California Regional Water Quality Control Board
North Coast Region

Cleanup and Abatement Order No. 99-6

for

Union Pacific Railroad Company
Learner - Eureka, Inc.
G&R Metals Eureka, Inc.
George J. Rynecki
Stella S. Rynecki
Levin Metals Corporation, AKA Levin Enterprises
G&R Metals, Inc.
and
The George J. Rynecki Trust
701 First Street
Eureka, California

Humboldt County

The California Regional Water Quality Control Board, North Coast Region, hereinafter Regional Water Board, finds that:

1. Prior to April 10, 1905, Eureka and Klamath Railroad company owned property located at the foot of H Street between First Street and Humboldt Bay in Eureka, California identified as APN #01-121-17, APN #01-121-18, and APN #01-121-22, hereinafter "site," (see Attachment 1).

2. On April 10, 1905, Northwestern Pacific Railroad Company purchased the site from Eureka and Klamath River Railroad Company.

3. Learner - Eureka, Inc., scrap metals operated on various portions of the site from about 1954 to 1958.

4. On September 17, 1958, Northwestern Pacific Railroad Company entered into an agreement with G&R Metals Eureka, Inc., relating to construction, maintenance, and operation of the rail spurs present at the foot of H street in Eureka, California located on a portion of the site on APN #01-121-22.

5. G&R Metals Eureka, Inc., purchased APN #01-121-17, and APN #01-121-18 on February 25, 1959.

6. George Rynecki owned and operated G&R Metals Eureka, Inc., until 1978. G&R Metals Eureka, Inc., operated the site as a scrap metal facility. Operations at the site included disassembly, incineration, and crushing of automobiles, storage of metals, batteries, radiators, metals reclamation from transformers, and miscellaneous refuse. These operations occurred across the site.

7. On September 29, 1978, Levin Metals Corporation leased the southern portion of the site, APN #01-121-17 and APN #01-121-18, from George J. Rynecki and Stella Rynecki and G&R Metals Eureka, Inc. for a period of five years commencing on October 1, 1978.

The lease agreement was for the purchase and sale of ferrous and non-ferrous scrap materials, new steel and related commodities at the site.

8. On November 13, 1978, Levin Metals Corporation entered into a third party lease agreement with the Northwestern Pacific Railroad, allowing continued use of the spur track located on APN #01-121-22 which connected the leased premises with the Northwestern Pacific rail system.

9. In 1978, Levin Metals Corporation acquired certain assets of G&R Metals Eureka, Inc., including inventory and equipment, customer lists, and the right to use the G&R Metals name. Levin Metals Corporation - G&R Metals Division purchased copper, brass, radiators, batteries, aluminum, scrap iron and steel, and auto bodies.

10. George J. Rynecki and Stella S. Rynecki purchased APN #01-121-17 and APN #01-121-18 from G&R Metals Eureka, Inc., on January 10, 1979. Levin Metals Corporation - G&R Metals Division continued operations under the existing lease agreement with George J. Rynecki and Stella Rynecki, and G&R Metals Eureka, Inc. until some time in 1982.

11. On January 27, 1984, Landon George as President of G&R Metals, Inc., leased the southern portion of the site, APN #01-121-17, and APN #01-121-18, from George J. Rynecki and Stella Rynecki for a period of five years commencing on February 1, 1984. Between 1984 and 1989, G&R Metals, Inc., operated metal salvage and related activities on APN #01-121-22.

12. George J. Rynecki purchased APN #01-121-17 and APN #01-121-18 from George J. Rynecki and Stella S. Rynecki on September 18, 1990, and subsequently transferred ownership of the two parcels to the George J. Rynecki Trust on April 15, 1991.

13. Union Pacific Railroad Company is the successor in interest to Southern Pacific Transportation Company, also known in the past as Northwestern Pacific Railroad Company.

14. Levin Enterprises is the successor in interest to Levin Metals Corporation.

15. On October 17, 1988, Regional Water Board staff received analytical results of soil samples collected from APN #01-121-22. The results indicated the detection of 0.091 mg/kg xylenes, 2200 mg/kg lead, and 5000 mg/kg total petroleum hydrocarbons in soil on the parcel.

16. Soil samples collected on November 12, 1992, from APN #01-121-17 contained, among other constituents, up to 19000 mg/kg lead, 3200 mg/kg total petroleum hydrocarbons, and 10000 mg/kg zinc.

