

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT – Cherie McCaulou  
MEETING DATE: September 12, 2012

ITEM: **6A**

SUBJECT: **Henkel Corporation, for the property located at 37899 Niles Boulevard, Fremont, Alameda County – Rescission of Site Cleanup Requirements**

CHRONOLOGY: May 1991 – Site Cleanup Requirements adopted  
June 1996 – Site Cleanup Requirements amended

DISCUSSION: The Revised Tentative Order (Appendix A) would rescind the site cleanup requirements for this six-acre site, which was formerly used as a cannery, foundry, and chemical blending and manufacturing facility. Soil and groundwater underlying the site had been impacted by petroleum, herbicides, pesticides, and metals.

The Board's 1991 and 1996 orders required site assessment, site cleanup, groundwater monitoring, asphalt capping, and institutional constraints. Active cleanup actions at the site began in 1984 and have since been completed. These actions have reduced concentrations in soil and groundwater to acceptable levels that meet our low threat criteria for case closure. Soil beneath the site has been satisfactorily cleaned, and groundwater plume stability has been demonstrated. We expect natural processes to further reduce concentrations in groundwater to ultimately meet drinking water standards. An environmental deed restriction was recorded on the property in July 2012; it prohibits water-supply well installation, restricts development over the capped area, and requires that any excavation or dewatering activities at the site be consistent with the risk management plan developed for the site.

In response to the tentative order circulated for public comment last month, we received one editorial comment from the Alameda County Water District. We revised the tentative order accordingly and have also revised the CEQA finding and made minor editorial revisions. We expect this item to remain uncontested.

RECOMMEN-  
DATION: Adopt the Revised Tentative Order

FILE NO: 01S0158 (CCM)  
APPENDIX A: Revised Tentative Order

## Appendix A

### REVISED TENTATIVE ORDER

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

REVISED TENTATIVE ORDER

RESCISSION OF SITE CLEANUP REQUIREMENTS (ORDER NOS. 91-079 AND 96-063)  
for:

HENKEL CORPORATION

for the property located at:

37899 NILES BOULEVARD  
FREMONT, ALAMEDA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Regional Water Board), finds that:

1. **Regional Water Board Orders:** The Regional Water Board imposed Site Cleanup Requirements for this site in Order No. 91-079, which was adopted on May 15, 1991. The Regional Water Board amended that order by adopting Order No. 96-063 on June 15, 1996. These orders name Henkel Corporation as a discharger and required site investigations, identification of remedial actions, and implementation of approved actions.
2. **Summary of Investigation and Remediation Activities:** Historical operations at the site have included foundry activities (early 1900s to 1920s), engine manufacturing and machining (early 1900s to 1920s), cannery activities (early 1920s to 1940s), herbicide manufacturing (early 1950s to 1980), and metal treatment chemical manufacturing (1980s to 2002). Operations at the site ceased in 2002. All buildings at the site have been demolished.

Investigations of soil and groundwater contamination at the site began more than 30 years ago. Site-specific remediation goals were established for three types of chemicals of concern: 2,4-dichlorophenoxyacetic acid (2,4-D), metals (arsenic, hexavalent chromium, and lead), and total petroleum hydrocarbons (TPH).

All remediation goals have been attained except for TPH. The remediation goals for 2,4-D were attained by excavation and offsite disposal of contaminated soil, and by ex-situ enhanced biological treatment. The remediation goals for metals were attained by excavation and offsite disposal of contaminated soil. TPH, consisting primarily of Bunker C, was remediated with excavation and offsite disposal of soils to a depth of approximately 10 feet, and an asphalt cap was installed over the affected area known as the Former Oil Storage Area, as shown on Figure 1. In addition, in situ chemical treatment of soil was used to a depth of 30 feet. Chemical treatment was not able to achieve the applicable remediation goal of 1,000 mg/kg. As a result, Henkel agreed to a

Covenant and Environmental Restriction on Property (deed restriction), which includes certain requirements and prohibitions and incorporates a Risk Management Plan.

