

Breaking News

State agencies face lawsuit over approval of Richmond housing development

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A coalition of community and environmental groups is taking the state to court over its agencies' approval of the cleanup plan for [a mixed-used project with 4,000 homes atop a contaminated waterfront site](#) in Richmond.

The lawsuit filed in Contra Costa Superior Court argues that the state's Department of Toxic Substances Control and the California Environmental Protection Agency violated California law by approving a purchase agreement for the developer without an adequate environmental review.

Developer Shopoff Realty Investments has plans to build between 2,000 to 4,000 housing units and up to 50,000 square feet of retail space on the 86-acre site east of Marina Bay and west of Interstate 580 on the southeastern Richmond shoreline, which was once owned by the Zeneca (now AstraZeneca) pharmaceutical company.

The proposed development and the cleanup plans for the site have long been a source of controversy. The site was a dumping ground for toxic materials for decades as a home to the Stauffer Chemical Company and then AstraZeneca.

The state Department of Toxic Substances Control approved a cleanup method for the site that includes removing some contaminated soil, treating the groundwater and pouring concrete over the contaminated areas. The Richmond City Council voted last year to support that method after approving a more thorough soil removal process in 2018.

The agencies named in the lawsuit did not respond to requests for comment, but in a statement about its decision to approve the method in 2019, the Department of Toxic Substances Control said the more complete soil excavation method would take 10 years and require about 64,370 truck trips to get rid of the material, creating "harmful impacts to the community, including air pollution, dangerous traffic and increased dust."

The alternative capping method requires about two years and 1,050 truck trips.

But critics — including those who filed the lawsuit — say the current plan won't go far enough.

"The site is open on the sides and bottom," said Faris Jessa of Richmond Shoreline Alliance in an email statement. "So a concrete cap won't prevent the toxics from moving

inland with sea-level rise. We don't want a carcinogenic toxic soup coming up under our homes.”

The groups argue that the cleanup plan approved by DTSC in 2019 is insufficient in light of new California guidance about sea-level rise and that the department has ignored a recent state protocol on the risks of volatile organic compounds.

In approving the purchase agreement, the state regulatory agencies “failed to take into account changed circumstances and new information about the cleanup plan,” the new lawsuit alleges, noting that approved cleanup plan “will not only be ineffective in remediating the Zeneca Site, but will, instead, result in spreading toxic materials now located in the soil and groundwater under the Zeneca Site in all directions: up to the surface, into the atmosphere, into any buildings built on the site, into the air and soil surrounding the site, and into the waters of the Bay just south of the site.”

“Building housing on this contaminated site would be an environmental injustice,” said Virginia Reinhart, Director of the San Francisco Bay Chapter of the Sierra Club, which filed the lawsuit along with Mothers Against Toxic Housing, Citizens for East Shore Parks, Richmond Shoreline Alliance, Sunflower Alliance, Greenaction for Health and Environmental Justice and the Sustainability, Parks, Recycling, and Wildlife Legal Defense Fund. “While Richmond needs more affordable housing, we don't want to put communities already overburdened by pollution in harm's way because the responsible agency hasn't analyzed all the risk factors.”

The groups earlier this year [filed a lawsuit against the city](#), arguing that the 2016 environmental impact report the council used to approve the plans does not adequately the changes to the rate of sea-level rise and the potential impacts of that on the groundwater and toxic substances at the site.

The new lawsuit asks the court to halt any actions from being taken to build the housing project until the state rescinds its approval and fully complies with environmental law.

“This is not rocket science,” said Courtney Cummings of Mothers Against Toxic Housing. “Clean it up.”

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