPLH. The measured thickness of the FPLH in each well should be indicated on the map next to the well. Recovery of FPLH will be performed in accordance with the procedures described in the *Free-Phase Liquid Petroleum Hydrocarbon Recovery Evaluation Plan, Chevron Richmond Refinery* (URS, 2000). In addition, the SMR shall include a description of FPLH recovery method used, recovery volume data for the reporting period and cumulative recovery data for each active recovery well or system.

### **6. CHEMICAL CONSTITUENT MONITORING**

- a. Refinery-Wide Groundwater Monitoring Program: Chevron shall sample the Refinery-Wide Corrective Action Groundwater Monitoring Program compliance monitoring points listed in Table 1 for the analytical parameters and at the frequencies listed in Table 2. All monitoring activities, including analytical and QA/QC procedures will be conducted in

accordance with the most recent version of Chevron's Groundwater Monitoring Program Standard Operating Procedure.

- b. Landfarm Post-Closure Monitoring Program: Chevron shall sample the Landfarms Post-Closure Monitoring Program monitoring points listed in Table 3 for the analytical parameters and at the frequencies listed in Table 4. All monitoring activities, including analytical and QA/QC procedures will be conducted in accordance with the most recent version of Chevron's Groundwater Monitoring Program Standard Operating Procedure. Monitoring events for constituents of concern and Appendix IX analyses shall alternate between periods of highest and lowest groundwater levels.
- c. Chevron shall sample new wells installed to monitor Landfarms 1 through 5 for COCs and MPs listed in Table 4 over eight consecutive quarters. Within the first year after installation, Chevron shall analyze new wells for the Appendix IX constituents listed in Table 4. Chevron shall add any new compounds detected in new wells to the list of COCs in Table 4.
- d. Chevron shall sample the monitoring points listed in Table 3 regardless of the presence of nonaqueous phase liquid as follows:
  - i. For monitoring points with persistent nonaqueous phase liquid (e.g., more than two consecutive quarters), Chevron shall collect samples every other year for COCs and Appendix IX (if well is POC). For monitoring points with intermittent nonaqueous phase liquid (e.g., not detected during consecutive quarters), Chevron shall collect samples semi-annually.
  - ii. Chevron shall obtain samples for dissolved phase analysis after purging nonaqueous phase liquid from the well, by low-flow sampling, or by another appropriate method.
  - iii. Chevron shall follow the most recent version of the Chevron Groundwater Monitoring Program Standard Operating Procedure.
- e. Chevron shall monitor "A" Zone monitoring points in Table 3 under a corrective action monitoring program (22 CCR 66264.100).
- f. Chevron shall monitor "C" Zone monitoring points in Table 3 under a detection monitoring program (22 CCR 66264.98).

Attachments:

- Table 1: List of Monitoring Wells by Sector, Refinery-Wide Groundwater Monitoring Program
- Table 2: Maximum Allowable Concentration Limits for Constituents of Concern and Monitoring Parameters for the Refinery-Wide Groundwater Monitoring Program
- Table 3: Landfarm Area Monitoring Well Network

**Table 4: Landfarm Post-Closure Monitoring Program, Monitoring Parameters, Constituents of Concern and MACLs**

*[The table content is extremely faint and illegible in this scan. It appears to be a multi-column table with headers for monitoring parameters, constituents of concern, and MACLs.]*

**Table 1: List of Monitoring Wells by Sector  
Refinery-Wide Groundwater Monitoring Program  
Chevron Richmond Refinery**

Alkane Sector	Castro and Plant 1/Add. Sector	Landfarms /Landfill 15 Sector	North Yard Sector	Reclamation Yard Sector	Pollard Sector	Effluent Sector	Bayside North	Bayside South	Interior "C" Zone
209A	323A	232A	178A	290A	260A	108A	387AT	346F	208C
P460A	642A	233A	675A	643A	262A	164A	388AT	347F	638C
595AT	554A	234A	550A	370A	803A	179A	389F	348F	378C
223C	556A	240A	377C	560A	635C	108C	390AT	349F	379C
375C	106C	244A	178C	685C		164C	391AT	351CT	380C
670C	125C		671A	238C				345AT	138C
167A*	320C	551A		369S				340AT	382C
170A*	649A	552A		564A				337F	
174A*		232C		569C				RW619AT#	
200A*		234C						RW534AT#	
201A*		235C							
258A*		236C							

Notes:

\* Wells associated with Alkane Plant Plume Remediation Monitoring

# Wells with Remediation Monitoring Plan, S.P. Hill Tankfield

**Table 2: Maximum Allowable Concentration Levels (MACLS) for  
Constituents of Concern and Monitoring Parameters for the Chevron  
Refinery -Wide Groundwater Monitoring Program**

Constituents of concern	MACL ( $\mu\text{g/l}$ ) Unless otherwise noted		Landfarms/landfills Sector	Castro Sector	North Yard Sector	Bayside Sector- North	Bayside Sector- south	Alkane Sector	Effluent Sector	Reclamation Sector	Pollard Sector	Interior "C" zone
TPH-Gas	1200	*	S	S	S	S	S	S	S	S	S	S
TPH- Diesel	640	*	S	S	S	S	S	S	S	S		S
Benzene	46	*	S	S	S	S	S	S	S	S	B	S
MTBE	1800	*	S	S	S	S	S	S	S	S	B	S
Acenaphthene	40	*	B	B	B	B	B	B	B	B	B	
Acenaphthylene	307	*	B	B	B	B	B	B	B	B	B	
Anthracene	21	*	B	B	B	B	B	B	B	B	B	
Benzo(a)pyrene	0.049	*	B	B	B	B	B	B	B	B	B	
Benzo(b)fluoranthene	0.049	*	B	B	B	B	B	B	B	B	B	
Benzo(g,h,i)perylene		*	B	B	B	B	B	B	B	B	B	
Benzo(k)fluoranthene	0.049	*	B	B	B	B	B	B	B	B	B	
Chrysene	0.049	*	B	B	B	B	B	B	B	B	B	
Dibenzo(a,h)anthracene	0.049	*	B	B	B	B	B	B	B	B	B	
Fluoranthene	7.1	*	B	B	B	B	B	B	B	B	B	
Fluorene	39	*	B	B	B	B	B	B	B	B	B	
Indeno(1,2,3-cd)pyrene	0.049	*	B	B	B	B	B	B	B	B	B	
Naphthalene	194	*	B	B	B	B	B	B	B	B	B	
Phenanthrene	19	*	B	B	B	B	B	B	B	B	B	
Pyrene	10	*	B	B	B	B	B	B	B	B	B	
Chlordane	0.00059	*		B						B		
G-BHC (Lindane)	0.063	*		B						B		
Dieldrin	0.0019	*		B						B		
Selenium	5.0	*	B	B	B			S	B	B	B	
Arsenic	36	*	S	B					B	S		
Cadmium	9.3	*	B	B	B			B	B	B	S	B
Chromium VI	50	*	B	B	B			B	B	B	B	B
Lead	5.6	*	S	S	S	S	S	S	S	S		B
Mercury	0.025	*	B						B	B		
Nickel	8.2	*	S	B	S			S	B	S	S	S

Constituents of concern	MACL (µg/l) Unless otherwise noted		Landfarms/landfills Sector	Castro Sector	North Yard Sector	Bayside Sector- North	Bayside Sector- south	Alkane Sector	Effluent Sector	Reclamation Sector	Pollard Sector	Interior "C" zone
Zinc	71	*	S	B	B			B	B	B	S	B
Fluoride	2400	*						S				
Un-ionized Ammonia-N	25	*							B	B		
pH	6.5 to 8.5	*	S	S	S	S	S	S	S	S	S	S
Turbidity (NTUs)	N/A	N/A	S	S	S	S	S	S	S	S	S	S
Temperature	N/A	N/A	S	S	S	S	S	S	S	S	S	S

Notes:

\* MACLs to be reviewed and updated by the Discharger per Task 13

S = Monitoring Parameter per Sector (analyzed semi-annually)

B= Constituent of concern per Section (analyzed during summer/fall reporting period every 2 years (even-numbered years))

N/A = not applicable

(NTUs) = Nephelometric Turbidity Units

5.92

**Table 3**  
**Landfarm Area Monitoring Well Network**

<b>Monitoring Wells for Landfarm Area</b>
<b>"A" Zone Wells</b>
183A (POC)
610A (POC)
645A
657A
659A (POC)
672A
673A
677A
P284A (POC)
P384A
P386A
<b>"C" Zone Wells</b>
251C (POC)
506C (POC)
587C
654C (POC)
655C (POC)
674C
678C (POC)
679C (POC)
680C (POC)

Notes:

POC indicates that well is a point of compliance well.

**Table 4**  
**Landfarms Post-Closure Monitoring Program**  
**Monitoring Parameters, Constituents of Concern and MACLs**

Constituent	MACL µg/l (2)	MACL Source	"A" zone Well Monitoring Frequency (5)	"C" zone Well Monitoring Frequency (5)
<b>Monitoring Parameters</b>				
pH	6.5 to 8.5	1	S	S
Specific Conductivity	N/A	N/A	S	S
Turbidity	N/A	N/A	S	S
Temperature	N/A	N/A	S	S
Arsenic	36	*	S	S
Lead	5.6	*	S	S
Nickel	8.2	*	S	S
Zinc	71	*	S	S
TPH-Gasoline	1200	*	S	S
TPH-Diesel	640	*	S	S
TPH-Diesel Silica Gel	640	*	S	S
Benzene	46	*	S	S
MTBE	1800	*	S	S
Toluene	5000	*	S	S
Phenolics (Total)	50	*	S	S
<b>Constituents of Concern</b>				
Cadmium, Dissolved	9.3	*	B	B
Chromium VI, Dissolved	50	*	B	B
Mercury, Dissolved	0.025	*	B	B
Selenium, Dissolved	5	*	B	B
Dissolved sulfide	100	*	B	B
Methylene Chloride	1600	*	B	B
Acenaphthene	40	*	B	S
Acenaphthylene	307	*	B	S
Anthracene	21	*	B	S
Benzo(a)anthracene	2.2	*	B	S
Benzo(a)pyrene	0.96	*	B	S
Benzo(b)fluoranthene	0.049	*	B	S
Benzo(g,h,i)perylene	X	*	B	S
Benzo(k)fluoranthene	0.049	*	B	S
Chysene	0.049	*	B	S
Dibenzo(a,h)anthracene	0.049	*	B	S
Fluoranthene	7.1	*	B	S
Fluorene	39	*	B	S
Indeno(1,2,3-cd)pyrene	0.049	*	B	S
Naphthalene	194	*	B	S
Phenanthrene	19	*	B	S

