



California Regional Water Quality Control Board

San Francisco Bay Region



Dr. Alan Lloyd
Secretary for
Environmental
Protection

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Arnold Schwarzenegger
Governor

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NFD POINT MOLATE
SSIC NO. 5090.3.A

Date **APR 28 2005**
File No. 2119.1057 (AVC)

Base Realignment and Closure
Program Management Office West
Attn: Mr. Michel Bloom
BRAC Environmental Coordinator
1230 Columbia Street, Suite 1100
San Diego, CA 92101

SUBJECT: Comments on the Navy's Response Letter to Agency Comments on the Draft Record of Decision for Installation Restoration Site 1, Naval Fuel Depot Point Molate, Richmond, California

Dear Mr. Bloom:

Thank you for your April 5, 2005 response letter to agency comments on the "Draft Record of Decision (ROD) for Installation Restoration Site 1, Naval Fuel Depot Point Molate, Richmond, California", received by the San Francisco Bay Regional Water Quality Control Board (Water Board) as an electronic copy.

Water Board's staff had thoroughly reviewed the Navy's responses and concurs with the responses to comments 1 through 7 and comment number 9.

In the response to comment number 8, it was stated, "the institutional controls placed on IR Site 1 will be in the form of deed restrictions and notices. These run with the land and follow the chain of title as property is transferred." In the light of the land disposition agreement (LDA) approved by the City of Richmond on November 16, 2004, LDA that purported to transfer the property to Upstream Point Molate LLC for subsequent transfer to the Guidiville Band of Pomo Indians of the Guidiville Rancheria and according to the notice of intent (NOI) published on March 11, 2005, there will be a possible residential development on the property.

If a change to residential development is proposed, which will require cleanup to a residential standard, please indicate in Section 2.8.2 of the ROD that this would need to be coordinated with the Navy, as the lead agency responsible for remediation at Site 1, and the Water Board, as the lead regulatory agency.

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In other words, the Navy needs to advise the new owner of their expected duties in proposing the change of land use. For example, it would seem prudent to advise the new owner to coordinate any land use changes with the appropriate local and state agencies, and to obtain the concurrence of both the Navy and Water Board on any modifications to the land use covenant (LUC).

If you have any questions, please contact Mr. Adriana Constantinescu at (510) 622-2353. or via e-mail at AConstantinescu@waterboards.ca.gov.

Sincerely,



Adriana Constantinescu, PG
Project Manager for Point Molate

cc: Mr. Craig Murray, City of Richmond
Mr. Don Gosney, RAB Co-Chair

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