17. Appropriate management practices and controls are needed to prevent discharges during automobile and metal salvage operations. Containment measures such as an impermeable covered surface for material storage, handling, and processing areas keep discharges and spills from reaching soils. Regional Water Board staff experience at

former wrecking yards used in the 1950s to 1980s indicates that historic metal salvage operations generally did not have the necessary containment to prevent discharges, resulting in contamination of soil, groundwater, surface water, and sediment with petroleum hydrocarbons and other automotive wastes, metals, polychlorinated biphenyls (PCBs), and volatile organic compounds. Spills often resulted from the transfer, crushing, bailing, and improper storage of automobiles, auto parts, large appliances, transformers, and other materials involved in metals salvage.

18. Historic aerial photos and public directories as early as 1954 indicate use of this site for automobile and metal salvage operations without containment to prevent spills. Leakage of waste oil containing engine wear metals from automobiles, leakage of acids and metals from batteries, and leakage of waste oil containing PCBs from transformers has resulted in discharges at this site which create a condition of pollution affecting soil, groundwater, surface water, and sediment. Automotive and debris storage, soil staining, and equipment present in historic photos, services advertised in public directories, as well as fragments of old transformer insulators observed during Regional Water Board staff site inspections are consistent with detected site contaminants and their concentrations.

19. Learner - Eureka, Inc., G&R Metals Eureka, Inc., Levin Metals Corporation, and G&R Metals, Inc., are being named as dischargers because they conducted automobile and metal salvage operations at the site which resulted in the above described discharges. During the time period that these discharges occurred, the site was owned by: Northwestern Pacific Rail Road Company (now Union Pacific Rail Road Company); G&R Metals Eureka, Inc.; George J. Rynecki and Stella S. Rynecki. In 1990 and 1991 respectively, George J. Rynecki; and the George J. Rynecki Trust owned both APN #01-121-17, and APN #01-121-18, after recycling operations ceased. The George J. Rynecki Trust continues to own both APN #01-121-17 and APN #01-121-18, while the successor in interest to Northwestern Pacific Rail Road Company, Union Pacific Rail Road Company, currently owns APN #01-121-22. Northwestern Pacific Rail Road Company (now Union Pacific Rail Road Company); George Rynecki; and the George J. Rynecki Trust owned and controlled the site after the discharges occurred from metal recycling operations. These discharges continue to threaten water quality. Union Pacific Rail Road Company, Learner - Eureka, Inc., G&R Metals Eureka, Inc., George J. Rynecki and Stella S. Rynecki, Levin Metals Corporation AKA Levin Enterprises, G&R Metals, Inc., and the George J. Rynecki Trust are hereinafter referred to as the dischargers.

20. In 1988, Southern Pacific Transportation Company contracted for the removal of one underground storage tank from APN #01-121-22. The underground tank had formerly contained leaded gasoline. A groundwater sample collected from the excavation for the removed tank indicated the presence of benzene at 0.038 mg/kg as well as toluene, xylenes, and gasoline.

21. In 1989, Southern Pacific Transportation removed approximately 1000 cubic yards of automobile parts and metal debris from APN #01-121-22, and in 1990 conducted investigations which documented metals and total petroleum hydrocarbons as gasoline contamination in soil. Grab groundwater samples indicated detection of total petroleum hydrocarbons as gasoline and total metals.

22. Regional Water Board staff collected site soil and sediment samples from 0 to 6 inches below ground surface in 1994. Soil analytical results indicated numerous contaminants including: polychlorinated biphenyls (PCBs) up to 230 mg/kg; antimony up to 394 mg/kg; arsenic up to 42.5 mg/kg; cadmium up to 66.6 mg/kg; chromium up to 457 mg/kg; copper up to 30200 mg/kg; nickel up to 441 mg/kg; zinc up to 19900 mg/kg; and lead up to 19600 mg/kg. Lead, arsenic, and copper were found in Humboldt Bay sediment samples immediately adjacent to the site at up to 4830 mg/kg, 50.5 mg/kg, and 10200 mg/kg, respectively.