Pyrene	10	*	B	S
Pentachlorophenol	7.9	*	B	B
<b>Constituent</b>	<b>MACL µg/l (2)</b>	<b>MACL Source</b>	<b>"A" zone Well Monitoring Frequency (5)</b>	<b>"C" zone Well Monitoring Frequency (5)</b>
Benzenethiol	5	*	B	B
Benzyl Butyl phthalate	5200	*	B	B
Bis 2-ethylhexyl phthalate	6	*	B	B
Chromium, dissolved	50	*	B	B
Di-n-butyl phthalate	12000	*	B	B
2,4-dimethylphenol	110	*	B	B
Ethylbenzene	29000	*	B	B
1-methylnaphthalene	75	*	B	B
7,12-dimethyl benzo(a)anthracene	X	*	B	B
2-methylphenol	XX	*	B	B
3,4-methylphenol	XX	*	B	B
Phenol	2560	*	B	B
Trichloroethene	381	*	B	B
1,1,1-trichloroethane	62	*	B	B
Chlorobenzene	21000	*	B	B
Methyl chrysene	X	*	B	B
Total Xylenes	13	*	B	B
2-methylnaphthalene	2.1	*	B	B
Acetophenone		*	B	B
Barium	1000	*	B	B
Cobalt	3	*	B	B
Copper	3.1	*	B	B
N-Nitrosopiperidine		*	B	B
Silver	0.19	*	B	B
Vanadium	19	*	B	B
Vinyl chloride	3.8	*	B	B
<b>Appendix IX Parameters (3)</b>				
Metals (Methods 6010,7060, 7470)	N/A	N/A	(4)	N/A
SVOCs (Method 8270)	N/A	N/A	(4)	N/A
VOCs (Method 8260)	N/A	N/A	(4)	N/A

Notes:

\* MACLs to be reviewed and updated by the Discharger per Task 13

1. SF Bay Basin Plan, 2010
2. MACL is the maximum allowable concentration limit. Applicable to A-Zone wells only. C-Zone wells evaluated based on background concentrations of inorganic constituents and practical quantization limits for organic constituents.
3. Parameters are listed in Appendix IX to 22CFR 66264 for analysis via Methods 6010, 7060, 7470, 8260, 8270. Appendix IX parameters that are detected, but are not COCs, will be added to the list of COCs for all wells.
4. Bi-annually at POC wells. Every five years at all other wells. Within first year in new wells.
5. Monitoring for COCs and Appendix IX parameters will alternate between highest and lowest groundwater levels.

X=Total PAH concentration less than 0.015 mg/l  
XX=Total phenolics concentration less than 0.05 mg/l  
PAHS are polynuclear aromatic hydrocarbons  
POC is point of compliance  
B is biennial or monitoring every other year for non-POC wells  
S is semi-annual monitoring at all wells  
N/A is not applicable



7.B.1

### PMCAC Inquiry Register and Tracking

Item	Description	Requester	Submitted On	Submitted To	Assigned To	Dept.	Subject	Response Delivered	Response Summary	Status
1	Request direct interface to Finance dept. for providing ongoing financial updates	Garrett	11/29/2011	Mayor	Jim Goins	Finance	FINANCE	12/5/2011	Andrea Miller assigned as finance dept. liaison	Closed
2	Request posting of .mp3 files of PMCAC meeting transcripts to PMCAC web page	Garrett		KCRT			MINUTES			Open
3	RLO - Applicability of clause 720 in Remediation Agreement to PMCAC	Garrett	12/19/2011	C. Murray	B. Goodmiller	Legal	FINANCE			Open
4	Determination of who at City receives copies of monthly reports required under Cost Cap Insurance Policy	Beyaert	12/19/2011	C. Murray			COMPLIANCE			Open



# PMCAC Repository

## Development Status and Resources

12/16/2011

Pt. Molate Community Advisory Committee

7C.1

# A Repository has been created in Google Doc's

- Archive of Information related to Pt. Molate
  - Consists of publicly available documents
  - Will be updated on an ongoing basis
- Current Chapters (collections)
  - General Plans
  - Land Use Documents
  - Navy Archive
  - Navy Transfer Documents
  - Point Molate Staff Reports
  - Remediation Documents
  - Upstream Documents
  - Water Board Documents
- To request additional documents:
  - Submit request to chair for inclusion on task tracking list

7.C.2

## Bookmark This:

- <https://docs.google.com/open?id=0B9WYXrZeb-72MzVKZWQ1ZDQrNWw1wNC00ZjE4LTpxYictOTQvMDk4YzZfjNDYw>
- Repository viewable by anyone who has the above link.

# What it Looks Like: Sample

- Navy Transfer Collection:

Indicates Document Type and Date of Last update

Ticking check box allows you to take action, i.e.: download

<input type="checkbox"/>	☆	👤	Map of early transfer property.pdf	Shared	me	6:06 pm	me
<input type="checkbox"/>	☆	📄	Map of early transfer property.jpg	Shared	me	6:06 pm	me
<input type="checkbox"/>	☆	👤	Proposed 2010 Property Deed - FOSET properties.pdf	Shared	me	6:02 pm	me
<input type="checkbox"/>	☆	👤	2010 CRUP.pdf	Shared	me	6:02 pm	me
<input type="checkbox"/>	☆	👤	Pt Molate Property CRUP 2009.pdf	Shared	me	5:59 pm	me
<input type="checkbox"/>	☆	👤	Proposed 2009 FOSET Property Deed.pdf	Shared	me	5:59 pm	me
<input type="checkbox"/>	☆	👤	Lots 5 and 6 PID.pdf	Shared	me	5:59 pm	me
<input type="checkbox"/>	☆	👤	Lots 1,4,5 (inc sub tidal) PID.pdf	Shared	me	5:59 pm	me
<input type="checkbox"/>	☆	👤	Lot 50 PID.pdf	Shared	me	5:59 pm	me
<input type="checkbox"/>	☆	👤	Lot 49 Rancho San Pablo PID.pdf	Shared	me	5:59 pm	me
<input type="checkbox"/>	☆	👤	FOST and FOSET Property Map.pdf	Shared	me	5:59 pm	me
<input type="checkbox"/>	☆	👤	Amendment 1 to 2003 Property Deed.pdf	Shared	me	5:59 pm	me
<input type="checkbox"/>	☆	📄	Navy Parcel Map with Disposal Site Boundaries.jpg	Shared	me	5:58 pm	me
<input type="checkbox"/>	☆	👤	Early Transfer Process.pdf	Shared	me	5:58 pm	me
<input type="checkbox"/>	☆	👤	2003 Property Transferred.pdf	Shared	me	5:37 pm	me

12/16/2011



73 Belvedere Avenue  
Richmond, CA 94801  
Phone/Fax 510-235-2835  
[tracbaytrail@earthlink.net](mailto:tracbaytrail@earthlink.net)

December 2, 2011

Mr. Bijan Sartipi, Director  
Caltrans District 4  
P.O. Box 23660  
Oakland, CA 94623-0660

Mr. Sartipi,

TRAC, the Trails for Richmond Action Committee, has been working with the City of Richmond, Chevron and ABAG's San Francisco Bay Trail Project for many years on closure of the Bay Trail gap preventing pedestrian and safe bicyclist access to the Point San Pablo Peninsula. During the past week, you have received almost 100 emails from residents of western Contra Costa and Alameda counties from Hercules to Oakland, as well as from those residing in the counties of San Francisco, Marin and Solano asking Caltrans to participate constructively in this Regional trail project. Yet, no one from Caltrans bothered to attend the City of Richmond's public workshop yesterday during which a talented team of engineers and architects presented visuals, including scale models, of the recommended trail alignment with conceptual designs.

TRAC can't understand why Caltrans hasn't participated in this important Bay Trail project for which Caltrans requires a Project Study Report (PSR) and encroachment permit. Among other good reasons, closure of this Bay Trail gap would allow Caltrans to eliminate the demonstrably dangerous bike lanes on I-580. Is Caltrans trying to sandbag the project or is it the insistence that the City of Richmond must pay Caltrans to do its job at an estimated cost of \$150,000 to \$200,000?

At the same time that Caltrans tries to hold up the City of Richmond to pay for work that is part of the agency's mission and responsibility, Caltrans has proposed placing a huge financial burden on the City and its residents through its Western Drive and Scofield Avenue deck replacement project. Vice Mayor Tom Butt has estimated that the planned detour to Marin County would impose motor vehicle mileage costs alone of about \$300,000. Additional large costs would include impeding the City of Richmond's efforts to restore and redevelop Point Molate former Naval Fuel Depot and the value of some 11,600 hours of residents, businesses and contractors time spent detouring to Marin and back.

7.D.1

TRAC suggests that partial mitigation for the costs imposed by the I-580 deck replacement project should include:

1. Caltrans constructive participation in preparation and review of the PSR required to close the Bay Trail gap between Castro Street and Caltrans' existing trail under the Richmond/San Rafael bridge *without expecting the City of Richmond to pay for the agency's time and expenses,*
2. a commitment to provide the needed encroachment permit for using portions of Caltrans right of way for the Bay Trail with its associated staging area and
3. provision of funding to help construct this Bay Trail segment.

Thank you very much for considering this.

