

Naval Fuel Depot Point Molate
Restoration Advisory Board (RAB) Meeting Agenda

DATE: Wednesday, May 6, 2009
TIME: 7:00 – 8:30 p.m.
LOCATION: 325 Civic Center Plaza, Richmond City Library - Madeline F. Whittlesey Community Room

TIME	TOPIC	PRESENTER	DESIRED OUTCOME
7:00 – 7:05	Welcome & Meeting Minutes Approval	Michael Bloom, Navy Co-chair	Finalize minutes from previous meeting
7:05 – 7:20	Early Transfer Update	Michael Bloom, Navy	Update on early transfer at Point Molate
7:20 – 7:50	Groundwater Monitoring and Underground Storage Tank (UST) Update	David Clark, Navy	Update on groundwater monitoring and USTs
7:50 – 8:05	Regional Water Quality Control Board Update	George Leyva, Water Board	Update on recent Water Board activities
8:05 – 8:20	City of Richmond Update	Janet Schneider, City of Richmond	Update on recent City activities
8:20 – 8:30	Public Comment/Wrap-up	Michael Bloom, Navy Co-chair	Take community questions and future agenda topics



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ACRONYMS AND ABBREVIATIONS

ARARs	Applicable or relevant and appropriate requirements	NCP	National Oil and Hazardous Substances Pollution Contingency Plan
AST	Aboveground storage tank	NFD	Naval Fuel Depot
BCT	BRAC cleanup team	ORS	Oily-water recovery system
BEC	BRAC Environmental Coordinator	PAH	Polycyclic aromatic hydrocarbon
BRAC	Base Realignment and Closure	PCB	Polychlorinated biphenyl
BTEX	Benzene, toluene, ethylbenzene, and xylene	PP	Proposed plan
Cal/EPA	California Environmental Protection Agency	PRG	Preliminary remediation goal
CAP	Corrective Action Plan	QA/QC	Quality Assurance/Quality Control
CIP	Community Involvement Plan	QAPP	Quality assurance project plan
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act	RAB	Restoration advisory board
CTO	Contract task order	RCRA	Resource Conservation and Recovery Act
DoD	U.S. Department of Defense	RI	Remedial investigation
DOE	U.S. Department of Energy	ROD	Record of decision
DON	Department of the Navy	RPM	Remedial Project Manager
DQO	Data quality objective	RWQCB	Regional Water Quality Control Board, San Francisco Bay Region
EBS	Environmental Baseline Survey	SEBS	Supplemental Environmental Baseline Survey
EE/CA	Engineering evaluation and cost analysis	SSEBS	Site-Specific Environmental Baseline Survey
EPA	U.S. Environmental Protection Agency	SI	Site inspection
FOSET	Finding of Suitability for Early Transfer	SWDIV	Southwest Division Naval Facilities Engineering Command (San Diego)
FOST	Finding of Suitability to Transfer	TDRC	Technical Document Review Committee
FS	Feasibility study	TPH	Total petroleum hydrocarbons
FWP	Field work plan	TPH-e	Total petroleum hydrocarbons - extractable
HHRA	Human health risk assessment	TPH-p	Total petroleum hydrocarbons - purgeable
IR	Installation Restoration	TRPH	Total recoverable petroleum hydrocarbons
JP-5	Jet petroleum fuel	TtEMI	Tetra Tech EM Inc.
MCL	Maximum contaminant level	UST	Underground storage tank
MTBE	Methyl tertiary butyl ether		

DRAFT
NAVAL FUEL DEPOT, POINT MOLATE
RESTORATION ADVISORY BOARD (RAB) MEETING
3 December 2008

Richmond City Library – Madeline F. Whittlesey Community Room
325 Civic Center Plaza, Richmond, California

Purpose: 1) finalize minutes from the previous RAB meeting; 2) provide an update on the status of the Early Transfer; 3) provide an update on Installation Restoration (IR) Site 1 and underground storage tanks (USTs); 4) provide an update on recent Regional Water Quality Control Board (Water Board) activities; 5) provide an update on the recent City of Richmond (City) activities; 6) nominate and elect the 2009 RAB Community Co-chair and Vice Co-chair; and 7) solicit community questions and topics for the next meeting.