23. On APN #01-121-22, Southern Pacific Transportation Company installed six 'A' zone monitoring wells and four 'B' zone monitoring wells in 1996. Investigation activities identified two water bearing zones (aquifers) on the bayward portion of the site. Site groundwater flows consistently towards the bay, and tidal fluctuations influence its relative elevation. The uppermost water bearing zone (zone 'A') is encountered in the shallow coarse-grained fill material, which contains metal and other debris. Zone 'A' water-level elevations fluctuate between about four and eight feet below the ground surface. A layer of estuarine clay separates zone 'A' from the second water bearing zone (zone 'B'), which occurs in a sand unit. Groundwater in zone 'B' is confined. Water-level elevations in zone 'B' range from three to eight feet below ground surface. Clustered monitoring well data shows an upward vertical gradient from zone 'B' to zone 'A'.

24. Soil and groundwater characteristics were evaluated on APN # 01-121-17 and APN # 01-121-18 in 1996 for the George J. Rynecki Trust using ten soil test pits and seven temporary well points. Soil and grab groundwater analytical results indicated the presence of metals, petroleum hydrocarbons, and volatile organic compounds in shallow soil and/or 'A' zone groundwater.

25. Cleanup and abatement activities remain to be performed at the site. These activities include: a) performing an ecological and human health risk assessment for the site, b) conducting a feasibility study assessing remedial alternatives, c) performing appropriate cleanup and abatement activities. The remaining activities require a schedule for completion, which is reflected in this Order.

26. The site overlies shallow groundwater, with groundwater approximately three feet below the surface, and in continuity with the surface waters of Humboldt Bay.

27. The potential beneficial uses of shallow areal groundwater include:

- domestic water supply
- agricultural supply
- industrial supply

1. The beneficial uses of Humboldt Bay include:

- industrial supply
- navigation

- water contact recreation
- non-contact water recreation
- ocean commercial and sport fishing
- saline water habitat
- wildlife habitat
- preservation of rare and endangered species
- marine habitat
- fish migration
- fish spawning
- shellfish harvesting

1. The dischargers have caused or permitted waste to be discharged or deposited where it is, or probably will be, discharged into waters of the state and creates or threatens to create, a condition of pollution or nuisance.

2. Reasonable costs incurred by Regional Water Board staff in overseeing cleanup or abatement activities are reimbursable under Section 13304 of the California Water Code.

3. This enforcement action is being taken for the protection of the environment and, therefore, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15308 and 15321, Chapter 3, Title 14 of the California Code of Regulations.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to California Water Code Section 13267(b) and 13304, the dischargers shall clean up and abate the discharge and threatened discharge of metals, polychlorinated biphenyls, petroleum products, and associated chemical wastes and shall comply with the provisions of this Order:

1. All work performed at this site shall be conducted under the direction of a California Registered Geologist or Registered Civil Engineer experienced in pollution investigation and cleanup.

2. All work performed at this site shall be conducted in accordance with all local ordinances, and all necessary permits shall be obtained.

3. Within 60 days of the date of this Order, the dischargers shall submit an ecological and human health risk assessment workplan to evaluate appropriate cleanup levels for soil, groundwater, surface water, and sediment.

4. The dischargers shall submit the final risk assessment report within 150 days of the Executive Officer’s concurrence with the workplan proposal.

5. The dischargers shall submit a feasibility study evaluating cleanup and abatement alternatives for the site within 60 days after Executive Officer concurrence with the environmental risk assessment report.

6. The dischargers shall submit, within 45 days following Executive Officer concurrence

with the feasibility study, a corrective action plan and schedule for implementing the selected cleanup and abatement alternative, including development of a post-remedial action monitoring program.

7. The dischargers shall commence implementation of the corrective action plan within 60 days following concurrence by the Executive Officer, and no later than 30 days following receipt of required permits. The dischargers shall implement the corrective action plan in accordance with the schedule concurred with by the Executive Officer.

8. The dischargers shall submit brief quarterly progress reports on the 15th day of the month following the end of each quarter in accordance with the following schedule:

Reporting Period	Due Date
February, March, April,	May 15
May, June, July	August 15
August, September, October	November 15
November, December, January,	February 15

9. If for any reason the dischargers are unable to perform any activity or submit any documentation in compliance with the work schedule submitted pursuant to this Order and approved by the Executive Officer, the dischargers may request, in writing, an extension of time as specified. The extension request shall include justification for the delay. An extension may be granted for good cause, in which case this Order will be accordingly revised.

Ordered by _____
Lee A. Michlin
Executive Officer

January 25, 1999

(g&rcao99.doc)