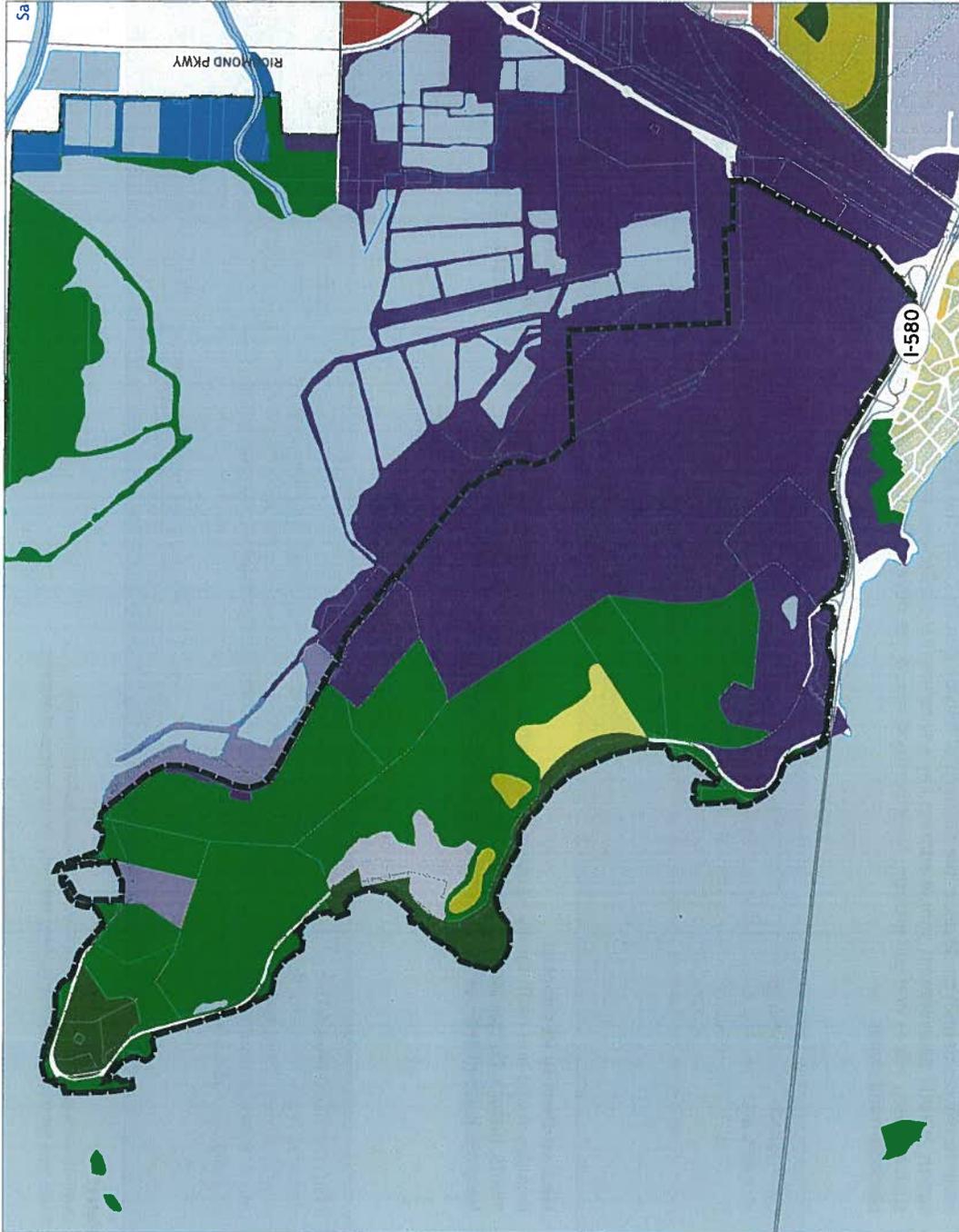
Sincerely,



Bruce Beyaert, TRAC Chair

# Land Use and Urban Design

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

BLO

7.E.1

7.E.2

Table 3.1 Residential Neighborhood Land Use Classifications

Land Use Classification	Ranges	Character
<p><b>Hillside Residential</b> Includes attached and detached single-family housing on subdivided parcels and clustered multi-family residential on developable portions of hillside parcels below the 400-foot elevation. Hillside development should address key environmental challenges and constraints such as steep slopes and soil erosion. Neighborhood mixed-use development is allowed at neighborhood nodes.</p>	<p>Density: Up to 5 du/acre Intensity: Not applicable Height: Up to 35 feet</p>	
<p><b>Low-Density Residential</b> Includes attached and detached single-family residential development in level to moderately sloped areas. Neighborhood mixed-use development is allowed at neighborhood nodes. Existing multi-family residential structures may remain and may be improved without increasing densities, or may revert to single-family residential uses.</p>	<p>Density: 5 to 15 du/ac Intensity: Not applicable Height: Up to 35 ft.</p>	
<p><b>Medium-Density Residential</b> Includes single and multi-family housing types such as one to three-story garden apartments, historic bungalows and cottages on small lots, townhouses and stacked flats. Neighborhood mixed-use development is allowed at neighborhood nodes.</p>	<p>Density: 10 to 40 du/ac Intensity: Not applicable Height: Up to 35 ft.</p>	
<p><b>Neighborhood Mixed-Use</b> Includes residential and neighborhood-serving retail uses such as shops, markets, professional offices, boutiques, barber shops, beauty salons and restaurants. Residential development above ground floor commercial is strongly encouraged. Development is emphasized at neighborhood nodes.</p>	<p>Density: 10 to 30 du/ac Intensity: 0.25 to 0.5 FAR Height: Up to 45 feet</p>	

**Notes:**

- Dwelling units per acre (du/ac) describes residential building density.
- Floor area ratio (FAR) denotes building intensity for non-residential uses.

Table 3.2 Key Corridor Land Use Classifications

Land Use Classification	Ranges	Character
<p><b>Medium-Density Mixed-Use (Residential Emphasis)</b>                      Includes mixed-use development with commercial uses encouraged at street-level along corridors. However, residential-only development is allowed and may include condominiums, townhouses or apartments. Commercial-only development is not allowed. Projects with commercial components must also include a residential component. New development is required to have a pedestrian-oriented building design with minimal setbacks and parking located to the sides or rear of buildings.</p>	<p><b>Density:</b> 15 to 50 du/ac  <b>Intensity:</b> Up to 0.5 FAR  <b>Height:</b> Up to 45 feet</p>	
<p><b>Medium-Intensity Mixed-Use (Commercial Emphasis)</b>                      Includes mixed-use development with commercial or office/light industrial uses encouraged at street-level along corridors*. This classification is distinguished from the Medium-Density Mixed-Use (Residential Emphasis) land use classification in that it allows residential-only or commercial-only development. Residential uses may include condominiums, townhouses or apartments and commercial uses may include small to large-scale retail or office. New development must have a pedestrian-oriented building design with minimal setbacks and parking located to the sides or rear of buildings preferred.</p>	<p><b>Density:</b> Up to 50 du/ac  <b>Intensity:</b> 0.25 to 2.0 FAR  <b>Height:</b> 15 to 55 feet</p>	

**Notes:**

- Dwelling units per acre (du/ac) describes residential building density.
- Floor area ratio (FAR) denotes building intensity for non-residential uses.
- Pursuant to Ordinance No. 1808, residential uses are prohibited within the Transition Zone Overlay District (TZOD) as referenced on General Plan Map 3.2: General Plan Land Use.

7.E.3

Table 3.3 Activity Center Land Use Classifications

Land Use Classification	Ranges	Character
<p><b>Medium-Intensity Mixed-Use (Community Nodes and Gateways)</b> Includes mid-rise mixed-use development at key community nodes and gateways with commercial uses strongly encouraged at street-level. Commercial development must have a pedestrian-oriented building design with setbacks allowing for public amenities and parking located behind buildings.</p>	<p>Density: Up to 75 du/ac Intensity: 0.5 to 2.0 FAR Height: 15 to 55 feet,</p>	
<p><b>High-Intensity Mixed-Use (Major Activity Center)</b> Includes mid and high-rise mixed-use development at major activity centers to serve the community and region. Office, retail, entertainment and residential uses are allowed. Areas with this designation are characterized by streets with minimal setbacks, wide sidewalks and public spaces that cater to pedestrians and transit riders. Medium-Intensity Mixed-Use (Commercial Emphasis) is allowed within this land use designation.</p>	<p>Density: Up to 125 du/ac Intensity: 1.0 to 5.0 FAR Height: 15 to 135 feet</p>	
<p><b>Regional Commercial Mixed-Use</b> Includes mid-rise mixed-use development characterized by compact and pedestrian-friendly environments. Office, retail and residential uses are allowed in mid-rise buildings.</p>	<p>Density: Up to 50 du/ac Intensity: 0.5 to 2.0 FAR Height: 15 to 55 feet</p>	

**Notes:**

- Dwelling units per acre (du/ac) describes residential building density.
- Floor area ratio (FAR) denotes building intensity for non-residential uses.
- Pursuant to Ordinance No. 1808, residential uses are prohibited within the Transition Zone Overlay District (TZOD) as referenced on General Plan Map 3.2: General Plan Land Use.

7.E.4

Table 3.4 Business and Industry Land Use Classifications

Land Use Classification	Ranges	Character
<p><b>Live/Work</b> Includes lofts and apartments connected to small-scale production spaces as well as office and storefront retail in transitional areas where it can be demonstrated that the use does not conflict with adjacent uses.</p>	<p>Density: 15 to 50 du/ac Intensity: 0.25 to 0.5 FAR Height: Up to 55 feet</p>	
<p><b>Business/Light Industrial</b> Includes commercial and institutional uses such as a large-scale research and development campus, light industrial, industrially-related storage and distribution, and office uses.</p>	<p>Density: Not applicable Intensity: 0.25 to 3.0 FAR Height: Up to 55 feet</p>	
<p><b>Marine and Waterfront Commercial</b> Includes water-oriented uses such as boat repair, recreation equipment rentals, water transit, marinas, services, restaurants and water-related storage and office uses. Development character should complement shoreline natural resources.</p>	<p>Density: Not applicable Intensity: 0.25 to 1.0 FAR Height: Up to 100 feet</p>	
<p><b>Industrial</b> Includes uses such as manufacturing and assembly in areas near freeways and freight rail. Office and warehousing are allowed.</p>	<p>Density: Not applicable Intensity: 0.25 to 2.0 FAR Height: Up to 55 feet</p>	
<p><b>Port</b> Includes working waterfront uses such as private and publicly-owned port terminals, warehousing, commercial fishing, ship repair and related office uses.</p>	<p>Density: Not applicable Intensity: 0.25 to 1.0 FAR Height: Up to 100 feet</p>	

7.E.5

Table 3.5 Community Area Land Use Classifications

Land Use Classification	Ranges	Character
<p><b>Open Space</b> Includes wetlands, mudflats, creek corridors and other natural preservation areas, as well as private lands deed-restricted for open space preservation. Public access should be allowed where appropriate. Except in delineated wetlands and other resource preservation areas, uses permitted in the Parks and Recreation designation are allowed.</p>	<p>Density: Not applicable Intensity: Up to 0.5 FAR Height: Up to 35 feet</p>	
<p><b>Parks and Recreation</b> Includes publicly owned local and regional parks as well as privately owned recreational facilities such as golf courses. Small-scale recreation-supporting uses such as rental shops, bike repair facilities, small restaurants, interpretation centers and museums are also permitted.</p>	<p>Density: Not applicable Intensity: Up to 0.5 FAR Height: Up to 35 feet</p>	
<p><b>Public, Cultural and Institutional</b> Includes public, semi-public and educational uses such as civic facilities, community centers, libraries, museums, national park facilities, hospitals and schools.</p>	<p>Density: Not applicable Intensity: Up to 1.0 FAR Height: Up to 45 feet</p>	
<p><b>Agriculture</b> Includes agricultural uses such as grazing, crop production, farming, community gardens and ancillary residential uses.</p>	<p>Density: Up to 0.20 du/ac Intensity: Not applicable Height: Up to 35 feet</p>	

**Notes:**

- Dwelling units per acre (du/ac) describes residential building density.
- Floor area ratio (FAR) denotes building intensity for non-residential uses.