These meeting minutes summarize the items discussed during the RAB meeting. This is not a verbatim transcript. Attachment A provides the attendance list.

Meeting Attendees:

RAB Community Members: Shirley Butt, Gaye Eisenlord, Don Gosney, Arnie Kasendorf, Rao Kaza, Jil Kiernan, Myron King, Stephen Linsley, Tony Mendicino, Nagaraja Rao, and Eileen Whitty

Government Agencies/Regulators: Michael Bloom, Navy RAB Co-Chair/Base Realignment and Closure (BRAC) Environmental Coordinator (BEC); Derek Robinson, Navy Remedial Project Manager (RPM); David Clark, Navy Lead RPM; George Leyva, Water Board; John Kaiser, Water Board; and Janet Schneider, City of Richmond.

I. Welcome and Meeting Minutes Approval

Mr. Gosney called the meeting to order at 7:05 p.m. He welcomed RAB members and the public attendee and thanked everyone for attending. He asked for comments and corrections to the September 10, 2008, RAB meeting minutes. Mr. Mendicino, Ms. Schneider, and Mr. Leyva had changes.

Mr. Mendicino said that his name was misspelled in places on pages 3 and 4. He requested changing a statement on Page 3, 4th paragraph, from “He suggested an integrated schedule,” to: “He suggested a more integrated schedule for the development which addresses the sequential events that are inter-dependent,” noting that his comment reflected concern about scheduling conflicts between agencies. He also noted that on Page 4, the statement that reads, “...asked if that involves cleanup or all schedules,” was not very clear and that the statement should read, “...asked if the requirement to submit a written request applies solely to delays in cleanup activities or, in addition, to any scheduling delays that are not within the contractors control.”

Ms. Schneider noted that under “Update on Recent City Activities,” it would be more accurate to say “On September 2nd, the City Council approved...” rather than “the City expanded...”.

Mr. Leyva noted that on Page 2, Section III, last sentence in the 1st paragraph should read “initial rough draft” instead of “complete set.” Also, same section, 3rd paragraph, the sentence, “The Water Board is confident that it does not see any future problems and all remediation...” should

read, "The Water Board is confident that it does not see any future problems." Mr. Leyva noted that on the Page 2, 4th paragraph, the sentence that reads, "Mr. Leyva said yes, there will be, and that it is a function of how much of the land is disturbed," should be revised to say "how much of the land remains contaminated above unrestricted use." On Page 3, 1st paragraph, "20 feet below ground surface", should read "20-30 feet below ground surface." On Page 4, 4th paragraph, 3rd line, that reads "...replied that the FPALs are what are allowed to be discharged into the bay" should read "...replied that the FPALs are what are allowed to be protective of the bay."

Mr. Gosney asked if there were any further comments or corrections to the minutes; there were none. The September 2008 RAB minutes were accepted final as amended.

Mr. Gosney requested to open the finalized minutes for the June meeting and suggested a change on Page 6, 1st paragraph, 7th line, as follows: "Ms. Butt asked if the topsoil and native plants will be saved when the hill is taken down. Mr. Levine said yes. The area is dominated by invasive species but the plan is to restore the site with native plants." Mr. Gosney recommended that "yes" and "the" should be removed and the two sentences made into one to avoid any confusion for those who may read it and interpret that all plants and topsoil will be removed and saved. Mr. Bloom stated that the "Final" June meeting minutes will be re-issued with this change as "Revised Final." Ms. Whitty moved to accept the changes and Mr. King seconded the motion. The motion was unanimously approved by the RAB members.

II. Early Transfer Update

Mr. Bloom provided an update on the Early Transfer. The Navy is in the process of preparing the remaining documents for the Covenant Deferral Request package for the Early Transfer Request that goes to the governor. The two remaining documents are the Covenant to Restrict Use of Property (CRUP), which includes the interim restrictions as well as some of the use restrictions, and the deeds (the real estate transactions documents). The Navy anticipates that the documents will be prepared in January 2009, and the actual transfer is expected to occur in the spring of 2009. Mr. Bloom added that the environmental program is ongoing and the Navy will continue it until the transfer occurs. Mr. King asked if there were any foreseeable problems. Mr. Bloom said that there were none.

