



EJ-17774



Linda S. Adams
Secretary for
Environmental Protection

Department of Toxic Substances Control

Maziar Movassaghi
Acting Director
5796 Corporate Avenue
Cypress, California 90630



Arnold Schwarzenegger
Governor

June 9, 2009

Mr. Troy Brady
Surface Transportation Board,
Office of Public Assistance, Governmental Affairs
and Compliance (OPAGAC)
1925 K Street, NW
Washington, DC 20423

ENVIRONMENTAL ASSESSMENT, STB DOCKET NO. AB-1022 (SUB-NO. IX),
DECISION ID. 39816, ARIZONA & CALIFORNIA RAILROAD COMPANY (ARZC)-
ABANDONMENT EXEMPTION - IN SAN BERNARDINO AND RIVERSIDE COUNTIES
92225, 92226, AND 92280

Dear Mr. Brady:

The Department of Toxic Substances Control (DTSC) has received your submitted Environmental Assessment Report (EA) for the above-mentioned project. The following project description is stated in your document: "ARZC seeks approval to abandon 4.40 miles of rail line from milepost 0.0 at Rice, CA, to milepost 49.4 at Ripley, CA, in San Bernardino and Riverside Counties, CA and if approved, it would reclassify the northern four miles of the Line between milepost 0.0 and milepost 4.0 as spur track for use as part of its yard operations in Rice and for rail car storage. ARZC also states that the Line is stub-ended and therefore carries no overhead rail traffic."

DTSC has the following comments; please address:

- 1) The EA should identify the current or historic uses at the project site that may have resulted in a release of hazardous wastes/substances. For all identified sites, the EA should identify the known or potentially contaminated sites within the proposed Project area. Your document states: "ARZC states that the Line was originally constructed in 1920 as part of the construction of a rail line between Parker, AZ and Cadiz, CA, by the California Southern Railroad (CSR). ARZC states that it is not aware of any other known hazardous waste site or sites

where there have been known hazardous materials spills along the Line." For all identified sites, the EA should evaluate whether conditions at the site may pose a threat to human health or the environment.

- 2) DTSC notes that many railways have been found to be contaminated, particularly with arsenic which was used for weed control. Therefore, DTSC recommends sampling of the railways. The EA should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents. Please see comment No. 8 below for more information.
- 3) All environmental investigations, sampling and/or remediation for the site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found should be clearly summarized in a table. All closure, certification or remediation approval reports by these agencies should be included in the EA. All closure, certification or remediation approval reports by these agencies should be included in the EA.
- 4) Your document states: "ARZC states that it intends to salvage the track and ties and possibly the upper layer of ballast. ARZC does not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil, and it does not anticipate any dredging or use of fill in the removal of the track material. ARZC states that the crosstie and/or other debris would be transported away from the Line and would not be discarded along the right-of-way nor be placed or left in stream or wetlands, or along the banks of such waterways. According to ARZC, rail service was reduced because of poor track conditions and declining demand. ARZC also notes that the condition of the Line is very important due to the hazardous commodities that are transported." If any buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.

- 5) Project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.
- 6) Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 7) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
- 8) DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tashif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

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If you have any questions regarding this letter, please contact Ms. Teresa Hom, Project Manager, at thom@dtsc.ca.gov or by phone at (714) 484-5477.

Sincerely,



Greg Holmes
Unit Chief
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
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