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

CLEANUP AND ABATEMENT ORDER NO. 95-228

U. S. NAVY, POINT MOLATE NAVAL FUEL DEPOT

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

1. The U.S. Navy (hereinafter referred to as the Discharger) operates Point Molate Naval Fuels Depot (hereinafter referred to as the Site). The Site is located on the eastern shore of San Francisco Bay, about one mile north of the Richmond-San Rafael Bridge near the city of Richmond (Figure 1). The facility covers approximately 300 acres in the Potrero Hills. The topography varies 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, south and east by Chevron Corporation and to the west by San Pablo Bay.

2. SITE HISTORY: The Navy established Point Molate Fuel Depot in the early 1940s. Over 40 million gallons of fuel and oil were stored in 29 aboveground and underground tanks. The facility has been slated for closure under the Base Realignment and Closure Act during the most recent round of military downsizing effort and has been shut down since September 30, 1995.

3. KNOWN AREAS OF CONTAMINATION: Basically there are five areas of concern (See Figure 2): (1) Treatment Ponds Area (Former sump pond), (2) Shoreline sediments (3) Landfill, (4) Sandblast Grit Disposal Areas, (5) Site-wide soil and groundwater contamination from unidentified sources. Past disposal practices, spills and leaks have resulted in groundwater, soils, and sediments contamination at the Site. The following provides a detailed description of the Treatment Ponds Area and the Shoreline sediments which are relevant to this Order.

   (1) The treatment ponds were constructed within fill material placed to close a larger pre-existing unlined sump pond used for the disposal of contaminated fuels, tank bottom sludges, leaking drums, and other liquid wastes. Other wastes, including large numbers of batteries may have been disposed of in the sump pond. Liquids and sludge in the sump pond were removed prior to filling the pond with fill material.

   There has been extensive investigations of the soil and groundwater in the treatment ponds area. Semi-Volatile Organics (SVOCs), Volatile Organics (VOCs), Bunker fuel, diesel, JP-5, and gasoline have been detected in both the soil and groundwater.

Approximately 40 monitoring wells have been installed in the treatment ponds area. In all of the wells floating product (ranging from 0.5 feet to 3.0 feet) or polluted groundwater has been found.

(2) The sump pond and waste water treatment ponds are located approximately 150-200 feet from the bay shoreline. Subsurface investigations have shown that the fill material between the ponds and the bay is heavily contaminated with bunker fuel, a heavy viscous hydrocarbon which adheres to soil particles. The bunker fuel has migrated both north and south from the ponds and west beyond the shoreline (contamination of the beach sediments). The extent of sediment contamination has not been defined. Another area of chronic product seepage is located about 400 feet south of the sump pond seepage. Concrete bags were placed along the shore to contain surface sheen from spreading. However, surface sheens have been observed periodically outside the concrete bags area.

4. GROUNDWATER INTERIM CORRECTIVE ACTIONS: Because of the impact to surface and groundwater quality posed by the contamination associated with the treatment ponds and the concrete bags areas, an Interim Corrective Action was implemented by the Navy. The Interim action involved constructing an extraction trench about 900 feet long to intercept the floating product and the contaminated groundwater emanating from the on-site sources to the bay. Construction of the trench was completed in August 1995, tested in October, and is now in full operation. The floating product will be removed from groundwater captured in the extraction trench, treated through the on-site wastewater treatment facility, and then discharged to the bay under a NPDES permit.

5. During the trench construction along the San Pablo Bay shoreline, the discharger filled a strip of intertidal rocky shoreline about 30 feet wide by 120 feet long and destroyed about 0.25 acre of an isolated patch of pickleweed marsh. The filling occurred to create a temporary working platform to support heavy construction equipment. However, there was neither coordination with nor authorization from agencies to determine if the fill was essential, what construction method or best management practices should be employed to minimize impacts on the Bay, and what mitigation measures would be employed to compensate for wetland values lost as a result of construction.

6. The work associated with filling spanned from March 13 to April 4, 1995. A total of 1,000 cubic yards of soil was used to fill and create the platform. The soil was tested for physical, but not chemical, properties by the discharger.

7. On April 12, 1995, during a site visit , staff discovered the unauthorized fill.

8. On May 2, 1995, a letter requesting detailed technical information regarding the filling activities was issued after making initial contact with Bay Conservation and Development Commission and U.S. Corps of Engineers.

9. On May 22, 1995, the discharger provided technical information requested and indicated that the filling was intended to be temporary and will eventually be removed. However, no specific dates were provided.