Mr. Gosney noted that since the previous RAB meeting, the remediation agreement was approved and signed off on by the City, and that \$28.5 million has been transferred by the Navy to the City (being held in an escrow account) as part of the early transfer.

III. Update on IR Site 1 and USTs

Mr. Bloom introduced Mr. Clark to give an update on the status of IR Site 1 and the USTs. Overheads and a handout accompanied his presentation. Mr. Clark prefaced his presentation by remarking that the Navy's environmental program will not immediately stop once Upstream Point Molate LLC (the developer) takes over the property. The Navy has built flexibility into the program so that a transition period will take place after property transfer.

Ms. Clark's presentation began with the IR Site 1 well installation. The new groundwater monitoring well was installed at IR Site 1, approximately near the toe of the landfill (the side closest to the bay and downgradient from cap) and near the existing monitoring well MW02-15. The new well was installed to improve the screening level over the previous well, and is screened between 4.5 feet below ground surface (bgs) and 14.5 feet bgs. The soil cores taken for the new well were very clean with no odor present and no petroleum streaking. A few soil samples were

taken and sent to the lab, but the characteristics of the cores shows that the area was not impacted by petroleum. Ms. Kiernan asked if the petroleum could have migrated further down. Mr. Clark said that with heavy petroleum they would have seen evidence of it, such as a thick tarry substance. The Navy did not expect to see this and their expectations were confirmed in the cores. Mr. Clark said that the well will be developed and then sampled during future groundwater monitoring events, along with groundwater samples taken from the old well.

The Navy also performed ongoing landfill maintenance at Site 1. The landfill is inspected by the Navy, as the caretaker, and will be maintained by the City/Upstream in the future. The landfill is also inspected by Contra Costa County to ensure it meets code. The landfill cap is checked for structural integrity and drainage areas are kept clear of brush and debris. Water flows off the landfill cap and into a downgradient v-ditch, carrying the water away from the landfill. Vehicle traffic is kept to a minimum on the cap itself and, if it becomes necessary to drive on the cap, there are paving stones on a central portion of the cap itself. However, driving on the cap on a regular basis is not recommended and a chain barrier prevents this. The main access road (D Road) is used to reach the cap and should also be kept clear.

Mr. Clark provided an update on the USTs. All USTs have received structural closure from the County. Tanks B and C and the Navy tanks on Chevron property have been removed. Tanks 1-20 are closed in place and structural inspections will continue as long as they exist. Environmental closure of the tanks is continuing. Information on each UST is included in the "UST Status Report" handout. Mr. Gosney asked about the significance of the colored highlighted areas. Mr. Clark said that the documents for the tanks in white have not yet been submitted to the Water Board either because 1) the document is not ready yet, or 2) more information is being collected for closure. The two tanks highlighted in salmon are those in which documents have been submitted to the Water Board. Tanks in blue highlight are closed. Eventually, all the tanks represented in the table will be highlighted in blue.

It was brought to the Navy's attention by the Water Board that previous soil samples from Tank 4 reported elevated levels of petroleum. Mr. Robinson's work on IR Site 3 showed that after 10 years the petroleum developed into highly viscous, non-soluble carbon chains. When a soil sample is taken, the focus is on the dissolved constituents and these are compared to the FPALs (Fuel Product Action Levels). Thus, while samples from open tanks have shown elevated levels of dissolved petroleum product in the past, it is possible that the dissolved petroleum fractions have broken down over time. Based upon this information, the Navy will take soil samples from the open tanks in the exact locations as past samples to see if there is any further degradation. Soil sampling locations are listed on Page 2 of the handout. Samples will be taken downgradient from and in the vicinity of Tanks 4, 5, 6, 8, 15, and 18, and upgradient of Tanks B and C. Ms. Kiernan asked if the tank area also includes the valve box. Mr. Clark said yes, the larger tank area is included. Ms. Kiernan asked how deep the samples will be taken; Mr. Clark replied that three samples will be taken at each location at various depths, including one at approximately 20 feet bgs, which is near the bottom depth of the tank. Mr. Clark added that the Chevron tanks are closed and have been removed.

