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Secretary for  
Environmental Protection



## Department of Toxic Substances Control

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**Gavin Newsom**  
Governor

### **RESPONSIVENESS SUMMARY**

Draft Statement of Basis  
and  
Draft CEQA Initial Study/Mitigated Negative Declaration

Chemtrade Bay Point Facility  
501 Nichols Road  
Bay Point, California 94565

February 11, 2020

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## 1.0 INTRODUCTION

This Responsiveness Summary has been prepared by the California Department of Toxic Substances Control (DTSC) and responds to all verbal and written public comments received during the 45-day public comment period on the Draft Statement of Basis and Draft California Environmental Quality Act (CEQA) Initial Study / Mitigated Negative Declaration for the Chemtrade Bay Point Facility project located at 501 Nichols Road in Bay Point, California (Site). This Responsiveness Summary will be incorporated as an appendix to the Final Statement of Basis. The Final Statement of Basis will reflect any changes which DTSC determines are appropriate in response to public comments.

The 26-acre Facility is predominately comprised of three areas of concerns (AOCs) and the Chemtrade Near Bay Area (NBA), which are described below:

- AOC-1: the main (operations) portion of the Facility.
- AOC-2: the former wastewater treatment lagoon.
- AOC-3: the former caustic storage area.
- Chemtrade-NBA: undeveloped 0.35-acre tidal wetland adjacent to Suisun Bay

The Statement of Basis presents the findings of environmental investigations conducted at the Site, analyzes a variety of remedies to address the waste, and recommends the following activities to address low pH, elevated metals and volatile organic compounds (VOCs) in soil and groundwater:

- Construct subsurface hydraulic barrier walls with French drains around the western, eastern, and northern boundaries of the three AOCs with sections of permeable reactive barriers along the northern boundaries to passively treat groundwater;
- Sample soil to define conditions near Suisun Bay in the northern portion of AOC-2 and AOC-3;
- Remove soil if chemicals are present above cleanup levels,
- Backfill with clean fill to create a Clean Zone at the Shoreline;
- Pave approximately 1.4 acres of AOC-1;
- Construct a soil cap with an asphalt skirt over AOC-2 and a portion of AOC-3;
- Perform groundwater monitoring to confirm reductions in VOC concentrations by natural processes (Monitored Natural Attenuation) and effectiveness of the hydraulic barrier walls, PRBs and soil cover; and
- Restrict land use, soil disturbance, and groundwater uses by recording a Land Use Covenant.

As the lead agency under CEQA, DTSC conducted an Initial Study that found the proposed project along with mitigation measures would not have a significant impact on the environment. As such, the agency determined it was appropriate to issue a Mitigated Negative Declaration for this project.

## 2.0 BACKGROUND

The Facility is located adjacent to Suisun Bay, approximately 9 miles west of the Sacramento River and the San Joaquin River, which forms the Sacramento-San Joaquin Delta region. Hills, with maximum elevations of approximately 600 feet above mean sea level, are located south of the Site.

The 26-acre Facility is part of the larger former (approximately 260-acre) Nichols Chemical Company property, which started in the early 1900s to manufacture primarily sulfuric acid from pyrite ore material

brought in from the Sierra Nevada mountains. Portions of the original Nichols Chemical Company property were acquired by various entities over time. Currently, Chemtrade operates alum production and molten sulfur transloading at the Facility.

Various environmental investigations have been conducted at the Site since the 1990s. Human health and ecological risk assessments have also been conducted and identified low pH, metals, VOCs in soil, shallow groundwater, deep groundwater and/or soil vapor as chemicals of concern at the Site. Therefore, remediation is needed to meet environmental standards and provide long-term protection of human health and the environment. The proposed alternative meets these goals. As the lead agency under CEQA, DTSC prepared a Mitigated Negative Declaration which states the proposed remediation with mitigation measures would have no significant impact on the environment.

### 3.0 PUBLIC REVIEW PROCESS

The following summarizes the public review process for the Statement of Basis and CEQA Initial Study/ Mitigated Negative Declaration.

**Public Comment Period:** DTSC held a comment period from October 24 to December 13, 2019 and from January 15, 2020 to February 3, 2020.

**Public Comment Period Notification:** On October 24, 2019, DTSC published English and Spanish public notices in the Pittsburg section of the *East Bay Times* newspaper to announce the start of the 45-day public comment period and solicit comments on the draft Statement of Basis and CEQA Initial Study / Mitigated Negative Declaration. A Notice of Availability was sent to Contra Costa County to announce the 20-day public comment period per California Public Resource Code section 21092 and 21092.3. A copy of the public notice and Notice of Availability is included in Attachment 1.

**Community Update:** On October 24, 2019, DTSC distributed a Chemtrade Bay Point Facility Community Update in English and Spanish via U.S. Mail to 2,423 addresses which included residences and businesses located within an approximately 1/4-mile radius of the Site; key representatives from Contra Costa County, the neighboring City of Pittsburg, and Bay Point civic/community organizations; and DTSC's mandatory mailing list. Additionally, notification was sent to a total of 28 email addresses. Copies of the Community Update are provided in Attachment 1.

**Information Repositories:** Information repositories were established to contain key decision-making documents, including the draft Statement of Basis and CEQA Initial Study / Negative Declaration, and are located at the following locations:

Bay Point Library  
205 Pacifica Avenue  
Bay Point, CA 94565

DTSC – File Room  
700 Heinz Avenue, Suite 200  
Berkeley, CA 94710

These documents are available online at DTSC's Envirostor database which can be accessed using the following link: [https://www.envirostor.dtsc.ca.gov/public/profile\\_report?global\\_id=07280155](https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=07280155).

The following documents were made available to the public during the 45-day public comment period:

1. DTSC Community Update, October 2019: Cleanup of the Chemtrade Bay Point Facility Draft Statement of Basis and CEQA Initial Study / Mitigated Negative Declaration Available for Review
2. DTSC Public Notice placed as a display advertisement in the *East Bay Times*, October 24, 2019: Draft Statement of Basis and CEQA Initial Study Available for Review
3. DTSC California Environmental Quality Act Documentation: Mitigated Negative Declaration, October 17, 2019
4. Draft Statement of Basis, Proposed RCRA Corrective Action Selection for Chemtrade Bay Point Facility, October 17, 2019

#### 4.0 COMMENTS AND RESPONSES

The public comment period ended on February 3, 2020. One comment was received via telephone and one comment via email. DTSC's responses to these comments are provided below.

##### 1. Comment from John Sanchez/Community Member via phone on October 25, 2019

"Hi Nancy. John Sanchez here. Hey, I just got a cleanup page from you guys on Chemtrade out there by Nichols Road. Are they going to disturb that area because that used to be a battery factory back over there? And that whole ground is contaminated with battery acid. So hey, give me a call back and let me know when this is going to start because I don't even want to be around here when that ground gets disturb. And if it's even windy, there's no way in hell that that should be disturbed. So, give me a call back. Thank you."

