

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

AMENDED

CLEANUP AND ABATEMENT ORDER NO. 97-132
TEXACO TRADING AND TRANSPORTATION INC.
MARTINEZ, CONTRA COSTA COUNTY, CALIFORNIA

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

1. On November 19, 1997, a twenty-inch pipeline owned by Texaco Trading and Transportation Inc., hereafter the discharger, was discovered to be leaking crude oil into wetlands known as the Rhone-Poulenc wetlands, located adjacent to Mococo Road in the City of Martinez, Contra Costa County. The drainage from these wetlands flows towards Peyton Slough which is tributary to Suisun Bay. The discharger's pipeline runs through the wetlands and along Waterfront Road and the Union Pacific railroad tracks towards the discharger's pump station located about two miles east of the spill site (Site Location Map attached).
2. Immediately following the detection of the leak, emergency cleanup measures were initiated by the discharger, including repair of the pipeline. The exact amount of oil leaked from the line has not been determined; however, the initial spill was estimated to be approximately 40 barrels into the wetlands. All emergency cleanup efforts for protecting Peyton Slough and extracting petroleum product from the impacted wetland were conducted under the supervision of the Department of Fish and Game, Office of Oil Spill Prevention and Response (DFG/OSPR), U.S. Coast Guard and this Board.
3. On November 19 and 20, 1997, Board staff performed a joint inspection with DFG/OSPR staff of the impacted wetland area. The inspection revealed that a significant oil spill had occurred, most of the oil was contained in the westerly corner of the wetlands, and there existed a potential threat of lateral migration of contaminants to Peyton Slough.
4. The discharger has hired a cleanup contractor to conduct the emergency dewatering of polluted water in the wetlands using on-site treatment for pipeline repair and a consultant for preliminary investigation of the extent of the impacted wetland area, including water, sediment, and future mitigation.
5. In late July and early August 1997, the discharger had conducted unpermitted work activities on its pipeline in the same Rhone-Poulenc wetlands, only a few hundred feet east of the recent oil spill. The work performed on the pipeline was a preventive measure for potential future spills. This work was conducted without a Federal Clean Water Act

(CWA) Section 404 permit or CWA Section 401 Certification. Impacted wetland areas, are estimated at about 5000 to 5500 square feet. Such impacts may have been minimized if proper permitting had been sought prior to undertaking the work.

6. Based on the above findings, the Board finds that the discharger has caused or permitted waste to be discharged or deposited where it has been discharged into Waters of the State and created and threatened to continue to create a pollution. This Order, therefore, contains tasks for cleanup of wetlands, subsurface characterization, and the implementation of remedial actions for surface and groundwater pollution including the mitigation of impacts to wetlands.
7. This Order is an action to enforce the Board's Water Quality Control Plan for the protection of the environment and as such is exempt from the California Environmental Quality Act, pursuant to Section 15321 (a)(2) of Title 14, California Code of Regulations.
8. Pursuant to Section 13304 of the Water Code, 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 discharge of waste and to oversee cleanup of such waste, abatement of the effect thereof, or other remedial action, required by this Order.

IT IS HEREBY ORDERED, pursuant to Section 13304, of Division 7 of the California Water Code, that the discharger shall cleanup the waste discharged, abate the effect of the discharge, and take other remedial actions as follows:

A. Prohibition

The discharge of waste or hazardous materials that will significantly degrade water quality, and adversely affect beneficial uses of Waters of the State is prohibited.

B. Interim Corrective Measures

1. The discharger shall take immediate action to remove all "Free Phase" petroleum product from the impacted areas to the extent possible, minimizing further impacts to Waters of the State (including wetlands). All cleanup work must be proposed in writing and must be acceptable to DFG/OSPR, U.S. Coast Guard and the Board's Executive Officer. If this plan includes the discharge of extracted surface and groundwater, the discharger shall comply with the Board's Order No. 96-078,

Discharge of Extracted and Treated Surface/Groundwater.

2. If excavation of contaminated soils is necessary, all excavated waste material must be appropriately treated or disposed of. The waste material generated pursuant to this Order may be stored on site for a time period not to exceed 60 days. If stored on site, the storage method must be acceptable to DFG/OSPR, US Coast Guard, and the Executive Officer. All excavated areas should be backfilled with clean earthen materials to conditions acceptable to this Board and to DFG/OSPR. A technical report shall be submitted to the Board and DFG/OSPR within **ten working days** of the completion of the field activities. The Discharger will provide the Board with DFG/OSPR's determination of the volume of petroleum product discharged and volume recovered when such information becomes available. In addition the report should include the area excavated, volume of impacted soil removed, locations of soil samples confirming the removal of contaminated soils, lab analysis of that sampling, and conclusions and recommendations for any further action.
3. All interim corrective measures shall be supervised by a registered civil engineer and or consultant(s) under the supervision of the discharger approved by the DFG/OSPR.

