**Response to Public Comments received from Union Pacific Railroad dated July 3, 2018**

**Regarding the Closure Recommendation for Mell’s Cargo Supply,**

**Located at 1940 Railroad Drive, Sacramento**

**Claim 12528**

A comment letter dated July 3, 2018, prepared by Laura C. Pollack, Union Pacific Railroad (UPRR), was submitted to the State Water Resources Control Board (State Board) Underground Storage Tank Cleanup Fund (Fund). A summary of the case is presented first, followed by the UPRR comments and the response of Fund staff.

**Summary**

The Site is an active commercial business that formerly utilized a gasoline underground storage tank (UST) and dispenser. An unauthorized release was reported in June 1992 following the removal of the gasoline UST in May 1992. An unknown amount of impacted soil was excavated to a depth of 12 feet below ground surface (bgs) and disposed offsite during tank removal activities. Sacramento County Environmental Management Department (SCEMD) opened a case for the Site in 1992. Soil vapor extraction and air sparging were conducted between April 2006 and March 2008 for a total of 11,762 hours, which reportedly removed 2,140 pounds of total petroleum hydrocarbons as gasoline (TPHg). The rate of TPHg removal was 0.27 pounds per day prior to system shut down.

In a teleconference held on January 25, 2018 SCEMD and Fund staff determined that the case met the case closure criteria under the Low Threat Underground Storage Tank Case Closure Policy (Policy). Fund staff determined that further delineation of the plume downgradient (east of monitoring wells MW-3 and MW-11) is unnecessary because there is sufficient data to make a reasonable projection of the length of the plume. Based on the available data the projected plume length is less than 1,000 feet in length. The most recent analytical data (July 2017) indicated dissolved concentrations of TPHg and xylenes in well MW-11 exceeded their respective water quality objectives (WQOs). Under the Policy and in accordance with Resolution 92-49, a case may be closed if compliance with cleanup goals and objectives will be met within a reasonable time frame. Dissolved petroleum hydrocarbon concentration trends for the wells with detectable concentrations demonstrate that the contaminant concentrations are decreasing, the groundwater contaminant plume is stable and decreasing in areal extent and can be projected to be less than 1,000 feet in length.

SCEMD requirements to close the case would normally include delineation of the extent of the contaminant plume to the east. East of monitoring wells MW-3 and MW-11 are the Union Pacific Railroad (UPRR) right of way (ROW) and train tracks, and beyond the ROW are commercial properties. Both County staff and Fund staff agreed that additional delineation was not required to close the case because the plume length can be projected. Additionally, both County staff and Fund staff agreed that additional delineation was not feasible due to physical constraints on the downgradient commercial property beyond the UPRR ROW. Due to these issues, SCEMD staff requested that State Board staff recommend the case for closure.

**Key excerpts from the UPRR letter are presented below in italics, followed by Fund staff responses.**

*Several reports prepared on behalf of Lovotti* [responsible party] *indicate that the contaminant groundwater plume beneath the Site has migrated to the United Pacific Railroad 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*** | *75,0008* | *5,000b* | *14,0008* | *1,5008* | *15,0008* | *300c* |
| ***January 2017*** | *24,000* | *23* | *17* | *230* | *5,000* | *<10* |
| **July 2018** | 2,300 | <0.5 | <0.5 | 2.7 | 117 | <0.5 |
| *Notes:*  *All results in micrograms per liter (µg/L) a = February 2002*  *b = August 2003*  *c = June 2003*  *Compiled from Stratus, 2017*  Shaded data added by Fund staff | | | | | | | |

Response: SCEMD and Fund staff agree that the extent of the groundwater contaminant plume has not been fully defined to WQOs to the east. However, based on the available data the extent of the plume can be projected to be less than 1,000 feet in length; in addition, the data show that the groundwater contaminant plume is stable and decreasing in areal extent. The historical highest concentrations listed in the table in the UPRR letter, were reported in 2002 and 2003, over 15 years ago and before remediation was conducted. They are no longer representative of current conditions. Results of a groundwater sampling event performed in July 2018, shortly after the UPRR July 3, 2018 letter was written, indicate that the current dissolved concentrations in well MW-11 are much lower than reported in 2017, as shown by comparing the January 2017 and July 2018 groundwater sampling results presented in the table above.

*We do not object to closure of the Site without further delineation as long as the State Board will not require any deed restriction be applied to Union Pacific Railroad property. We request confirmation that land use will be unrestricted.*

Response: Fund staff have determined that the Site meets all the General and media-Specific Criteria for closure under the Policy and have recommended the case be closed. Under the Policy, land use restrictions are used only under limited conditions and if required by the regulatory agency as a condition of closure. SCEMD has requested that the State Board act as the regulatory agency in the decision to close the case. The State Board does not require a land use restriction for this case. Land use of the Site and the UPRR ROW will not be restricted as a condition or result of the closure of the case.

*Lovotti will need to apply for an* [Environmental Right of Entry] *(EROE) access agreement to return to UPRR’s property to properly abandon wells MW-11, MW-12, AS-5 and AS-6. 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.*

Response: Subsequent to receipt of the July 3, 2018 comment letter from UPRR, the locations of monitoring wells MW-11, MW-12, air sparge wells AS-5 and AS-6 and the Mell’s Cargo property line were resurveyed. The results of the survey showed that the wells are on Mell’s Cargo property and not on the UPRR ROW. The results of the survey were shared with UPRR by email on September 25, 2018. In an email response on September 25, 2018, UPRR stated they no longer had any concern about wells MW-11, MW-12, AS-5 and AS-6, and had no objections to the case closure.