CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER No. R2-2008-0095
SITE CLEANUP REQUIREMENTS AND
RECISSION OF ORDER Nos. 95-235, 97-124 and 97-125

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

FOR:

FORMER POINT MOLATE NAVAL FUEL DEPOT
RICHMOND, CONTRA COSTA COUNTY

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

1) INTRODUCTION:

Point Molate Naval Fuel Depot (Point Molate NFD) is a former Navy facility located adjacent to San Francisco Bay in the City of Richmond (City), Contra Costa County. Point Molate NFD consists of approximately 413[1] acres of which approximately 373 acres were transferred to the City in September 2003. The remaining approximately 40 acres (the Early Transfer Property) are being considered for early transfer after completion of a Finding of Suitability for Early Transfer (FOSET).

This Order applies to the cleanup criteria for the entire 413-acre Point Molate NFD facility. Residual contamination from former military operations has been at concentrations which necessitate remedies which involve a combination of source removal, groundwater monitoring and adoption of institutional controls to assure that the cleanup is consistent with the intended reuses of the facility while being protective of human health and the environment. Many, but not all, of the required environmental actions have already been completed by the Navy under Board Order Nos. 95-235, 97-124 and 97-125.

For the environmental cleanup of the Early Transfer Property, the Navy and the City will enter into an Early Transfer Cooperative Agreement (ETCA), separate from this Order that provides funding to the City to address the cleanup activities required under this Order. Thereafter, pursuant to a separate agreement and subject to all required City review and approvals, the City intends to transfer all 413 acres for purposes of redevelopment, to Upstream Point Molate, LLC and its project joint venture group, Winehaven Partners, LLC (collectively Upstream/Winehaven) before all remedial activities have been completed. Completion of those remedial activities at the facility will be performed by using a combination of private funding and federal funding from the

[1] The acreage reported to this Board is an estimate and is not intended to represent the actual measured size of the property. For the purpose of this document the estimate of acreage is within +/- 5% accuracy.

Navy. The purpose of this Order is to ensure that cleanup of the entire Point Molate NFD facility is performed and completed to protect the environment and human health.

With adoption of this Order, the Board will continue as lead State regulatory agency for the implementation of the remediation activities and for any additional environmental remedies needed during the course of redevelopment of Point Molate NFD.

2) NECESSITY FOR AND EFFECT OF ORDER:

The Early Transfer Property is subject to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) due to the existence of limited CERCLA hazardous substances, and cannot be transferred without implementation of all remedial actions, unless the Governor of the State of California finds, among other things, that the deed or other agreement governing the early transfer contains "assurances that provide that all necessary response actions will be taken and identify the schedules for investigation and completion of all necessary response action as approved by the appropriate regulatory agency." (42 U.S.C. section 120(h)(3)(C)). 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 Board orders to achieve completion of all necessary response actions. This Order also governs the cleanup of the remaining Point Molate NFD and rescinds prior orders.

3) SITE DESCRIPTION:

Point Molate NFD is a former Navy facility that has been inactive and in closure status since 1995. The facility is located on the eastern shore of San Francisco Bay, about one mile north of the Richmond-San Rafael Bridge in the City of Richmond (Figure 1). The facility encompasses approximately 413 acres with topography varying from flat lying, reclaimed tidal marsh along the bay front to steep hills rising to an elevation of more than 500 feet. The facility is bordered on the north by property owned by the City while property on the south and east boundaries of the facility is owned by the Chevron Corporation. San Francisco Bay borders the western boundary. Approximately 100 acres of the facility are submerged lands.

4) SITES OF HISTORIC SIGNIFICANCE:

Portions of the Point Molate NFD have been nominated to the National Register of Historic Places, specifically the historic Winehaven Buildings and residential complex, which incorporate approximately 100 acres of land. Any tasks that will directly or indirectly affect this historic district will require compliance with Section 106 of the National Historic Prevention Act of 1966, as amended in 1980, in accordance with the regulations for the protection of historic properties (36 CFR Part 800). Any agreement between the City and Upstream/Winehaven requires treatment of the on-site historic resources to meet or exceed standards set by the U.S. Secretary of Interior.

5) FACILITY HISTORY:

a) The Navy established the 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. The tanks average a diameter of about 100 feet and a depth of 20 feet,

consisting of a single concrete vault built into the hillside and covered by fill. The facility configuration, as it exists today, is largely similar to what was in place by November 1960.

b) Several fuel types were stored in the tanks over the years. Navy Special Fuel Oil (NSFO), a black viscous bunker fuel, diesel fuel, F-76 (marine diesel), JP-5 (jet turbine fuel), and aviation gasoline as well as motor vehicle gasoline were stored in the tanks. The facility also operated a sanitary sewer system and a ballast water fuel reclamation/treatment system. The fuel reclamation/treatment system incorporated the three former treatment ponds, which are discussed in greater detail below. Those three ponds were built on the site of a larger single pond that was used for the disposal of oily waste water from various facility activities.

c) The Point Molate NFD has been shut down since September 30, 1995, and has undergone closure under the Base Realignment and Closure (BRAC) Act.