C. Remedial Measures

1. The discharger shall propose a pollutant characterization plan for the impacted wetlands vegetation, soil and water and a time schedule to perform the work proposed in the plan. The proposed plan should include a natural resource assessment of the November 19, 1997 spill area, and of past unauthorized activities in the same and adjacent wetlands that may be impacted either directly or indirectly by the spill incident and/or associated remedial activities. The plan shall include, but not be limited to, a study of vegetation, small mammals, birds, and reptiles. Aquatic resources shall be assessed if adjacent waterways were impacted from the spill and past activities. The plan shall be acceptable to the Executive Officer and DFG/OSPR and is due on or before **March 31, 1998**, unless otherwise agreed in writing by the Executive Officer.
2. Based on the findings of C.1 above, the discharger shall propose a remediation plan for the site. The plan shall be acceptable to the Executive Officer and DFG/OSPR and is due on or before March 31, 1998, unless otherwise agreed in writing by the Executive Officer. The cleanup goals for the soil shall be background concentrations for metals and semi-volatiles, and no greater than 100

ppm for total petroleum hydrocarbon (TPH) using EPA Standard Method. Alternate soil cleanup goals may be proposed based on site-specific data. If alternate goals are proposed, the discharger must demonstrate that the cleanup goals described above are not feasible and that the alternate levels are protective of human health and aquatic life. The discharger shall commence the wetland cleanup immediately upon receiving approval of the plan and cleanup goals by both this Board and the DFG/OSPR, unless otherwise agreed in writing by the Executive Officer. If this plan includes the discharge of extracted surface and or groundwater, the discharger shall comply with the Board's Order No. 96-078, Discharge of Extracted and Treated Groundwater.

3. The discharger shall submit a Wetland Mitigation Plan including monitoring and success criteria for the recent oil spill area and the past unauthorized activities (conducted in late July and early August 1997) in the Rhone-Poulenc Wetlands, acceptable to the Executive Officer and DFG/OSPR. The plan shall ensure that wetlands impacted will be restored and that the impacts and associated mitigation proposed will not result in a net loss of wetland values or acreage in accordance with State and Federal Regulations. The plan shall be acceptable to this Board's and DFG/OSPR and is due on or before **March 31, 1998**, unless otherwise agreed in writing by the Executive Officer.
4. The discharger shall submit to the Board and DFG/OSPR a monthly progress report of the investigations, including status of the cleanup and restoration of the impacted wetland areas. This report is due by the 15th of the subsequent month, commencing with the report for November, due by **January 15, 1998**.
5. The discharger shall submit a plan on or before **July 1, 1998**, that identifies all pipelines owned by the discharger within geographic jurisdiction of the Board that are located in the wetlands, and for each pipeline the preventive measures that will be undertaken to to the extent practicable so that the threat of future spills is minimized.
6. All samples shall be analyzed by State certified laboratories acceptable to this Board, using approved U.S. EPA methods.
7. 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 in writing with recommended revised completion dates. The Board may also consider revision to this Order.
8. The discharger shall provide a copy of any plan, correspondence, or reports required by this Order to the DFG/OSPR, U.S. Coast Guard and the Army Corps

of Engineers.

9. The discharger shall immediately notify the Board and DFG/OSPR by telephone, whenever an adverse water quality condition occurs because of soil excavation and wetland remediation related activities. A written confirmation on the incident shall follow within five working days.
10. This Order does not supersede any Order issued by DFG.

Pursuant to Section 13304 of the Water Code, the discharger is hereby notified that the Board is entitled to, and may seek reimbursement for, all reasonable costs actually incurred by the Regional Board to investigate unauthorized discharges of wastes and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Order. Upon receipt of a billing statement for such costs, the discharger shall reimburse the Board.

Pursuant to California Water Code Sections 13304 and 13350, if a 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 Attorney General to take appropriate enforcement action against the discharger, including injunctive and civil monetary remedies.

Loretta K. Barsamian
Loretta K. Barsamian
Executive Officer

March 2, 1998
Date

Attachments: Location Map
Order No. 96-078

