



Shell Oil Products US

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Via Electronic Mail

May 12, 2014

California Regional Water Quality Control Board
San Francisco Bay Region
ATTN: Mr. Devender Narala
1515 Clay Street, #1400
Oakland, CA 94612

Subject: **April 14, 2013 Tentative Order for Site Cleanup Requirements for the Shell Martinez Refinery**

Dear Mr. Narala:

We have reviewed your Tentative Order dated April 14, 2014 for the proposed Site Cleanup Requirements (SCR) order for the Shell Martinez Refinery. We understand the Board will consider this tentative order during its June 11, 2014 public hearing. Except as set forth below, Shell believes the tentative order is acceptable.

Shell appreciates the opportunity to work with Board staff on the development of this tentative order. Shell offers the following specific comments on the tentative order:

Shell's comments:

- (1) Page 2, paragraph 7. Shell notes that the paragraph numbering on page 2 is not sequential as paragraph 7 is missing. Shell requests that the paragraphs be renumbered to address this issue.
- (2) Page 8, paragraph 26: Shell finds that this paragraph is confusing and requests that it be revised as shown below to make it clearer:

Basis for 13267 and 13304 Order: California Water Code section 13304 authorizes the Regional Water Board to issue orders requiring a Discharger to cleanup and abate waste where the Discharger has caused or permitted waste to be discharged or deposited where it is or probably will be discharged into waters of the State and creates or threatens to create a condition of pollution or nuisance. As discussed above, the Discharger has caused or permitted waste to be discharged or deposited, ~~causing contamination of groundwater. Contamination of groundwater creates and threatens to create conditions of pollution and nuisance~~ where it threatens to create a condition of pollution or nuisance. Water Code section 13267 authorizes that Regional Water Board to require a person who has discharged, discharges or is suspected of having discharged or discharging, to

furnish technical or monitoring program reports. The burden of the reports required by this Order bears a reasonable relationship to the need for the report and the benefits to be obtained (to characterize the extent of contamination, the associated risks to human health and the environment, and document success of remediation efforts).

- (3) Page 10, Paragraph 6: As stated in paragraph 17 on pages 5 and 6 of the proposed SCR, the purpose of the QA Lab sump was to prevent separate phase hydrocarbon from reaching the basement of the Quality Assurance (QA) building and as such this is its performance criteria. Therefore, Shell requests the following updates to more clearly articulate this criteria:

QA Lab Sump: Shell shall continue to operate the QA Lab Sump to collect contaminated groundwater and to prevent further migration. The system shall be updated as necessary to optimize performance. Shell shall propose additional measures if the system does not meet its performance criteria of preventing seepage into the QA Lab basement.

- (4) Page 11, Paragraph 9: Shell believes that the requirement to establish the Points of Compliance and Monitoring Points is more appropriately situated under this paragraph describing the requirements of the Self-Monitoring and Reporting Program (SMP) and not paragraph 10 which requires updating the Maximum Allowable Concentration Limits. Therefore, Shell requests the following update:

The Discharger shall review the SMP required by Order No. R2-2013-0034 (Attachment A & B) and submit a proposal for any necessary updates to incorporate new groundwater monitoring wells, extraction systems, and/or sampling parameters/frequency. The SMP shall include the corrective action areas perimeter control points to establish and maintain perimeter capture zones that are intended to prevent the offsite migration of potentially contaminated groundwater. The SMP shall also identify Points of Compliance and all Monitoring Points.

All sampling protocols and reporting requirements shall be consistent with those described in Attachment A. As part of the update, all historical monitoring well data (from at least the most recent five-year period) shall be evaluated, a determination made about adequacy of the number of point of compliance wells, and compliance timelines added for any future corrective action that may be needed.

- (5) Page 11, Paragraph 10: As stated in item #4 above, Shell believes that the requirement to establish the Points of Compliance and Monitoring Points is more appropriately situated under paragraph 9 and not this paragraph. Therefore, Shell requests the following changes:

The Discharger shall submit a proposal to update existing MACLs in accordance with either federal or state regulations or guidelines, or with technically-justified site-specific standards, acceptable to the Executive Officer. The MACLs shall consist of the list of constituents of concern, along with the their concentration limits, ~~and the Points of Compliance and all Monitoring Points.~~

- (6) Page 13, Paragraph 12: Shell requests the change indicated below to more clearly articulate the requirements of this paragraph:

Contractor/Consultant Qualifications: All technical documents shall be signed by ~~any~~ any and stamped with the seal of a California professional geologist, or a California registered civil engineer.

We appreciate your consideration of these comments. If you have any questions, please contact Mike Armour at (925) 313-3886.

Very truly yours,



Natalie Braden
Manager, Environmental Affairs