7.E.6

PMCAC Meeting Dates – 2012

Scheduled:

Jan. 16 – MLK Day

move to Jan. 9, 17 or 23?\*

Feb. 20 – Presidents Day (Observed)

move to Feb. 13, 21 or 27?\*

Mar. 19

Apr. 16

May 21

June 18

July 16

Aug 20

Sep 17

Oct 15

Nov 19

Dec 17

\* Date To Be Determined by Poll of the PMCAC

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Project Milestone	Milestone Payment Schedule	Milestone Payment Schedule under EPP Program
<b>Project Administration</b>		
to City	\$ 630,000	\$ 630,000
to Upstream	\$ 170,000	\$ 170,000
<b>TOTAL</b>	\$ 800,000	\$ 800,000
Insurance Premium (estimate)	\$ 2,200,000	\$ 24,000,000
<b>Mobilization</b>	\$ 2,900,000	\$ 1,350,000
<b>Site 3</b>		
Approval of Remedial Action Plan	\$ 600,000	
Completion of Remediation Plans and Specifications	\$ 500,000	
<b>Excavation and disposal of affected soils</b>		
20% completion of excavation and removal	\$ 2,700,000	
40% completion of excavation and removal	\$ 2,700,000	
60% completion of excavation and removal	\$ 2,700,000	
80% completion of excavation and removal	\$ 2,700,000	
100% completion of excavation and removal	\$ 2,700,000	
<b>Backfilling</b>		
20% completion of backfilling	\$ 900,000	
40% completion of backfilling	\$ 900,000	
60% completion of backfilling	\$ 900,000	
80% completion of backfilling	\$ 900,000	
100% completion of backfilling	\$ 900,000	
<b>Regulatory Closure</b>	\$ 1,000,000	\$ 1,000,000
<b>Site 4, Drum Lot 2</b>		
Approval of Remedial Action Plan	\$ 200,000	
Completion of Remediation Plans and Specifications	\$ 100,000	
<b>Excavation and disposal of affected soils</b>		
20% completion of excavation and removal	\$ 150,000	
40% completion of excavation and removal	\$ 150,000	
60% completion of excavation and removal	\$ 150,000	
80% completion of excavation and removal	\$ 150,000	
100% completion of excavation and removal	\$ 150,000	
<b>Backfilling</b>		
100% completion of backfilling	\$ 100,000	
<b>Regulatory Closure</b>	\$ 100,000	\$ 100,000
<b>Site-wide Activities</b>		
Approval of Soil Management Plan	\$ 300,000	\$ 300,000
Completion of First year of Annual Monitoring	\$ 250,000	\$ 250,000
Completion of Second year of Annual Monitoring	\$ 200,000	\$ 200,000
<b>Tank closures</b>		
closure of half of outstanding tanks	\$ 250,000	\$ 250,000
closure of remaining underground tanks	\$ 250,000	\$ 250,000
<b>Total Expenditures</b>	\$ 28,500,000	\$ 28,500,000

Upstream will contribute additional funds into escrow (separate fund) to complete remediation and monitoring activities to achieve regulatory closure, and said monies will be accessed by Upstream on an as-invoiced basis for bona-fide project expenditures.

Note the insurance premium amount is an estimate - - if the actual amount premium is larger, the mobilization payment will be smaller by that amount; if the actual premium amount is smaller, the mobilization payment will be larger by that amount.

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**Pt. Molate Site Remediation  
Escrow Account Information as of December 8, 2011**

<b>Sources of Funds:</b>	<b>Navy Funds</b>	<b>Interest</b>	<b>Total</b>
<b>Navy Funds</b>	<b>\$ 28,500,000.00</b>		

Transactions	Date	Expenditures	Revenues	Balance
City of Richmond	4/16/2010	\$ 630,000.00		\$ 27,870,000.00
Alliant Insurance Services, Inc - Insurance Payment	4/20/2010	\$ 4,130,000.00		\$ 23,740,000.00
First American Fund Control (FAFC) Setup Fee	4/20/2010	\$ 1,000.00		\$ 23,739,000.00
Upstream Point Molate - Remediation Work	4/30/2010	\$ 170,000.00		\$ 23,569,000.00
Savings Interest - April 2010	5/10/2010		\$ 1,989.85	\$ 23,570,989.85
Savings Interest - April 2010	5/12/2010		\$ 3,218.95	\$ 23,574,208.80
Savings Interest - May 2010	6/11/2010		\$ 2,712.51	\$ 23,576,921.31
Savings Interest - May 2010	6/11/2010		\$ 4,521.30	\$ 23,581,442.61
Arcadis US Inc.	7/15/2010	\$ 165,343.93		\$ 23,416,098.68
Contra Costa County	7/15/2010	\$ 1,264.00		\$ 23,414,834.68
Savings Interest - June 2010	7/26/2010		\$ 493.14	\$ 23,415,327.82
Savings Interest - June 2010	7/26/2010		\$ 493.14	\$ 23,415,820.96
FAFC Bank Charge	7/26/2010	\$ 20.00		\$ 23,415,800.96
FAFC Bank Charge	7/26/2010	\$ 20.00		\$ 23,415,780.96
Savings Interest - June 2010	7/26/2010		\$ 2,852.41	\$ 23,418,633.37
Savings Interest - June 2010	7/26/2010		\$ 5,330.73	\$ 23,423,964.10
Savings Interest - July 2010	8/11/2010		\$ 732.37	\$ 23,424,696.47
Savings Interest - July 2010	8/11/2010		\$ 732.37	\$ 23,425,428.84
Savings Interest - July 2010	8/11/2010		\$ 2,409.34	\$ 23,427,838.18
Savings Interest - July 2010	8/11/2010		\$ 4,830.04	\$ 23,432,668.22
FAFC Fee Slip - May - Julu 2010	8/16/2010	\$ 900.00		\$ 23,431,768.22
City of Richmond - MoFo Reimbursement	8/20/2010	\$ 4,016.25		\$ 23,427,751.97
Transfer August Maintenance Fee	9/13/2010		\$ -	\$ 23,427,751.97
FAFC Fee Slip - August 2010	9/13/2010	\$ 300.00		\$ 23,427,451.97
Savings Interest - August 2010	9/15/2010		\$ 773.33	\$ 23,428,225.30
Savings Interest - August 2010	9/15/2010		\$ 773.33	\$ 23,428,998.63
Savings Interest - August 2010	9/15/2010		\$ 2,564.97	\$ 23,431,563.60
Savings Interest - August 2010	9/15/2010		\$ 5,136.59	\$ 23,436,700.19
FAFC Fee Slip - September 2010	10/7/2010	\$ 300.00		\$ 23,436,400.19
City of Richmond - MoFo Reimbursement	10/18/2010	\$ 15,503.75		\$ 23,420,896.44
Arcadis US Inc.	10/18/2010	\$ 121,923.17		\$ 23,298,973.27
Contra Costa County	10/18/2010	\$ 632.00		\$ 23,298,341.27
Savings Interest - September 2010	10/20/2010		\$ 725.31	\$ 23,299,066.58
Savings Interest - September 2010	10/20/2010		\$ 725.31	\$ 23,299,791.89
Savings Interest - September 2010	10/20/2010		\$ 2,405.12	\$ 23,302,197.01
Savings Interest - September 2010	10/20/2010		\$ 4,817.12	\$ 23,307,014.13
First American Fund Control	11/1/2010	\$ 2,704.15		\$ 23,304,309.98
FAFC Fee Slip - October 2010	11/8/2010	\$ 300.00		\$ 23,304,009.98
State Water Resources Control Board	11/10/2010	\$ 796.00		\$ 23,303,213.98
City of Richmond - MoFo Reimbursement	11/10/2010	\$ 9,766.50		\$ 23,293,447.48
Savings Interest - October 2010	11/17/2010		\$ 696.94	\$ 23,294,144.42
Savings Interest - October 2010	11/17/2010		\$ 2,322.38	\$ 23,296,466.80
Savings Interest - October 2010	11/17/2010		\$ 4,647.05	\$ 23,301,113.85
Contra Costa County - Refund	11/19/2010	\$ -	\$ 158.00	\$ 23,301,271.85
State Water Resources Control Board	12/3/2010	\$ 3,553.88		\$ 23,297,717.97
Savings Interest - November 2010	12/15/2010		\$ 5,110.49	\$ 23,302,828.46
Savings Interest - November 2010	12/15/2010		\$ 760.49	\$ 23,303,588.95
Arcadis US Inc.	1/5/2011	\$ 105,245.30		\$ 23,198,343.65
RORE, Inc.	1/5/2011	\$ 31,581.00		\$ 23,166,762.65
Terraphase Engineering, Inc.	1/5/2011	\$ 37,142.09		\$ 23,129,620.56
Winehaven Partners, LLC	1/5/2011	\$ 5,418.11		\$ 23,124,202.45

