

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

ORDER NO. R2-2021-00XX

RESCISSION OF SITE CLEANUP REQUIREMENTS ORDER NO. R2-1990-0161 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 has certain undeveloped wetland areas.
2. Parcel A is the subject of this Site Cleanup Requirements Order Rescission. In July 2021, Pinole Point Owner, LLC purchased Parcel A, including the former acid pond, and constructed 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. Parcel A is also regulated by the Regional Water Board under a Waste Discharge Requirements (WDR) Order No. 86-40, see Finding 6. 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) which required that "The two ponds are to be built on existing marshes, and their native surfaces will form the bottom of the ponds." Bethlehem reported that the size of Pond No. 1 reportedly was "sufficient to allow enough surface area to evaporate the quantity of liquid discharged without penetration into the ground". Pond No. 2 (the existing freshwater lake) would be used only if needed and would be connected to Pond No.1 by excavating a channel between the two ponds. No records were reviewed indicating this channel was constructed.

4. Bethlehem constructed an approximately seven-acre acid pond in 1965 on what is now Parcel A to collect wastewater from its steel galvanizing operation. Facility operations released contaminants of concern (COC), including lead, zinc, and acids, that impacted soil and groundwater.
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 Responsible Party.
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 pond 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. The Regional Water Board adopted Waste Discharge Requirements 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.
7. 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.
8. 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.
9. 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 found not to be needed and destroyed.
10. In 1993, PPP recorded a land use covenant in Contra Costa County to restrict future land use on the former pond; sensitive land uses, such as residential, groundwater extraction, and disturbing the cap were prohibited.
11. 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 that groundwater monitoring activities could be suspended until construction was completed.

12. While the Regional Board regulated the groundwater monitoring at the site through our WDR and SCR, DTSC will now be the lead agency for Parcel A.
13. The remaining six groundwater monitoring wells at the site have not been sampled since 2008. The last five-year report, which was written in 2016 and approved by DTSC in 2017, stated that groundwater monitoring wells would be sampled annually for two years after completion of construction of the warehouse and that completion of the next five-year report could be postponed until that groundwater sampling was completed. Construction of the warehouse was completed in 2021.

BASIS FOR RESCISSION

14. The Discharger has successfully completed the requirements listed in SCR Order No. 90-161.
15. DTSC will retain oversight of the capped acid pond and associated groundwater monitoring at Parcel A.

CEQA, NOTIFICATION, AND PUBLIC COMMENT

16. Rescission of the Site Cleanup Requirements Order No. 90-161 for Parcel A 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).
17. The Water Board has notified all stakeholders and interested agencies and persons of its intent to rescind site cleanup requirements contained in Order No. 90-161 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 Site Cleanup Requirements Order No. 90-161 is rescinded.

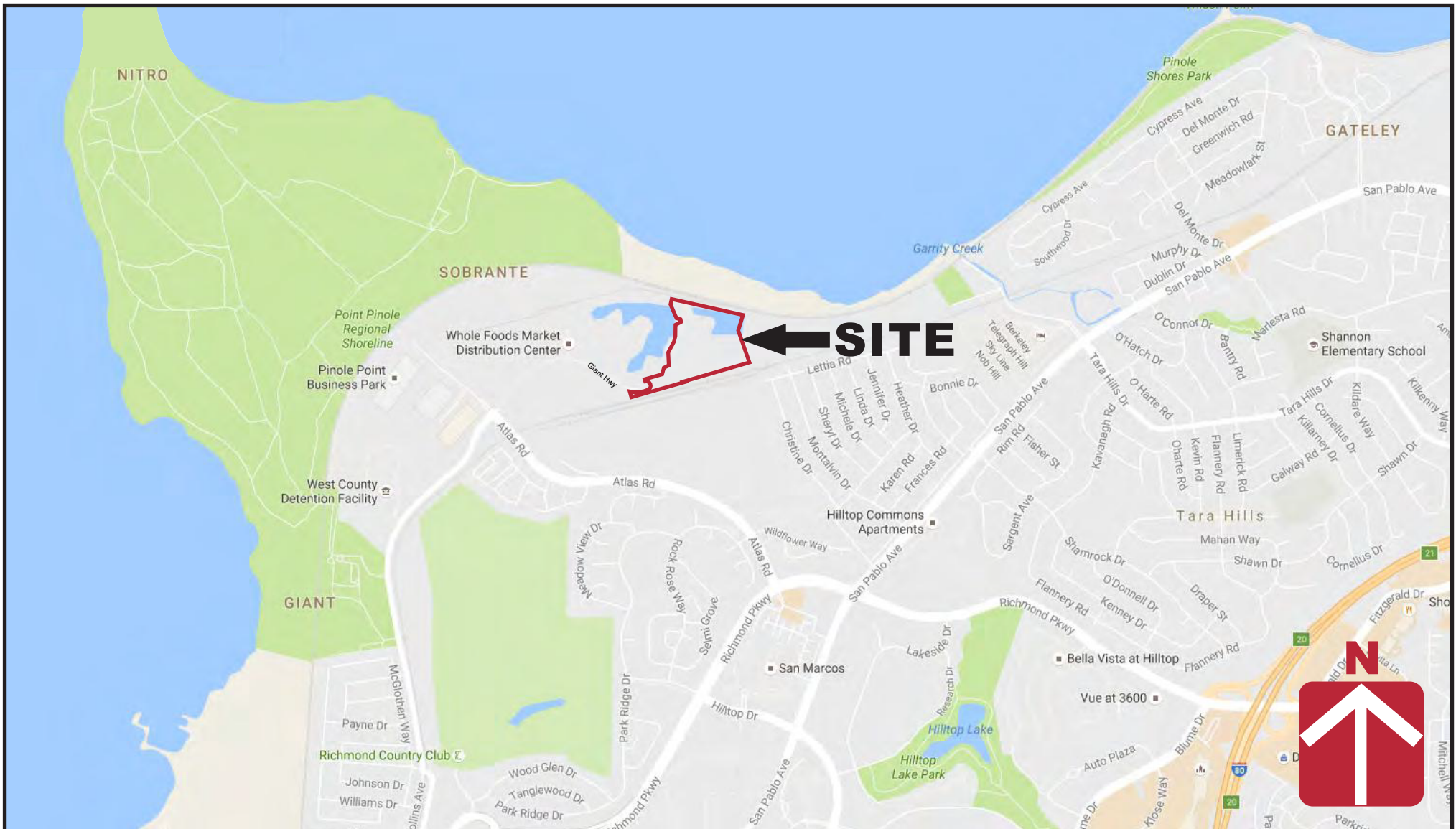
I, Michael Montgomery, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Region on XXXXXX.

