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**San Francisco Bay Regional Water Quality Control Board**

Date: May 9, 2019  
File No. 28S0046 (BAC)

**Discharger Group (members listed in mailing list below)**

**SUBJECT: Transmittal of Tentative Order – Rescission of Site Cleanup Requirements (Order Nos. R2-2001-066, R2-2002-0033, R2-2002-0128, and R2-2004-0006), Napa County Flood Control Project – East Bank of the Napa River Between Third Street and Tulucay Creek, Napa, Napa County**

Dear Discharger Group:

Attached is a Tentative Order to rescind the Orders referenced above for the subject site. The Orders' tasks have been completed and the site qualifies for low-threat closure.

Any written comments by you or interested persons must be submitted to the Regional Water Board offices by **June 10, 2019**. Comments submitted after this date will not be considered by the Regional Water Board. This order will be considered by the Regional Water Board during its regular meeting on July 10, 2019. The meeting will start at 9:00 am and will be held in the first-floor auditorium of the Elihu Harris Building, 1515 Clay Street, Oakland, California.

Pursuant to section 2050(c) of Title 23 of the California Code of Regulations, any party that challenges the Regional Water Board's action on this matter through a petition to the State Water Board under Water Code section 13320 will be limited to raising only those substantive issues or objections that were raised before the Regional Water Board at the public hearing or in timely submitted written correspondence delivered to the Regional Water Board (see above).

If you have any questions, please contact Bill A. Cook III of my staff at (510) 622-2446 [e-mail [Bill.Cook@waterboards.ca.gov](mailto:Bill.Cook@waterboards.ca.gov)].

Sincerely,

Michael Montgomery  
Executive Officer

**Attachment:** Tentative Order

**Copy sent with Attachment:** Mailing List

**Mailing List****Discharger Group**

Napa County Flood Control and Water  
Conservation District  
Attn.: Mr. Rick Thomasser  
804 First Street  
Napa, CA 94559  
Sent via email:  
[Richard.Thomasser@countyofnapa.org](mailto:Richard.Thomasser@countyofnapa.org)

Chevron Products Company  
Attn: Mr. Rod Simmons  
P. O. Box 6012  
San Ramon, CA 94583-2324

Bay Cities Oil Marketers, Inc.  
Attn: Mr. Randell Thomas  
P. O. Box 84836  
Seattle, WA 98124

Dillingham Construction, N.A., Inc.  
Attn.: Mr. John Capener  
5960 Inglewood Drive  
Pleasanton, CA 94588  
Current mailing address:  
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Ponca, OK 74604

Equiva Services, LLC  
Attn: Mr. Denis Brown  
Northern California Region  
P. O. Box 7869  
Burbank, CA 91510-7869

Phillips Petroleum Co.  
Attn.: Mr. Tracy Sizemore  
1338 Phillips Building  
Bartlesville, OK 74004

Exxon/Mobil  
Attn.: Mr. Len M. Racioppi  
Area Manager –  
Refining and Chemical  
1900 East Linden Avenue  
Linden, NJ 07036

Mobil Business Resources Corporation  
Attn: Steve Pao  
3700 West 190<sup>th</sup> Street TPT 2  
Torrance, CA 90509-2929

Atlantic Richfield Company  
c/o BP Global Environmental  
Management BU  
Attn: Mr. Ralph Moran  
4 Centerpointe Drive  
La Palma, CA 90623-0166

**Other Parties**

Chevron Environmental Management  
Attn.: Eric Hetrick  
6101 Bollinger Canyon Road  
San Ramon, CA 94583  
Email: [EHetrick@chevron.com](mailto:EHetrick@chevron.com)

Napa County Department of Public Works  
Attn.: Mr. Doug Calhoun  
Email: [Doug.Calhoun@countyofnapa.org](mailto:Doug.Calhoun@countyofnapa.org)

U.S. Army Corp of Engineers  
Attn.: Mr. Arijis A. Rakstins  
Email: [Arijis.A.Rakstins@usace.army.mil](mailto:Arijis.A.Rakstins@usace.army.mil)

California Department of Fish and Wildlife  
Attn.: Mr. Scott Wilson  
Email: [askbdr@wildlife.ca.gov](mailto:askbdr@wildlife.ca.gov)