A work plan for the soil sampling event will be prepared and sampling locations coordinated with the Water Board. Soil sampling will be conducted in early (winter) 2009. Once data are received from soil and groundwater sampling events, this information will be included in the tank reports submitted to the Water Board, which will either recommend tank closure or further work. The final groundwater monitoring event occurred in October/November 2008, and will most likely be the last monitoring event the Navy performs. However, the Navy will still help put together the

framework for a new groundwater monitoring plan as per the new Water Board Order, and will package this information and recommendations to Upstream upon transfer.

Mr. Clark reviewed the rest of the handout. Page 3, Table 1, presents a comprehensive sampling/inspection schedule for Point Molate. The Navy will continue to comply with this schedule until Upstream assumes responsibility. Page 4, Frequencies of Inspections, details what is done during monthly, quarterly, annual, and 5-year reviews. The 5-year review will be done by Upstream. Page 5, Site 1 Monitoring, is a flow chart describing the history of Site 1 monitoring.

IV. Update on Recent Water Board Activities

Mr. Leyva provided an update on recent Water Board activities. Overheads and a handout accompanied the presentation. On November 12, 2008, the Cleanup and Abatement Order (Order R2-2008-0095) was presented to the Water Board and was approved unanimously. There was discussion at the Board hearing concerning the Order and most of it was very positive, including several audience members who spoke in favor of the Order. A representative of the East Shore Park Alliance (ESPA) spoke out against the Order. Ms. Kiernan asked what her concern was. Mr. Leyva replied that the Order itself is exempt from the California Environmental Quality Act (CEQA), while the work related to the Order is not CEQA exempt. The ESPA representative felt that the entire Order should be subject to CEQA and that the Environmental Impact Report should have been prepared before the Order, rather than after. Mr. Leyva clarified that the way the Order was presented and voted on by the Board is the proper sequence of events. Mr. Gosney added that the ESPA representative voiced concern that the Early Transfer process was being unnecessarily fast tracked and that the community was not receiving its right to participate in the required environmental review processes prior to decisions being made by public officials. Mr. Gosney said he challenged her statement by informing the Board that there have been numerous meetings over the past years regarding the site. Mr. Leyva said there were three other form letters along the same lines, but the ESPA member was the only one to attend.

The Water Board is working on the Governor's Office Action Request (GOAR). The Land Use Covenant will possibly be completed in mid-January 2009. That document, which dictates how the land will be protected during construction, cleanup, and after cleanup, will be added to the GOAR. The completed GOAR will be presented to the Water Board's Executive Officer for approval and then sent to the State Water Resources Control Board's Executive Director, probably in late January. The State Water Board will then brief the California Secretary of EPA, Linda Adams, and this will likely take place around February 9th. The governor will be briefed, possibly in mid-February, and then his review and approval may take up to two months. Mr. King asked if this is the normal time frame for this type of the project; Mr. Leyva said yes. Mr. Kaiser added that the time frames for review and approval are based on the experience of staff at the State Water Board.

Mr. Leyva briefly discussed the Environmental Impact Statement/Environmental Impact Report (EIS/EIR). The Water Board is expecting a draft of the EIS/EIR soon. Once the EIR portion of the EIS/EIR has been reviewed and certified by the City, it will be used in preparing the work pursuant to the Order.

V. Update on Recent City Activities

Ms. Schneider provided an update on recent City activities. The City is working with the Navy to finish the CRUP and the two deed documents. The deed documents are the Deed Amendment to the land already transferred, and the other is a new deed that will encompass the remainder of the

property. The City Council approved the Cost Recovery Agreement, in which the City agreed to pay the fee for the Water Board to regulate the property. Ms. Schneider also said that the City is working on procuring environmental insurance through AIG and on the required documentation to obtain it.

Ms. Schneider provided a letter from Upstream Point Molate LLC to the City, reporting on the project status. The Administrative Draft EIS/EIR was forwarded to the cooperating agencies (Contra Costa County and US EPA) and their comments have delayed public distribution. The letter also addresses federal approval, negotiations with the Navy, Upstream's community outreach activities, and funding. Upstream also extended its right to close purchase of the Point Molate property until 2010, as provided in the Land Disposition Agreement. Mr. Mendicino asked if the County has any additional role in the EIS/EIR, other than commenting on it. Ms. Schneider said she is not aware of any other County involvement.