10. On October 10, 1995, during a meeting with the discharger, staff was informed that the fill had been removed and shoreline restored during August 1995. Again, the work was performed without any coordination with any of the agencies.

11. Based on review of the field logs provided by the discharger, there was one week in March when high wind and heavy rain interfered with the field work. Erosion control measures were installed during, but not before, the onset of the poor weather conditions.

12. The discharge of silt, clay or other earthen materials from any activity in quantities sufficient to cause deleterious bottom deposits, turbidity or discoloration in surface waters or to unreasonably affect or threaten to affect beneficial uses, is prohibited by the Water Quality Control Plan.

13. Based on the above findings, the Board finds that the discharger failed to identify and comply with procedural and substantive requirements that would apply to the filling and cutting activities.

14. California Environmental Quality Act (CEQA): This Order is an action to enforce the Water Quality Control Plan and as such is exempt from the California Environmental Quality Act pursuant to Section 15321 of the Resource Agency Guidelines.

15. PUBLIC HEARING: The Board has notified the Discharger and interested agencies and persons of its intent under the California Water Code Section 13304 to prescribe Cleanup and Abatement Requirements for the discharge and has provided them with the opportunity for a public hearing and an opportunity to submit their written views and recommendations.

    The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that the U. S. Navy shall mitigate the effects as described in the above findings as follows:

A. PROHIBITION

1. The discharge, or creation of potential for discharge, of any soil materials including silt, clay, sand, riprap and other materials to San Pablo Bay or any tributary thereto is prohibited, until substantive and/or procedural requirements from appropriate agencies are complied with.

B. PROVISIONS

1. The discharger shall implement the following mitigation to compensate for the value and time loss of the pickleweed habitat and potential impact to the intertidal eelgrass beds during construction of the temporary embankment:

   a. Create shoreline and intertidal eelgrass habitat by removing the concrete bags and grading it to sea level;

   b. Enhance the existing cordgrass-pickleweed wetland north of the cove at the treatment pond area by grading and vegetating to improve both wetland and upland buffer habitats.

2. The discharger shall by **December 31, 1995**, submit a mitigation plan acceptable to the Executive Officer to include:

   a. tissue residue study to demonstrate that existing contaminants at the two locations have not bioaccumulated in species that are prey to fish and wildlife.

   b. measures that will be taken to accomplish the mitigation as prescribed in Provision No. 1;

   c. monitoring plan to demonstrate the success of the mitigation which shall include, but not be limited to, plant species composition, total vegetative cover, and plant vigor and health on an annual basis for three years;

   d. contingency plan of necessary corrective actions that will be taken in the event that the performance criteria specified in Provision No. 2.c are not met.

3. The discharger shall by **March 31, 1996**, submit a technical report acceptable to the Executive Officer that includes the tissue residue study results pursuant to Provision No. 2.a..

4. The discharger shall by **September 30, 1996** submit a technical report acceptable to the Executive Officer documenting completion of Provision No. 2.b.

5. The discharger shall submit annual monitoring reports pursuant to Provision Nos. 2.c and 2.d with the first report due **September 30, 1997 and annually thereafter for two years**.

6. In the event that the mitigation prescribed in Provision No. 1 cannot be implemented due to technical/economic infeasibility or existing contamination, the discharger shall propose an alternative acceptable to the Executive Officer that is equivalent to Provision No.1 in values. Provision Nos. 3, 4 and 5 will become applicable to the approved alternative.

7. The discharger shall notify the Board of the date and time of any field activity associated with compliance with this Order.

8. The dischargers may, by written request, seek modifications or revisions of this Order or any program or plan submitted pursuant to this Order at any time. This Order and any applicable program, plan, or schedule may be modified, terminated or revised by the Board.

9. If the discharger may be delayed, interrupted or prevented from meeting one or more of the completion dates specified in this Order, the dischargers shall promptly notify the Executive Officer. If , for any reason, the dischargers are unable to perform any activity or submit any document within the time required under this Order, the dischargers 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. The Board staff may propose an amendment to the Order and bring the matter to the Board for consideration.

10. The discharger is responsible for distributing copies of the documents requested in this Order to the Board, Department of Toxic Substances Control, Department of Fish and Game, Bay Conservation and Development Commission, U.S. Army Corps of Engineers, San Francisco District, Contra Costa Health Department, and to all interested agencies.

11. The discharger shall maintain a copy of this Order at the site so as to be available at all times to site operating personnel.

12. The Board considers the property owner and site operator to have continuing responsibility for correcting any problems within their reasonable control which arise in the future as a result of this Order.