6) SITE GEOLOGY:

The Point Molate NFD is situated on the western side of the Potrero Hills, which form a peninsula projecting into San Francisco Bay. The Potrero Hills are composed of fractured, fine to medium grained sandstones and siltstones of Franciscan Jurassic-Cretaceous age (~150 million years ago) formations. The site is 5 miles west of the Hayward Fault and just east of the projected San Pedro-San Pablo Fault. Bay mud overlays the Franciscan Formation along the shoreline. During the past 50 years, the bay inter-tidal mud flats have been artificially filled to create the low-lying flat areas of the facility.

7) HYDROGEOLOGY:

The Point Molate NFD is located in the Central groundwater basin as designated by the State Department of Water Resources. The site is predominantly bedrock overlain by a thin mantle of colluvium (loose deposits of slope debris). Groundwater primarily flows via this mantle and discharges to the Bay. A relatively minor amount of groundwater is transmitted by the bedrock. It is therefore reasonable to assume that a majority of pollutant transport occurs in this colluvium mantle. The groundwater at this site is not a drinking water source, although it could be used for either dust control or watering vegetation after treatment.

8) PROPERTY TRANSFER:

The Navy designated the Point Molate NFD for closure under the fourth round of the Base Realignment and Closure (BRAC) Program on September 30, 1995. In 2003, the Navy transferred approximately 373 acres of the 413-acre facility to the City. This primarily includes the hillsides where large underground fuel storage tanks are located and includes some portions of the shoreline and offshore areas. The remaining 40 acres, which were not ready for transfer in 2003, include areas referred to as the Site-3 former waste water treatment pond (Site-3), the Site-1 landfill, and the Site-4 Drum Lots 1 and 2. In a letter dated November 18, 2004, the City initiated the request for the early transfer of the remaining 40-acre Navy-owned property.

The Early Transfer Property will be disposed of to the City under the authority of § 2834(b) of the Military Construction Authorization Act for Fiscal Year 1993 (Division B of Public Law 102-484; 106 Statute 2614), as amended, and the National Defense Authorization Act for Fiscal Year

1996 (§ 2867 of Public Law 104-106, dated February 10, 1996). The proposed transfer of Point Molate NFD is commonly referred to as "an early transfer with privatized remediation." After completion of the City's environmental review process and after deed transfer of the 40-acre parcel from the Navy, the City intends to transfer the property to private entity for redevelopment and reuse.

9) NAMED DISCHARGERS:

a) The City is named as a discharger because it owns approximately 373 acres of the Point Molate NFD, which contain wastes that have yet to be fully remediated. The City is also named as a discharger because as the proposed owner of the Early Transfer Property prior to full remediation, it will have control of the property in a condition which threatens to cause or permit waste to be discharged or deposited where it is, or probably will be discharged into the waters of the State and creates, or threatens to create, a condition of pollution or nuisance. The City does not dispute its liability as the proposed owner of the Early Transfer Property and has through the ETCA secured critical Navy funding to cleanup the Property. The City will enter into a separate agreement with Upstream Point Molate, LLC and Winehaven Partners LLC (Upstream/Winehaven) whereby Upstream/Winehaven will perform the City's obligations under this Order. If and when the City transfers the property to Upstream/Winehaven, this Order will be amended to add them as named dischargers.

b) The Navy is named as a discharger because it owns, owned, and operated the entire Point Molate NFD and caused or permitted waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the State and creates, or threatens to create, a condition of pollution or nuisance. The Navy is required to comply with State laws concerning the removal and remediation at facilities owned and operated by it under CERCLA section 120(a)(4). The Navy is also required to remediate hazardous substance releases from any facility or site owned by it under Defense Environmental Restoration Program, 10 U.S.C. section 2700 et seq. The Board acknowledges that, pursuant to the ETCA, the Navy and City have agreed that the City will implement and/or ensure implementation of this Order for both the Early Transfer Property and the 373 acres previously transferred.

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 as a named discharger to achieve regulatory closure for the waste it discharged. The Board agrees that in the event of default by the City, the Navy may at its discretion, propose and implement a different set of plans. Those plans would be subject to public and regulatory agency review and approval, as were the response actions or corrective actions that were submitted by the City and approved by the Board. Those plans will achieve regulatory closure of the property and allow commercial and industrial use of the property that ensures no discharges of waste into waters of the State. In addition, the plans must include source removal and may not substantially delay cleanup. The Board will revise this Order to accommodate any such different set of plans.

c) The City and Navy are hereinafter collectively referred to as the Discharger.

10) KNOWN AREAS OF CONTAMINATION:

There are four areas of concern (See Figure 2) that may present a continued source of pollution at the Point Molate NFD. All of the following areas are subject to provisions of this Order.

a) **Site-1 Landfill** – Waste from the Point Molate NFD generated during facility operations 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. VOCs, SVOCs, pesticides, jet fuel, diesel, motor oil, and drums have all been documented to be in the landfill waste. Pursuant to a 2005 Record of Decision, the waste was capped with a soil cover, and groundwater monitoring is being conducted to confirm waste containment. This Order imposes long-term monitoring and maintenance for the Site-1 landfill.

