

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

ORDER NO. R2-2022-00XX

RESCISSION OF WASTE DISCHARGE REQUIREMENTS ORDER NO. 86-40 for:

PINOLE POINT PROPERTIES, INC.

for the property located at:

**PARCEL A
5000 GIANT HIGHWAY
RICHMOND, CONTRA COSTA COUNTY**

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

SITE DESCRIPTION AND DISCHARGER

1. The Pinole Point Property is located at the eastern terminus of Giant Highway in Richmond, near San Pablo Bay (Figure 1). The property, originally comprised of four parcels totaling 60 acres, was owned and operated by Bethlehem Steel Company (Bethlehem) from 1963 to 1979, when the property was sold to Pinole Point Properties, LLC (PPP). In 2016 - 2017, PPP sold the property to 6200 GR, LLC. Parcel A contains a former capped acid pond, Parcel B currently has a warehouse under construction, and Parcel C contains a landfill and freshwater lake. The fourth parcel contains certain undeveloped wetland areas.
2. Parcel A is the subject of this Waste Discharge Requirements (WDR) Order Rescission. In July 2021, Parcel A, including the former acid pond, was purchased by Pinole Point Owner, LLC and currently contains a large commercial warehouse (Figure 2). Pinole Point Owner, LLC is the new Responsible Party and named Discharger for Parcel A, the new address of this site is 6045 Giant Highway. Parcels B and C are also under new ownership and will not be addressed in this Rescission.

REGULATORY HISTORY, SITE CONTAMINATION, AND CLEANUP ACTIVITIES

3. In 1965 the Regional Water Board issued Resolution 711 in response to Bethlehem's 1964 Report of Waste Discharge (ROWD) and their plan to construct two evaporation ponds on existing marshland. Bethlehem planned to use the native surface of the marsh as the bottom of the ponds.
4. Bethlehem constructed an approximately seven-acre acid pond in 1965 to collect wastewater from their steel galvanizing operation. Facility operations released contaminants of concern (COC) that impacted soil and groundwater, including lead, zinc, and acids which created low pH conditions.

5. In May 1985 the Regional Water Board issued Cleanup and Abatement Order (CAO) No. 85-015, requiring Bethlehem and Pinole Point Properties to clean up the acid pond. This CAO was amended by CAO No. 85-020 to remove Bethlehem as a responsible party, leaving PPP as the sole RP.
6. In April 1986, the Department of Health Services (DHS, now the Department of Toxic Substances Control or DTSC) issued a hazardous waste facility permit approving closure of the site as a land disposal facility. In May 1986, PPP submitted a ROWD and Remedial Action Plan (RAP) to the Regional Water Board proposing to cover residual sludge and impacted soil with a compacted clay cover; construct drainage facilities to divert surface runoff around the capped acid pond; and conduct long-term groundwater monitoring (via a Self-Monitoring Plan, SMP) for detection of metals leaching from the soil.
7. In June 1986, the Regional Water Board adopted WDR Order No. 86-40 approving the RAP and imposing water quality protection standards (WQPS) of 860 µg/L (micrograms per liter) for lead and 5,800 µg/L for zinc. Additionally, a post-closure monitoring plan and hydrogeological assessment report were required to be submitted.
8. Remediation started at the site in September 1986, and consisted of a) removing approximately six million gallons of liquid wastewater, which was treated and discharged to the sanitary sewer; and b) placing a PVC liner on the bottom of the pond, with drain rock covered by a geotextile filter fabric on top. Foundation soil was placed over the drain rock and covered with a two-foot thick compacted clay barrier layer. Between 2001 and 2005, approximately 145,000 cubic yards of imported soil were placed on the cap and graded, raising the surface elevation by six feet.
9. In 1990, the Regional Water Board issued Site Cleanup Requirements Order No. 90-161 requiring installation and monitoring of additional groundwater wells to delineate the vertical and horizontal extent of metals in groundwater.
10. Between 1985 and 1992, a total of 34 groundwater monitoring wells and two piezometers were installed to determine the extent of impacts and monitor migration of COCs in groundwater beneath the site. The SMP was amended by the Regional Water Board in 1994 to reduce monitoring from quarterly to semi-annually and reduce the number of wells sampled from 35 to six after analytical data showed COC concentrations consistently below WQPS. In 2001, 28 groundwater monitoring wells were destroyed.
11. In 1993, PPP filed a land use covenant with the DTSC to restrict future land use on the former pond; sensitive land uses, groundwater extraction, and disturbing the cap were prohibited.
12. The Regional Water Board and DTSC have been sharing oversight of the facility since 1986. DTSC's oversight includes five-year report reviews, annual site inspections, and compliance with the deed restriction until 2009. In 2010, PPP submitted to DTSC a Site Management Plan (Plan) for development of a large warehouse structure on the capped acid pond. In that Plan, PPP proposed halting the groundwater monitoring until construction of the new building was complete. DTSC approved the Plan in 2016, agreeing groundwater monitoring activities could be suspended until construction was completed.