More than two dozen groundwater monitoring wells were installed in and around the site. Monitoring for all constituents other than TPH was discontinued in February 1996 with the approval of Regional Water Board staff. Groundwater monitoring has continued for TPH, but all samples taken downgradient of the Former Oil Storage Area have shown no detectable concentrations of TPH since 2001.

3. **Risk Assessment and Risk Management.** The site-specific remediation goals established for 2,4-D, metals, and TPH at the site were based on risk assessments developed to protect unrestricted use, including residential development. These site-specific remediation goals have all been attained, except for TPH. The TPH remaining at the site is not expected to result in exposure because the TPH is located beneath an asphalt cap at depths of more than ten feet below the ground surface, and because the TPH is not affecting groundwater quality, as demonstrated by more than 10 years of no detectable concentrations of TPH at the wells downgradient of the Former Oil Storage Area.

Potential exposures in the future will be prevented by the deed restriction recorded on July 2, 2012, which prohibits the installation of any production well without the approval of the Regional Water Board, and which requires written notice before any onsite excavation at depths of more than 10 feet. The deed restriction incorporates by reference a Risk Management Plan, which requires that the work be conducted in accordance with procedures and notification requirements approved by Regional Water Board staff.

4. **Basis for Rescission:**

- The site has been fully characterized.
- All site-specific remediation goals applicable to 2,4-D and metals have been attained.
- Although the site-specific remediation goals for TPH have not been attained, no TPH has been detected in groundwater monitoring wells downgradient of the Former Oil Storage Area since 2001. The TPH remaining onsite is located under an asphalt cap, generally 10 feet or more below ground surface.
- The deed restriction and Risk Management Plan are sufficient to protect human health and the environment in the future.

5. **Next Steps Prior To Case Closure.** Before this case can be closed by the Regional Water Board, monitoring wells need to be properly destroyed, under permits issued by the Alameda County Water District, to eliminate vertical conduits for potential future contamination.

6. **CEQA:** This action rescinds an Order to enforce the laws and regulations administered by the Regional Water Board. Rescission of the Order is not a project as defined in the California Environmental Quality Act (CEQA). There is no possibility that the activity in question may have a significant effect on the environment. (Cal. Code Regs., tit. 14 §§ 15378 and 15061, subd. (b) (3).)
7. **Notification:** The Regional Water Board has notified the discharger and all interested agencies and persons of its intent under California Water Code Section 13304 to rescind the site cleanup requirements for the discharge and has provided them with an opportunity to submit their written comments.
8. **Public Hearing:** The Regional Water Board, at a public meeting, heard and considered all comments pertaining to this discharge.

**IT IS HEREBY ORDERED**, pursuant to Section 13304 of the California Water Code, that Order Nos. 91-079 and 96-063 are rescinded.

**IT IS FURTHER ORDERED** that the discharger shall properly close all monitoring wells, consistent with applicable local agency requirements, and shall document such closure in a technical report to be submitted to the Regional Water Board within 90 days following the issuance of this order.

I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Quality Control Board, San Francisco Bay Region, on \_\_\_\_\_.

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Bruce H. Wolfe  
Executive Officer

Figure 1: Site Map





Legend	Reference	Note
 Approximate Property Boundary	Basemap from Erler & Kalinowski, Inc. (EKI), Site Plan and Recent Groundwater Sampling Locations, Henkel Surface Technologies, Fremont, CA, Figure 2, November 2002; and Aerial Photograph from Google Earth, Imagery date is Aug 25, 2009.	Basemap source: Plant Layout General Plan, Henkel Surface Technologies, 10 May 1999 and Plot Plan, Amchem Products Inc., 13 February 1976.
 Approximate Former Oil Storage Area (FOSA)		

SCALE  
  
0 FEET 80



FILE: K:\2004\24090-11 Henkel  
RMP\CAD\RMP\24090 Fig 1.dwg  
DATE: 1.30.2012

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RISK MANAGEMENT PLAN  
37899 NILES BOULEVARD  
FREMONT, CALIFORNIA

FIGURE 1  
SITE MAP