b) **Site-3 Treatment Pond Area** – At the time the Navy began operations at the facility in 1942, Site-3 was a single pond formed by diking off a small embayment just west of the historic Winehaven Building. The pond was approximately ten to eleven acres in surface area, used to capture oily waste from facility operations. In 1973, the pond was reconfigured to three smaller ponds with its use continuing as a site for treatment of oily waste water from the facility. In 1991, oil was observed in San Francisco Bay adjacent to these ponds and was determined to be coming from the waste oil and sludge deposited within the ponds. In 1995, the Navy installed a subsurface extraction trench along the shoreline to capture oil-contaminated groundwater as an emergency and interim remedy. The result of that remedy was that additional oily discharge 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. During this period, the groundwater extraction treatment system continued to operate. Pursuant to this Order, a more permanent remedy is anticipated which will cleanup Site-3 to a level in which further discharge will not occur nor for which continued groundwater extraction will be required. This Order requires development of more specific remedial plans for source removal that would allow for the reduction of or eventually eliminate the need for long-term monitoring requirements.

c) **Site-4, Drum Lot 1** – This area is directly south of Site-3. Contamination is generally hydrocarbon related. Groundwater continues to be impacted from historic discharges at this site although at concentrations that are below the approved cleanup goals. Long-term monitoring and a soil management plan, required by this Order, will ensure that any new waste discoveries will be cleaned up to acceptable standards. Site-4 also includes Drum Lot 2 described below.

d) **Site-4, Drum Lot 2 –** This area is the southern flat portion of the facility. Drums of liquid product were historically stored here. Groundwater monitoring as well as soil and soil-gas data indicates that trichloroethylene (TCE) is present in soils and groundwater, although at relatively minor concentration and extent. The concentrations observed are approximately 400 ug/L (MW29-01, October 2007). This Order describes tasks to address this contamination.

e) **UST Area** – Large underground petroleum storage tanks (USTs) for this facility are generally located on the hillsides of the Point Molate NFD. Soil and groundwater contamination detected adjacent to the USTs and 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 May 2008, the Board had granted environmental closure

for 9 of 20 USTs (Tanks 1, 7, 9, 10, 11, 14, 16, 17, and 20) because the contamination observed was less than the site-specific cleanup goals developed for this facility (discussed below). The Navy intends to submit all environmental tank reports to the Board prior to early transfer; however, not all tanks will be ready for closure at that time. The ETCA contains provisions and funding for the City and Upstream/Winehaven to complete the regulatory closure of all remaining USTs. Routine monitoring and maintenance of the remaining tanks will continue beyond early transfer. This Order requires eventual closure of the remaining USTs.

11) 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 safe to leave without further remedial action based on restricted commercial and industrial land uses. The FPAL report incorporates findings from Ecological Risk Assessment and Human Health Risk Assessment studies for this site. The FPAL report establishes fuel cleanup levels based upon depth below ground surface and distance away from the Bay for different land use scenarios, including residential uses. However, the FPAL report does not address cleanup levels at or below the groundwater table. This Order requires establishment and approval of the cleanup of residual contamination below the groundwater table for all land use scenarios that are protective of human health and the environment.

12) CONCEPTUAL SITE-3 CLEANUP PROPOSAL

This Order specifically requires a cleanup of the facility protective of the environment and the expected reuse of the facility but does not impose a specific method of compliance. However, the Navy has described a cleanup approach in the FOSET which should remove most mobile petroleum sources from the Site-3 Treatment Ponds area. This Order requires a cleanup and verification that the cleanup has eliminated any threat to human health or the environment as a result of a potential release of any residual pollution from the facility.

13) OFFSHORE SEDIMENT INVESTIGATIONS:

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. Findings from this report are incorporated into the FPAL report discussed above.

14) HUMAN HEALTH RISK ASSESSMENT:

The Navy submitted the Site-4 Human Health and Environmental Risk Assessment Report, dated March 2003. Findings from this report are incorporated into the FPAL report discussed above.

15) LAND USE CONTROLS

Interim Land Use Controls (LUCs) will be developed for areas of the for the Point Molate NFD undergoing remediation. The Interim LUCs will protect the public during the completion of site remediation activities and provide for the necessary access to complete those activities. In addition, the Interim LUCs will include provisions for their removal after completion of remediation measures for each affected area of the site. In some cases, the Interim LUCs may need to be replaced by Final LUCs as appropriate, depending on the scope of each proposed

cleanup action for areas of the site that do not meet unrestricted use standards. The Discharger will propose such Final LUCs for Board review and approval after an acceptable remedy has been successfully completed pursuant to this Order.

16) STATE WATER RESOURCES CONTROL BOARD RESOLUTIONS:

a) **State Water Board Resolution No. 68-16:** "Statement of Policy with Respect to Maintaining High Quality of Waters in California," applies to this discharge and requires attainment of background levels of water quality, or the highest level of water quality which is reasonable if background levels of water quality cannot be restored. Non-background cleanup levels 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 must not result in exceedance of applicable water quality objectives.

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 Resolution No. 92-49.

