

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

STAFF SUMMARY REPORT (Mark Johnson)
MEETING DATE: July 20, 2005

ITEM: 7.C

SUBJECT: **Starlink Logistics, Inc. (Formerly Rhone-Poulenc, Inc.), for the Wetland Operable Unit of the property located at 1990 Bay Road, East Palo Alto, San Mateo County - Adoption of Final Site Cleanup Requirements**

CHRONOLOGY:

- May 1985 - Site Cleanup Requirements adopted
- February 1991 - Site Cleanup Requirements revised
- June 1991 - Site Cleanup Requirements amended
- February 1992 - Site Cleanup Requirements amended
- October 1992 - Site Cleanup Requirements amended
- March 1994 - Site Cleanup Requirements amended
- December 1996 - Site Cleanup Requirements amended
- March 1997 - Cleanup and Abatement Order issued
- July 1997 - Site Cleanup Requirements amended
- November 1997 - Administrative Civil Liability imposed
- June 1998 - Administrative Civil Liability amended

DISCUSSION: This item proposes final Site Cleanup Requirements for the Wetland Operable Unit (Wetland OU) of the 1990 Bay Road site in East Palo Alto. While the entire site encompasses approximately 25 acres, the Wetland OU consists of approximately 2 acres. The site is located about 2,000 feet west of San Francisco Bay, on the edge of a tidal marsh (see Figure 1 in Appendix A). Former pesticide/herbicide manufacturing operations at the 1990 Bay Road facility resulted in significant releases of arsenic and other metals to the environment, impacting both soil and groundwater.

The site has had a long regulatory history dating back to the early 1980s. In 1985, the U.S. Environmental Protection Agency (USEPA) proposed the site for inclusion on the National Priorities List, as a Superfund Site. While the proposal was never finalized, the regulation of investigation and cleanup activities has complied with Superfund requirements, with the Board acting as the lead agency under a contract with USEPA. Rhone-Poulenc has conducted significant remediation on the upland portions of the site (the Upland OU), and remedial actions there are essentially complete. The Wetland OU is the last remaining portion of the site that needs to be addressed.

The Wetland OU is located on the inland edge of the 90-acre Laumeister Tract tidal marsh (see Figure 4 in Appendix A). The tidal marsh and Wetland OU

are separated from the Upland OU by a levee, which has been an effective barrier to prevent the majority of the released arsenic from reaching and impacting the marsh. The marsh provides habitat for two endangered species: the salt marsh harvest mouse and the California clapper rail.

Since the early 1990s, Rhone-Poulenc has thoroughly investigated the marsh with the active participation of the U.S. Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, the California Department of Fish and Game, and USEPA. Rhone-Poulenc conducted an Ecological Assessment and Risk Assessment to evaluate the potential impact of contamination from the site on the tidal wetland ecosystem. This study concluded that the wetland is healthy, there is no evidence of significant risk to ecological receptors (including endangered species), and only 1.3 acres of the marsh surface exceeds ecological target levels for arsenic. This 1.3-acre area is located near a levee bend. All agencies agreed with this conclusion.

The remedial goal for the Wetland OU is to preserve and protect the habitat value of the tidal wetlands. Rhone-Poulenc used this remedial goal to identify options for protecting the tidal wetland and for evaluating remedial alternatives. The proposed remedy includes: 1) continued groundwater monitoring; 2) monitoring near the bend in the levee to determine whether natural erosion is exposing sediments with elevated arsenic levels; 3) a contingency plan should that monitoring show that natural erosion is exposing such sediment; and 4) an “offset” to compensate for reduced habitat value in the 1.3-acre area. This offset would be accomplished at the nearby Cooley Landing saltmarsh restoration project, which involved restoring a 115-acre salt pond to tidal action. Rhone-Poulenc implemented this restoration project in 2000 to mitigate for the loss of 3 acres of seasonal wetland during cleanup of the Upland OU. More than 106 acres of excess mitigation credit was created by the restoration project, and this offset will reduce that excess by 1.3 acres.

The Tentative Order (Appendix A) approves the proposed remedy and requires Starlink Logistics, the successor to Rhone-Poulenc, to implement the remedy.

We conducted a 30-day public comment period on the proposed remedy and the Tentative Order. In addition, we distributed a fact sheet (Appendix B) to interested persons and held a community meeting in East Palo Alto to solicit comments on the proposed remedy. Starlink Logistics submitted minor comments on the Tentative Order. These comments have been incorporated in the Tentative Order. This item remains uncontested.

**RECOMMEN-
DATION:**

Adopt the Tentative Order

File No.:

41S0075 (MEJ)

Appendices:

A. Tentative Order

B. Fact Sheet