##### Response by Nancy Tu via phone on September 12, 2019 (paraphrase):

I received your voicemail regarding the Chemtrade site. You indicated that the Site was a battery factory and am concerned about disturbance into battery acid contaminated soil. The Chemtrade Site was never used as a battery factory. The Chemtrade property was part of the larger Nichols Chemical Company property where operations included production and/or repackaging of various high-grade acids, pesticides, solvents etc. Chemtrade currently only produces alum and transload molten sulfur.

The proposed remedy includes excavating a 4-foot thick groundwater barrier around the boundary of the Site (to contain the groundwater) with permeable reactive barrier gate (to filter the groundwater) and French drains to direct the groundwater to the gates. There will be a dust control plan to ensure excessive amounts of dust are not generated nor migrate offsite. The earliest implementation would start is next year. We will also send out a work notice before implementation starts. If you have additional questions or would like to discuss this further, I am available at 510-540-3824 or via email.

2. Comments from Jennifer Rippert of California Department of Fish and Wildlife were received via email on December 13, 2019. Comment excerpts are provided below in *italics*. The original comment email is included in Attachment 2.

##### Migratory and Nesting Birds

*Avoidance and minimization measure MM BIO-1 specifies a 100-foot non-disturbance buffer for active migratory bird nests and a 250-foot non-disturbance buffer for active raptor nests. Depending on the species, nest stage, and site conditions, 100 to 250 feet may not be sufficient to prevent disturbance-related nest failure. If nests are found in or near the Project area, CDFW can provide guidance on establishing appropriate buffers to minimize the potential for take and to reduce potential impacts to*

*less than significant. As such, CDFW recommends MM BIO-1 be revised to require nest buffer approval from the State's trustee for fish and wildlife (CDFW) prior to Project construction.*

**Response:**

Avoidance and minimization measure MM BIO-1 will be revised as follows: "The biologist conducting the clearance survey shall document a negative survey indicating that no impacts to active bird nests would occur. If an active avian nest is discovered during the 3-day pre-construction clearance survey, the nest location shall be mapped, and buffers shall be established around the active nest. Buffer sizes would differ depending on the species and the nest's location. Minimum buffer sizes shall be 100-feet for active migratory bird nests and 250-feet buffer for active raptor nests. Buffer sizes shall be subject to CDFW approval to ensure that the potential for take is avoided and potential impacts are reduced to a less than significant level."

**Special Status Plant Species**

*The IS/MND impacts analysis is based on a 2011 Biological Analysis by LSA associates which noted that many annual plants were not yet evident at the time of the survey (March 10, 2011). Despite this note, the analysis concluded that special-status plant species were presumed absent from the Project site. To ensure the Project impacts to special-status plants are avoided or mitigated to less than significant, CDFW recommends that special-status plant surveys are conducted according to CDFW's Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities (2009) prior to the initiation of construction. If significant impacts to special-status plant species are identified and cannot be completely avoided, CDFW recommends DTSC require the Project proponent to protect in perpetuity through a conservation easement an area equivalent to three times the size of the impact area of the Project prior to construction.*

**Response:**

Based on prior reconnaissance-level surveys conducted at the project site, suitable habitat is most likely not present for any special-status plant species since the project site is highly disturbed and supported by mostly ruderal (weedy) species. A habitat assessment will be conducted prior to the start of construction activities to ascertain that no suitable habitat for special-status species is present. This habitat assessment will be conducted concurrently with the habitat assessment for the burrowing owl. If suitable habitat is present, focused surveys for one or more target special-status plant species would be conducted according to CDFW's *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities* (2018) prior to the initiation of construction. If special-status plant populations are identified in the work area, the populations would be avoided and a buffer with a radius of at least 25 feet would be established around the avoided plants. The buffer would be maintained throughout project activities. No parking, storage of equipment or materials, or staging would be allowed within the buffers. If impacts to special status plants on-site cannot be avoided, the Project proponent would protect in perpetuity through a conservation easement or other mechanism (i.e., purchase of mitigation credits at an approved mitigation bank, deed restriction or other suitable mechanism to protect or compensate for the species being impacted) an area equivalent to three times the size of the impact area of the Project prior to construction.

Western Burrowing Owl (*Athene cunicularia*)

*The IS/MND notes that burrowing owls may be present onsite. Due to the noted presence of small mammal burrows, CDFW recommends that surveys be conducted following the methodology described in Appendix D: Breeding and Non-breeding Season Surveys of the CDFW Staff Report on Burrowing Owl Mitigation (Staff Report), which is available at:*

*<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843>.*

*In accordance with the Staff Report, a minimum of four survey visits should be conducted within 500 feet of the Project area during the owl breeding season which is typically between February 1 and August 31. A minimum of three survey visits, at least three weeks apart, should be conducted during the peak nesting period, which is between April 15 and July 15, with at least one visit after June 15. Pre-construction surveys should be conducted no-less-than 14 days prior to the start of construction activities with a final survey conducted within 24 hours prior to ground disturbance.*

*CDFW recommends that DTSC incorporate and implement measures to avoid or minimize the loss of burrowing owl nesting and/or foraging habitat. To offset loss of foraging habitat, CDFW recommends that the Project proponent should be required to purchase and protect in perpetuity compensatory mitigation lands at a minimum of a 1:1 mitigation ratio as a condition of Project approval. If active burrows or winter roosts are found onsite and take cannot be avoided, the mitigation ratio should be increased to a minimum of 3:1 (mitigation: loss). The long-term demographic consequences of exclusion techniques have not been thoroughly evaluated, and the survival rate of evicted or excluded owls is unknown. All possible avoidance and minimization measures should be considered before temporary or permanent exclusion and closure of burrows is implemented in order to avoid “take”.*

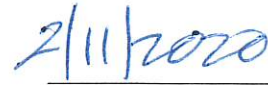
**Response:**

Numerous nesting bird and wildlife surveys, including burrowing owl surveys, have been conducted at the Site between 2011 and 2019, none of which resulted in observations of burrowing owls or burrowing owl sign (e.g., pellets, feathers, white wash, etc.) A qualified biologist will conduct a habitat assessment in accordance with the *CDFW Staff Report on Burrowing Owl Mitigation* prior to the start of construction activities tentatively scheduled to start in June 2020. The burrowing owl habitat assessment will be conducted concurrently with the special-status plants habitat survey. The habitat assessment will determine if suitable burrowing owl burrow surrogates are present within the Site and proposed construction area. Potential suitable burrow surrogates will be mapped as part of the assessment. Potentially suitable habitat in the project area has included rock rip-rap along the shoreline of the Suisun Bay north of the Site and the basin east of the Site. To ensure no burrowing owls are present, a take avoidance survey, in lieu of the recommended four breeding season surveys, will be conducted prior to construction activities in accordance with the *CDFW Staff Report on Burrowing Owl Mitigation*. This survey will consist of two Site visits following the habitat assessment survey, one within 14 days of the start of construction and one within 24 hours of the start of construction. Mitigation for loss of foraging habitat may be required only if there are past records of use from the Site or vicinity or if active nesting or wintering burrows for burrowing owls are observed during the survey. A copy of all survey results will be sent to CDFW.

