

# City of Richmond – POINT MOLATE COMMUNITY ADVISORY COMMITTEE

Multi-Purpose Room  
440 CIVIC CENTER PLAZA

## MINUTES

MONDAY, July 15, 2013, 6:30 PM

### 1. CALL TO ORDER

Chair Whitty called the meeting to order at 6:39 p.m.

### 2. ROLL CALL

Present: Committee Members Carman, Garrett, Gilbert (6:45), Hite, Kortz, Martinez (6:43), Stello, Stephenson (7:04), Sundance, Whitty.

Absent: Puleo, Rosing, Smith, C.

Staff Present: Craig K. Murray, Staff Liaison, Development Project Manager II

### 3. WELCOME AND MEETING PROCEDURES

Whitty welcomed audience and explained the meeting procedures and discussed the Speaker Card process.

### 4. AGENDA REVIEW AND ADOPTION

Whitty reviewed Agenda items and briefed PMCAC on the Agenda order and speakers. Whitty noted the large Agenda and called from Committee if there are any changes and encouraged Committee members to consider their interests in Sub-Committees. Sundance made motion to adopt the Agenda, Kortz seconded. Passed unanimously.

### 5. ANNOUNCEMENTS THROUGH THE CHAIR

Chair Whitty introduced Craig K. Murray as newly appointed Pt. Molate Project Manager.

- a. Appointment of Craig K. Murray, City Staff, former Community Redevelopment Agency as Pt. Molate Project Manager. Murray noted that he was appointed by City Manager to this position and it was formerly held by CED Director Steve Duran and Administrative Chief Janet Schneider but the position was not filled since Mr. Duran left. Murray presented draft Organizational Chart showing team of City Staff members and how PMCAC and others interact in relation to Pt Molate. Murray summarized some of the immediate tasks in relation to Pt. Molate. Garrett noted that roles of Schneider was really support of the property transfer and how would Murray's role mirror what Steve Duran did in terms of overseeing contracts, filing one page status reports, reports such as environmental remediation, contracts and items going into RFP and inquired if Murray's new role would mirror Steve Duran's role or is it seen differently. Garrett and Stello noted that financial review including review and validation of requests would be of interest. Carman asked roles of Craig K. Murray as PMCAC Staff Liaison and as Project Manager. Murray presented additional document related to Committee attendance.
- b. Summation of 6/26/13 meeting with city staff, Nichols, NER and PMCAC  
Whitty noted that this item is also listed at 12a.5. Murray summarized that this item was special meeting with NER to present their proposal and information to NCE, certain PMCAC members, Mayor and City Staff. Meeting was to review different clean-up scenarios. Garrett noted that more information is needed on costing, its comparison and a full clean process.

### 6. OPEN FORUM

No public speakers.

### 7. PRESENTATIONS, DISCUSSION & ACTION ITEMS

- a. Review of costing for revised remediation proposals for IR Site 3

Whitty introduced Bill Carson of Terraphase to speak on this item and inquired if this is in relation to the June 11 Water Board meeting. Carson noted it is this meeting, summarized those attending meeting and that this

was a presentation to the water board of their primary concern was that of a Risk Based approach and that of what risks are in the top ten feet and human health and looked at the site from that of mobile free product at IR Site 3 and if that can make it to the SF Bay and this was presented in 2008. Carson compared to the new Water Board staff and has a concern that the site has a Waste Management Unit and has different regulations for its management under CA Code of Regulations Title 27 and Water Board noted that it has to be managed under this regulation and will not allow any sort of residential housing such as high rises, condominiums, podium and nothing on top of the Waste Management Unit that is IR Site 3.

Carson noted that the output from this Water Board meeting in December, 2012 was the cost implications to shrink the Waste Management Unit to a smaller footprint. Garrett asked Carson to clarify the language in Title 27 so that everyone understands what is meant by Waste Management Unit and that it is not a machine. Carson stated that it is not a machine but a physical location where waste has been discharged to land and noted that it is debatable in its application of the timing of the regulations. Carson noted if it really is a Waste Management Unit because regulations didn't come into effect until the big waste oil sump was already buried. Garrett noted that Water Board views Pt Molate as a Landfill because Title 27 regulations regulate Landfills and sumps; however, Pt Molate Sump Pond was built in the 70's before the time when Title 27 came into effect in 1984 but City should be very clear that it no longer needs to be treated and stay as a Waste Management Unit particularly if it is completely cleaned up to unrestricted use levels then it would no longer need to be treated under Title 27 as a Waste Management Unit.