17) REGIONAL WATER QUALITY CONTROL BOARD RESOLUTIONS:

a) **Regional Water Board Resolution No. 88-160:** On October 19, 1988, the Board adopted Resolution No. 88-160, "Regional Board Position on the Disposal of Extracted Groundwater from Groundwater Cleanup Projects". The Resolution strongly encourages the reclamation of extracted groundwater from groundwater cleanup projects to the extent technically and economically feasible. Direct discharges to surface water are authorized only when the Board finds "neither reclamation nor discharge to a POTW is technically and economically feasible".

b) **Regional Water Board Resolution No. 89-39:** The Board adopted Resolution No. 89-39, "Incorporation of 'Sources of Drinking Water' Policy into the Water Quality Control Plan" on March 15, 1989. This policy considers "all surface and ground waters of the State to be suitable, or potentially suitable, for municipal or domestic water supply" unless where "the total dissolved solids (TDS) exceed 3,000 mg/l" and "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".

18) BASIN PLAN:

The Board adopted a revised Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) dated December 22, 2006. This updated and consolidated plan represents the Board's master water quality control planning document. A summary of regulatory provisions is contained in Title 23 of the California Code of Regulations at Section 3912. The Basin Plan defines beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater.

19) BENEFICIAL USES - SURFACE WATER:

The existing and potential beneficial uses of the contiguous surface water (San Francisco Bay) adjacent to the Point Molate NFD include:

a. Commercial and sport fishing;
b. Estuarine habitat;
g. Preservation of rare and endangered species;
h. Water contact recreation;

c. Industrial service supply;
d. Fish migration;
e. Navigation;
f. Industrial process supply;
i. Non-contact water recreation;
j. Shellfish harvesting;
k. Fish spawning; and
l. Wildlife habitat.

20) BASIS FOR 13304 ORDER:

The discharge of pollutants at the Point Molate NFD has caused or threatens to create a condition of pollution or nuisance to waters of the State. California Water Code Section 13304 authorizes the 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.

21) COST RECOVERY:

Pursuant to California Water Code Section 13304, the Discharger is hereby notified that the Board is entitled to, and may seek reimbursement 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.

22) CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

This action is an order to enforce the laws and regulations administered by the Board. As such, this action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the CEQA Guidelines (at Cal. Code. of Regs., title 14, sec. 15000 et seq.).

This Order requires submittal of detailed work plans for Board approval that address cleanup activities at the Point Molate NFD. The proposed activities under the work plans are not yet known, but approval of the work plans for implementation may result in significant physical impacts to the environment that must be evaluated under CEQA. The City is the lead agency in approving the transfer and redevelopment of the Point Molate NFD and must evaluate the environmental impacts of the entire project, including proposed specific cleanup activities at the site. Under CEQA, prior to approving any work plan that may have a significant impact on the environment, the Board, as the responsible agency, must consider the environmental document prepared by the City, (14 Cal. Code of Regs. section 15096). It is therefore important that the City's environmental document adequately address the full scope and extent of the potential environmental impacts of the cleanup at the site and require adequate mitigation measures. The Board, as the responsible agency, will provide the required consultation necessary to assist the City in preparing an adequate environmental document.

23) PUBLIC HEARING:

The Board has notified the Discharger and interested agencies and persons of its intent under California Water Code Section 13304 to prescribe Site Cleanup Requirements for the Point Molate NFD and has provided them with the opportunity for a public hearing and an opportunity to submit their written views and recommendations.

24) The Board, in a public meeting, heard and considered all comments pertaining to this Order.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that the Discharger shall cleanup and abate the effects described in the above findings as follows:

A. PROHIBITIONS

1. DISCHARGE OF WASTE: The discharge of wastes, non-hazardous or hazardous materials, in a manner which will degrade, or threaten to degrade, water quality or adversely affect, or threaten to adversely affect, the beneficial uses of the waters of the State is prohibited.
2. POLLUTION MIGRATION: Migration of pollutants through surface or subsurface transport to waters of the State is prohibited.
3. POLLUTION MIGRATION CAUSED BY INVESTIGATION AND REMEDIATION: Activities associated with the cleanup and any subsurface investigation that will cause unacceptable migration of pollutants, are prohibited.
4. NUISANCE: The storage, handling, treatment or disposal of soil or groundwater containing pollutants shall not create a nuisance as defined in Section 13050 (m) of the California Water Code.

B. TASKS & COMPLETION DATES

TASK 1: ESTABLISH SATURATED ZONE SOIL CLEANUP CRITERIA FOR SITE-3

The Discharger shall propose soil cleanup criteria, acceptable to the Executive Officer, for contaminated soils below the groundwater table, or in the "saturated" zone, at Site-3. The Cleanup Goals already developed to date by the Navy for the Point Molate NFD describe criteria for pollutants below the ground surface but situated above groundwater. The cleanup criteria for this task shall include petroleum hydrocarbons as well as other chemicals of concern for Site-3 and shall include any reasonably expected decomposition byproducts.
TASK COMPLETION DATE: March 30, 2009

TASK 2: SOIL & GROUNDWATER MANAGEMENT PLAN

The Discharger shall prepare a Soil & Groundwater Management Plan for the facility, acceptable to the Executive Officer, identifying how soils and affected groundwater will be managed for any phase of cleanup activities at the facility, including initial cleanup as well as cleanups related to discoveries during any future development of the Point Molate NFD. The plan should propose how soil and groundwater will be sampled and analyzed during all phases of remediation and development, and how test results will be used to protect site workers and future occupants and visitors from residual pollutants. The Plan shall describe the protocol to be followed for all sampling, field measurements, analytical techniques, and the sequence and methods of any proposed remediation. The Plan shall 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.
TASK COMPLETION DATE: April 30, 2009

TASK 3a: SITE-3 FINAL FEASIBILITY STUDY, AND REMEDIAL ACTION PLAN

The Discharger shall prepare a Final Feasibility Study and Remedial Action Plan for Site-3, acceptable to the Executive Office. The Discharger shall propose cleanup criteria for the most stringent land use proposals for the Point Molate NFD. While this Order does not specify the means of compliance, the Remedial Action Plan shall cleanup this site to a degree that future discharge from pollutants at this site will not occur and for which continued groundwater extraction will not be required. In addition, the cleanup for Site-3 will be to the extent that long-term monitoring requirements can be eliminated within five years.