Prepared by:



Juliet C. Pettijohn, MPH, CIH  
Branch Chief  
DTSC Berkeley Office



Date



## Attachment 1 – DTSC Community Update/Public Notice

Department of Toxic Substances Control

October 2019

# COMMUNITY UPDATE

The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of chemically safer products.

## Cleanup of the Chemtrade Bay Point Facility - Draft Statement of Basis Available for Public Review and Comment



Figure 1: Aerial photograph of the Chemtrade Facility

The California Department of Toxic Substances Control (DTSC) invites you to review and comment on a proposed cleanup plan for the Chemtrade Bay Point Facility (Site), located at 501 Nichols Road in Bay Point, CA 94565. The cleanup plan, called a draft Statement of Basis, proposes to contain contaminated soil and treat groundwater at the Site through the following:

- Capping with asphalt (2.8 acres) and clean soil (6.1 acres);
- Constructing underground barrier walls with permeable reactive barriers (PRB) to contain and treat shallow groundwater;
- Using Monitored Natural Attenuation (MNA) to treat deep groundwater; and
- Recording a land use covenant (LUC) to restrict future Site uses.

### Public Comment Period



**October 24, 2019 to  
December 13, 2019**

DTSC invites you to review and comment on the draft Statement of Basis and related California Environmental Quality Act Draft Initial Study/Mitigated Negative Declaration for the remediation of the Chemtrade Bay Point Facility. All comments must be mailed, emailed or faxed by **December 13, 2019** to:

Nancy Tu  
DTSC Project Manager  
700 Heinz Ave.  
Suite 200  
Berkeley, CA 94710  
Phone: (510) 540-3824  
Fax: (510) 540-3819  
Email: [Nancy.Tu@dtsc.ca.gov](mailto:Nancy.Tu@dtsc.ca.gov)



HEARING IMPAIRED INDIVIDUALS may use the California Relay Service at 1-800-855-7100 or 711 (TTY).

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The underground hydraulic barrier walls would direct shallow groundwater towards the PRB. PRBs are underground barriers which allow some but not all materials pass through. PRBs would filter and remove contaminants from the groundwater. Eventually, the PRBs would need to be replaced. The PRBs would be excavated and replaced with new filtering material. MNA utilizes naturally occurring biological, chemical, and physical processes to reduce concentrations. The LUC would restrict land use, soil disturbance and groundwater use at the Site. These remedies would address chemicals of concern found at the Site including low pH, metals and volatile organic compounds (VOCs). If approved, Chemtrade will implement the remedies to reduce risk to human health and the environment at the Site.

### Background

The 26-acre Site is part of the larger, 260-acre former Nichols Chemical Company property, which started in the early 1900s to manufacture sulfuric acid from pyrite ore material. The Facility's historical operations required management of what is known today as hazardous materials and hazardous waste. Historical operations have resulted in the release of contaminants to the soil and groundwater at the Site. DTSC is proposing Corrective Measures for soil and groundwater at three areas of concern (AOCs) and Chemtrade Near Bay Area (NBA). The three AOCs and Chemtrade-NBA are described below:

- AOC-1: the main (operations) portion of the Facility;
- AOC-2: the former wastewater treatment lagoon;
- AOC-3: the former caustic storage area; and
- Chemtrade-NBA: undeveloped 0.35-acre tidal wetland adjacent to Suisun Bay.



Figure 2: Aerial photograph of the Chemtrade Facility and surrounding properties

### Proposed Cleanup Plan

The proposed cleanup plan would include the following activities:

- Construct underground hydraulic barrier walls with sections of PRBs to control groundwater flow and treat groundwater contaminants;
- Create a Clean Zone within 100 feet of the shoreline by sampling soil in the northern portion of AOC-2 and AOC-3 near Suisun Bay and testing if the soil contains contaminants of concern;
  - If chemicals are present above cleanup levels, remove up to 1,300 cubic yards of contaminated soil
  - Backfill with clean soil;
- Pave approximately 1.4 acres of AOC-1;
- Construct a 3-foot thick soil cap with an asphalt border over AOC-2 and a portion of AOC-3;



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- Perform groundwater monitoring to confirm reductions in VOC concentrations by natural processes (MNA) and effectiveness of the hydraulic barrier walls, PRBs and soil cover; and
- Restrict land uses, soil disturbances and groundwater use in a LUC.

### California Environmental Quality Act (CEQA)

As the lead agency under CEQA, DTSC conducted an Initial Study (IS) in 2019 that determined the proposed project along with mitigation measures would not have a significant impact on the environment. Therefore, DTSC proposes to issue a Mitigated Negative Declaration (MND) for the project. DTSC welcomes comments on the draft IS/MND during the public comment period.

### Next Steps

DTSC will review and consider all public comments before making a final decision on the draft Statement of Basis and proposed MND. At the end of the public comment period, DTSC will evaluate comments received and make any necessary changes to the Statement of Basis. DTSC will send a Response to Comments document to all those who commented and provided contact information. A copy of the final Statement of Basis, including the Response to Comments, will be placed in the information repositories and posted on the DTSC's EnviroStor website.

### Information Repositories

The draft Statement of Basis, CEQA documents, and other Site-related documents are available to review at the following locations:

Bay Point Library	DTSC – File Room
205 Pacifica Avenue	700 Heinz Avenue, Suite 200
Bay Point, CA 94565	Berkeley, CA 94710
(925) 458-9597; call for hours	(510) 540-3800; call for appointment

You can also view the copies of key technical reports, fact sheets, and other Site-related information on DTSC's EnviroStor database at: [https://www.envirostor.dtsc.ca.gov/public/profile\\_report?global\\_id=07280155](https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=07280155). Sign up for DTSC email alerts notifying you when new documents are available by clicking at the top right link on the EnviroStor report page for this Site. To learn more about the DTSC, please visit our website at [www.dtsc.ca.gov](http://www.dtsc.ca.gov).

### Contact Information

For more information about the cleanup process or related documents, contact:

Nancy Tu  
Project Manager  
(510) 540-3824  
[Nancy.Tu@dtsc.ca.gov](mailto:Nancy.Tu@dtsc.ca.gov)

Alejandro Vivas  
Public Participation Specialist  
(510) 540-3911  
Toll free: (866) 495-5651  
[Alejandro.Vivas@dtsc.ca.gov](mailto:Alejandro.Vivas@dtsc.ca.gov)

For media request contact:  
Russ Edmondson  
Public Information Officer  
(916) 323-3372  
[Russ.Edmondson@dtsc.ca.gov](mailto:Russ.Edmondson@dtsc.ca.gov)



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Departamento de Control de Sustancias Tóxicas

octubre 2019

# Actualización Comunitaria

La misión del DTSC es proteger a las personas y el medio ambiente de California de los efectos nocivos provenientes de las sustancias tóxicas al restaurar los recursos contaminados, hacer cumplir las leyes de los desechos peligrosos, reducir la generación de desechos peligrosos y alentar la fabricación de productos químicamente más seguros.