Carson noted that there are two ways to close under Title 27 including a clean close, to remove anything regulators define as waste and an engineered alternative such as the Waste Management Unit. Stello inquired if the closure to a smaller footprint was so it could afford residential levels. Carson agreed and noted that it really isn't about risk but it is about Water Board's not wanting to set a precedent of allowing residential over a Waste Management Unit than about a risk based decision making process.

Carson noted that these are the elements in Alternative 5c in the draft FS RAP. It includes demolition of the structures, removal of soil of the top three feet to residential FPAL, three to ten feet for the maintenance worker FPAL, any soil greater than ten feet of the surface, where most of the oil is, and within 100 feet of the Bay excavate that to the Bay mud and where it exceeds the maintenance worker FPAL. Greater than 100 feet from the Bay look at a mobility number and remove that soil too and replace with clean backfill soil and organo-clay that can take more oil if oil does move on the water table. Carson further describes long term monitoring efforts. Stello inquired to who in City is directing that it should be housing. Carson noted that City wants the maximum flexibility of the land. Carson described modifications made within the Waste Management Unit area and how it would allow for residential in the non-Waste Management Areas.

Carson showed locations on displayed map. Carman asked for location of slurry wall and if area could be an area of liquefaction. Carson noted that backfill is engineered and OK but it is what is underneath it and residential over three stories would be on piles due to Bay Mud underneath. Carson answered additional questions from Committee. Carson explained that Bentonite is in slurry wall with a French drain behind it so it does not build up pressure. Carson showed on map where Waste Management Unit features would be located.

Garret inquired as to different classifications of Hazardous Waste. Carson noted that Hazardous Waste is defined in the RCRA law, Federal law, and the CA Code of Federal Regulations. This site Cal Haz is lead and its leachability and some samples fail for that. RCRA uses a t cup analysis and it is not as aggressive. Carson noted that Nichols had a good suggestion to test at different levels and that would save a lot of money.

Committee discussed costs of waste disposals at various facilities. Carman inquired if Class II is just petroleum and Carson agreed and it would typically go to landfill as Alternate Daily Cover.

Garrett inquired about detail for Scenario 3 and if Carson can provide same as in Scenario 4 and 1. Whitty explained to Committee that there are side meetings going on, two meetings so far, and another coming up to discuss these matters and all Committee members are invited. Carson explained that Scenario 2 was pitched June 11 to Water Board. Scenario 4 is get all of it. Carman summarized that we are really deciding from 2, 3 and 4. Carson agreed. Discussion about what is needed for each scenario. Carson explained that Nichols asked about Scenario 4. Garrett noted that need to look at gross figures on transport and 1.7 saturation figure.

Carson noted 1.685 was found. NER had 1.3 and it is way too low such as a super light Bay Mud and 1.8 is too high. 170,000 cubic yards at 1.685 will give tonnage and to do math in advance of meeting. Carson noted it would be about 300,000. Carson noted in the 1940's Navy put in big oil sump and in 1970's Navy thought

was not such a good idea because big oil slicks were going out to the Bay and Navy said they pumped out some of the the sludges and filled hole with dirt, then built three ponds on top and used for two things. One, Navy would bring water down from the tanks, run it through the facility to get the most oil out of it as they could, then put it in location and bubble it with air trying to destroy the petroleum and put in wastewater from adjacent buildings and it was disinfected first and treat it. Three ponds functioned that way from 1973 until 1998 to 2002. Then they were dug out to two feet of each of the pond edges so bottom of ponds went down to 12 feet and those areas where have clean soil. Carson noted that this is compacted and probably more dense than 1.6. Whitty concluded item and thanked Carson.

b. Executive summary Report of PMCAC first term

Garrett reported out on item and called for any changes. Hite noted changes for readability of document. Whitty moved to adopt, Carman seconded. Passed unanimously. Carman thanked Garrett for a great job pulling document together and inquired how it will be transmitted to City Council.