The plan shall abide by the **Soil Management Plan** and shall include a Health and Safety Plan, Quality Assurance Plan, and provide a work schedule for plan implementation**.**
TASK COMPLETION DATE: May 30, 2009

TASK 3b: SITE-4 FINAL FEASIBILITY STUDY, AND REMEDIAL ACTION PLAN

The Discharger shall prepare a Final Feasibility Study and Remedial Action Plan, acceptable to the Executive Officer, for Drum Lots 1 and 2 that proposes final source removal and remediation measures necessary to meet site cleanup goals. While this Order does not specify the means of compliance, the Remedial Action Plan shall cleanup this site to a degree that future discharge from pollutants at this site will not occur and for which continued groundwater extraction will not be required. In addition, the cleanup for Site-4 will be to the extent that long-term monitoring requirements can be eliminated within five years.

The plan shall abide by the **Soil Management Plan** and shall include a Health and Safety Plan, Quality Assurance Plan, and provide a work schedule for plan implementation**.**

The Discharger may combine task 3.a and 3.b reports and plans into one document.
TASK COMPLETION DATE: May 30, 2009.

TASK 4: UST MANAGEMENT PLAN

The Discharger shall propose a management plan and schedule, acceptable to the Executive Officer, to close the remaining USTs at the Point Molate NFD. Environmental case closure has been approved for nine UST cases. Eleven USTs remain open at the time of this Order because of elevated concentrations of hydrocarbons associated with the USTs. The intent of the UST Management Plan is to determine 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. If any UST will be demolished during any site redevelopment, this plan shall specify that a UST removal action work plan will be prepared for that demolition and must be approved by the Executive Officer prior to that demolition.
DRAFT COMPLETION DATE: August 1, 2009
FINAL COMPLETION DATE: April 30, 2010, or 45 days after Board comments

TASK 5: UST STATUS REPORT

Quarterly UST status reports shall outline the progress of UST closure activities undertaken pursuant to the Plan developed in Task 4. 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.
TASK COMPLETION DATE: July 31, 2010, or 90 days after Completion of Task 4

TASK 6a: SITE-3 REMEDY COMPLETION REPORT
The Discharger shall prepare a Remedy Completion Report for Site-3, acceptable to the Executive Officer. The Remedial Report shall include Land Use Controls for Site-3 as needed. The Report shall identify the location and volume of soil excavated, describe the specifics of the disposal of that material, present all test data generated during the remediation process and how the remediation activities met or did not meet the remediation goals.
TASK COMPLETION DATE: December 15, 2010

TASK 6b: SITE-4 REMEDY COMPLETION REPORT
The Discharger shall prepare a Remedy Completion Report for Site-4, acceptable to the Executive Officer. The Report shall include Land Use Controls for Site-4 as needed. The report shall identify the location and volume of soil excavated, describe the specifics of the disposal of that material, present all test data generated during the remediation process and how the remediation activities met or did not meet the remediation goals.

The Discharger may combine task 6.a and 6.b reports into one document.
TASK COMPLETION DATE: December 15, 2010

TASK 7: FINAL LAND USE CONTROLS
The Discharger shall submit Final Land Use Controls, acceptable to the Executive Officer, for areas of Point Molate NFD that do not meet unrestricted use standards after an acceptable cleanup has been implemented.
TASK COMPLETION DATE: Due at the time Environmental Closure is requested by the Discharger

TASK 8: REMEDIATION STATUS REPORTS
The Discharger shall submit a report to the Board 30 days prior to the start of on-site remediation activities, and then on a monthly basis beginning 30 days after the start of the remediation activities, outlining the on-site remediation activities accomplished during the past month and those planned for the following month. The first monthly report at the beginning of each quarter shall include monitoring and test results that have gone through the QA/QC process outlined in the Quality Assurance Project Plan (QAPP), 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.
TASK COMPLETION DATE: Monthly beginning 30 days after the start of the remediation activities

TASK 9: DISCOVERIES DURING FACILITY REDEVELOPMENT
After the initial remedies have been implemented as ordered by the above Tasks, and facility redevelopment begins, discoveries of otherwise previously unknown pollution that exceeds the site's Cleanup Goals shall be reported to the Executive Officer within 48 hours of its discovery. A cleanup shall be promptly implemented according to the **Soil & Groundwater**

Management Plan. The initial reporting shall be followed up by a Cleanup/Investigations Report submitted to this Board and acceptable to the Executive, documenting cleanup actions and residual contaminant concentrations achieved, describing the situation and its status, and any further actions needing resolution.
TASK 9. COMPLETION DATE: 60 days from initial discovery