Michael Montgomery
Executive Officer

Order No. R2-2021-00XX
Rescission of Site Cleanup Requirement Order No. 90-161
Former Pinole Point Properties

Attachments:

Figure 1- Site Location Map
Figure 2- Site Plan



Vicinity Map

**Pinole Point
Giant Highway
Richmond, CA**

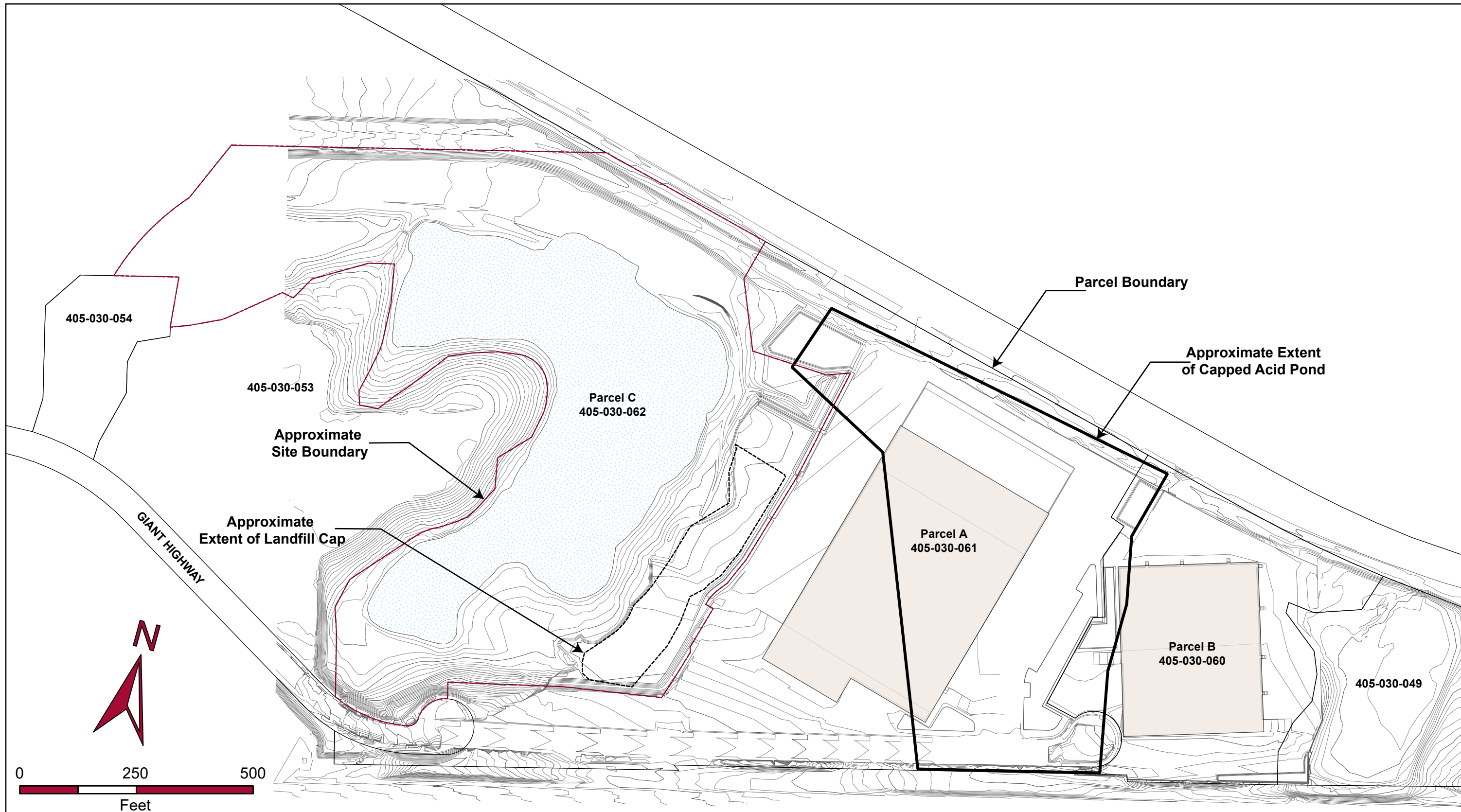
Project Number
921-1-10

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**