Mr. Gosney asked if there was an estimated time for the distribution of the EIS/EIR. Ms. Schneider said she is hopeful that distribution will take place by the end of the year. Mr. Salmon noted there is uncertainty because Contra Costa County's comments need to be considered and the document amended accordingly; further, before the document can be issued publicly, a Record of Decision on the EIS must be issued. Mr. Mendicino asked if the County had a time frame in which to comment on the Administrative Draft. Mr. Salmon said the County had 45 days in which to comment, and the environmental consultant received those comments. The County will have another chance when the document goes draft to the public, when everyone can comment.

VI. Election of the 2009 RAB Community Co-Chair and Vice Co-Chair

Mr. Bloom opened the floor for nominations for the 2009 RAB Community Co-Chair. Mr. Rao nominated Mr. Gosney for co-chair; Ms. Kiernan seconded the motion. There were no further nominations. Mr. Bloom called for a vote. Mr. Gosney was unanimously reelected as the 2009 RAB Community Co-Chair. Mr. Bloom opened the floor for nominations for the 2009 RAB Community Vice Co-Chair. Mr. Gosney nominated Ms. Kiernan; Mr. King seconded the motion. There were no further nominations. Mr. Bloom called for a vote. Ms. Kiernan was unanimously reelected as the 2009 RAB Community Vice Co-Chair.

VII. Public Comment/Wrap-Up

Mr. Gosney opened the floor for public comment. Mr. Salmon commented that the City, Navy, Upstream, Water Board, and RAB are all working toward the same goal and he is pleased with the teamwork demonstrated.

Mr. Bloom announced that the next RAB meeting will be held on March 4, 2009. Mr. Gosney adjourned the meeting at 8:10 PM.

RAB meeting minutes are located on the Navy's BRAC Program Management Office Web Page:

<http://www.bracpmo.navy.mil/basepage.aspx?baseid=50&state=California&name=ptmolate>

Water Board GeoTracker Web Page: <http://geotracker.swrcb.ca.gov/>

FINAL
NAVAL FUEL DEPOT, POINT MOLATE
RESTORATION ADVISORY BOARD (RAB) MEETING
10 September 2008

Point Richmond Community Center
139 Washington Avenue, Richmond, California

Purpose: 1) finalize minutes from the previous RAB meeting; 2) provide an update on the status of the Early Transfer; 3) provide an update on the Water Board Order for the Early Transfer; 4) provide an update on the recent City of Richmond (City) activities; 5) solicit community questions and topics for the next meeting.

These meeting minutes summarize the items discussed during the RAB meeting. This is not a verbatim transcript. Attachment A provides the attendance list.

Meeting Attendees:

RAB Community Members: Shirley Butt; Don Delcollo; Gaye Eisenlord; Don Gosney; Jeff Inglis; Jil Kiernan; Myron King; Kent Kitchingman; Stephen Linsley; Tony Mendicino; Nagaraja Rao; and Eileen Whitty

Government Agencies/Regulators: Michael Bloom, Navy RAB Co-Chair/Base Realignment and Closure (BRAC) Environmental Coordinator (BEC); Derek Robinson, Navy Remedial Project Manager (RPM); David Clark, Navy Lead RPM; George Leyva, Water Board; John Kaiser, Water Board; and Janet Schneider, City of Richmond.

I. Welcome and Meeting Minutes Approval

Mr. Bloom called the meeting to order at 7:10 p.m. He welcomed the RAB and thanked them for attending. He asked for comments and corrections to the previous meeting's (June) minutes; there were none. Mr. Delcollo moved to accept the minutes as final and Ms. Whitty seconded the motion. The minutes were unanimously approved by the RAB members.