TASK 10: FACILITY-WIDE GROUND WATER MONITORING PLAN
The Discharger shall prepare a Facility-wide Groundwater Monitoring Plan, acceptable to the Executive Officer. The Plan must include a groundwater elevation maps, and groundwater pollutant concentration maps updated semi-annually, with sufficient detail to determine that waters of the State are protected. If observations indicate that pollutant concentrations exceed the facility's Cleanup Goals, or if free-product exists, or the migration of pollutants into surface waters is occurring, the Discharger shall promptly propose a remedy or otherwise manage the risks from that observation. A minimum of four consecutive quarters of monitoring shall be implemented. Monitoring may be modified to semi-annually or annually depending on site conditions, upon approval of the Executive Officer.
DRAFT COMPLETION DATE: February 1, 2010
FINAL COMPLETION DATE: April 15, 2010, or 45 days after Board comments

TASK 11: SITE-1 LANDFILL 5-YEAR REVIEW
The Site-1 Landfill was closed and capped pursuant to a Record of Decision in 2005. The Discharger shall review the Post Closure Maintenance and Monitoring Plan (PCMMP) for this site and submit a **Revised Site-1 Landfill PCMMP**, acceptable to the Executive Officer. The revised PCMMP shall be in compliance with Title 27, Disposal Waste to Land**,** Water Monitoring and Post Closure Maintenance (Subchapters 3 & 5).
TASK COMPLETION DATE: June 1, 2010

C. GENERAL PROVISIONS

1. **No Nuisance:** The storage, handling, treatment, or disposal of polluted soil or groundwater will not create a nuisance as defined in California Water Code Section 13050(m).
2. **Good Operation and Maintenance (O&M):** The Discharger shall 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 shall be liable, pursuant to California Water Code Section 13304, 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 Water Board-managed reimbursement program, reimbursement shall be made pursuant to this Order and according to the procedures established in that program. Any disputes raised by the Discharger over reimbursement amounts or methods used in that program shall be consistent with the dispute resolution procedures for that program.

4. **Access to Site and Site Records**: In accordance with California Water Code Section 13267(c), the Discharger shall permit the Board or its authorized representative:
    a. Entry upon premises in which any pollution source exists, or may potentially exist, or in which any required records are kept, which are relevant to this Order.
    b. Access to copy any records required by this Order.
    c. Inspection of any monitoring or remediation facilities installed in response to this Order.
    d. Sampling of any groundwater or soil which is accessible, or may become accessible, as part of any investigation or remedial action program undertaken by the Discharger.
5. **Contractor / Consultant Qualifications:** All technical documents shall 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 Board using approved U.S. EPA methods for the type of analysis to be performed. All laboratories shall maintain quality assurance/quality control (QA/QC) records for Board review. This provision does not apply to analyses that can only reasonably be performed on-site (e.g., temperature).
7. **Document Distribution:** Copies of all correspondence, technical reports, and other documents pertaining to compliance with this Order shall also be provided as follows:
    a. Restoration Advisory Board (or successor advisory board),
    b. City of Richmond Public Library

    The Executive Officer may modify this distribution list as needed.
8. **Reporting of Changed Owner or Operator:** The Discharger shall file a technical report on any changes in site occupancy or ownership associated with the property described in this Order.
9. **Compliance Delays:** If the Discharger is delayed, interrupted or prevented from meeting one or more of the completion dates specified in this Order, the Discharger shall promptly notify the Executive Officer. If, for any reason, the Discharger is unable to perform any activity or submit any document within the time required under this Order, the Discharger may make a written request for a specified extension of time. The extension request shall include a justification for the delay, and shall be submitted in advance of the date on which the activity is to be performed or the document is due.
10. **Electronic Reporting Format:** In addition to print submittals, all reports submitted pursuant to this Order shall be submitted as electronic files in “pdf” format. The pdf files can be created by converting the original electronic file format (e.g., Microsoft Word) and/or by scanning printed text, figures & tables. The Board has implemented a document imaging system, which is ultimately intended to reduce the need for printed report storage space and streamline the public file review process. Documents in the imaging system may be viewed, and print copies made, by the public, during file reviews conducted at the Board’s office. Upon request by Board staff, monitoring results, including water level

measurements, sample analytical results, coordinates, elevations, etc., shall be provided electronically in Microsoft Excel® or similar spreadsheet format. This format facilitates data computations and/or plotting that Board staff may undertake during their review. Data tables submitted in electronic spreadsheet format will not be included in the case file for the public. All electronic files, whether in pdf or spreadsheet format, shall be submitted via the Board's file transfer protocol (FTP) site, email (only if the file size is less than 3 MB) or on CD. CD submittals may be included with the print report. Email notification should be provided to Board staff whenever a file is uploaded to the Board's FTP site.

11. **Reporting of Hazardous Substance Release:** If, on or after the effective date of this Order, any hazardous substance is discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, the Discharger shall report such discharge to the Board by calling (510) 622-2369 during regular office hours (Monday through Friday, 8:00 to 5:00).

    a. A written report shall be filed with the Board within five working days. The report will describe: the nature of the hazardous substance, estimated quantity involved, duration of incident, cause of release, estimated size of affected area, nature of effect, corrective actions taken or planned, schedule of corrective actions planned, and persons/agencies notified.

    b. This reporting is in addition to reporting to the State Office of Emergency Services, required pursuant to the State Health and Safety Code.

