



BUILDING AMERICA

July 3, 2018

Andrew Cooper
State Water Resources Control Board
1001 I Street, 18th Floor
Sacramento, California 95814

Dear Ms. Creedon:

**Re: Mell's Cargo Supply, 1940 Railroad Avenue, Sacramento, California 95815
Sacramento County Local Oversight Program Case # B525/RO 996
Central Valley Regional Water Quality Control Board Case # 340625
Underground Storage Tank Cleanup Fund Claim # 12528**

1. Introduction

Union Pacific Railroad is providing comments to the May 14, 2018 State Water Quality Control Board (SWRCB) letter titled "Notice of Opportunity for Public Comment, Underground Storage Tank Cleanup Fund (Fund) Case Closure Recommendation Pursuant to Health and Safety Code Section 25299.39.2 and the State Water Resources Control Board Low-Threat Underground Storage Tank Case Closure Policy Claim Number 12528, Site Address: 1940 Railroad Drive, Sacramento, California 95815" (SWRCB Letter). We have reviewed the SWRCB Letter and additional information available for the referenced cleanup site (Site) in the California SWRCB GeoTracker online database. The Responsible Party for the Site is Lovotti Land Co, LLC (Lovotti).

2. Comments

The SWRCB Letter indicates that the Site meets all General Criteria of the California Low-Threat Underground Storage Tank Case Closure Policy (Policy), and that remaining petroleum hydrocarbon constituents do not pose a significant risk to human health, safety or the environment under current conditions. Based on our review, we have the following comments to the recommendation for case closure for the Site:

1. Several reports (see References) prepared on behalf of Lovotti indicate that the contaminant groundwater plume beneath the Site has migrated to the United Pacific Railroad right-of-way (ROW) east of the Site, but the extent of the plume is not yet defined. Dissolved petroleum constituent concentrations in well MW-11, located on the ROW down-gradient from the source area at the Site, can provide an indication of the magnitude of the plume beneath the ROW. The

highest historical and the most recent dissolved constituent concentrations in well MW-11 are summarized below:

	GRO	Benzene	Toluene	Ethylbenzene	Xylenes	MTBE
Highest Historical	75,000 ^a	5,000 ^b	14,000 ^a	1,500 ^a	15,000 ^a	300 ^c
January 2017	24,000	23	17	230	5,000	<10
Notes: All results in micrograms per liter (µg/L) a = February 2002 b = August 2003 c = June 2003 Compiled from Stratus, 2017						

The SWRCB Letter does not indicate that any deed restriction is recommended for the Site or the ROW.

- Based on Site maps included in reports prepared on behalf of Lovotti (see References), it appears that two groundwater monitoring wells (MW-11 and MW-12) and two air-spargers (AS-5 and AS-6) were already installed on the UPRR ROW without obtaining an Environmental Right of Entry (EROE) access agreement with UPRR.

3. Recommendations

Based on our review, Union Pacific Railroad recommends the following for consideration by the SWRCB related to the closure of this cleanup Site.

- We do not object to closure of the Site without further delineation as long as the SWRCB will not require any deed restriction be applied to Union Pacific Railroad property. We request confirmation that land use will be unrestricted.
- Lovotti will need to apply for an EROE access agreement to return to UPRR's property to properly abandon wells MW-11, MW-12, AS-5, and AS-6. A link to information on how to apply for an EROE access agreement is provided:
https://www.up.com/real_estate/environmental/index.htm

Note that while the history of communications documented in Geotracker for the Site suggest that UPRR's access requirements are onerous, this determination seems to have been made in absence of any communications or negotiations with UPRR directly. While UPRR cannot compromise the safety requirements to ensure no injuries to ROW entrants, UPRR may be willing to waive certain access fees to facilitate proper destruction of the monitoring wells that were installed on UPRR ROW.

4. References

Rampage Environmental, Inc. (Rampage), 2010. Project Status and Continuation of Post-Remedial Groundwater Monitoring, Former Mell's Cargo Supply, Sacramento, California.

Rampage, 2012. Declining Mass and Low-Threat Case Closure Evaluation, Former Mell's Cargo Supply, Sacramento, California.

Stratus, 2016. Site Conceptual Model, Former Mell's Cargo Supply, Sacramento, California.

Stratus, 2017. No Further Action Request, Former Mell's Cargo Supply, Sacramento, California.

Stratus, 2018. Site Assessment Report, Former Mell's Cargo Supply, Sacramento, California.

5. Closing

Union Pacific Railroad appreciates the opportunity to provide these comments.

Respectfully,



Laura C. Pollack

Cc: Mr. Gary Lovotti
Mr. Scott Bittinger, Stratus Environmental, Inc.
Lauren Mancuso, Union Pacific Railroad - Environmental
Kelly Gearhart, Union Pacific Railroad - Environmental
Rami Hanash, Union Pacific Railroad - Law