## Limpieza de la instalación de Chemtrade Bay Point - Borrador de la Declaración de Base Disponibles para la Revisión y Comentarios Públicos



Figura 1: Fotografía aérea de la instalación de Chemtrade

El Departamento de Control de Sustancias Tóxicas de California (DTSC) lo invita a revisar y comentar el plan de limpieza propuesto para la Instalación de Chemtrade Bay Point (Sitio), ubicado en la 501 Nichols Road en Bay Point, CA 94565. El plan de limpieza, llamado "Borrador de Declaración de Base", propone contener el suelo contaminado y tratar el agua subterránea bajo las siguientes medidas:

- Recubrir con asfalto (2.8 acres) y tierra descontaminada (6.1 acres);
- Construir defensas subterráneas con barreras reactivas permeables (PRB) para contener y tratar las aguas subterráneas poco profundas;
- Usar la Atenuación Natural Monitoreada (MNA) para tratar las aguas subterráneas profundas; y
- Registrar un Convenio del Uso del Terreno (LUC) para restringir el uso que se le pueda dar al sitio en el futuro.

### Período de Comentarios Públicos



**Desde el 24 de octubre  
hasta el 13 de diciembre  
del 2019**

El DTSC lo invita a revisar y comentar el borrador de la Declaración de Base y el Proyecto de Estudio Inicial de la Ley de Calidad Ambiental de California/Declaración Negativa Mitigada para la descontaminación de la Instalación de Chemtrade Bay Point. Todos los comentarios deben ser enviados por correo, correo electrónico o fax antes del **13 de diciembre del 2019** a:

Nancy Tu  
Gerente de Proyectos del DTSC  
Avenida 700 Heinz,  
Suite 200  
Berkeley, CA 94710  
Teléfono: (510) 540-3824  
Fax: (510) 540-3819  
Correo: [Nancy.Tu@dtsc.ca.gov](mailto:Nancy.Tu@dtsc.ca.gov)



LAS PERSONAS CON DISCAPACIDADES AUDITIVAS pueden usar el Servicio de retransmisión de California al 711 o llamar al 800-855-7100.

## Departamento de Control de Sustancias Tóxicas

Las paredes de la barrera hidráulica dirigirán las aguas subterráneas poco profundas hacia las PRB, las cuales son barreras subterráneas que permiten el paso de algunos materiales, pero no todos. Estos PRB filtrarán y eliminarán los contaminantes del agua subterránea. Sin embargo, eventualmente se deberá reemplazar estos PRB con un nuevo material de filtración. Por otro lado, la Atenuación Natural Monitoreada utiliza procesos biológicos, químicos y físicos naturales para reducir las concentraciones. El Convenio del Uso del Terreno restringiría el uso de la tierra, del agua subterránea y la alteración del suelo en el Sitio. Estas soluciones eliminarán los productos químicos de preocupación encontrados en el Sitio, incluyendo el pH bajo, los metales y compuestos orgánicos volátiles (VOC). En caso de ser aprobado, Chemtrade implementará estas soluciones para reducir el riesgo a la salud humana y el medio ambiente del Sitio.

### Historial

El sitio de 26 acres es parte de la propiedad más grande de la Compañía Nichols Chemical de 260 acres, que nació a principios de 1900 para fabricar ácido sulfúrico a partir del mineral de piritita. Las operaciones históricas de la Instalación requirieron la gestión de lo que hoy se conoce como materiales y desechos peligrosos. Las operaciones históricas han resultado en la liberación de contaminantes en el suelo y agua subterránea en el Sitio. Sin embargo, el DTSC propone ciertas medidas correctivas en tres Áreas de Preocupación (AOC) y el Área Cercana a la Bahía de Chemtrade (NBA). A continuación, se describirán todas las áreas:

- AOC-1: la parte principal de la Instalación (operaciones);
- AOC-2: la antigua laguna de tratamiento de aguas residuales;
- AOC-3: la antigua área de almacenamiento cáustico
- Chemtrade-NBA: humedal de marea de 0.35 acres sin explotar, adyacente a la Bahía de Suisun.



Figura 2: Fotografía aérea de la instalación de Chemtrade y sus propiedades circundantes

### Plan de Limpieza Propuesto

El plan de limpieza propuesto incluiría las siguientes actividades:

- Construir muros de barrera hidráulica con secciones de PRB con el objetivo de controlar el flujo de agua subterránea y contener sus contaminantes;
- Crear una zona limpia con un rango de 100 pies de la costa al tomar muestras del suelo en la parte norte del AOC-2 y el AOC-3, así como también el área cercana a la bahía de Suisun para revisar si el suelo tiene algún contaminante de preocupación;
  - Si hay productos químicos de preocupación, se eliminarán hasta 1.300 yardas cúbicas de tierra contaminada.
  - Se rellenará el espacio con tierra limpia;



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- Pavimentar aproximadamente 1.4 acres del AOC-1;
- Construir una capa de tierra de 3 pies de grosor con un borde de asfalto sobre la AOC-2 y una parte de la AOC-3;
- Monitorear el agua subterránea para confirmar las reducciones en las concentraciones de VOC por procesos naturales (MNA), así como también medir la efectividad de las paredes de barrera hidráulica, los PRB, la cobertura del suelo; y
- Restringir el uso y las alteraciones del suelo, al igual que el uso del agua subterránea en el LUC.

**Ley de Calidad Ambiental de California (CEQA, por sus siglas en inglés)**

Como la agencia líder bajo la Ley de Calidad Ambiental de California, el DTSC realizó un Estudio Inicial (IS) en el año 2019 que determinó que el proyecto propuesto (junto con las medidas de mitigación) no tendrán un impacto significativo en el medio ambiente. Por lo tanto, el DTSC propone emitir una Declaración Negativa Mitigada (MND) para el proyecto y, por otro lado, agradece los comentarios sobre el borrador de IS/MND durante el período de comentarios públicos.

**Próximos Pasos**

El DTSC revisará y considerará todos los comentarios públicos antes de tomar una decisión final sobre el borrador de la Declaración de Base y el MND propuesto. Al final del período de comentarios públicos, el DTSC evaluará los comentarios recibidos y realizará los cambios necesarios en la Declaración de base. Esta organización enviará un documento de Respuesta a todos aquellos que comentaron y proporcionaron su información de contacto. Se colocará una copia de la Declaración de Base final (incluyendo la Respuesta a los comentarios) en los repositorios de información y se publicará en el sitio web EnviroStor del DTSC.

