

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

TENTATIVE ORDER

RESCISSION OF SITE CLEANUP REQUIREMENTS (ORDER NO. R2-2016-013) for:

PHILLIPS 66 COMPANY

For the property located at:

*CONCORD NAVAL WEAPONS STATION AND 330 HOLLY DRIVE
CONCORD
CONTRA COSTA 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 site cleanup requirements for the above property on June 6, 2016 (Order No. R2-2016-0013; the 2016 Order). The 2016 Order names Phillips 66 Company (Phillips 66) as discharger. The 2016 Order also: (a) sets cleanup standards for soil and groundwater; (b) requires implementation of the discharger's October 2014 Revised Excavation Interim Remedial Measure Work Plan; (c) requires groundwater monitoring; and (d) requires the implementation of mitigation measures identified by the Initial Study and Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Report Program (MMRP) adopted by the Executive Officer on April 1, 2016 pursuant to Resolution No. R2-2016-0012. The mitigation measures are listed in the 2016 Order in Attachment A.
2. **Compliance with Board Orders:** The following are the tasks in the 2016 Order and their compliance status:
 - Task 1 (Soil Remedial Action Work Plans) – Completed.
 - Task 2 (Implementation of Mitigation Measures) – Implemented. The mitigation measures associated with the IS/MND have been implemented with the exception of a portion of Mitigation Measure Bio-1 that requires an open space Perpetual Deed Restriction. Per the November 5, 2019 communication by Phillips' consulting biologist, East Bay Regional Parks District has agreed to take ownership of 330 Holly Drive, and a deed restriction will be placed on the property to ensure continuance of the restoration project. Following rescission of the 2016 Order, the discharger will still be required to submit annual mitigation monitoring reports in accordance with the May 23, 2016, Conditional 401 Water Quality Certification and Waste Discharge Requirements for the Line 200 Remediation and Maintenance Project.

- Task 3 (Completion of Soil Remedial Action) – Completed.
 - Task 4 (Groundwater Remedial Action Work Plan) – Completed.
 - Task 5 (Completion of Groundwater Remedial Action) – Completed.
 - Task 6 (Failed Remediation Contingency Work Plan) – Not needed.
 - Task 7 (Domestic Well Destruction Work Plan) – Completed.
 - Task 8 (Domestic Well Destruction Report) – Completed.
3. **Basis for Rescission:** The discharger has met the soil cleanup levels based on post-excavation confirmation soil sampling. This was documented in the March 2018, Excavation Interim Remedial Measures (Phase IV) Soil Remediation Report.

The discharger has met the groundwater cleanup levels based on post-excavation groundwater monitoring. This was documented in the June 2018, Post-Remedial Semi-Annual Groundwater Monitoring Report.

The discharger has properly destroyed all remaining groundwater wells and soil vapor probes as documented in the November 2018, 2016-2018 Well and Soil Vapor Probe Destruction Report.

The discharger submitted a technical report (November 2018, Excavation Interim Remedial Measures (Phase IV) Case Closure Request Report) that details compliance with the 2016 Order required tasks, summarizes the outcome of remediation activities, and describes how site conditions meet the criteria for low-threat case closure.

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 the groundwater throughout the impacted has attained cleanup levels, except in two wells. The residual levels in these wells are low, just above the cleanup levels and are expected to reach the cleanup levels in about three years. The residual area of impact is limited in extent and not migrating, and no water supply wells are threatened.
5. **State Water Resources Control Board Resolution No. 68-16 "Statement of Policy with Respect to Maintaining High Quality of Waters in California"):** This resolution requires maintenance of background levels of water quality unless a lesser water quality is consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial uses, and will not result in exceedance of applicable water quality objectives. The rescission of Order No. R2-2016-0013 is consistent with Resolution No. 68-16 because it reflects attainment of groundwater and soil cleanup levels, which

promote the maximum benefit of the people of the state by preventing migration of contaminants in groundwater, and by protecting both human health in the event of direct contact and the current or future beneficial uses of the Site's groundwater and surface water.

6. **State Water Resources Control Board Resolution No. 92-49 (Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304):** This resolution directs the Regional Water Boards to set cleanup levels equal to background water quality or the best water quality that is reasonable, if background levels cannot be restored. Rescission of Order No. R2-2016-0013 reflects attainment of the Site's cleanup levels, which ensure the highest water quality reasonable, adequately protect human health and applicable beneficial uses, and are consistent with the continued use of this Site as open space. Accordingly, this rescission is consistent with Resolution No. 92-49.
7. **CEQA:** This action rescinds an order to enforce the laws and regulations administered by the Regional Water Board. Rescission of the order is not a project as defined in the California Environmental Quality Act (CEQA). There is no possibility that the activity in question will have a significant effect on the environment. (Cal. Code Regs., tit. 14 §§ 15378 and 15061, subd. (b) (3).)
8. **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.

IT IS HEREBY ORDERED, pursuant to sections 13304 and 13267 of the Water Code, that Order No. R2-2016-013 is 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