II. Early Transfer Update

Mr. Bloom provided an update on the Early Transfer. A handout accompanied his presentation. Mr. Bloom stated that the Finding of Suitability for Early Transfer (FOSET) is awaiting the BRAC Program Management Office (PMO) West Director's signature and will be finalized this month, in September 2008. The FOSET has been waiting for approval of the Early Transfer Cooperative Agreement (ETCA), an appendix to the FOSET, which was signed by both the City and the Navy the first week of September 2008. Mr. Bloom said that Mr. Leyva of the Water Board will be discussing the Water Board Tentative Site Cleanup Requirements Order, which is currently undergoing public review and is up for comment through October 17, 2008. Mr. Bloom said that if everything goes as planned, the Early Transfer of the remaining portions of Point Molate is scheduled for the spring of 2009, perhaps late February/early March.

Mr. Gosney asked why the Early Transfer has been delayed when it was originally scheduled for the December 2008/January 2009 time frame. Mr. Bloom said that the FOSET is awaiting signature and the Water Board Order is up for public comment into October, and then these will be presented to the Water Board for approval in November. Finally all documents, along with

others, will be packaged and sent to the governor's office for approval. The governor's approval ordinarily takes approximately 8 weeks.

Mr. John Salmon of Upstream Molate LLC, the property developer, inquired about the funding. Mr. Bloom replied that the funding has been approved with the signing of the ETCA. Mr. King asked if Mr. Bloom saw any future problems. Mr. Bloom said no, that all parties are communicating well, things are moving forward, and that Early Transfer is a reality.

Mr. Inglis asked how to get a copy of the ETCA. Ms. Schneider said that the document will be available on the City's website and that a draft of it is available on the City Council meeting agenda from July 29, 2008.

III. Water Board Order for the Early Transfer

Mr. Bloom introduced Mr. Leyva to give an update on the Water Board Order. Overheads and handouts accompanied his presentation. Mr. Leyva stated that a draft of the Order is available for review. He introduced the Governor's Office Action Request (GOAR), which is the initial rough draft of documents that will be sent to the governor and will include the FOSET as well as the Water Board Order.

Mr. Inglis asked how the GOAR gets to the governor. Mr. Leyva said that Mr. Bruce Wolfe of the Regional Water Board forwards a copy to the Executive Director of the State Water Board, which is then passed to the Executive Director of California EPA, and finally a representative from Cal EPA discusses the GOAR with the governor. The Water Board Order will be heard before the Water Board on November 12th and then the GOAR package will be finalized within 30 days from that date. Mr. Kitchingman asked what makes the Order go to the governor. Mr. Leyva says that the FOSET is what elevates the process and that the Water Board Order going to the governor is an assurance that a plan for cleanup is in place.

Mr. Leyva said that the strategy of the Order is not to tell anyone how to specifically conduct cleanup, but rather gives guidance on how to do so, and any plan for cleanup must be submitted and approved by the Board. The Water Board is confident that it does not see any future problems. Mr. King asked who approves this cleanup plan. Mr. Leyva states that the Executive Officer of the Water Board does and that every document will be up for public comment for 30 days before final approval. Mr. King asked how the Water Board will publicize the plan. Mr. Leyva said the Board will be issuing fact sheets and public notices via direct mailings. Mr. Kaiser stated that under the Board's public participation program, the responsible parties must canvas the area to determine which residents are closest to the affected area and notify them accordingly. Ms. Kiernan asked whether the RAB will be kept up to date. Mr. Leyva said yes, the RAB will be kept up to date to any changes or directives and notified prior to approval.

Mr. Inglis asked for clarification on the contaminants to be left in place. Mr. Leyva said that the conceptual design allows for some to be left in place. Mr. Bloom said that Mr. Levine outlined the conceptual design at the June 2008 RAB meeting and this is documented in the minutes. Mr. Inglis asked if there is a need for deed restrictions. Mr. Leyva said yes, there will be, and that it is a function of how much of the land remains contaminated above unrestricted use. Mr. Gosney added that Site 1, the inactive landfill, will fall into this category. It will always be a landfill and no building will occur on it. Mr. Salmon said there will be some interim restrictions until cleanup is completed and then final land use restrictions will be established. Mr. Leyva clarified that land use restrictions are in place so that nothing further pollutes the bay and remediation is tailored to comply with these restrictions. Mr. Inglis asked whether seismic activity may play a factor. Mr.