City of Napa Planning Department  
Attn.: Stephanie Proft, P.E.  
Email: [SProft@cityofnapa.org](mailto:SProft@cityofnapa.org)

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

**TENTATIVE ORDER**

**RESCISSION OF SITE CLEANUP REQUIREMENTS**

**ORDER NOS. 01-066, R2-2002-0033, R2-2002-0128, AND R2-2004-0006 for:**

**Chevron USA Products Company  
Bay Cities Oil Marketers, Inc.  
Dillingham Construction N. A., Inc.  
Texaco, Inc., Equiva Services, LLC  
Phillips Petroleum Company  
ExxonMobil Oil Corporation  
Exxon Mobil Corporation  
Atlantic Richfield Company  
Napa County Flood Control and Water Conservation District**

For the property located at:

**EAST BANK OF THE NAPA RIVER BETWEEN SIXTH STREET AND TULUCAY CREEK,  
NAPA, NAPA COUNTY**

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

1. **Regional Water Board Orders:** The Regional Water Board adopted a series of cleanup orders to address petroleum contamination at this site considering the Napa River channel widening conducted by the Napa River Flood Control Project (Project):
  - a. Order No. 01-066 established site-wide cleanup requirements for Napa County Flood Control and Water Conservation District (District) and five parcel-specific parties. The order approved the District's cleanup plan, set cleanup levels, and required cleanup plan implementation.
  - b. Order No. R2-2002-0033 amended Order No. 01-066 to remove Task 7 and revise several task compliance dates.
  - c. Order No. R2-2002-0128 amended Order No. 01-066 to remove Task 3 and modify compliance dates for Task 5 and Task 6.
  - d. Order No. R2-2004-0006 further amended Order No. 01-066 to add three parcel-specific parties after petroleum contamination was found on three additional parcels during cleanup plan implementation.

These orders named the dischargers responsible for remediation of soil and groundwater concurrently with the construction of the flood control project, as shown in the table below.

Case Number	Case Name	Discharger	Former Address
28S0008	Bay Cities Oil	Chevron USA Products Company	477 Oil Company Road, Napa
28S0045	Basalt Rock Co.-Dillingham Construction	Dillingham Construction N. A., Inc	301 River Street, Napa
28S0031	Basalt Rock Co.-Dillingham Construction	Dillingham Construction N. A., Inc.	903 Eighth Street, Napa
28S0033	Texaco Oil Terminal	Texaco Inc. Equiva Services, LLC	506 Oil Company Road, Napa
28S0032	Phillips Terminal Oil	Phillips Petroleum Co.	901 Eighth Street, Napa
28S0035	Former Exxon Oil Terminal	ExxonMobil Oil Corp.	385 Oil Company Road, Napa
28S0036	Mobil Bulk Plant (former) - Napa	ExxonMobil Oil Corp.	415 Oil Company Road, Napa
28S0034	Former ARCO Oil Terminal	Atlantic Richfield Company	100 Oil Company Road, Napa
28S0046	Napa County Flood Protection Project	Napa County Flood Protection and Water Conservation District	

2. **Compliance with Board Orders:** The dischargers have completed all tasks in the Orders.

Task 1: Hydraulic Containment, Discharge, and Mitigation Plan

Task 2: Best Management Plan (BMPP)/ Stormwater Pollution Prevention Plan (SWPP)

Task 3: Soil Treatment Plan

Task 4: Post-Construction Monitoring Plan

Task 6: Certification of Soil Treatment Unit Construction

Task 7 Evaluation of River Bank Stabilization Measures

Task 8: Summary Report of Remedial Action Results and Findings

Task 9 Post-Construction Contingency Plan (PCCP)

The PCCP requires semi-annual, post flood event, and post-earthquake event inspections, and annual reporting. Future PCCP implementation is required in Waste Discharge Requirement (WDR) Order No. XXXXXXXX. This Order sets stream maintenance requirements for a larger area that encompasses the Site.

3. **Basis for Rescission:** The dischargers have complied with the requirements of Order No. 01-066 as amended. The site qualifies for low-threat closure pursuant to the State Water Resources Control Board's (State Water Board) Low-Threat Underground Storage Tank Case Closure Policy (LTCP). The LTCP focuses on leaking fuel underground storage tank sites but can be used for other petroleum-impacted sites.