13. SCR Order No. 90-161 was rescinded on January 24, 2022 by Order No. R2-2022-0002. While the Regional Board regulated the groundwater monitoring at the site through our WDR and SCR, DTSC is now the lead agency for Parcel A.
14. The remaining six groundwater monitoring wells at the site have not been sampled since 2008. The last five-year report written (in 2016) and approved by DTSC (in 2017) stated the groundwater monitoring wells shall be sampled annually for two years after construction is complete, and completion of the next five-year report can be postponed until that groundwater sampling is completed. Construction of the warehouse was finalized in 2021.

BASIS FOR RESCISSION

15. The Provisions contained within the WDRs have been satisfactorily completed, and all required reports submitted.
16. DTSC will retain oversight of the capped acid pond and associated groundwater monitoring, and The Regional Water Board retains oversight of the landfill portion (Parcel C) of the site.

CEQA, NOTIFICATION, AND PUBLIC COMMENT

17. Rescission of the Waste Discharge Requirements Order No. 86-40 for this site will have no potential for causing a significant effect to the environment and is therefore not subject to the California Environmental Quality Act (Public Resources Code § 21000 et seq.) pursuant to Title 14, Cal. Code Regs., § 15061(b)(3).
18. The Water Board has notified all stakeholders and interested agencies and persons of its intent to rescind site cleanup requirements contained in Order No. 86-40 and has provided them with an opportunity to submit their written views and recommendations, which have been considered.

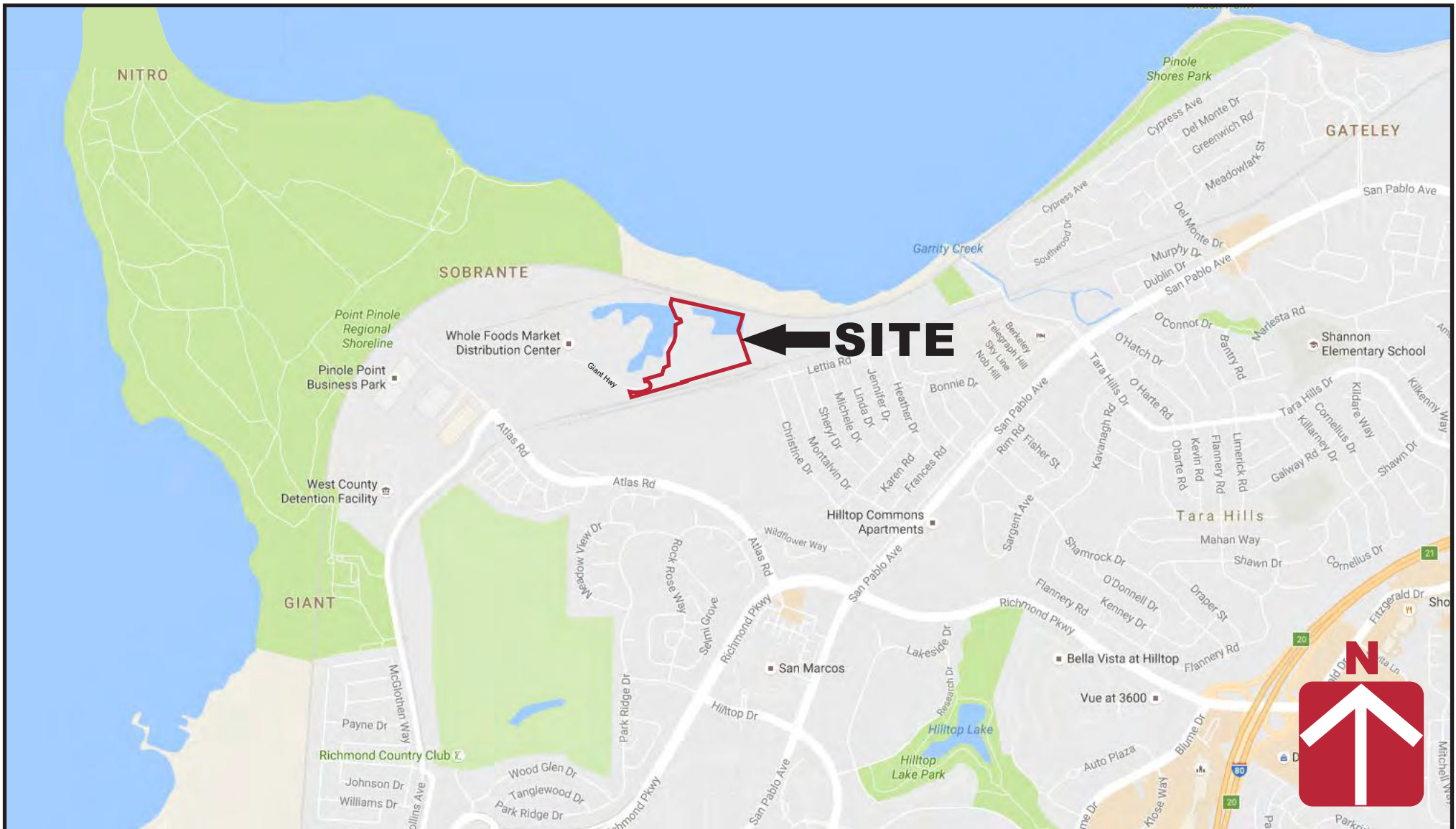
NOW, THEREFORE, IT IS HEREBY ORDERED that Waste Discharge Requirements Order No. 86-40 is rescinded.


