

Memorandum

*Serious drought.
Help save water.*

To: Kirsten Thuresson, Project Engineer
District 1 Advance Planning

Date: April 10, 2017

File No.: 1-HUM-101-PM 77.41/78.0
01-987109
01 1500 0120

Koster/Broadway Couplet Feasibility Study

From: Steve Werner 
North Region Office of Environmental Engineering—North

Subject: Feasibility Study Comments

We reviewed the proposed Koster/Broadway Couplet Feasibility Study as you requested. Our comments are based on the undated ESR plan sheet, since that was all that was provided with your request, and information you provided in our informal meeting on February 28, 2017. At our informal meeting we were told that additional right of way along Koster street, beyond the bounds of the existing city right of way, was not anticipated except for a relatively small triangular parcel at the south end of the proposed couplet at its intersection with Broadway.

At its northern tie in to the existing highway, the Koster/Broadway Couplet would require encroachment into a vacant set of properties known collectively as the Eureka Rail Yard Balloon Track Site (Balloon Track). Industrial uses of the largest portion of this approximately 40 acre site included the various elements of a traditional rail yard including repair, storage, and fueling of locomotives and rail cars. Two smaller parcels of the site were used for commercial bulk fuel storage and distribution. It is our understanding that all above ground portions of structures on the site have been removed leaving only concrete foundations and minor debris piles. Various areas within the site have had contaminated soil and underground tank removals and actions for control of stormwater runoff. An apparently more inclusive Interim Remedial Action was proposed in 2011. That cleanup plan, for soil only, was conditionally approved in 2011 by the North Coast Regional Water Quality Control Board (NCRWQCB), but was never implemented. From 2011 forward, there appears to have been no remediation or monitoring activities at the site. Separate phase, or "floating hydrocarbons", were apparently present in one of the former bulk fuel facilities in 2010. In summary, the proposed couplet alignment and auxiliary street extensions being studied would encroach into a site with known contamination and, more importantly, be situated on contamination source areas at the site.

Besides the briefly discussed environmental issues, be aware that this site has been the subject of local politics and lawsuits by environmental groups. These activities will likely renew if the project is launched and will assuredly cause scheduling difficulties.

Caltrans has a Project Delivery Directive PD-02 titled Contaminated Property Acquisition wherein there is a directive to avoid contaminated properties. If avoidance is not possible, then acquisition can only proceed if available risk reduction mechanisms are employed and the Caltrans Chief Engineer determines that an exception to the policy is appropriate. All contamination related post project costs, and these could be substantial extending far into the future, for any remediation systems, monitoring, or maintenance would be borne by the District. Funding for these activities would not be available from Headquarters Division of Environmental Analysis. We encourage you to become familiar with this directive and its companion document to comply with PD-02. As we discussed in our informal meeting, we can say flatly that encroaching into the Balloon Track is not recommended because of potential liability for Caltrans to be named a responsible party for cleaning up the site.

At our meeting, you asked us to evaluate three specific options to move the feasibility study forward. Consider that for each of the options we have addressed, Caltrans will lose control over project cost, scope and schedule as the North Coast Regional Water Quality Control Board (NCRWQCB) and the public weigh in. The NCRWQCB would have the authority to review all project plans and documents to determine whether Caltrans response actions are protective of human health and the environment and could require that representative also be onsite to inspect and approve all construction activities, not just those for removal of contamination. The regulatory oversight agency would also have the authority to order construction activities to cease if measures we undertake are found insufficiently protective.

Similar projects to mitigate contamination of railway properties have cost the project proponents tens of millions of dollars and taken several decades to accomplish.

Below we discuss the options you asked us to address:

Option 1- Purchase of the entire Balloon Track, clean it up, reserve portion for highway construction, dispose of excess. We see this option as having the least chance of success, because it is the most in conflict with PD-02. Caltrans would be named a responsible party for cleaning up the site and would be burdened with costs of environmental management for years to come.

Option 2- Purchase of the entire Balloon Track, reserve a portion for highway construction, clean up that portion, and donate the remaining to the City of Eureka or some other entity. We see this option as having a very low chance of success. According to local newspaper articles, the City of Eureka passed up an offer to accept the property as a donation in the past. Caltrans would be named a responsible party and may be required to clean up the entire site. This would be in conflict with PD-02.

Option 3 - Purchase just a portion of the Balloon Track for highway construction, clean up that portion. Caltrans again will likely become a named responsible party for cleaning up the entire site. This would be in conflict with PD-02.

Option 4- Acquire a surface easement of a portion of the Balloon Tract for highway construction, secure a document from the regulatory oversight agency naming another party responsible for cleaning up the remaining site, and obtain indemnity from the current landowner for residual or newly discovered contamination within the easement area that was cleaned up by the responsible party. PD-02 requires that Caltrans ensure the responsible party mitigate all contamination before acquisition in fee or easement. Indemnification for any residual contamination encountered during construction must be required by the easement agreement. This option has the highest chance of minimizing liability and obtaining approval from the Chief Engineer. Some liability to Caltrans and the District may remain if the landowner is unable to mitigate the remaining contamination, as the regulatory agency will look for an alternative means of mitigating this contamination.

Note that the Balloon Tract is on the Cortese List.

If there are any changes to the scope of the feasibility study, please send an e-mail or letter describing the changes so that an evaluation can be made for possible hazardous waste issues that could affect your project.

cc: 1-SWerner 2-File

SSW:sw