**Repositorios de Información**

El borrador de la Declaración de Base, los documentos de la Ley de Calidad Ambiental de California y otros documentos relacionados con el sitio están disponibles para su revisión en las siguientes ubicaciones:

Librería de Bay Point

Ave. 205 Pacifica

Bay Point, CA 94565

(925) 458-9597; Llame para recibir asistencia

Oficina de Archivos del DTSC

Avenida 700 Heinz, Suite 200

Berkeley, CA 94710

(510) 540-3800; Llame para una cita

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Departamento de Control de Sustancias Tóxicas

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**Información de Contacto**

Para obtener más información sobre el proceso de limpieza o los documentos relacionados, comuníquese con:

Nancy Tu  
Gerente de Proyectos  
(510) 540-3824  
[Nancy.Tu@dtsc.ca.gov](mailto:Nancy.Tu@dtsc.ca.gov)

Alejandro Vivas  
Especialista en Participación Pública  
(510) 540-3911  
Marque gratis al: (866) 495-5651  
[Alejandro.Vivas@dtsc.ca.gov](mailto:Alejandro.Vivas@dtsc.ca.gov)

Para solicitud de los medios contacte a:  
Russ Edmondson  
Funcionario de Información Pública  
(916) 323-3372  
[Russ.Edmondson@dtsc.ca.gov](mailto:Russ.Edmondson@dtsc.ca.gov)

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DTSC



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THURSDAY, OCTOBER 24, 2019

000 BAY AREA NEWS GROUP B3

'I AM WHITE POWER'

## Aryan Brotherhood fugitive arrested in Costa Rica, hangs himself inside jail cell

By Nate Gartrell  
ngartrell@  
bayareanews.com

A California man wanted on charges of plotting murders for white supremacist gangs was found dead in a Costa Rican jail cell within hours of being captured, prosecutors revealed Monday.

Matthew "Cyco" Hall, 48, of Orange County, had been a federal fugitive since June, when he was indicted in a huge racketeering case centered on the Aryan Brotherhood prison gang. Hall was accused of being affiliated with the Aryan Brotherhood and being a member of a skinhead street gang known as Public Enemy No. 1, or PEN1.

At a June press conference announcing the case, authorities vowed to arrest Hall, saying he was believed to be out of the country.

Court records filed by the U.S. Attorney's office Monday say that Hall was arrested Sept. 27 in Jaco, a Costa Rican city on the Pacific Coast, with a population of about 10,000. Hours after being detained and booked into a local jail, Hall hanged himself, according to public records.

A prosecution motion filed Monday includes Hall's death certificate, in Spanish, which lists the cause of death as asphyxia by hanging.

Videos of Hall announcing his allegiance to PEN1, and self-proclaimed status

as a "neo-Nazi" have surfaced online. In some, Hall vowed he wouldn't go peacefully if the police came to arrest him, and pledged to get into a shootout with police if need be. One video shows Hall sitting on a couch, holding a pistol that he says will "blow a Glock in two pieces."

In a portion of the roughly 45-second video, Hall identifies himself by name and his nickname, "Cyco," and says he's a member of "PEN1 Death Squad." The date the video was taken is unknown.

"I am white power. Neo-Nazi National Socialist (expletive) skinhead," Hall says, later adding: "You (expletives) wanna give me 38 to life for nothing? ... I'm gonna take it to you, and you better come (expletive) deep and you better tell the rookies to stay back. ... I'm gonna cut your ears in half with AK-47s and I'm gonna sabotage you (expletive)."

In July, federal prosecutors indicted Hall in one of four cases against more than two dozen alleged Aryan Brotherhood members and associates. The evidence against him, according to the complaint, was based upon wiretapped conversations between Hall and one of the Aryan Brotherhood's leaders, a Pinole native named Ronald Dean Yandell, also known as "Renegade."

Yandell, serving life in prison for convictions of manslaughter and murder,

acquired several contraband cellphones. In phone calls, he allegedly directed Hall to sell heroin to other gang affiliates and discussed ongoing murder plots in Southern California. This included an alleged plan to kill another Aryan Brotherhood member, Michael "Thumper" Trippie, of San Diego, prosecutors said.

In another call, Yandell is accused of telling Hall he would soon pave the way for Hall to be made a member of the Aryan Brotherhood, and that final approval was "just a formality."

Three years before the indictment was filed, Hall was implicated in a July 2016 robbery at an Orange County hotel that took a deadly turn. It involved Irvine resident Daniel "Shakey" Richardson, an alleged drug dealer who was shot and killed while trying to rob another meth dealer, allegedly on behalf of the PEN1 gang, according to court records. Two of Richardson's accomplices made off with money and property.

Hall was accused of setting up the robbery to collect a \$2,500 Aryan Brotherhood debt, but was freed after a judge threw out conspiracy to commit extortion charges against him. In late 2018, a California appeals court reversed the dismissal, allowing prosecutors to refile the case against Hall, but by that point, he was in hiding.

According to prosecu-

tors, Yandell ruefully talked about the botched robbery on wiretapped calls, saying that Hall being out of custody was a valuable resource for the Aryan Brotherhood. Yandell reportedly blamed another Aryan Brotherhood member, Kenneth "Kenwood" Johnson, for Hall being implicated in the robbery, and instructed Hall not to give Johnson any of the proceeds.

Yandell also allegedly arranged for Hall to give heroin to Jeanna Quesenberry, described by police as a member of another Aryan Brotherhood-affiliated street gang, the Family Affiliated Irish Mafia, or FAIM. During their meeting, Hall told Quesenberry he had served time with Yandell in Pelican Bay State Prison, describing himself as a "shot caller," or high-ranking prison gang member, according to the criminal complaint.

Hall told Quesenberry he was willing to kill for Yandell, adding that he was armed and "was a true racist and a true gangster," according to the complaint. In September 2016, when authorities raided his Hermosa Beach home, they found six guns, Nazi propaganda, videos about Adolf Hitler and a jacket containing Nazi symbolism with Hall's nickname, "Cyco," and the words "PEN1 Death Squad," prosecutors said.

Contact Nate Gartrell at  
925-779-7174.

### EAST OAKLAND

## Shooting leaves man dead, investigators have not made any arrests

By Harry Harris  
hharris@  
bayareanews.com

**OAKLAND** » A 30-year-old man was found shot to death Tuesday night in the Sbrante Park area of East Oakland, authorities said.

the man's name and were trying to determine where he lived.

The man was found dead about 10:15 p.m. Tuesday in the 300 block of Bergego Drive, a residential street not far from the San Leandro border.

have not determined a motive yet for the killing and have not made any arrests.

The killing is the 63rd homicide investigated by Oakland police this year. Last year at this time police had investigated 59 homicides.

Police and Crime Stoppers

\$10,000 in reward money for information leading to the arrest of the killer. Anyone with information may call police at 510-238-3821 or 510-238-7950 or Crime Stoppers at 510-777-8572.

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Department Of Toxic Substances Control October 2019

### Public Notice

The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of chemically safer products.

Draft Statement of Basis and CEQA Initial Study Available for Review  
Chemtrade Bay Point Facility  
501 Nichols Road, Bay Point, California  
Public Comment Period: October 24 to December 13, 2019

**WHAT IS BEING PROPOSED?** The California Department of Toxic Substances Control (DTSC) invites you to review and comment on the proposed cleanup plan, called a draft Statement of Basis, for the Chemtrade Bay Point Facility located at 501 Nichols Road in Bay Point CA 94545 (Site). The 26-acre Facility is part of the larger former (approximately 260-acre) Nichols Chemical Company property, which started in the early 1960s to manufacture primarily sulfuric acid from pyrite ore material. The draft Statement of Basis proposes remedies to address risk to human health and the environment from these areas of concern and the Chemtrade Near Bay Area.