Leyva said that there is solid bedrock at 20 to 30 feet below ground surface and the Water Board is not concerned about future seismic activity affecting the site. Mr. Inglis asked if any sites other than Site 1 will require land use restrictions. Mr. Leyva said that part of Site 3 will require restrictions and Mr. Kaiser added that there will also be restrictions on the tanks, but that specific restrictions will not be known until the Water Board has approved the cleanup.

Mr. Kitchingman asked what happens after the announcement of public comment period on the cleanup plan. Mr. Leyva said that if there are no problems, the Order will be recommended to the Executive Officer for approval and then implemented. If comments or concerns arise during the 30-day public comment period, these will be answered and addressed. This cleanup plan, according to the Order (Task 3a: Site 4 Final Feasibility Study, and Remedial Action Plan), is due on May 30, 2009, and must be proven to work. Mr. Kaiser added that the statewide policy (State Board Resolution 92-49), which dictates the Water Board's stance and objectives in approaching cleanups of this type, is available on line and can be downloaded. The Board's main objective is source removal and/or isolation of product; source removal is preferred. Mr. Leyva invited the RAB to comment on the Order between now and October 17, at which time the Order will be revised if needed and all interested parties will receive a copy. The Order will be submitted to the Board for approval in November.

Mr. Leyva said that the Order is not a land use document and does not give direction on how to use the land; rather, the Order is in place to propose cleanup based upon the future land use.

Mr. Mendicino referred to Section 22 (Page 8) of the Order (handout) which states that, under the California Environmental Quality Act (CEQA), the City must evaluate the environmental impacts of the entire project and that, prior to approving any work plan, the Water Board must consider the environmental document prepared by the city. Mr. Mendicino asked about the schedule for this and whether the CEQA document would delay the Water Board. Ms. Schneider replied that currently the Water Board staff has the administrative draft of the Environmental Impact Report (EIR) and that the draft EIR should be out for public comment in October. The Council will then certify the Final EIR some time in the spring. Mr. Mendicino said that, based upon the Task 1 completion date of March 30, 2009, and the expected EIR approval date of spring 2009, he envisioned future scheduling conflicts between the City and the Water Board. He suggested a more integrated schedule which addresses the sequential events that are interdependent. Mr. Leyva said that the Board can approve the Order without the certified EIR, but that the cleanup itself does need the EIR. He conceded that the dates listed in the Order may slip pending EIR approval. Ms. Schneider said that all the documents that are required to go to the governor will be done by December, that approval for transfer will hopefully happen in December 2008/January 2009, with the early transfer occurring in February 2009 and the EIR worked on throughout. Mr. Gosney added that nobody should be mentioning dates for a potential EIR approval until a date is known for certain.

Mr. Leyva outlined the specifics of the Water Board Order. 1) It includes a soil and groundwater management plan, which will run with the property until development is complete. 2) It addresses the minor contamination at Site 4. 3) There are nine USTs awaiting closure and no dates have been decided for closure. Further investigations will be taking place before December 2008 to decide the course of action. 4) The Site 1 Landfill will remain a closed landfill. 5) The responsibility as property owner for the remaining parcels is currently held by the Navy until it is transferred to the City and any other future transferees. The City currently owns the area included with the tanks. 6) The Navy will continue to be listed as a discharger. 7) It requires that the EIR address issues of public safety, such as air emissions, truck traffic, and worker safety. 8) It allows for the demolition of certain wells and allows for a long-term groundwater

monitoring plan for the entire facility. 9) The developer will be required to apply for Water Board approval for any future land use. Mr. Leyva opened the floor for questions.

Mr. Mendicino asked for clarification on Item 9 (Page 13) of the Order entitled “Compliance Delays,” and asked if the requirement to submit a written request applies solely to delays in cleanup activities or, in addition, to any scheduling delays that are not within the contractor’s control. Mr. Leyva confirmed that the City must notify the Water Board of any delays. If extensive changes need to be made, it is probable that the Order would need to be re-written. Mr. Kaiser said that the issue of task deadlines and dates may be problematic; if some of the dates are seen to be unreachable, the Water Board would like to know.