I, Thomas Mumley, Interim Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Region on February 9, 2022.

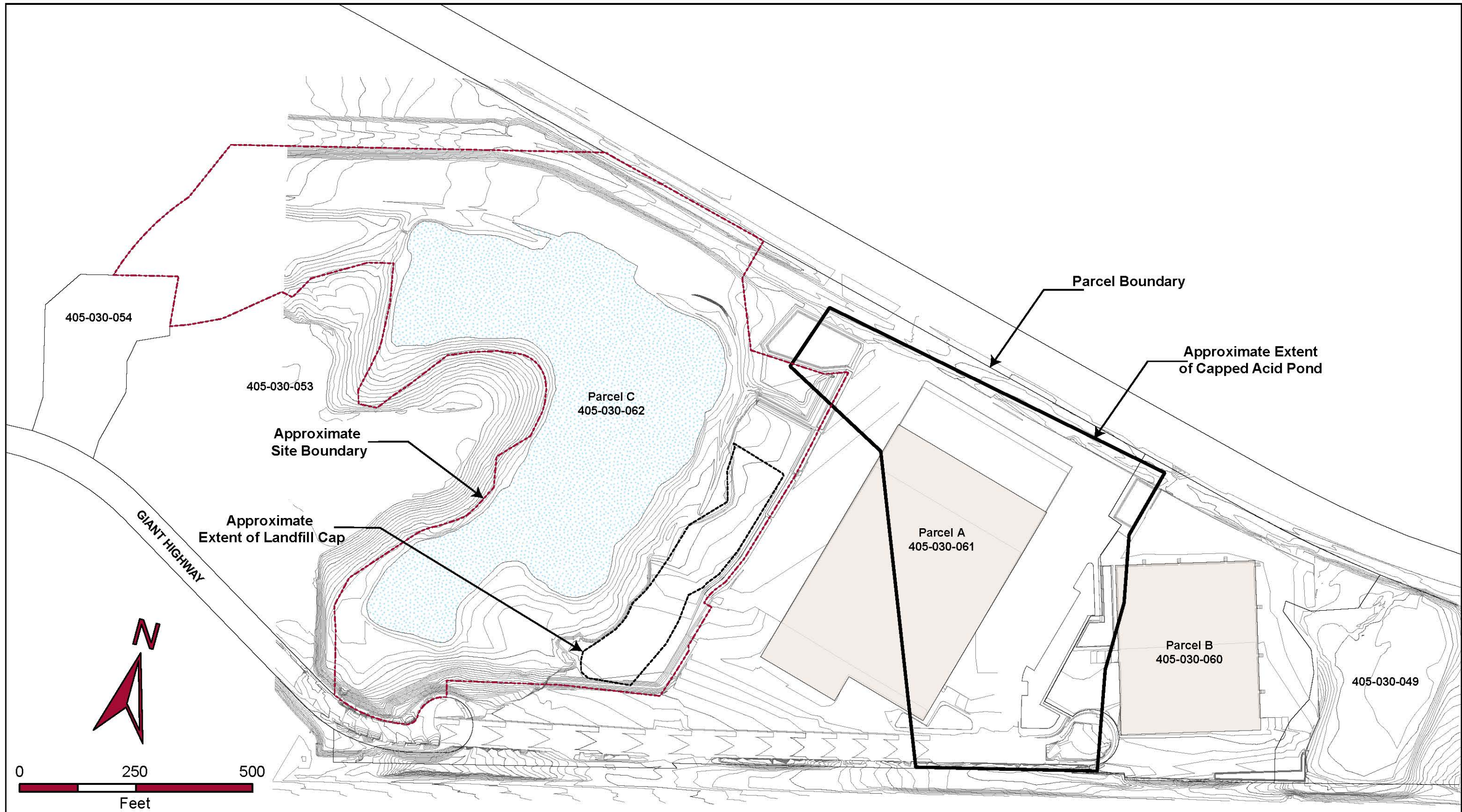
Thomas Mumley
Interim Executive Officer

Attachments:

- Figure 1- Site Location Map
- Figure 2- Site Plan



	Vicinity Map		Project Number 921-1-10
	Pinole Point Giant Highway Richmond, CA		Figure Number Figure 1
	Date January 2020	Drawn By RRN	



Sources:
 Cornerstone Earth Group, 2020
 Milani and Associates, 2020
 Contra Costa County Assessor's Office, 2021

**Figure 2. Site Plan
 Pinole Point
 Giant Highway
 Richmond, California**