c. Selection of Committee Chair and Vice Chair

Whitty described process and opened up for nominations. Carman nominated Whitty and Whitty accepted. Garrett nominated Carman and Carman accepted until proviso that Garrett continue to assist. Whitty called for vote. Passed Unanimously.

d. Assignments to Sub-Committees: 1. Clean-Up and Restoration; 2. Finance; 3. Legal; 4. Grant Development; 5. Beach Park; 6. Community Outreach

Whitty called for Committee members to fill each Sub-Committee. Legal would be Garrett and Stello and operational and chairless. Finance would be Martinez, C.Smith, Stephenson and Puleo also operational and chairless. Garrett noted that this Committee really needs help and Puleo will be out until October and soon auto resigned. Carman asked Martinez to describe what the Committee does. Carman offered to join the Finance Sub Committee. Whitty noted past and current members for Clean-Up and Restoration and Stello proposed Garrett as Chair. Whitty noted that Garrett will be added to Committee and thanked Garrett as Chair along with Kortz, Rosing, Sundance and Whitty. Community Outreach will be Hite as Chair, with Sundance, Rosing, Gilbert and Martinez. Grant Development will be Stello as the Chair and member. Beach Park will be Stello as Chair with Martinez, Garrett and Hite.

## 8. STAFF REPORTS

a. Report on Notice from US Navy Escrow Fund Agent.

Murray noted that City has received notice from its agent First American that it will not be in this business anymore, City would look for new group, with proposals out and new firm target by mid August. Garrett inquired about looking for others than just Escrow Firms and Murray explained that City Finance staff will assist.

b. Review of fund balances for Pt. Molate General Fund budget and Navy Escrow Account

Murray explained the two funds with the Navy fund and the general fund.

c. Report on Upstream termination as Remediation Prime Contractor

Murray noted that there are two letters included with Upstream Termination Letter and acceptance letter from the City Manager. Garrett inquired about process to replace Prime Contractor and turning all items over to Terraphase and it is a good idea to have an external set of eyes. With Upstream replacement, Garrett noted it

may be good time to review responsibilities and particularly noted the first \$5M insurance that Upstream would take responsibility to take on and doubted that this \$5M of self-insurance would be taken on by clean up firm and inquired what is process to replace prime contractor.

d. Report on Nichols Consulting Engineers Contract Extension and review of criteria

Murray reported that the Contract was approved at City Council to terminate at June, 2013 and limit contract to \$28,000. Murray noted that contract was extended for time administratively. Garrett inquired why this happened and did not come to PMCAC and further noted that PMCAC would rather have reviewed Nichols scope of work. Carman additionally noted that in particular at the IR Site 3 meeting the draft of the comparison was not facilitating any understanding. Garrett noted that the City needs responsible financial review of environmental remediation such as a Geosynch. Murray explained the progress of meetings and an initial scoping meeting with Nichols and Nichols work product is to provide a clear work product of the remediation proposals. Garrett noted that just need a costing framework numbers, compared apples to apples and need it by July 17 for the meeting of July 23 and this is necessary to take this to the Water Board.

e. Review of ACE Submittal package for March 2013

Murray noted that this item was carried over from prior meeting. Garrett stated that this was desired to be a standing monthly item. Whitty stated it is a Terraphase report and Garrett clarified it may point out items that could be a cost overrun and future items.

**9. CONSENT CALENDAR**

- A. APPROVE – PMCAC MEETING MINUTES OF MAY 20, 2013**
- B. APPROVE – PMCAC MEETING MINUTES OF JUNE 17, 2013**

WHITTY CALLED MAY 20 MINUTES APPROVAL. MOVED BY GARRETT, SECONDED BY CARMAN.  
WHITTY CALLED FOR JUNE 17 MINUTES APPROVAL, MOVED BY WHITTY, SECONDED BY GARRETT.  
BOTH ITEMS PASSED UNANIMOUSLY.

**10. FUTURE AGENDA ITEMS**

None stated.