13. These requirements do not authorize the commission of any act causing injury to the property of another or of the public, do not convey any property rights, do not remove liability under federal, state or local laws, and do not authorize discharge of waste without appropriate federal, state or local permits, authorizations, or determinations.

Pursuant to California Water Code Sections 13304, 13308 and 13350, if the discharger fails to comply with the provisions of this Order, the Board may schedule a hearing to consider assessing civil monetary penalties and to consider requesting the State Attorney General to take appropriate enforcement action against the discharger, including injunctive and civil monetary remedies.

I, Loretta K. Barsamian, 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 15, 1995.

Loretta K. Barsamian
Executive Officer

Attachments:
Figure 1: Location/Site Map
Figure 2: Areas of Concern/Site Map

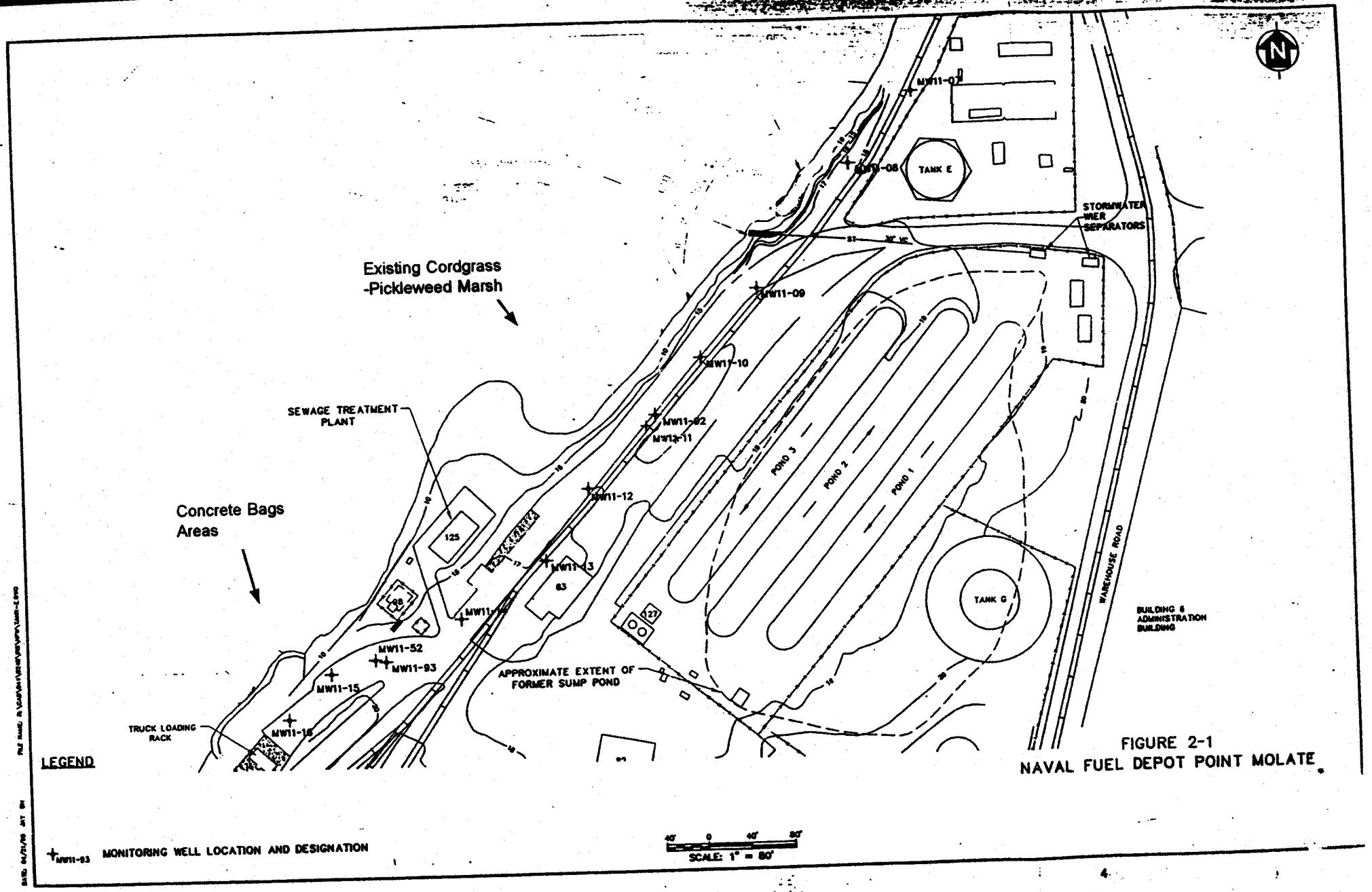
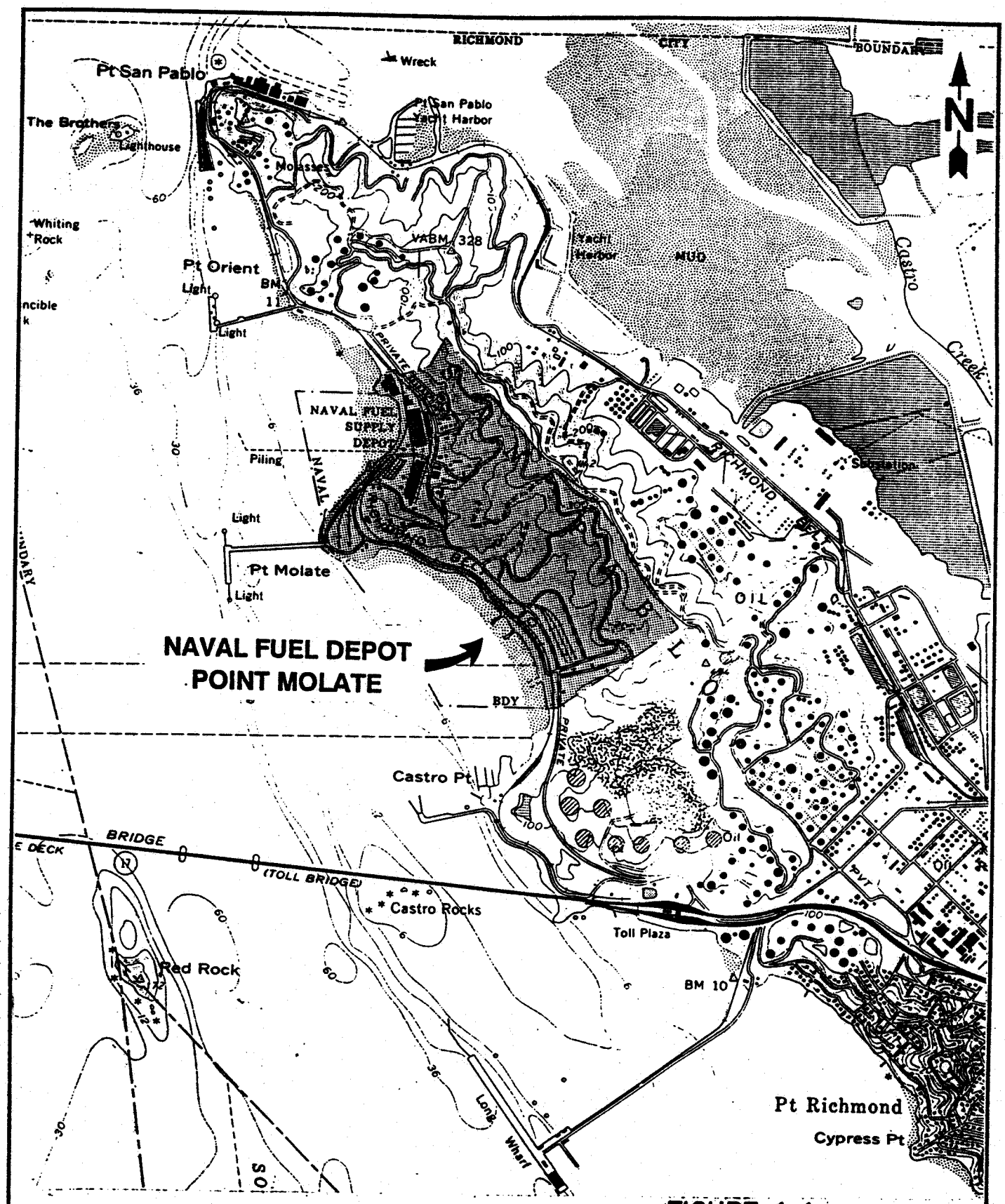


FIGURE 2-1
NAVAL FUEL DEPOT POINT MOLATE



SOURCE: USGS 7.5 MINUTE QUADRANGLE, SAN QUENTIN CALIF. 1980

FIGURE 1-1
NAVAL FUEL DEPOT POINT MOLATE
JANUARY 1995 FUEL SEEPAGE
RESPONSE AND ASSESSMENT
FACILITY LOCATION MAP

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