The draft Statement of Basis proposes to contain contaminated soil through capping with asphalt and clean imported soil, contain and treat shallow groundwater by constructing hydraulic barrier walls with permeable reactive barrier (PRB), use monitored natural attenuation (MNA) to treat deep groundwater, and record a land use covenant (LUC). The hydraulic barrier walls will direct shallow groundwater towards the PRBs, which will act like a filter and remove contaminants in groundwater. MNA utilizes naturally occurring biological, chemical, and physical processes to reduce concentrations. The LUC will restrict land use, soil disturbance and groundwater use at the Site. Ongoing monitoring will confirm the long-term effectiveness of the remediation activities. The proposed remedies would address chemicals of concern found at the Site, including low pH, metals and volatile organic compounds, and reduce risk to human health and the environment at the Site.

**HOW DO I PARTICIPATE?** During the public comment period, from October 24 to December 13, 2019, we encourage you to review the draft Statement of Basis and CEQA documents. Please send comments to Nancy Tu, Project Manager, DTSC Berkeley Office, 700 Heinz Ave., Suite 200, Berkeley California 94710 or by e-mail to Nancy.Tu@dtsc.ca.gov.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):** As the lead agency under CEQA, DTSC conducted an Initial Study that determined the proposed project along with mitigation measures would not have a significant impact on the environment. Therefore, DTSC proposes to issue a Mitigated Negative Declaration for the project. DTSC welcomes comments on the adequacy of the analysis contained in the Initial Study and proposed Mitigated Negative Declaration.

**WHERE DO I GET MORE INFORMATION?** The draft Statement of Basis, CEQA documents, and other Site-related documents are available to review at the following locations:

Bay Point Library 205 Pacific Avenue Bay Point, CA 94555 (925) 458-9597, call for hours	DTSC File Room 700 Heinz Avenue, Suite 200 Berkeley, CA 94710 (510) 540-3800; call for an appointment
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Or on DTSC's EnviroStor website:  
[https://www.envirostor.dtsc.ca.gov/publicprofile\\_report?global\\_id=07280155](https://www.envirostor.dtsc.ca.gov/publicprofile_report?global_id=07280155).

**CONTACT INFORMATION:** For questions or additional information regarding the Site, please contact:

- Nancy Tu, Project Manager, at (510) 540-3824 or Nancy.Tu@dtsc.ca.gov
- Alejandro Vivas, Public Participation Specialist, at (510) 540-3911, toll free at (866) 495-5651, or Alejandro.Vivas@dtsc.ca.gov
- For media requests, please contact: Russ Edmondson, Public Information Officer, (916) 323-3272 or Russ.Edmondson@dtsc.ca.gov

<http://www.dtsc.ca.gov> [www.dsc.ca.gov](http://www.dsc.ca.gov) [www.ca.gov](http://www.ca.gov)

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# EARTHTALK Q&A: WHEN WILL THE ELECTRONIC VEHICLES OUTNUMBER COMBUSTION CARS?

Dear EarthTalk: I see more and more EVs out of the road. When will they start to outnumber internal combustion cars on American roads?  
-- Jane L., New Bern, NC

## ENGLISH

Roddy Scheer & Doug Moss / EarthTalk

Electric vehicles (EVs) have been around about as long as cars themselves. In fact, primitive EVs were the dominant form of automotive transportation at the dawn of the auto age in Europe and the U.S. in the late 19th century. It wasn't until the 1920s—when the U.S. road system was starting to be built out and cheap oil was available from newly tapped Texas oil fields—that internal combustion cars began to take over as the predominant vehicles across the United States.

And we never looked back. Until recently, that is. Nowadays, EVs (Teslas, Leafs, Bolts, etc.) are indeed everywhere. Analysts estimate the EVs will be cheaper to buy than internal combustion cars as soon as 2022. Beyond that, it's probably only a matter of two decades before EVs represent the majority of cars, light trucks and SUVs plying American roads.

In 2018, EVs made up only about two percent of total U.S. new car sales, but that figure represents an astonishing 70 percent growth from the year prior. Moving forward, analysts expect around 13 percent annual compound growth in the EV sector for the foreseeable future. Bloomberg New Energy Finance, a research arm of the New York-based media company, expects sales of passenger EVs to overtake conventional internal combustion-based vehicles by 2038 (with EV sales topping 50 million a year as compared to conventional vehicle sales of 47 million by then). After that, EVs, with their lower ongoing fuel and maintenance costs, will continue taking over more and more of the market every year, calling the very future of the internal combustion engine passenger car into question.

As technologies mature (allowing for better battery storage and extended driving range) and manufacturers ramp up production and prices come down accordingly, consumers will begin to look exclusively at EVs when shopping for new cars. Indeed, a recent survey of 2,000 adults living in either California or the Northeast Tri-State Area (NY, NJ, CT) by consulting firm West Monroe Partners



It looks like we might have to wait some two decades for electric vehicles (EVs) to displace internal combustion cars as the kings of the American road. Photo Credit: Pexels

found that the majority (59 percent) of respondents think their next vehicle will be an electric car. Not surprisingly, the survey found that Gen Zers (those born after 1996) are especially inclined toward EVs.

That said, only 16 percent of respondents are driving around in EVs today, and concerns including short battery life and lack of charging stations (limiting the vehicles' range), as well as high up-front purchase costs, are still holding many of us back from taking the all-electric plunge. But the writing is on the wall for gas guzzling passenger cars as we overcome these short-term hurdles. With about 15 percent of U.S. greenhouse gas emissions emanating from the tailpipes of our internal combustion cars and light trucks, and gasoline becoming more and more expensive, the inevitable switch-over to EVs—despite efforts by the Trump administration to reduce national fuel efficiency standards and bolster the ailing oil industry—is going to be a win-win for consumers and the planet. 2038 can't come too soon!

**CONTACTS:** Bloomberg New Energy Finance, [bnef.com](https://bnef.com); "Who is Leading The Charge on Electric Vehicles?" [bit.ly/leading-charge](https://bit.ly/leading-charge); "Yes, Electric Cars Will Be Cheaper," [bit.ly/ev-cheaper](https://bit.ly/ev-cheaper).

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## ESPAÑOL

millones al año en comparación con las ventas de vehículos convencionales de 47 millones para entonces). Después de eso, los vehículos eléctricos, con sus costos de combustible y mantenimiento más bajos, continuarán tomando más y más del mercado cada año, cuestionando el futuro del automóvil de motor de combustión interna.