The Site meets the LTCP's general criteria and media-specific criteria, as shown in the following table.

<b>LTCP General Criteria</b>	<b>Meets LTCP Criteria?</b>
a. The unauthorized release is located within the service area of a public water system;	<b>Yes</b>
b. The unauthorized release consists only of petroleum;	<b>Yes</b>
c. The unauthorized ("primary") release from the UST system has been stopped;	<b>Yes</b>
d. Free product has been removed to the maximum extent practicable;	<b>Yes</b>
e. A conceptual site model that assesses the nature, extent, and mobility of the release has been developed;	<b>Yes</b>
f. Secondary source has been removed to the extent practicable;	<b>Yes</b>
g. Soil or groundwater has been tested for methyl tert-butyl ether and results reported; and	<b>Yes</b>
h. Nuisance as defined by Water Code section 13050 does not exist at the Site.	<b>Yes</b>
<b>Groundwater Media-Specific Criteria</b>	<b>Yes</b>
<b>Petroleum Vapor Intrusion to Indoor Air Media-Specific Criteria</b>	<b>Yes</b>
<b>Direct Contact and Outdoor Air Exposure Media-Specific Criteria</b>	<b>Yes</b>

- a. **Groundwater Media-Specific Criteria:** The Site meets the LTCP groundwater-specific criterion No. 5. The most recent groundwater monitoring event was conducted in September 2014. The results of the 2014 sampling event indicated that hydrocarbons were present in MW-3 at concentrations above site specific cleanup goals for diesel range organics and oil range organics at 640 µg/l for both analytes. Concentrations of hydrocarbons in the other eight groundwater monitoring wells are below site-specific cleanup goals. Concentrations of hydrocarbons have declined in all groundwater monitoring wells and that trend is expected to continue. All nine groundwater monitoring wells have been properly destroyed

Petroleum Vapor Intrusion to Indoor Air Media Specific Criteria: Petroleum release sites shall satisfy the media-specific criteria for petroleum vapor intrusion to indoor air. Petroleum vapor intrusion to indoor air is not possible at this time or reasonable expected in the future because there are no buildings at the Site. The PCCP specifies that no development of the Site is allowed, and the property cannot be transferred without Regional Water Board permission.

