

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

**STAFF SUMMARY REPORT (Mary Rose Cassa)
MEETING DATE: February 18, 2004**

ITEM: 9

SUBJECT: Napa County Flood Control and Water Conservation District, Chevron Products Company, Bay Cities Oil Marketers, Inc., Dillingham Construction N. A., Inc., Texaco, Inc., Phillips Petroleum Company, ExxonMobil Oil Corporation, Exxon Mobil Corporation, and Atlantic Richfield Company - for the properties located at 301 River Street, 477 Oil Company Road, 901 Eighth Street, and 903 Eighth Street, 415 Oil Company Road, 385 Oil Company Road, and 100 Oil Company Road, Napa, Napa County – Amendment of Final Site Cleanup Requirements

CHRONOLOGY: September 15, 1999 – Waste Discharge Requirements adopted
June 19, 2001 – Site Cleanup Requirements adopted
March 17, 2002 – Site Cleanup Requirements amended
December 20, 2002 – Site Cleanup Requirements amended

DISCUSSION: The Tentative Order (Appendix A) adds ExxonMobil Oil Corporation, Exxon Mobil Corporation, and Atlantic Richfield Company to the final site cleanup requirements (final SCR) for petroleum-impacted properties located within the construction footprint of a portion of the Napa River flood control project (Appendix B1 - Figure 1). This area, called the Consolidated Remedial Action Area, is within an industrial/commercial area situated along the east side of the Napa River, south of the City of Napa's downtown.

Past releases of petroleum from former bulk-storage facilities in the "consolidated" area have caused substantial contamination of soil and groundwater immediately adjacent to the Napa River. Accelerated cleanup of this contamination was needed to accommodate the pending flood control project by the Napa County Flood Control and Water Conservation District, approved by the Board in 1999. The project would widen the river channel in this reach, potentially worsening the impacts of the petroleum contamination if cleanup were not accelerated.

In June 2001, the Board issued final site cleanup requirements for the "consolidated" area, approving the consolidated cleanup plan proposed by the District. In the consolidated cleanup plan, the District proposed removal of petroleum-impacted soils via excavation. Floating hydrocarbons and contaminated groundwater would be contained, treated, and disposed as necessary. Clean soil would be placed at the nearby Gasser property as the foundation for a future residential development. Soil not meeting the disposal criteria would be taken to a permitted landfill.

The final SCR provides that, if additional information is submitted indicating that any other party(ies) caused or permitted any waste to be discharged at the “consolidated” area where the waste entered or threatened to enter waters of the State, the Board will consider adding those parties to the final SCR. The Board anticipated that such information might come to light as a result of construction and remedial action activities within the “consolidated” area. Some of the properties not currently subject to the final SCR have been known to be or suspected of being impacted with petroleum hydrocarbons or other contaminants. Sufficient information did not exist at the time to identify these properties as being the discharge sources of pollution; consequently, they were not made subject to the final SCR. However, because new information has become available that indicates significant pollution discharges to soil/groundwater have occurred at some of these properties, they should be added to the final SCR. The basis for naming additional dischargers is contained in the Staff Report (Appendix B1).

Naming additional dischargers is significant because, although the excavation work is completed, the final SCR requires ongoing monitoring. If adequate cleanup is not demonstrated by monitoring, additional cleanup may be required.

During the public comment period, we received comments from ExxonMobil and Arco (Appendix C). Significant comments fall into the following categories: the Board previously issued No Further Action letters for these properties and the facts remain largely unchanged (ExxonMobil and Arco); the data do not support the existence of significant contamination in surface soil or shallow soil (ExxonMobil and Arco); and observed contamination was not uniquely associated with historic use of the properties.

Board staff has responded to these comments (Appendix B2). New data that became available during excavation pursuant to the final SCR provide credible and reasonable new evidence that ExxonMobil and Arco are responsible for dischargers at their former properties. It is important in reviewing the data to step back from individual sample-by-sample comparisons and look at the relationship between historical structures and activities and the distribution of petroleum products in the unsaturated zone. We have revised the Tentative Order in response to the comments to correct a discrepancy in the data. However, we stand by the Tentative Order's findings on the presence of releases of petroleum to soil in the unsaturated zone at the subject properties.

**RECOMMEN-
DATION:**

Adopt the Tentative Order

FILE NOS.

28-0131, 28S0008, 28S0031, 28S0032, 28S0033, 28S0034, 28S0035, and 28S0036 (MRC)

APPENDICES:

A – Tentative Order
B1 – Staff Report (Basis for Tentative Order)
B2 – Staff Report (Response to Comments)
C – Comments

Appendix A – Tentative Order

Appendix B1 – Staff Report (Basis for Tentative Order)

Appendix B2 – Staff Report (Response to Comments)

Appendix C – Comments

Portions of Exxon/Mobil's supporting information have been eliminated for brevity.
Contact Mary Rose Cassa to review the entire comments package.

ExxonMobil Comments

Atlantic Richfield Company Comments