**11. CITY COUNCIL LIAISON REPORTS**

- a. Report by Councilmember/Mayor McLaughlin regarding recent issues in Richmond relevant to the Advisory Committee

Garrett read statement from Mayor that she is tripled booked and not able to attend. Message also reads that she has information from Carlos Privat in the City Attorney's Office that the City has filed a motion on pleadings for Federal action. This motion on pleadings is unusual and what is said is not pliable.

- b. PMCAC appointment status

Whitty noted that there are up to 19 seats available so advise those professionals and those interested in applying to be a member.

## 12. CHAIR AND SUB-COMMITTEE REPORT

### a. Clean-Up and Restoration:

#### 1. IR Site 4 Sampling Report

Garrett suggested to skip item since Carson already reported on this item. Carson reported PCE reduction to TCE to Vinyl Chloride levels at this location and it seems to be working well at this location. Carson responded to questions from Committee.

#### 2. Summary of Terraphase May 2013 monthly status report

Carson noted that Terraphase is not doing anything non-routine out there, little bit on costing on IR Site 3, and noted that the BioReactor is costing more money than it is worth and feel that the Site 3 Treatment System can just be treated with Carbon and Sand. Garrett asked April 9 Hazardous Waste Characterization Report and if it can be provided to the Committee. Carson indicated that it is part of FS RAP and is still in draft but will just get revised into new report. Discussion about underground drains.

#### 3. Summary of Terraphase June 2013 monthly status report

Item was discussed with above report.

#### 4. Summary of revised remediation submissions to Water Board and meeting of 6/11/13 with Water Board

Item dropped.

#### 5. Report out on 6/26/13 meeting with City staff, PMCAC, Nichols and NER

Item discussed previously.

### b. Community Outreach:

#### 1. Arts Night June 20<sup>th</sup> Report

Hite reported on event. Committee expressed appreciation to Hite. Garrett noted about 200 people and reviewed donations solicited by Gilbert, Martinez, Hite and Garrett. Hite noted that Ellen Gailing will be improving the Outreach brochures. Garrett loaded up photos as event photos/art night and are on PMCAC repository.

#### 2. General Outreach Activities

Report same as above.

### c. Grant Development:

#### 1. Grant App. Status

Stello reported on Coastal Conservancy for sign grant that still waiting for and that Garrett has applied for a National Park Service Grant for a landscape architect to work on design of the park that can contribute to a Master Plan and a parks design archaeological landscaper will be assigned on two week basis.

### d. Beach:

#### 1. Proposed beach park entry signage

Review of color rock sign. Committee provided comments that it doesn't like rock such as too corporate and not reflecting Richmond. Carman inquired about City Seal use. Hite inquired if Parks could conduct a school contest for the design. Garrett noted that Parks is trying to open Beach Park in August. Whitty referred this to the Beach Sub Committee. Garrett noted that Beach Sub Committee can meet over email and report out. Whitty noted to use a standard sign. Martinez stated that the Chair of Parks and Recreation Connie Portrero does not want Pt Molate Beach Park to open and any monies should go to Shield-Reed improvements. Martinez noted that there's a concern that Pt Molate will take money out of the Park and Rec. budget and this north Richmond Park needs \$3m and Chair is looking at all funds. Garrett noted that Pt Molate Park is drawing \$40,000 and O&M has to be paid by Parks and Rec. and can't be paid by grants. Garrett inquired if the 2014 budget will be amended. Whitty inquired what would happen if opened Beach in August, then it would have to close again and noted it could happen.

e. Chair:

1. Identification of pending schedule conflicts

Whitty inquired if there were any conflicts and none were stated.

### **13. ADJOURNMENT**

Whitty moved to adjourn the meeting at 8:57 pm, seconded by Sundance. Passed unanimously.

### **14. Assemblage of PMCAC Standing Sub-Committees**

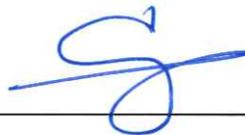
Adjourned to Sub-Committee Meetings.

### **15. SCHEDULED MEETINGS**

Committee Meeting –

Monday, August 19, 2013, 6:30 p.m., Multi-Purpose Room, 440 Civic Center Plaza

Minutes respectfully submitted by:



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Craig K. Murray, PMCAC Staff Liaison