

## NOTICE OF EXEMPTION

2019090173

**To:** Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044, 1400 Tenth Street, Room 212  
Sacramento, CA 95812-3044

**From:** Department of Toxic Substances Control  
Permitting Division  
8800 Cal Center Drive  
Sacramento, CA 95826

<b>Project Title:</b> Chevron USA Inc. Richmond Refinery, Post-Closure Permit Renewal		
<b>Project Address:</b> 841 Chevron Way	<b>City:</b> Richmond	<b>County:</b> Contra Costa
<b>Approval Action Under Consideration by DTSC:</b>		
<input type="checkbox"/> Removal Action Workplan	<input type="checkbox"/> Initial Permit Issuance	<input checked="" type="checkbox"/> Permit Re-Issuance
<input type="checkbox"/> Corrective Measure Study/Statement of Basis	<input type="checkbox"/> Permit Modification	<input type="checkbox"/> Closure Plan
<input type="checkbox"/> Remedial Action Plan	<input type="checkbox"/> Regulations	<input type="checkbox"/> Interim Removal
<input type="checkbox"/> Other (specify):		
<b>Statutory Authority:</b>		
<input checked="" type="checkbox"/> California H&SC, Chap. 6.5 <input type="checkbox"/> California H&SC, Chap. 6.8 <input type="checkbox"/> Other (specify):		

**Project Description:** Pursuant to the authority granted under California Code of Regulations, Title 22, Division 4.5, Chapter 14, the California Department of Toxic Substances Control (DTSC), proposes approval of the second Post-Closure Permit renewal for the Chevron USA Inc. Richmond Refinery (Chevron or site) for closed Landfarms 1 through 5. The Post-Closure Permit will require Chevron to continue maintenance and monitoring activities for these closed Landfarms to ensure that Chevron complies with the self-monitoring and reporting requirements contained in: (1) Updated Waste Discharge Requirement Order No. R2-2011-0036 and (2) Site Cleanup Requirement Order R2-2012-0015. The activities to be permitted are listed below.

**Background:** Chevron operated Landfarms 1 through 5 between the mid-1970s and 1987. Landfarming was conducted at that time to promote biodegradation of oily wastes (liquid and solid) generated from on-site petroleum processing. Landfarms 1 through 4 were built over existing ponds, and Landfarm 5 was built on top of a fill. Historical landfills underlie portions of Landfarms 1 through 5. Prior to the start of Landfarming operations, 7 to 20 feet of fill was placed at each of the Landfarms. The fill material originated from adjacent pond and channel dredging and from soil generated by the San Pablo Tank Farm construction activities. During Landfarming, wastes were applied to the surface of the Landfarms and tilled into the top 6 to 12 inches of fill. The principal wastes applied were oil/water separator sludge, leaded and non-leaded tank bottoms, and oil/water mixtures.

The United States Environmental Protection Agency (U.S. EPA) and DTSC notified Chevron on February 10, 1987 that Landfarms 1 through 5 did not qualify for a hazardous waste permit because the Landfarms lacked adequate separation between the treatment zone and the seasonal high groundwater table, which is about one foot below the ground surface. Waste constituents (that is, volatile, semi-volatile, acid/base/neutral extractable compounds, and metals, including chromium, lead, nickel and vanadium) were detected in the groundwater adjacent to the site.

In January 1988, U.S. EPA issued Chevron a Consent Agreement and Final Order (No. RCRA 09-88-005) to ensure that the Landfarms were closed in accordance with applicable U.S. EPA regulations. DTSC followed by issuing a Stipulation and Order (HWCA 87/99-019) to ensure that the Landfarms were closed in accordance with the applicable California regulations.

On March 31, 1988, Chevron submitted to DTSC an original "Landfarms Closure Plan", which was revised and submitted as the "Revised Closure Plan (Plan)" on May 5, 1996. An Initial Study and Negative Declaration were prepared for the project (State Clearinghouse No. 98012003) in January 1998 for DTSC's approval of the Plan, which DTSC approved on March 19, 1998. The closure activities and construction of a vegetative cover over the Landfarm units, as described in the approved Plan, began in May 1998. The final grades are designed to divert the rainfall runoff away from the Landfarm sites. Infiltration of water into the Landfarm soils is reduced by the improved surface grading and the surface vegetation. After receiving DTSC's approval of the Closure Certification, Chevron's Landfarms 1 through 5 were closed on September 19, 2000 as hazardous waste land treatment units by establishing final vegetative covers over the units.