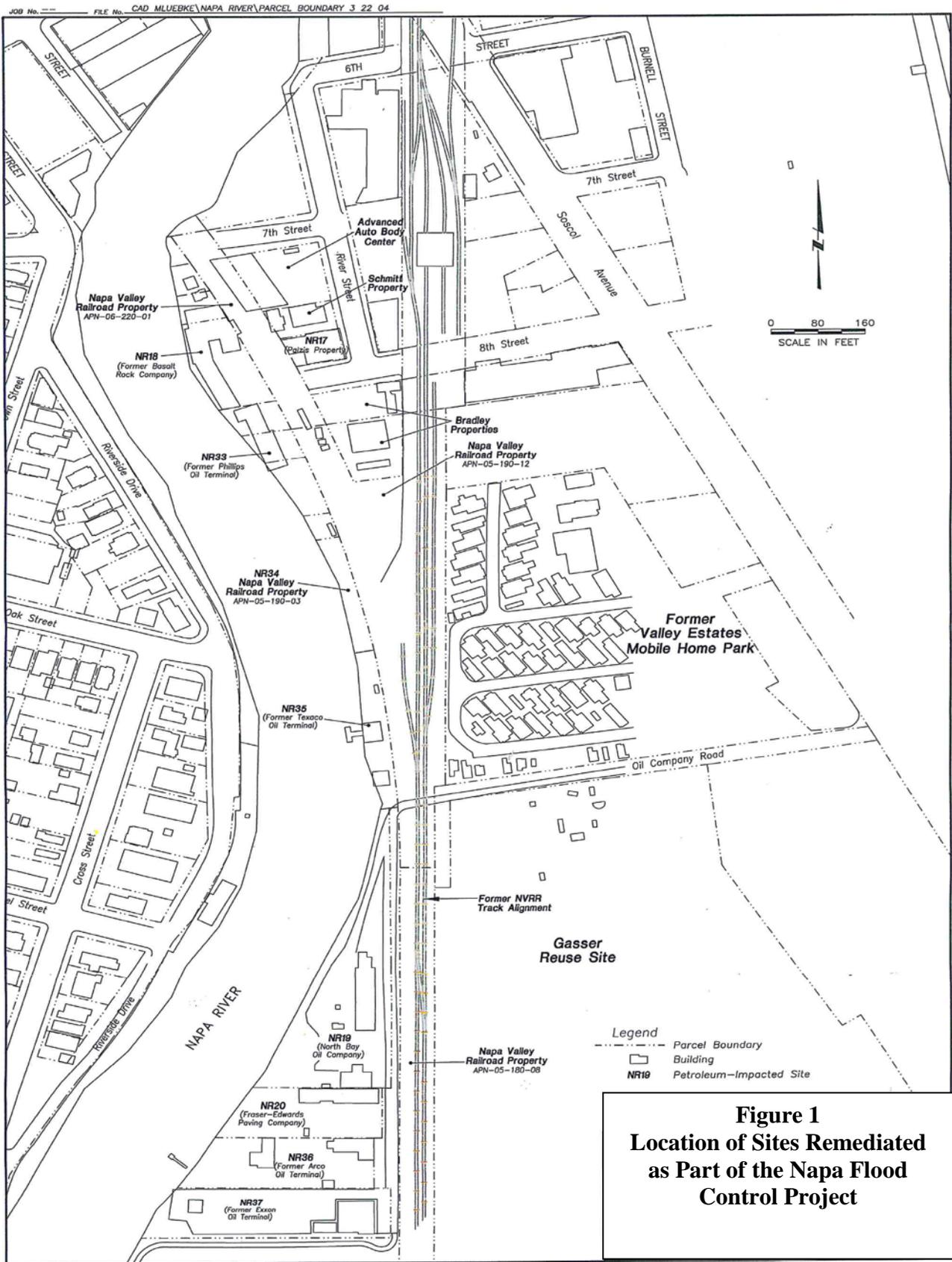
- b. **Direct Contact and Outdoor Air Exposure Media-Specific Criteria:** The concentrations of petroleum constituents in soil will have no significant risk of adversely affecting human health because the soil cap acts as an engineering control combined with the PCCP as an administrative control. Implementation of the PCCP will ensure no contact with the contaminated groundwater.
4. **California Safe Drinking Water Policy:** It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This order promotes that policy because Site Cleanup Standards (contained in Order R2-2001-066 and designed to meet criteria for dredged soil, and saltwater ecological protection) are and will continue to be met in existing and future supply wells. There are no wells at the Site and residual contamination has been capped to prevent impact to the Napa River. The closest known groundwater well is 300 meters to the south.
5. **CEQA:** This action rescinds orders to enforce the laws and regulations administered by the Regional Water Board. Rescission of the Orders is not a project as defined in the California Environmental Quality Act (CEQA). There is no possibility that the activity in question may have a significant effect on the environment. (Cal. Code Regs., tit. 14 §§ 15378 and 15061, subd. (b) (3).) A requirement for continued inspections has been incorporated into the 2019 Napa County Flood protection and Water Conservation District Waste Discharge Requirements.
6. **Notification:** The Regional Water Board has notified the discharger and all interested agencies and persons of its intent under Water Code section 13304 to rescind site cleanup requirements for the discharge and has provided them with an opportunity to submit their written comments.
7. **Public Hearing:** The Regional Water Board, at a public meeting, heard and considered all comments pertaining to this discharge.

**IT IS HEREBY ORDERED**, pursuant to sections 13304 and 13267 of the Water Code, that Order Nos. 01-066, R2-2002-0033, R2-2002-0128, and R2-2004-0006 are rescinded.

I, Michael Montgomery, 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 \_\_\_\_\_.

\_\_\_\_\_  
Michael Montgomery  
Executive Officer

**Attachment:** Figure 1 Location of Sites Remediated as Part of the Napa Flood Control Project



**Figure 1**  
**Location of Sites Remediated**  
**as Part of the Napa Flood**  
**Control Project**