12. **Periodic CAO Review:** The 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 Board revise these requirements.

13. **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 as determined in Finding 9 of this Order.

14. **Rescission of Existing Orders:** This Order supersedes and rescinds Order No. 95-235, No. 97-124 and 97-125.

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 **November 12, 2008**.

Digitally signed by Bruce Wolfe
Date: 2008.11.13 11:45:54 -08'00'

Bruce H. Wolfe
Executive Officer

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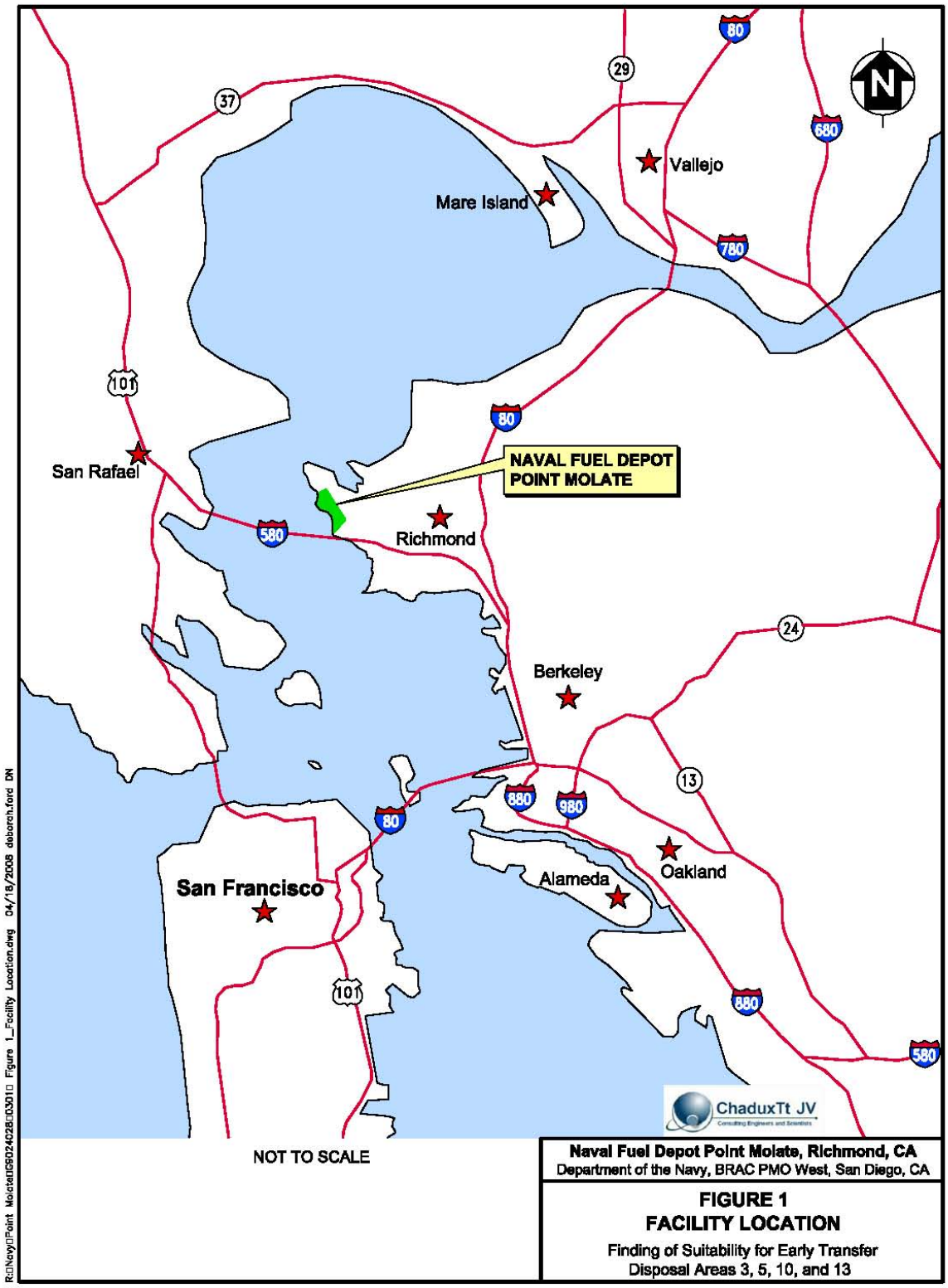
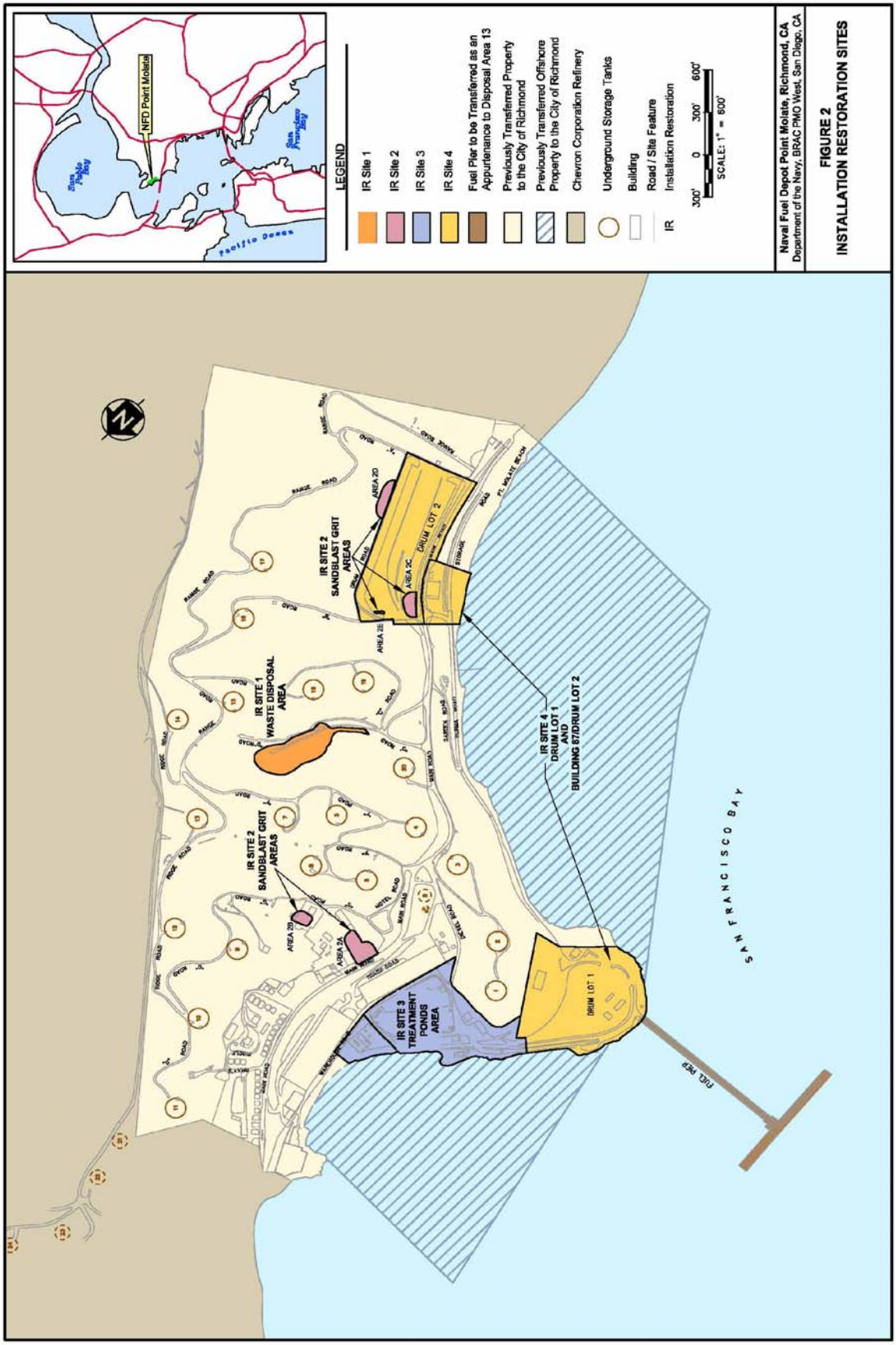
Attachments:

