CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

RESOLUTION NO. R2-2016-0012

ADOPTION OF MITIGATED NEGATIVE DECLARATION for:

SITE CLEANUP REQUIREMENTS for:

PHILLIPS 66 COMPANY
LINE 200 RELEASE
CONCORD, CONTRA COSTA COUNTY

WHEREAS:

1. On November 7, 2011, a leak was identified in the Phillips 66 Company's (Phillips 66) Line 200 oil pipeline. Following the discovery, Phillips 66 shut down the pipeline and undertook an emergency response cleanup, which revealed that oil had impacted surface and subsurface soil, soil vapor, and groundwater. Some of the oil migrated underground from the pipeline, located on the Concord Naval Weapons Station (CNWS), to the adjacent former residential property (330 Holly Drive);

2. Addressing the emergency remediation efforts and pursuant to the federal Endangered Species Act (ESA), the U.S. Fish and Wildlife Service (USFWS) prepared a Biological Opinion (BO) on June 28, 2013. The BO concluded that the emergency response had impacted potential habitat of two federally-listed threatened species: the California redlegged frog (*Rana draytonii*) and the Central Distinct Population Segment (DPS) of the California tiger salamander (*Ambystoma californiense*). The BO also concluded that the emergency response may have affected but was not likely to adversely affect the federally-listed endangered San Joaquin kit fox (*Vulpes macrotis mutica*). Therefore, staff of the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) determined that an Initial Study evaluating the impacts of further remediation was required to comply with the California Environmental Quality Act (CEQA), prior to adopting Site Cleanup Requirements (SCR). The USFWS is currently preparing a BO Amendment to address the final remediation work;

3. Between 2012 and 2014, Phillips 66 completed extensive investigations and interim remediation at CNWS and the adjacent residential property. Interim remedial measures included extraction of oil-contaminated groundwater and injection of an oxygen-releasing compound near the downgradient extent of the groundwater plume to accelerate natural biodegradation of the released oil;

4. Subsequent to the adoption of this resolution, the Regional Water Board will adopt a Site Cleanup Requirements Order (SCR Order) and Water Quality Certification under section 401 of the federal Clean Water Act (Certification) for the final remediation of soil and groundwater contamination from the Phillips 66 Line 200 Release site in Concord, Contra Costa County, referred to as the Project. Both the SCR Order and the Certification will rely on the findings in the Initial Study/Mitigated Negative Declaration adopted through this resolution;

5. The Regional Water Board has assumed the lead agency role for approving the Project under CEQA (CEQA at Public Resources Code § 21000 et seq.) and has conducted an Initial Study in accordance with California Code of Regulations, title 14, section 15063 and prepared a Mitigated Negative Declaration in accordance with California Code of Regulations, title 14, section 15070 et seq.;

6. The Initial Study preliminarily identified potentially significant effects. Phillips 66 modified the Project to avoid some effects. Phillips 66 also identified mitigation measures to avoid or reduce the remaining potentially significant effects. The Regional Water Board will enforce implementation of the mitigation

measures by including them as required tasks in the SCR Order. As required under California Code of Regulations, title 14, section 15074, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared and is attached to the Mitigated Negative Declaration and will be adopted with this resolution;

7. On January 29, 2016, the Regional Water Board provided a Notice of Intent to adopt the Mitigated Negative Declaration to the State Clearinghouse opening a 30-day comment period. The proposed Mitigated Negative Declaration (Draft MND) and supporting Initial Study were included in the transmittal (SCH No. 2016012055). Concurrently, the public comment period was initiated by making the Notice of Intent, Draft MND, and appendices available: 1) on the Regional Water Board's website; 2) with the Regional Water Board's Filing Clerk; 3) with the Contra Costa County clerk; 4) with the contiguous property owners; and 5) on the State Water Resources Control Board's Geotracker website;

8. The Regional Water Board did not receive any comments on the Draft MND or supporting documents;

9. The Regional Water Board finds that on the basis of the whole record that there is no substantial evidence that the Project, as revised and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration, all supporting documentation, and the record of proceedings are available at the Regional Water Board's offices; and

10. The Mitigated Negative Declaration reflects the independent judgment and analysis of the Regional Water Board.

THEREFORE BE IT RESOLVED, that the Regional Water Board hereby adopts the Mitigated Negative Declaration and MMRP for the Project.

I, BRUCE H. WOLFE, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of the resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region on April 1, 2016.

Digitally signed by Bruce H. Wolfe
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Bruce H. Wolfe
Executive Officer