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Transactions	Date	Expenditures	Revenues	Balance
Contra Costa Environmental Health	1/5/2011	\$ 474.00		\$ 23,123,728.45
City of Richmond - MoFo Reimbursement	1/5/2011	\$ 446.25		\$ 23,123,282.20
FAFC Fee Slip - November 2010	1/5/2011	\$ 300.00		\$ 23,122,982.20
Savings Interest - December 2010	1/26/2011		\$ 654.76	\$ 23,123,636.96
Savings Interest - December 2010	1/26/2011		\$ 4,621.71	\$ 23,128,258.67
Savings Interest - December 2010	1/26/2011		\$ 4,951.46	\$ 23,133,210.13
FAFC Fee Slip - December 2010	2/8/2011	\$ 300.00		\$ 23,132,910.13
FAFC Fee Slip - January 2011	2/8/2011	\$ 300.00		\$ 23,132,610.13
Terraphase Engineering, Inc.	2/16/2011	\$ 63,617.92		\$ 23,068,992.21
Winehaven Partners, LLC	2/16/2011	\$ 2,753.49		\$ 23,066,238.72
Contra Costa Environmental Health	2/16/2011	\$ 474.00		\$ 23,065,764.72
Savings Interest - January 2011	2/28/2011		\$ 567.29	\$ 23,066,332.01
Savings Interest - January 2011	2/28/2011		\$ 2,056.91	\$ 23,068,388.92
Savings Interest - January 2011	2/28/2011		\$ 4,918.91	\$ 23,073,307.83
Savings Interest - February 2011	3/1/2011		\$ 1,795.24	\$ 23,075,103.07
Bank Charges - February 2011	3/2/2011	\$ 35.00		\$ 23,075,068.07
Savings Interest Adjustment - February 2011	3/3/2011		\$ 411.38	\$ 23,075,479.45
Savings Interest - February 2011	3/3/2011		\$ 504.17	\$ 23,075,983.62
Savings Interest - June 2010	3/7/2011		\$ (493.14)	\$ 23,075,490.48
Bank Charge	3/7/2011		\$ 20.00	\$ 23,075,510.48
Savings Interest - July 2010	3/7/2011		\$ (732.37)	\$ 23,074,778.11
Savings Interest - August 2010	3/7/2011		\$ (773.33)	\$ 23,074,004.78
Savings Interest - September 2010	3/7/2011		\$ (725.31)	\$ 23,073,279.47
Savings Interest	3/7/2011		\$ 2,704.15	\$ 23,075,983.62
Savings Interest - February 2011	3/28/2011		\$ -	\$ 23,075,983.62
Savings Interest - February 2011	3/28/2011		\$ 4,435.35	\$ 23,080,418.97
Bank Charges - February 2010	3/28/2011	\$ 35.00		\$ 23,080,383.97
Savings Interest - March 2011	4/11/2011		\$ 1,150.69	\$ 23,081,534.66
Savings Interest - March 2011	4/11/2011		\$ 1,150.69	\$ 23,082,685.35
Terraphase Engineering, Inc. c/o Bookkeeping	4/18/2011	\$ 168,063.37		\$ 22,914,621.98
Winehaven Partners, LLC	4/18/2011	\$ 2,680.76		\$ 22,911,941.22
State Water Resources Control Board	4/18/2011	\$ 7,765.81		\$ 22,904,175.41
FAFC Fee Slip - Feb. to April 2011	4/18/2011	\$ 900.00		\$ 22,903,275.41
Bank Charges - March 2011	4/25/2011	\$ (35.00)		\$ 22,903,310.41
Savings Interest - March 2011	4/25/2011		\$ 4,904.82	\$ 22,908,215.23
Savings Interest - March 2011	4/25/2011		\$ 430.34	\$ 22,908,645.57
Savings Interest - March 2011	4/25/2011		\$ 82.19	\$ 22,908,727.76
FAFC Fee Slip - May 2011	5/6/2011	\$ 300.00		\$ 22,908,427.76
Savings Interest - April 2011	5/18/2011		\$ 4,575.58	\$ 22,913,003.34
Savings Interest - April 2011	5/18/2011		\$ 1,024.62	\$ 22,914,027.96
Savings Interest - April 2011	5/18/2011		\$ 1,025.75	\$ 22,915,053.71
Savings Interest - April 2011	5/18/2011		\$ 415.61	\$ 22,915,469.32
Savings Interest - March 2011	5/25/2011		\$ 2,058.59	\$ 22,917,527.91
Savings Interest - April 2011	5/25/2011		\$ 2,180.76	\$ 22,919,708.67
Terraphase Engineering, Inc	6/6/2011	\$ 78,656.54		\$ 22,841,052.13
Winehaven Partners, LLC	6/6/2011	\$ 362.75		\$ 22,840,689.38
FAFC Fee Slip - June 2011	6/6/2011	\$ 300.00		\$ 22,840,389.38
Savings Interest - May 2011	6/22/2011		\$ 1,710.88	\$ 22,842,100.26
Savings Interest - May 2011	6/22/2011		\$ 5,027.83	\$ 22,847,128.09
Savings Interest - May 2011	6/22/2011		\$ 427.76	\$ 22,847,555.85
Savings Interest - May 2011	6/22/2011		\$ 523.78	\$ 22,848,079.63
Savings Interest - May 2011	6/22/2011		\$ 1,049.53	\$ 22,849,129.16
Savings Interest - May 2011	6/22/2011		\$ 1,049.53	\$ 22,850,178.69
Difference between staff calculations and FAFC balance	6/30/2011		\$ 8.63	\$ 22,850,187.32
Terraphase Engineering, Inc. c/o Bookkeeping	7/7/2011	\$ 66,639.77		\$ 22,783,547.55
Winehaven Partners, LLC	7/7/2011	\$ 4,352.37		\$ 22,779,195.18

Transactions	Date	Expenditures	Revenues	Balance
Savings Interest - June 2011	7/18/2011		\$ 7,000.65	\$ 22,786,195.83
Savings Interest - June 2011	7/18/2011		\$ 419.20	\$ 22,786,615.03
Savings Interest - June 2011	7/20/2011		\$ 2,034.00	\$ 22,788,649.03
Terraphase Engineering, Inc. c/o Bookkeeping	7/29/2011	\$ 37,573.67		\$ 22,751,075.36
Winehaven Partners, LLC	7/29/2011	\$ 574.96		\$ 22,750,500.40
State Water Resources Control Board	7/29/2011	\$ 8,397.38		\$ 22,742,103.02
FAFC Fee Slip - July 2011	7/29/2011	\$ 300.00		\$ 22,741,803.02
Terraphase Engineering, Inc. c/o Bookkeeping	8/23/2011	\$ 99,184.28		\$ 22,642,618.74
Winehaven Partners, LLC	8/23/2011	\$ 221.78		\$ 22,642,396.96
Contra Costa Environmental Health	8/23/2011	\$ 474.00		\$ 22,641,922.96
FAFC Fee Slip - August 2011	8/23/2011	\$ 300.00		\$ 22,641,622.96
Savings Interest - July 2011	8/24/2011		\$ 7,096.07	\$ 22,648,719.03
Savings Interest - July 2011	8/24/2011		\$ 2,097.56	\$ 22,650,816.59
Savings Interest	9/1/2011		\$ 8,047.46	\$ 22,658,864.05
City of Richmond - MoFo Reimbursement	9/8/2011	\$ 12,754.47		\$ 22,646,109.58
FAFC Fee Slip - September 2011	9/8/2011	\$ 300.00		\$ 22,645,809.58
Terraphase Engineering, Inc. c/o Bookkeeping	9/14/2011	\$ 109,635.96		\$ 22,536,173.62
Winehaven Partners, LLC	9/14/2011	\$ 89.96		\$ 22,536,083.66
Savings Interest - August 2011	9/19/2011		\$ 2,090.17	\$ 22,538,173.83
Savings Interest - September 2011	10/12/2011		\$ 6,224.06	\$ 22,544,397.89
Terraphase Engineering, Inc. c/o Bookkeeping	10/21/2011	\$ 51,791.39		\$ 22,492,606.50
Winehaven Partners, LLC	10/21/2011	\$ 136.55		\$ 22,492,469.95
City of Richmond - MoFo Reimbursement	10/21/2011	\$ 7,505.00		\$ 22,484,964.95
Morrison & Foerster LLP	10/21/2011	\$ 3,520.00		\$ 22,481,444.95
Nichols Consulting Engineers, CHTD	10/21/2011	\$ 6,234.50		\$ 22,475,210.45
State Water Resources Control Board	10/21/2011	\$ 30,340.20		\$ 22,444,870.25
PG&E	10/21/2011	\$ 6,626.33		\$ 22,438,243.92
Savings Interest - September 2011	10/26/2011		\$ 1,997.61	\$ 22,440,241.53
Bank Saving Charge	11/1/2011	\$ 20.00		\$ 22,440,221.53
Savings Interest - October 2011	11/1/2011		\$ 1,265.06	\$ 22,441,486.59
Terraphase Engineering, Inc. c/o Bookkeeping	11/14/2011	\$ 71,065.26		\$ 22,370,421.33
Winehaven Partners, LLC	11/14/2011	\$ 127.23		\$ 22,370,294.10
Contra Costa Environmental Health	11/14/2011	\$ 474.00		\$ 22,369,820.10
Morrison & Foerster LLP	11/14/2011	\$ 1,933.75		\$ 22,367,886.35
Savings Interest - October 2011	11/21/2011		\$ 2,030.42	\$ 22,369,916.77
Terraphase Engineering, Inc. c/o Bookkeeping	12/8/2011	\$ 158,309.56		\$ 22,211,607.21
Winehaven Partners, LLC	12/8/2011	\$ 127.36		\$ 22,211,479.85
Morrison & Foerster LLP	12/8/2011	\$ 5,305.00		\$ 22,206,174.85
Nichols Consulting Engineers, CHTD	12/8/2011	\$ 4,845.00		\$ 22,201,329.85
State Water Resources Control Board	12/8/2011	\$ 36,003.36		\$ 22,165,326.49
PG&E	12/8/2011	\$ 3,016.85		\$ 22,162,309.64
FAFC Fee Slip - November & December 2011	12/8/2011	\$ 600.00		\$ 22,161,709.64
<b>Total as of 12/8/2011</b>		<b>\$ 5,765,460.02</b>	<b>\$ 115,647.34</b>	
<b>Remaining Balance as of 12/8/2011</b>				<b>\$ 22,161,709.64</b>

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# City of Richmond – POINT MOLATE COMMUNITY ADVISORY COMMITTEE

Multi-Purpose Room  
440 CIVIC CENTER PLAZA

## PROPOSED MINUTES

MONDAY, October 17, 2011, 6:30 PM

### 1. CALL TO ORDER

Garrett called the meeting to order at 6:33 p.m.

### 2. ROLL CALL

Present: Committee Members Beyaert, Clark, Garrett, Gilbert, Glendening (6:41pm), Helvarg, Hite, Kortz, Martinez (7:01pm), Rosing, Smith, C.(6:38pm), Stello, Sundance and Whitty.

Absent: Committee Members Hanna, Smith, N., Soto.

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.

### 3. WELCOME AND MEETING PROCEDURES

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

### 4. AGENDA REVIEW AND ADOPTION

Garrett reviewed Agenda items and briefed PMCAC on the idea scrum process and hold over item 8b to November 21 meeting. Whitty then moved to accept the agenda amended as recommended by Chair Garrett. Beyaert seconded. Passed unanimously.

### 5. ANNOUNCEMENTS THROUGH THE CHAIR

Garrett announced success of the North Shoreline festival, PMCAC recommendation of continuance of the Water Board Tentative Order appeared in front of City Council on October 4 and announced that this motion was passed by City Council with the request to have a Study Session in future on the state of clean-up and items associated with the Water Board Order, Chair Garrett attended the October 12 Water Board Meeting in behalf of the PMCAC and there was not a quorum present to take action on adoption of the Pt Molate Tentative Order and announced that the TO was put over to their November meeting unless they elect to have a Special Meeting.

### 6. OPEN FORUM

One speaker for Open Forum. Speaker Don Gosney, Richmond resident, asked about rules enforced on members that miss meetings. Garrett responded that it is three regular meetings with no member meeting that yet and the By Laws Committee can establish rules via the By Laws.