Due to the environmental impact to the groundwater from both the refinery operation and the Post-Closure units, the California Regional Water Quality Control Board (RWQCB) – San Francisco Region has been designated as the lead agency to oversee the corrective actions. In response to RWQCB's Waste Discharge Requirements (WDR) Order No. 89-175, Chevron developed and constructed the GPS, and monitored the presence of free-phase liquid hydrocarbons in "A" and "C" (the uppermost and the second water bearing) Zones groundwater, which covered the overall Refinery-wide and Landfarms 1 through 5.

A Post-Closure Permit Application was submitted by Chevron on March 30, 2000, revised on January 7, 2002, and approved with a Notice of Exemption, and the Notice of Final Permit (Permit) Decision on March 4, 2003. The Permit, with an effective date of March 7, 2003 and an expiration date of March 7, 2013, established the self-monitoring and reporting requirements for Chevron to implement both the Refinery-wide Groundwater Monitoring Program (RWGMP) and the Landfarms Post-Closure Monitoring Program (LPCMP). The LPCMP was approved with special conditions for Chevron to survey quarterly the vegetative cover on the Landfarms to evaluate and to identify the appearance of the vegetation on each Landfarm. Chevron is obligated to document the observation and the resulting effectiveness in its Annual Landfarm Status Reports to RWQCB and DTSC. RWQCB routinely requests DTSC to co-review the reports and specifically comment on the results of the "C" Zone groundwater.

Aside from the confirmed corrective action and post-closure monitoring of groundwater (628 Refinery-wide monitoring wells, by August 29, 2014), there has not been any change or alteration since the closure of the Landfarms since September 2000 that would be expected to result in a negative impact to the environment of adjacent areas or to the health and safety of nearby inhabitants.

**Project Activities:** The Post Closure Permit condition requirements include the following:

- Inspection of vegetative cover for erosion after heavy rainfall;
- Maintenance as needed and annual monitoring of vegetation;
- Annual monitoring of soil on vegetative cover for cap condition;
- Annual inspection of vegetative cover for differential settlement;
- Maintenance the Groundwater Protection System (GPS) that provides perimeter containment, including replacement of unproductive or damaged groundwater wells;
- Semi-annual groundwater quality monitoring (Pierometer, parameters) and annual inspection report;
- Post-earthquake event inspection of the cover and containment systems; and
- Annual inspection of drainage control system and maintenance report.

**Name of Public Agency Approving Project:** Department of Toxic Substances Control

**Name of Person or Agency Carrying Out Project:** Chevron USA Inc. Richmond Refinery

**Exempt Status:** (check one)

- Ministerial [PRC, Sec. 21080(b)(1); CCR, Sec. 15268]  
 Declared Emergency [PRC, Sec. 21080(b)(3); CCR, Sec. 15269(a)]  
 Emergency Project [PRC, Sec. 21080(b)(4); CCR, Sec. 15269(b)(c)]  
 Categorical Exemption: [CCR Title 14, Sec. 153##]  
 Statutory Exemptions: [State Code Section Number]  
 Common Sense Exemption [CCR, Sec. 15061(b)(3)]

**Exemption Title:**

With certainty, there is no possibility of a significant effect on the environment that would result from the project.


**Reasons Why Project is Exempt:**

1. The closure activities and post-closure monitoring activities have been implemented. The Landfarms have been closed and DTSC has issued the closure certification. Monitoring data indicates that maintenance of the vegetative cap, the monitoring wells, and the GPS are adequate to contain the release of contaminated groundwater at the Landfarms. No new impact is expected to result from the post-closure monitoring and maintenance activities.
2. The continuous implementation of the post-closure maintenance activities, groundwater monitoring program and reporting will document, monitor and maintain the effectiveness of the vegetative cap and the GPS system. The issuance of the Post-Closure Permit serves to enforce the conditions placed on Chevron in order to maintain compliance with the Orders listed in the Project Description above.

- 3. Based on these conclusions, DTSC has determined that the project approval would not result in a “substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.” As a result, DTSC finds that the project is exempt from further environmental review under CEQA.

Evidence to support the above reasons is documented in the project administrative record, available for inspection at:

Department of Toxic Substances Control  
 File Room  
 Permitting Division  
 8800 Cal Center Drive  
 Sacramento, CA 95826

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		<u>8/27/19</u> Date
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 Governor's Office of Planning & Research

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