A medida que las tecnologías maduren (permitiendo un mejor almacenamiento de la batería y un rango de manejo extendido) y los fabricantes aumenten la producción y los precios bajen en consecuencia, los consumidores comenzarán a mirar exclusivamente los vehículos eléctricos cuando compren autos nuevos. De hecho, una encuesta reciente realizada a la firma consultora West Monroe Partners por 2,000 adultos que viven en California o en el área del noreste de Triestate (NY, NJ, CT) encontró que la mayoría (59 por ciento) de los encuestados cree que su próximo vehículo será un automóvil eléctrico. No es sorprendente que la encuesta descubriera que los Gen Zers (los nacidos después de 1996) están especialmente inclinados hacia los vehículos eléctricos.

Dicho esto, solo el 16 por ciento de los encuestados circulan hoy en vehículos eléctricos, y las preocupaciones que incluyen la corta duración de la batería y la falta de estaciones de carga (que limitan el alcance de los vehículos), así como los altos costos de compra por adelantado, todavía nos mantienen a muchos de nosotros de vuelta de dar el paso totalmente eléctrico. Pero la escritura está en la pared para autos de pasajeros que consumen gasolina mientras superamos estos obstáculos a corto plazo.

Con aproximadamente el 15 por ciento de las emisiones de gases de efecto invernadero de EE. UU. Que emanan de los tubos de escape de nuestros automóviles de combustión interna y camiones ligeros, y la gasolina se vuelve cada vez más costosa, el cambio inevitable a vehículos eléctricos, a pesar de los esfuerzos de la administración Trump para reducir los estándares nacionales de eficiencia de combustible y reforzar la industria petrolera en crisis va a ser beneficiosa para todos los consumidores y el planeta. ¡2038 no puede venir demasiado pronto!

**CONTACTOS:** Bloomberg New Energy Finance, [bnef.com](https://bnef.com); "¿Quién lidera la carga de los vehículos eléctricos?" [bit.ly/leading-charge](https://bit.ly/leading-charge); "Sí, los autos eléctricos serán más baratos", [bit.ly/ev-cheaper](https://bit.ly/ev-cheaper).

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Department of Toxic Substances Control

October 2019

## Public Notice

The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of chemically safer products.

**LIQUEZADA DE LA INSTALACIÓN DE CHEMTRADE BAY POINT - BORRADOR DE LA DECLARACIÓN DE BASE DISPONIBLES PARA LA REVISIÓN Y COMENTARIOS PÚBLICOS**

**Período de Comentarios Públicos: Desde el 24 de octubre hasta el 13 de diciembre del 2019**

El Departamento de Control de Sustancias Tóxicas de California (DTSC) lo invita a revisar y comentar el plan de limpieza propuesto para la instalación de Chemtrade Bay Point (Silo), ubicado en la 601 Nichols Road en Bay Point, CA 94565. El sitio de 26 acres es parte de la propiedad más grande de la Compañía Nichols Chemical de 260 acres, que nació a principios de 1900 para fabricar ácido sulfúrico a partir del mineral de pinta. Las operaciones históricas de la instalación requirieron la gestión de lo que hoy se conoce como materiales y desechos peligrosos.

El DTSC lo invita a revisar y comentar el borrador de la Declaración de Base y el Proyecto de Estudio Inicial de la Ley de Calidad Ambiental de California/Declaración Negativa Mitigada para la descontaminación de la instalación de Chemtrade Bay Point. Todos los comentarios deben ser enviados por correo, correo electrónico o fax antes del 13 de diciembre del 2019 a Nancy Tu, Gerente de Proyectos del DTSC, Avenida 700 Heinz, Berkeley, CA 94710, o Nancy.Tu@dtsc.ca.gov.

**Ley de Calidad Ambiental de California (CEQA, por sus siglas en inglés)** Como la agencia líder bajo la Ley de Calidad Ambiental de California, el DTSC realizó un Estudio Inicial (IS) en el año 2019 que determinó que el proyecto propuesto (junto con las medidas de mitigación) no tendrán un impacto significativo en el medio ambiente. Por lo tanto, el DTSC propone emitir una Declaración Negativa Mitigada (NMD) para el proyecto y, por otro lado, agradecer los comentarios sobre el borrador de IS/NMD durante el período de comentarios públicos.

**Repositorios de Información** El borrador de la Declaración de Base, los documentos de la Ley de Calidad Ambiental de California y otros documentos relacionados con el sitio están disponibles para su revisión en las siguientes ubicaciones:

Librería de Bay Point Ave. 205 Pacifica Bay Point, CA 94565 (925) 458-9597 Lláme para recibir asistencia	Oficina de Archivos del DTSC Avenida 700 Heinz, Suite 200 Berkeley, CA 94710 (510) 540-3800 Lláme para una cita
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También puede ver las copias de informes técnicos más importantes, las fichas informativas y cualquier otra información relacionada con el sitio en la base de datos Envision de DTSC en el siguiente enlace: [https://www.envision.dtscc.ca.gov/public/profile\\_report?global\\_id=07280155](https://www.envision.dtscc.ca.gov/public/profile_report?global_id=07280155)

**Información de Contacto:** Para obtener más información sobre el proceso de limpieza o los documentos relacionados, comuníquese con:

<b>Nancy Tu</b> Gerente de Proyectos (510) 540-3824 Nancy.Tu@dtsc.ca.gov	<b>Alejandro Vivas</b> Especialista en Participación Pública (510) 540-3811 Alejandro.vivas@dtsc.ca.gov	<b>Russ Edmondson</b> Funcionario de Información Pública (510) 540-3327 Russ.Edmondson@dtsc.ca.gov
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LEARN ABOUT HAZARDOUS WASTE using the California Department of Toxic Substances Control (DTSC) logo.

State of California – California Environmental Protection Agency

Department of Toxic Substances Control

## NOTICE OF AVAILABILITY OF ENVIRONMENTAL DOCUMENT

To: Office of the County Clerk  
Contra Costa County  
555 Escobar Street  
Martinez, California 94553

From: Department of Toxic Substances Control  
Site Mitigation and Restoration Program  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710

This is to provide notification that the Department of Toxic Substances Control (DTSC) is undertaking the preparation of a ☐ draft Negative Declaration ☒ draft Mitigated Negative Declaration ☐ draft Environmental Impact Report for the project identified below. This notice is provided as required by California Public Resources Code (PRC) section 21092 and section 21092.3. As specified in PRC section 21092.3, notices for an Environmental Impact Report (EIR) must be posted in the office of the county clerk of each county in which the project will be located. Such notices for an EIR are required to remain posted for a period of 30 days. Notices for a Negative Declaration are required to be posted for a period of 20 days, unless otherwise required by law to be posted for 30 days. The county clerk is required to post these notices within 24 hours of receipt.

Project Title: Proposed RCRA Corrective Action Remedy Selection for the Chemtrade Bay Point Facility

Location of Project:

501 Nichols Road  
Bay Point, CA 94565  
Contra Costa

Project Description:

The California Department of Toxic Substances Control (DTSC) has drafted a Resource Conservation Recovery Act (RCRA) Corrective Action Statement of Basis for the Chemtrade West US LLC (Chemtrade) Bay Point Facility site (Site) in Bay Point, California, pursuant to Health & Safety Code, Division 20, Chapter 6.5. The 26-acre Facility is predominately comprised of three areas of concerns (AOCs) and the Chemtrade Near Bay Area (NBA) are described below:

- AOC-1: the main (operations) portion of the Facility.
- AOC-2: the former wastewater treatment lagoon.
- AOC-3: the former caustic storage area.
- Chemtrade-NBA: undeveloped 0.35-acre tidal wetland adjacent to Suisun Bay.