### 7. REPORTS

#### A. Idea Scrum

Garrett called for members to verbally tell their items, written ideas will be collected and shared, and scrum items presented will be prioritized. Sundance stated two ideas: public information tables and website for PMCAC to communicate with public on ideas. Gilbert indicated she liked a Wildcare concept. Charles Smith indicated that he liked a low impact Open Space preserve and also liked PMCAC table at public events. Garrett indicated she would like an Information Repository on a website and a PMCAC information liaison and to go to Action-style minutes but still have recordings for full transcript and Tom Butt to present a history presentation. Beyaert presented question of Navy's funding adequate for clean-up. Stello wants experts on Bio-Remediation for development considerations and experts on citizen participation. Whitty stated two ideas on land use with one for camping on underground storage tanks and an outdoor theater. Clark indicated that his ideas were covered by and Kortz indicated hers were also covered. Glendening brought up Marin Wildlife Center Wildcare. Clark indicated that Wildcare is looking for a state-of-the-art animal care hospital. Helvarg

9.A.1

indicated a Pt Molate Beach Bash for community. Rosing supported other ideas and also public safety and road concerns and beautification and maintenance. Hite likes Wildcare and his idea is an Angel like Gates Foundation to return area back to nature. Martinez indicated that he had nothing more to add. Garrett indicated to Hite that Mega-yacht surveying has taken place in Richmond including Pt Molate and this could be a future presentation. Garrett indicated that funding for remediation, Action Minutes, Tom Butt Presentation are priorities for consideration. Beyaert indicated google Pt Molate to access information placed on the Point Richmond site. Garrett continued with community outreach and the land use items as early stage items for review. Garrett indicated that Community Outreach, Information Repository and Land Use are top three. Beyaert cautioned on Land Use discussions until City has completed issues with Upstream. Smith indicated that group indicated that Housing is inappropriate and this is message sent to Planning Commission to include in General Plan. Glendening wants to keep land use as priority for review especially with ideas to present to a Master Developer. Rosing indicated that Clean Up Restoration sub-committee to work. Stello talked about community-based developer versus a Master Developer and those willing to work with community. Martinez stated that we should discuss land use so everyone can discuss a better plan. Beyaert indicated that he will send out a Blue Ribbon Committee Plan discussing various alternatives. Garrett indicated that the Community element piece is really important and it is what sidetracked the Casino proposal. Garrett indicated an order could be: Information with a website, community outreach but needs to be fleshed out especially to large sections of Richmond that have felt it has never been represented. Question if City can go out and negotiate with others for Pt Molate. Mayor responded that City is determining its rights via Upstream proposal and legal process will determine a more accurate way. Beyaert cautioned severe lack of infrastructure will not make it easy for attracting and may not want to do it piece-meal. C. Smith reminded PMCAC is an advisory committee and link between community and City Council and community needs to be brought out to see Pt Molate to understand such as walks, history tours and barbeques. Sundance indicated that she didn't attend RAB workshops & what US Navy did with public. Beyaert indicated that it was open to public but very technical items. Whitty indicated only time was with Bureau on what to do with land and EIR and there were Miller and Butt walks with maximum of 100 people. Stello asked if RAB consulted with BioRemediation. Beyaert and Whitty said yes and US Navy used TetraTech. Beyaert indicated that Navy used great technical consultants for over 14 years that was different than the PMCAC. Stello indicated that she has spoken with LBNL experts and there are BioRemediation applications that can be used at Pt Molate. Rosing commented on Infrastructure and if Pt Molate was to be kept Sustainable then it would be limited and may not be healthy and such most would agree that road would need to be widened but objects to heavy infrastructure out there. Hite referenced Slide Ranch with limited infrastructure for water and sanitation. Garrett summarized what is important for Committee and what to look at right away. C. Smith questioned if need community rather than communications on form. Garrett called out for show of hands varying topics: US Navy CleanUp information (high), Action minutes (high-moderate), Tom Butt Presentation (medium-low), mega-yacht facility-finding an Angel (high), community outreach (high), website (high) Garrett called for liaison w/Murray and Mayor's Office. Stello volunteered. Helvarg cautioned for community-based integrated real-time information. Sundance indicated hard time converting PDF and questioned if outside-City website would work. Garrett asked Sundance to work with Stello to gather requirements for City or outside based website and if it could be added on existing Pt San Pablo website. Stello thought on Social networking to go with interns and non-profit. Rosing indicated look to region and outside people to draw. Garrett back to topic on Early Land Use (high) and Garrett recognized Glendening for re-do if immediate need and re-vote showed Early Land Use (medium). Garrett concluded session and asked Committee to keep form for future work. No public speakers.

## 8. PRESENTATIONS, DISCUSSIONS & ACTION ITEMS

### A. Presentation of Pt Molate Non-Gaming Alternative

9.A.2

Beyaert summarized Upstream's July 29 letter to the City regarding the non-gaming alternative. A map of three parcels was shown with City retaining the historic and off shore parcels. IR Site 3 would become the City's property. Parcel B across from Pt Molate beach proposal residential property. Parcel A residential development discussed and there are some seasonal wetlands on the Westside to use as mitigation site. Parcel B proposal includes Renewable energy park is also proposed with open space and recreation areas to be determined with City. Upstream provided proposals to City to use the \$15M funds for various non-gaming proposals. General discussion regarding LDA payments and commitments and the timeframe for acquisition of parcels. Sundance questioned if it could be a National Park and receive funds. Beyaert said yes and it could be Federal, State or local park and provided scenario with East Bay Regional Park but it does not have the resources.

#### B. Quarterly Budget Review

Garrett announced that the item is held over.

#### 9. CONSENT CALENDAR

Minutes of August 15, September 19, and September 26, 2011 were presented by Garrett. Moved by Beyaert, seconded by Helvarg. Passed unanimously.

#### 10. FUTURE AGENDA ITEMS

Garrett indicated a hold over on financial review and hopefully an answer on the \$28.5 M and, if can get information good couple of weeks before to Craig such as Website then that can be included. Clark offered Pt San Pablo Yacht Harbor invitation to meet there. Garrett indicated that Committee could meet at Community Centers.

#### 11. CITY COUNCIL LIAISON REPORTS

Report by Mayor McLaughlin stated that Marilyn is not here and reported on recent issues for Pt Molate include the City Council request to Water Board to hold a 60 day continuance on the Tentative Order and staff is continuing to pursue Water Board staff to come to a study session that is likely in October but if agree to a continuance then it will be 4<sup>th</sup> Tuesday of October or November and that will include Terraphase and PMCAC. Mayor indicated that there are a couple seats available and the application is in the packet and applications should be submitted to City Clerk office and then an interview by Mayor office. Recommendations could be suggested to Garrett or to Mayor's Office. Mayor indicated that some applications are in and they are reviewing but positions are open to everyone. Garrett inquired if 4<sup>th</sup> Tuesday in November and Mayor said that date would be more likely. Beyaert questioned if Website that positions are available on website. Mayor indicated that if there are any specific suggestions then they should be forwarded directly to Mayor's Office than through Murray.

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

- a. By-Laws: Garrett reviewed revised draft in board packet and asked Helvarg to walk Committee through. Garrett indicated that changes and approval would need to be a subsequent meeting. Beyaert indicated thought draft close to being just right with Board to Committee word change and section supplied by Whitty from DRB on adjournment to supplant words in draft and delete 3.5 findings. Beyaert indicated that more for DRB and written findings used in those formal processes and requires a lot of up front time not appropriate to this committee. Helvarg received new language. Garrett questioned about nominating committee language and if it was also to nominate sub-committee or just officers of PMCAC. Beyaert indicated that prior section shows Chair is in charge of SubCommittees.

Whitty 4.2 on auto resignation for more than 3 regularly scheduled or special meetings. Whitty said delete special meetings. C.Smith on 6.3 Terms and removal of Officers to serve term of one year and thought it is not appropriate if can't be voted in to reserve since limit is four terms and believes language should be removed. Helvarg indicated that can revoke on Officer. Hite on 4.2 auto resignation absence because of other city business. Hite feels not to delete. Garrett indicated that this is second reading of By-laws. Beyaert inquired if want telephone call-ins and felt it is not very effective and therefore delete exception to participate by telephone or remote electronic device. No opposition and item deleted. Garrett indicated that this goes back to By Laws Committee to final and then called for public comment. Don Gosney referenced 5 things in Resolution that allows authority to change and other items can't change and referred to items such as stated opening sentence that by laws adopted, 2.5 retreats to discuss items, 2.7 conflict with Rosenberg Rules, 3.3 Time limits for speakers and who makes that decisions – need to define, 5.2 Nominating SubCommittee. Clique and why can't members nominate. Beyaert indicated good comments. Helvarg commented to drop 5.2 and Committee agreed. Garrett indicated that time limit is noted on Agenda. Beyaert indicated that Chair would still have discretion if there were many speakers. Garrett would like clarification. Mayor indicated process with City Council and variations for Public Hearing. Beyaert indicate to broaden 3.3 to include other area Open Forum, Public Hearings and Agenda Items. Discussion not to include Public Hearings because doubt that PMCAC will do Public Hearings. Mayor confirmed this since Public Hearings are only for City Council or Planning Commission. Beyaert stated put blank for date that By Laws are actually adopted for the opening statement questioned by Gosney. Glendening inquired if Special Meeting such as field trip should be included as a meeting to count. Helvarg stated if failed to attend three consecutive meetings. Garrett inquired if resolution and rules that can be adopted by PMCAC. Garrett recommend to delete section 2.5 on retreats. Mayor stated that if Scott Dickey of City Attorney Office states that the original PMCAC-formation resolution supercedes any modified By Laws on attendance then Mayor could bring a modified Resolution on PMCAC back to Council to obtain clarity that it is three consecutive meetings relative to attendance and that special meetings haven't been talked about.

- b. Clean Up and Restoration: Glendening reported SubCommittee met on 9/27 and Agenda was to select another Vice Chair because Beyaert has stepped down. Pier with fuel pipes and degraded lead based paint not addressed in TO and think needs to be highlighted. Committee thought to bring BioRemediation to table for review and Stello looking for BioRemediation expert to speak to PMCAC. Stello stated put out word and no one yet. Committee reviewing clean-up orders back to 1987 and almost done and should be able to email prior to next meeting. Committee hope to have relevant City staff, Water Board staff and Terraphase at Oct.25 to have room to present. Murray reported that Richmond Room 6:30 to 9:00pm is available. Discussion is that it is City Council night. Whitty stated can't presentation be to whole PMCAC and Garrett indicated that SubCommittee rather than whole PMCAC could review. Clark indicated that all should hear information with critical detail. Garrett indicated that it is difficult to get down into details in lengthy session as a regular meeting and more appropriate for SubCommittee time and review.

- c. Finance: No report.
- d. Legal: No report.

### 13. **Adjournment**

Whitty moved to adjourn meeting at 8:39pm. Beyaert seconded. Passed unanimously.

### 14. **SCHEDULED MEETINGS**

Committee Meeting –

Monday, November 21, 2011, 6:30 p.m., Multi-Purpose Room, 440 Civic Center Plaza.