Ms. Whitty asked about the specific contents of the GOAR, in addition to the FOSET, ETCA, and Water Board Order, and asked if the GOAR refers to the EIR at all. Mr. Leyva said that the GOAR does not refer to the EIR and that it contains interim deed restrictions, land use controls (LUCs), a cost recovery letter, community letters in support of the transfer, a briefing document, and other pertinent documents.

In reference to Section 11 of the Order (page 6), Mr. Inglis asked about the criteria for creating “Fuel Product Action Levels” (FPALs) and the meaning of the word “protective.” Mr. Leyva replied that the FPALs are what are allowed to be protective of the bay. Other pollutants use other regulatory standards or levels, such as the USEPA’s Preliminary Remediation Goals or the Water Board’s Environmental Screening Levels. Mr. Inglis asked if these levels should be included in the Order, and Mr. Leyva replied that the levels are usually not listed in an Order. Mr. Bloom explained that the FPALs are numbers articulated in the Fuel Product Action Level Development Report (FPALDR) produced for Point Molate, and these numbers were agreed upon by the Navy, Water Board, other regulatory agencies, and RAB. Mr. Inglis requested a copy of the document and Mr. Leyva agreed to provide via e-mail. The FPALDR is also available at the information repositories.

Mr. Gosney asked the RAB for permission to write a letter to the governor in support of the Water Board Order and the FOSET. Mr. King so moved, Ms. Whitty seconded the motion, and the RAB unanimously agreed. Ms. Kiernan asked if the RAB could receive a copy and Mr. Gosney agreed to send out the letter.

IV. Update on Recent City Activities

Mr. Bloom introduced Ms. Schneider to provide an update on recent City activities. Ms. Schneider explained that the City’s objective the past three months has been the FOSET, including presenting the FOSET and ETCA to the City Council in June and the Council’s vote to approve the ETCA on July 29th. On September 2nd, the City Council approved the remediation agreement and the Land Disposition Agreement (LDA) amendment with Upstream Molate LLC. The objective is to transfer the cleanup obligation to Upstream, and to place financial responsibility upon Upstream in case of a funding gap. The agreement also spelled out the future involvement between the RAB and the City, with the RAB remaining as an advisory body and the City taking over the Navy’s current position as facilitator of the meetings. Also, the Administrative Draft EIR is currently up for staff review. The City expects the review to be complete by the end of September.

Mr. Inglis asked for clarification on the agreement between the City and Upstream. Mr. Salmon explained that the remediation agreement is separate and is not an appendix to the original LDA, as the original document did not contain sufficient detail to cover Upstream’s obligation to the

City. Ms. Schneider said it is anticipated that the City will own the property for an additional 8 to 10 months before anything is transferred. Upstream signed the expanded remediation agreement today (September 10, 2008). The document will go to the City for execution and then will be posted online upon approval.

Ms. Kiernan asked what level of involvement the RAB will have in the future. Ms. Schneider said that the City Council has approved that the RAB remain for the remainder of the remediation process, and the details can be found on the City's website and the agenda on September 2nd. Mr. Salmon added that he would like to see a continuation of an advisory board.

V. Public Comment/Wrap Up

Mr. Bloom announced that the next RAB meeting will be held on Wednesday, December 3, 2008.

Mr. Salmon noted that the "Scotts Valley Municipal Services Agreement" will not affect Point Molate.

Mr. Bloom adjourned the meeting at 8:35 pm.

RAB meeting minutes are located on the Navy's BRAC Program Management Office Web Page:

<http://www.bracpmo.navy.mil/basepage.aspx?baseid=50&state=California&name=ptmolate>

Water Board GeoTracker Web Page: <http://geotracker.swrcb.ca.gov/>



**ENVIRONMENTAL COMPLIANCE CONTRACT
TRANSMITTAL MEMORANDUM**

Contract No. N-68711-03-D-5106

File Code: 132921-02/1

TO: Contracting Officer
Naval Facilities Engineering Command
Southwest
1220 Pacific Highway
San Diego, CA 92132-5190

DATE: May 19, 2009
D.O. # BAI-07-S-0007-CTO 33
LOCATION: Point Molate, CA
DCN # BAI.5106.0033.0006

Attention: Cynthia Mafara

FROM: Betty Schmucker
Project Manager

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