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


80
29
37
680
Vallejo
Mare Island
780
101
80
San Rafael
NAVAL FUEL DEPOT
POINT MOLATE
580
Richmond
24
Berkeley
13
880
980
80
Oakland
San Francisco
Alameda
101
880
580
ChaduxTt JV
NOT TO SCALE
Naval Fuel Depot Point Molate, Richmond, CA
Department of the Navy, BRAC PMO West, San Diego, CA
FIGURE 1
FACILITY LOCATION
Finding of Suitability for Early Transfer
Disposal Areas 3, 5, 10, and 13
R:\Navy\Point Molate\G\0240428\03010 Figure 1_Facility Location.dwg 04/18/2008 deborah.ford DN


NFD Point Molate
San Pablo Bay
San Francisco Bay
Pacific Ocean
LEGEND
IR Site 1
IR Site 2
IR Site 3
IR Site 4
Fuel Pier to be Transferred as an Appurtenance to Disposal Area 13
Previously Transferred Property to the City of Richmond
Previously Transferred Offshore Property to the City of Richmond
Chevron Corporation Refinery
Underground Storage Tanks
Building
Road / Site Feature
IR Installation Restoration
300' 0 300' 600'
SCALE: 1" = 600'
Naval Fuel Depot Point Molate, Richmond, CA
Department of the Navy, BRAC PMO West, San Diego, CA
FIGURE 2
INSTALLATION RESTORATION SITES
IR SITE 1 WASTE DISPOSAL AREA
IR SITE 2 SANDBLAST GRIT AREAS
IR SITE 2 SANDBLAST GRIT AREAS
IR SITE 3 TREATMENT PONDS AREA
IR SITE 4 DRUM LOT 1 AND BUILDING 87/DRUM LOT 2
DRUM LOT 1
DRUM LOT 2
AREA 2A
AREA 2B
AREA 2C
AREA 2D
AREA 2E
SAN FRANCISCO BAY
FUEL PIER