9.A.4

Minutes respectfully submitted by:

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Craig K. Murray, PMCAC Staff Liaison



# City of Richmond – POINT MOLATE COMMUNITY ADVISORY COMMITTEE

Multi-Purpose Room  
440 CIVIC CENTER PLAZA

## PROPOSED MINUTES

MONDAY, November 21, 2011, 6:30 PM

**1. CALL TO ORDER**

Garrett called the meeting to order at 6:32 p.m.

**2. ROLL CALL**

Present: Committee Members Beyaert, Garrett, Gilbert (6:37pm), Hanna, Helvarg, Hite, Kortz, Martinez (7:01pm), Smith, N. (6:36pm), Smith, C.(6:36pm), Sundance and Whitty.

Absent: Committee Members Clark, Rosing, Soto, 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.

**3. WELCOME AND MEETING PROCEDURES**

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

**4. AGENDA REVIEW AND ADOPTION**

Garrett reviewed Agenda items and briefed PMCAC on the idea scrum process and hold over item 8b to November 21 meeting. Whitty then moved to accept the agenda amended as recommended by Chair Garrett. Beyaert seconded. Passed unanimously.

**5. ANNOUNCEMENTS THROUGH THE CHAIR**

Garrett announced the recommendation of PMCAC to the Nov.26 Planning Commission and summary of the meeting and status of the Nov.15 Water Board item in front of City Council. Garrett reviewed the Scrum results with the PMCAC. Garrett announced that Susan Glendenning resigned as Chair of C&R Subcommittee, the Finance Subcommittee and the PMCAC. Garrett called on SubCommittees to make recommendation for replacement or Garrett will make an appointment at the next PMCAC meeting. Garrett invited Beyaert to review the same questionnaire used by the Blue Ribbon Committee and approved by City Council with current PMCAC to update this questionnaire completed 15 years ago. Beyaert announced funding of trail gap funding for access to Point Molate.

**6. OPEN FORUM**

Two speakers for Open Forum. Speaker Cordell Hendler, Richmond resident, spoke on need for new, smaller common-ground businesses in Richmond and expand existing restaurants; Speaker Don Gosney, Richmond resident, discussed Water Board extentions and what the City Council and PMCAC has completed during this time and to stay focused on necessary clean-up and restoration matters.

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

A. Point Molate Clean-Up Day – The Watershed Project

Juliana Gonzalez of the Watershed Project presented information on her organization and through efforts of Beyaert and County Supervisor John Gioia's Office is desiring to hold a Clean-Up Day at Pt Molate on the Martin Luther King Jr. Day of Service. Beyaert spoke that this is a great way to connect with the Beach and the Beach Park and has a document that it is free from contamination and inquired if The Watershed Project (TWP) would like a Resolution in support. Mayor indicated that there will be a major clean up event at the Greenway scheduled already for this year and would not want both events be in conflict. Gonzalez indicated TWP participates in several events during the year and that Urban Tilth is lead for the Greenway event and it is marketed differently to adjacent residents. Mayor inquired who in City that TWP has met with in terms of sponsorship and cautioned not to put information out until authorized by City. Mayor indicated that this is

9.B.1

good to propose cleaning up Pt Molate but don't remember conflicting events on same day as Greenway clean-up. Gonzalez thought that this would be good to go the way of the County to support the Pt Molate shoreline event. Helvarg proposed that event receive support, Beyaert seconded with note that it is assisted with City support, vote was unanimous.

#### B. Discussion on Contractor/Staff Interaction Protocols

Garrett provided initial information need and coordination of information. Murray presented a basic request Log to track monthly requests by SubCommittees and prioritization of requests. Garrett inquired regarding a limitation of monthly requests and prioritization of items needed in between meetings. Whitty inquired to status of prior requests and in particular to Finance requests and Terraphase. Garrett provided detail with requests to Finance Department and Terraphase charges and need for timely data. Beyaert expressed concern of large amount of costs to Administrative overhead and Upstream against the \$28.5M of Navy funds and a report to show expenses. Whitty summarized that Committee does not have power but can make a recommendation. N.Smith clarified that these need to be informed recommendations. Sundance inquired to put up in a trust. Helvarg suggested financial and legal areas of request log with direct points of contact. Whitty indicated need Terraphase for Tentative Order response. Garrett indicated that it is due by April 12. McLaughlin suggested going to City Manager to identify point persons. Garrett indicated first would be a Request for Legal Opinion to fund the Repository and the PMCAC. Garrett summarized discussion and motioned that all requests, either by individual Committee Person or by Sub-Committee, go to PMCAC Chair and Vice Chair first. Chairs would then prioritize and forward to PMCAC Staff Liaison. Helvarg seconded. Vote was unanimous.

#### C. Presentation of Document Repository Resources

Garrett presented where to find links and information on Pt Molate including all LDA, EIR and Steve Duran monthly status reports. Garrett showed how to use the Geotracker information related to Water Board documents such as monitoring well documentation. Garrett encouraged PMCAC Committee to use these links and resources and become familiar and Garrett will email the live links. Public Speaker Don Gosney indicated that Repository is critical, needs to be accessible to public and needs to be maintained.

### 8. STAFF REPORTS

#### A. Presentation of Placed Based Developments and Bay Area Best Practices of Revitalization of Former Department of Defense Installations

Garrett introduced Brendan Webon and Laura Rose of KLMR to present Pt Molate constraints and thinking outside of the box. Brendan indicated that KLMR is a group of Urban Architects and Planners working in Sustainable Design. A variety of design concepts were presented as they relate to the existing landscape and buildings and experiences based on morphological features of the site including beach, hillside and relationships between persons, buildings and the water. Laura discussed the methodology of comparing other sites with built sites and highlighted case studies with Fort Baker and Crissy Field in San Francisco. Brendan provided a strategy with about six or seven different versions for Pt Molate. Laura indicated that these ideas are not prescriptive but ideas to be considered.

Garrett indicated that it is 8:30 and reviewed balance of Agenda to have five minutes for 8.B, to hold over the Consent Calendar, to move up the City Council Liaison Report. N.Smith motioned to only take 11 a,b and 12 a for balance of meeting and hold over all other items, Whitty seconded. Beyaert offered amendment and Garrett stated motion as 10 minutes for Q&A on item 8a, one speaker, to hear items 11a, 11b, and 12a and be done by 9:30pm. Helvarg seconded. Vote was unanimous. Garrett indicated that there could be a motion to

9.B.2

extend if meeting approaches 9:00 pm. Speaker Cordell Hendler questioned how much tax the City would receive if there was a hotel. Garrett explained that there are multiple tax opportunities such as Transient Occupancy Tax and Sales Tax depending on what is built. Committee Q&A Session with round-robin comments and passing of the microphones.

**B. Presentation of Western Drive/I-580 Interchange Work and Bridge Deck Replacements through 2014**

Garrett announced that the item is held over.

**9. CONSENT CALENDAR**

Two consent items relating to Minutes of October 17, 2011 and moving to an Action-Style Minutes were held over.

**10. FUTURE AGENDA ITEMS**

Garrett indicated that this item is held over.

**11. CITY COUNCIL LIAISON REPORTS**

a. Report by Mayor McLaughlin stated that the Committee's Role moving forward and City Council 120 day period up in mid-January. Mayor indicated one of the big purposes is this Committee's advice particularly during this period and the environmental remediation. Discussion of importance of City appointment of a contact person for environmental. Mayor questioned if is it Terraphase or look through fresh eyes and this is a key role for the PMCAC and land use and environmental is interwoven. Beyaert inquired on Declaratory Relief. Mayor indicated that she did not have an answer from Staff but could look into that further. Question if Terraphase has a legally binding contract to do clean-up. Mayor explained that Terraphase is the group based on the LDA and Mayor explained that she understands that one or another party could choose to remove itself from the partnership but believes as long as LDA is in effect then Terraphase is on board. Garrett explained that Upstream is prime and they have hired Terraphase. Mayor indicated that she believes the Agreement is separate and believes that it could carry on if both parties agree to.

Garrett indicated that it is 9:00pm and need motion to extend 20 minutes for By Laws. C. Smith motioned, Whitty seconded, vote was unanimous. Whitty asked if City consultant is on parallel track. Garrett indicated that they are strictly on City fulfilling obligations to regulatory agencies.

b. Item was held over.

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

- a. By-Laws: Public Speaker requested to speak after item is discussed. Helvarg summarized changes received from Legal such as no term limits and various changes as noted within the Board Packet. Committee comments on By Law revisions. Garrett indicated next step is to vote on final state. Helvarg suggested to retire Committee after the vote when final comes back next meeting. Speaker Gosney indicated that draft version with changes in packet is difficult to review and needs to be brought back. Mayor indicated that thought it was OK to approve. Murray confirmed that was process agreed on by PMCAC. Whitty moved to approve By Laws as presented, Garrett seconded. Vote was unanimous.
- b. Clean Up and Restoration: Garrett inquired if C&R report was loaded up on the laptop and then spoke on the TO issues with the Tribal Destination EIR. Discussion on Parkland and Open Space and the \$28.5 M and huge variances to \$40M+ that are in excess of what the Navy anticipated and City is on hook and must deliver to those levels. Garrett noted that the City depended on FEIR that will not clean-up to those levels and City still needs to have a Ground Water Management Plan. Beyaert indicated that he doesn't think there is a problem and the TO doesn't specify land uses but City will

specify land uses and then clean-up to those standards. Whitty questioned if insurance provides additional amount. N.Smith thought it doesn't provide if there is a different plan and questioned what can do about it. Garrett discussed options and thought it would be important to get in front of the Water Board. Discussion if Committee should meet and discuss. Whitty questioned if George Leyva knows what PMCAC concerns are. Garrett agreed and indicated that Leyva and Water Board granted an extension. Mayor suggested that Whitty and Garrett for the Committee may want to meet with City Staff and put out arguments, agree or disagree. Garrett asked who to meet with. Mayor indicated Bruce Goodmiller. Speaker Don Gosney indicated that Sub Committee needs to be knowledgeable to speak to Water Board. Committee discussed who will be Chair. Whitty declined and discussion regarding Stello to be Chair. Sundance suggested to disband Sub Committee because there is no staff, Beyaert that was on RAB is no longer on it and that all, including Mr. Gosney, should discuss. Garrett indicated that if it is disbanded then all the long drawn-out items need to be done at SubCommittee. N.Smith indicated that Garrett should be the one to present and Mayor indicated that Garrett should be the one to talk to Goodmiller.

- c. Finance: No report.
- d. Legal: No report.

**A. Adjournment**

Helvarg moved to adjourn meeting at 9:20pm. Garrett seconded. Passed unanimously.

**B. SCHEDULED MEETINGS**

Committee Meeting – .

