



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Secretary for
Environmental Protection

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<http://www.waterboards.ca.gov/sanfranciscobay>

Arnold Schwarzenegger
Governor

Date: April 7, 2009
File No. 41S0153 (MEJ)

Union Pacific Railroad Company
Attn: James E. Diel, Manager of Environmental Site Remediation
9451 Atkinson Street, Suite 100
Roseville, CA 95747
JEDIEL@up.com

SUBJECT: Transmittal of Tentative Order and Notice of 30-Day Public Comment Period – Rescission of Site Cleanup Requirements Order No. R2-2008-0020, Former Southern Pacific Rail Spur, Ravenswood Industrial Area, East Palo Alto, San Mateo County

Dear Mr.Diel:

Attached is a Tentative Order (Rescission of Site Cleanup Requirements) for the subject site. All cleanup work has been completed and the site restored, pursuant to the tasks set forth in Order No. R2-2008-0020. The Tentative Order will remove the site from Site Cleanup Requirements, effectively closing the case. No further work is necessary. A 30-day public comment will be held from April 15 through May 15, 2009 on the Tentative Order.

Please submit any comments to Water Board staff regarding the Tentative Order, no later than May 15, 2009. Comments received after this time will not be considered. Once comments have been received and considered, the Tentative Order will be brought before the Water Board for consideration at the time and place indicated below:

Date: June 10, 2008
Time: 9:00 AM
Place: Auditorium, Elihu Harris State Building, 1515 Clay Street,
ground floor, Oakland

Pursuant to section 2050(c) of Title 23 of the California Code of Regulations, any party that challenges the Regional Board's action on this matter through a petition to the State Water Resources Control Board under Water Code section 13320 will be limited to raising only those

substantive issues or objections that were raised before the Regional Board at the public hearing or in timely submitted written correspondence delivered to the Regional Board (see above).

If you have any questions, please contact Mark Johnson at (510) 622-24593 [e-mail mjohnson@waterboards.ca.gov].

Sincerely,

Bruce H. Wolfe
Executive Officer

Attachment: Tentative Order
cc w/attach:

Alvin James, City of EPA ajames@cityofepa.org
Karen Tiedeman, City of EPA Ktiedeman@goldfarbblipman.com
Dino Milano, San Mateo County dmilano@co.sanmateo.ca.us
Mike Rafferty, SSPA mrafferty@sspa.com
Barbara Cook, DTSC bcook@dtsc.ca.gov
Ronald Leach, USEPA leach.ronald@epa.gov

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

TENTATIVE ORDER

RESCISSION OF SITE CLEANUP REQUIREMENTS (ORDER NO. R2-2008-0020)

UNION PACIFIC RAILROAD COMPANY

for the property located at:

**SOUTHERN PACIFIC RAIL SPUR
RAVENSWOOD INDUSTRIAL AREA
EAST PALO ALTO, SAN MATEO COUNTY**

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Regional Water Board), finds that:

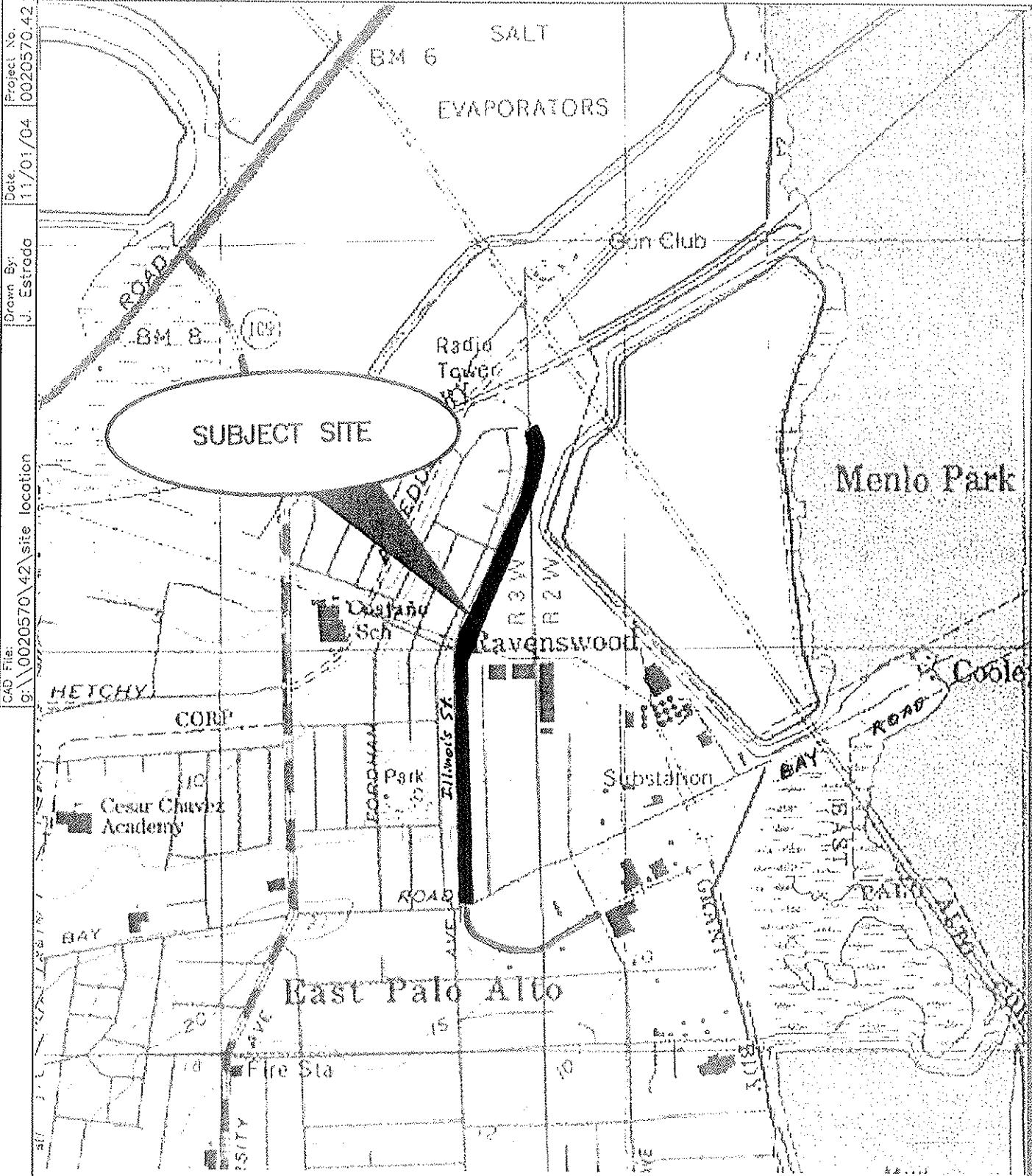
1. **Regional Water Board Orders:** The Regional Water Board adopted site cleanup requirements for this site (Figure 1, site location map) on April 9, 2008 (Order No. R2-2008-0020).
2. **Summary of Investigation and Remediation Activities:** Order No. R2-2008-0020 (Order) required the discharger to submit a final remedial design to address arsenic impacted soil on the rail spur (Spur). The Order also required a schedule for implementation of remedial measures, as well as a completion report documenting activities.
3. **Basis for Rescission:** The discharger, Union Pacific Railroad Company, has completed the tasks as set forth in the Order. Consistent with the approved remedial design, more than 5,000 cubic yards of arsenic impacted soil have been removed from the Spur. The Spur was restored by the import of clean fill, grading to address stormwater runoff, followed by a layer of topsoil and hydro-seeding. An acceptable completion report has also been submitted to document completion of the remedial activities and site restoration. Based on the successful completion of the tasks set forth in the Order, the Order should be rescinded.

4. **CEQA:** This action rescinds an Order to enforce the laws and regulations administered by the Regional Water Board. All actions mandated by the Order have been completed and no further action will occur at the site. As such, the Regional Water Board finds that the rescission of the Order is not a project as defined in the California Environmental Quality Act (CEQA).
5. **Notification:** The Regional Water Board has notified the discharger and all interested agencies and persons of its intent under California Water Code Section 13304 to rescind site cleanup requirements for the discharge, and has provided them with an opportunity to submit their written comments.
6. **Public Hearing:** The Regional Water Board, at a public meeting, heard and considered all comments pertaining to this discharge.

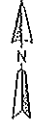
IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that Order No. R2-2008-0020 is rescinded.

I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on _____.

Bruce H. Wolfe
Executive Officer



Project No. 0020570.42
Date 11/01/04
Drawn By: J. Estrada
CAD File: 9:\0020570\42\site location



References:
U.S.G.S. 7.5 Minute Series (Topographic) Quadrangle,
Palo Alto, California
Dated: 1997

DRAFT

Figure 1
Site Location Map
Former SPTCo Right of Way
East Palo Alto, California