The proposed Corrective Measures would include the following activities to address low pH, elevated metals and volatile organic compounds (VOCs) in soil and groundwater at the Proposed Project Site:

- Construct subsurface hydraulic barrier walls with French drains around the western, eastern, and northern boundaries of the three AOCs with sections of permeable reactive barriers along the northern boundaries to passively treat groundwater;
- Sample soil to define conditions near Suisun Bay in the northern portion of AOC-2 and AOC-3;
  - Remove soil if chemicals are present above cleanup levels;
  - Backfill with clean fill to create a Clean Zone at the Shoreline;
- Pave approximately 1.4 acres of AOC-1;
- Construct a soil cap with an asphalt skirt over AOC-2 and a portion of AOC-3;
- Perform groundwater monitoring to confirm reductions in VOC concentrations by natural processes (Monitored Natural Attenuation) and effectiveness of the hydraulic barrier walls, PRBs and soil cover; and
- Restrict land use, soil disturbance, and groundwater uses by recording a Land Use Covenant.

Activities associated with the Corrective Measures would occur over an approximately 32-week period.

Any Significant Effects on the Environment: None.

DTSC Responsiveness Summary  
Chemtrade Bay Point Facility  
February 11, 2020

State of California – California Environmental Protection Agency

Department of Toxic Substances Control

Lead Agency: Department of Toxic Substances Control

Applicant Information:

Stephen Thorn  
Chemtrade West US LLC  
501 Nichols Road  
Bay Point, CA 94565  
973-632-0057

Period During Which Comments on the Document Will Be Received:

Start Date: January 15, 2020

End Date: February 3, 2020

Location Where Documents Can Be Reviewed:

Bay Point Library  
205 Pacifica Avenue  
Bay Point, CA 94565  
(925) 458-9597; call for hours

DTSC – File Room  
700 Heinz Avenue, Suite 200  
Berkeley, CA 94710  
(510) 540-3800; call for appointment

  
\_\_\_\_\_  
Contact Person Signature

1/14/2020  
\_\_\_\_\_  
Date

Julie Pettijohn, MPH, CIH  
\_\_\_\_\_  
Contact Person Name

Environmental Program Manager I  
\_\_\_\_\_  
Contact Person Title

510-540-3843  
\_\_\_\_\_  
Phone #

## Attachment 2 – California Department of Fish and Wildlife December 13 Comment Email

**From:** Rippert, Jennifer@Wildlife  
**To:** [Tu, Nancy@DTSC](mailto:Tu, Nancy@DTSC)  
**Cc:** [Farinha, Melissa@Wildlife](mailto:Farinha, Melissa@Wildlife)  
**Subject:** CDFW comments on IS/MND for the Proposed RCRA Corrective Action Remedy Selection for the Chemtrade Bay Point Facility (SCH 2019109061)  
**Date:** Friday, December 13, 2019 2:17:30 PM

---

Dear Ms. Tu,

California Department of Fish and Wildlife (CDFW) has reviewed the draft Initial Study/Mitigated Negative Declaration (IS/MND) from the Department of Toxic Substances Control (DTSC) for the Proposed RCRA Corrective Action Remedy Selection for the Chemtrade Bay Point Facility (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.

CDFW offers the following comments to assist DTSC in identifying impacts, and recommends including the associated measures as conditions for Project approval:

### Migratory and Nesting Birds

Avoidance and minimization measure *MM BIO-1* specifies a 100-foot non-disturbance buffer for active migratory bird nests and a 250-foot non-disturbance buffer for active raptor nests. Depending on the species, nest stage, and site conditions, 100 to 250 feet may not be sufficient to prevent disturbance-related nest failure. If nests are found in or near the Project area, CDFW can provide guidance on establishing appropriate buffers to minimize the potential for take and to reduce potential impacts to less than significant. As such, CDFW recommends *MM BIO-1* be revised to require nest buffer approval from the State's trustee for fish and wildlife (CDFW) prior to Project construction.

### Special Status Plant Species

The IS/MND impacts analysis is based on a 2011 Biological Analysis by LSA associates which noted that many annual plants were not yet evident at the time of the survey (March 10, 2011). Despite this note, the analysis concluded that special status plant species were presumed absent from the Project site. To ensure the Project impacts to special status plants are avoided or mitigated to less than significant, CDFW recommends that special status plant surveys are conducted according to CDFW's *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities* (2009) prior to the initiation of construction. If significant impacts to special status plant species are identified and cannot be completely avoided, CDFW recommends DTSC require the Project proponent to protect in perpetuity through a conservation easement an area equivalent to three times the size of the impact area of the Project prior to construction.

### Western Burrowing Owl (*Athene cunicularia*)

The IS/MND notes that burrowing owls may be present onsite. Due to the noted presence of small mammal burrows, CDFW recommends that surveys be conducted following the methodology described in Appendix D: Breeding and Non-breeding Season Surveys of the CDFW Staff Report on Burrowing Owl Mitigation (Staff Report), which is available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843>.



In accordance with the Staff Report, a minimum of four survey visits should be conducted within 500 feet of the Project area during the owl breeding season which is typically between February 1 and August 31. A minimum of three survey visits, at least three weeks apart, should be conducted during the peak nesting period, which is between April 15 and July 15, with at least one visit after June 15. Pre-construction surveys should be conducted no-less-than 14 days prior to the start of construction activities with a final survey conducted within 24 hours prior to ground disturbance.

CDFW recommends that DTSC incorporate and implement measures to avoid or minimize the loss of burrowing owl nesting and/or foraging habitat. To offset loss of foraging habitat, CDFW recommends that the Project proponent should be required to purchase and protect in perpetuity compensatory mitigation lands at a minimum of a 1:1 mitigation ratio as a condition of Project approval. If active burrows or winter roosts are found onsite and take cannot be avoided, the mitigation ratio should be increased to a minimum of 3:1 (mitigation: loss). The long-term demographic consequences of exclusion techniques have not been thoroughly evaluated, and the survival rate of evicted or excluded owls is unknown. All possible avoidance and minimization measures should be considered before temporary or permanent exclusion and closure of burrows is implemented in order to avoid "take".

Questions regarding these comments or further coordination should be directed to Jennifer Rippert, Environmental Scientist at (707) 428-2069 or [Jennifer.Rippert@wildlife.ca.gov](mailto:Jennifer.Rippert@wildlife.ca.gov); or Melissa Farinha, Senior Environmental Scientist (Supervisory) at (707) 994-5579 or [Melissa.Farinha@Wildlife.ca.gov](mailto:Melissa.Farinha@Wildlife.ca.gov).

Thank you,

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