Monday, January 16, 2011, 6:30 p.m., Multi-Purpose Room, 440 Civic Center Plaza – Date TBD due to MLK, Jr. Holiday

Monday, February 20, 2011, 6:30 p.m., Multi-Purpose Room, 440 Civic Center Plaza – Date TBD due to the Presidents Holiday

SubCommittee Meeting – Clean-Up and Restoration –

Tuesday, December 20, 2011, 6:30 p.m., Richmond Room, 450 Civic Center Plaza

Tuesday, January 17, 2012, 6:30 p.m., Richmond Room, 450 Civic Center Plaza

Minutes respectfully submitted by:

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Craig K. Murray, PMCAC Staff Liaison

9.B.4

# BYLAWS

## INTRODUCTION

These by-laws were adopted by the Point Molate Community Advisory Committee (PMCAC) on November 21, 2011

### Section 1: Purpose and Duties of the PMCAC

The PMCAC is a 19-member committee of Richmond residents authorized by City Council Resolution 8-11 adopted January 18, 2011. Its purpose is to advise the City Council as well as city staff, boards and commissions on all Point Molate matters, including but not limited to the appropriate clean-up, restoration, sustainable development and use of Point Molate.

### Section 2: Meetings

#### 2.1: Regular Meetings

Regular meetings of the PMCAC will be held in the Multi Purpose room at City Hall on the third Monday of every month beginning at 6:30 PM.

#### 2.2: Cancellation of Regular Meetings

A future regular meeting can be canceled or rescheduled by a majority present at any meeting if:

there is no business scheduled,

the future meeting falls on a public holiday

there is other good reason for cancelation.

In the event of an emergency any meeting or session can be canceled by the Chair Person or, if the Chair Person is unavailable, the Vice Chair Person. Any matters which were to be heard at the canceled meeting will be moved to the top of the agenda for the next regular meeting unless set for hearing on another date by the committee.

#### 2.3: Change of Location or Starting Time of Regular Meetings

The location or starting time of a regular meeting may be changed from time to time by providing the new starting time and/or location in the notice and agenda distributed by city staff in advance of the meeting or session in accordance with governing law. In addition, the location of the meeting may be changed due to an emergency or pre-emption of the regular meeting location by other government business. In such event,

12.A.1

the new location of the meeting shall be posted on the door of the regular site of the meeting at least one-half hour before the meeting time.

#### **2.4: Special Meetings**

Special meetings and hearings of the Committee may be called by the Chairperson or by any ten members of the Committee and shall be held within the City of Richmond. Written notices of special meetings of the Committee shall be given in accordance with governing law and, in accordance with law, the Committee may not consider any business at the special meeting other than that which appears in the notice.

#### **2.5: Public Nature of Meetings**

All meetings of the PMCAC shall be open to the public.

#### **2.6: Quorum**

A majority of the total number of sitting committee members shall constitute a quorum for the conduct of business and if a quorum is present, a majority of votes cast is sufficient to carry any motion that is in order unless otherwise required by law, these by-laws or adopted parliamentary rules. Committee members who expect to be absent from a regular meeting shall notify the city staff or the Chair Person at the earliest opportunity. City staff shall notify the Chairperson in the event the projected absences will result in a lack of a quorum.

#### **2.7: No Quorum**

Whenever less than a quorum attends a regular or special meeting of the Committee, the Chairperson (or acting chairperson) shall adjourn the meeting to the next regular meeting unless, following a motion, a majority of those present vote to adjourn the meeting to some other specific time: Other than the foregoing, no business shall be conducted when no quorum is present.

#### **2.8: Agenda**

City staff shall deliver a copy of the agenda for each regular meeting of the Committee to each member and post for the public in the same places and in the same manner as City Council meeting agendas not later than seventy-two (72) hours prior to such meeting.

#### **2.9: Consent Calendar**

Prior to consideration of the consent calendar by the Committee, the Chairperson shall ask if any Committee member, staff member or member of the public wishes to remove any item or items from the consent calendar. All requests for removal of an item from the consent calendar for purposes of discussion shall result in the item removed being heard and acted upon in its regular numerical order at the end of the agenda.

After all requests for removal have been honored, any Committee member may move that the remaining consent calendar items be adopted. The Committee's adoption of the consent

calendar means that those items have been acted upon by the Committee collectively by a single motion adopting the recommendations contained in the agenda packet. Any requirement for a public hearing shall be deemed satisfied by this process so long as no one has requested to speak on the item prior to the adoption of the consent calendar.

### **2.10: Order of Business**

The order of business for regular meetings of the Committee shall be as follows except that, with the consent of a majority of the Board, matters may be taken out of order:

- Call to Order
- Roll Call
- Approval of Agenda
- Chair Announcements
- General Public Comment
- Current Items
- Staff Reports
- Held Over items
- Consent Calendar
- Future Items
- Reports of Officers, Committees and Staff
- Adjournment

### **2.11: Rules of Order**

Rosenberg's Rules of Order shall govern the Committee except as otherwise provided in these bylaws. The Chair shall, unless overruled by a majority of the members present, act as the parliamentarian for the Committee and his or her ruling shall be deemed final.

### **2.12: Manner of Voting and Reporting on Votes**

The vote on all questions coming before the Committee shall be by roll call or by vote tabulator or alternately by affirmation to save time, and the yeas, nays and abstentions shall be entered upon the minutes of the meeting and set forth in any reports to the City Council on any action taken by the Committee.

### **2.13: Motion To Continue a Portion of the Agenda**

At any time during a regular meeting of the Committee, any Committee member may move to continue a portion of the agenda to the next regular meeting of the Committee or to a special meeting of the Committee, based upon their estimation that the Committee will not have sufficient time in which to complete the entire agenda at a reasonable hour. Approval by a two-thirds majority of members present shall be necessary to adopt such a motion. The motion shall: 1) Identify the numbers of the agenda items proposed to be heard at the current meeting; and 2) specify the numbers of the agenda items to be continued. The purpose of this motion is to benefit members of the public attending or viewing the meeting by providing information, as early as possible in the evening, as to what matters will be continued to a later date

### **2.14: Adjournment**

The Committee shall adjourn any regular or special meeting at the posted time, this following reports of officers and committee staff and any other agenda items deemed compelling. Any unfinished items of business appearing on the agenda which have not been acted upon shall be continued to the next regular meeting. Upon adjourning with unfinished items on the agenda, the Chairperson or acting chairperson shall announce to the public the date and place to which said unfinished agenda items are continued. Notwithstanding the above, the Committee may pass a motion to extend any regular or special meeting beyond the posted finish time by majority vote.

## **SECTION 3: MEMBERSHIP**

### **3.1: Appointment**

Members shall be appointed by the Mayor with the concurrence of at least three members of the City Council for a term of two years and serve without compensation. No member shall serve for more than four consecutive two-year terms.

### **3.2: Automatic Resignation**

The absence of any member from more than three (3) regularly scheduled meetings in a 12-month period shall constitute an automatic resignation from the Committee.

### **3.3: Duties of Committee Members**

It is the duty of members to become informed to the best of their ability on each item that comes before the Committee for action, to form an opinion on every question that is brought to and vote and to express this opinion by his or her vote unless the member has a possible conflict of interest or other justifiable basis.

### **3.4: Conflict of Interest**

No member of the Committee shall participate in a discussion or vote upon any matter with respect to which he or she may have a conflict of interest, as defined by applicable California law. Instead, the member shall excuse himself or herself from the proceedings, stating for the

minutes the basis for doing so, and shall leave the room while the matter is being discussed and/or acted upon.

If a member of the Committee is challenged in regard to a conflict of interest in a particular matter and does not choose to excuse himself/herself from the proceedings, the Chairperson shall ask the Committee's legal counsel for a ruling. If the Committee's legal counsel determines that there appears to be a conflict of interest, the challenged member shall refrain from participating on that particular item in compliance with the conflict of interest provisions of these bylaws. If a member does not comply with this requirement after a ruling by the Committee's legal counsel, the City Council shall be so advised by the City Attorney's Office.

### **3.5: Staff Assistance**

The committee may call upon city staff for technical or clerical assistance in connection with the committee's performance of its duties. The committee may also request funding for a written report from an expert consultant in matters pertaining to the Committee's work. Any contract entered into as a result of such funding shall be approved by the city manager unless it is for an amount over \$10,000 in which case it must be approved by the City Council.

## **SECTION 4: SUBCOMMITTEES**

### **4.1: Subcommittees**

The Chairperson of the Committee may create sub committees, define their powers and duties, and appoint the members and chairs thereof.

### **4.2: Terms of Subcommittee Members**

Subcommittee members shall serve a term of one year on each committee to which they are appointed.

## **SECTION 5: OFFICERS**

### **5.1: Designation of Officers**

The officers of the Committee shall consist of a Chairperson and Vice Chairperson

### **5.2: Election of Officers**

Officers shall be elected by a majority of a committee quorum present. In the event of more than two candidates for officer positions and no candidate receives a majority of the quorum present, then a runoff vote will be held between the two top vote getters.

### **5.3: Terms of Officers and Removal of Officers**

Officers shall serve a term of one year. Officers may be removed from office with a two thirds vote of the committee at a regular or special meeting.

#### **5.4: Special Election of Officers**

If any vacancy occurs in any office by reason of death, resignation, removal of any officer or other reason, such vacancy shall be promptly filled for the remainder of the term of office, from the ranks of the Committee by means of a special election conducted by the members of the Committee. At the request of the Chairperson of the Committee, the Nominating Subcommittee shall meet and recommend a candidate to fill the open officer position. In addition, any member of the Committee may nominate any member of the Committee for the vacant office at or prior to the special election.

#### **5.5: Powers and Duties of Officers**

- a) Chairperson. The Chairperson shall preside at all meetings of the Committee, shall appoint all subcommittees and subcommittee chairs, and shall have all the powers and duties conferred by law, and shall perform such other duties as may from time to time be prescribed by the Committee
- b) Vice Chairperson. The Vice Chairperson shall have all of the powers and perform all of the duties of the Chairperson in the case of the Chairperson's absence or inability of the Chairperson to act. The Vice Chairperson shall have all the powers and duties conferred by law, and shall perform such other duties as may from time to time be prescribed by the Committee.
- c) Acting Chairperson. In the absence of the Chairperson and Vice Chairperson, then the members of the Committee present at the meeting shall elect an Acting Chairperson who shall preside over and conduct the meeting if there is a quorum present or who shall set a date for continuing the agenda if there is not a quorum present.

#### **5.6: Additional Officers and Personnel**

The Committee may from time to time by resolution appoint such additional officers or assistant officers as it may deem necessary or desirable and may define their duties.

### **SECTION 6: AMENDMENTS**

These Bylaws may be adopted, amended or repealed by the affirmative vote of two-thirds of the total members of the Committee at any regular or special meeting, provided that any proposed amendment to be voted on shall be included in the notice of the meeting. Such amendments must be in conformity with the general intent specified in the basic enabling legislation and applicable provisions of state law.