

Questions from the City of Ashland about cleanup of the Ashland Rail Yard
Answers provided by DEQ
Sept. 17, 2015

- Q1. Would the proposed method of removal (truck vs. rail) be subject to DEQ review and included as a condition of the DEQ permit?
No. As a point of clarification, there is no DEQ permit. There is a Record of Decision dated Sept. 18, 2001 which does not specify the method of removal. DEQ believes truck removal can be just as safe as rail removal provided the proper controls are in place.
- Q2. Has UPRR submitted a remedial action work plan for this job? (Is one even necessary?) How long does permit review and approval take?
DEQ understands that there are a few options UPRR is currently considering, and once an option is selected UPRR will submit a work plan for DEQ review. DEQ requests at least 30 days to review a work plan.
- Q3. Is DEQ generally okay with the use of trucks when rail is available as an option? What weight does DEQ give to the air pollution from trucks versus the soil contamination on the property, which by DEQ's own description, poses no human health risk if it is undisturbed?
DEQ believes truck removal can be just as safe as rail removal provided the proper controls are in place and DEQ is generally okay with either method of removal. Air pollution from truck removal is outside of DEQ's authority in the risk evaluation process for this project.
- Q4. How likely would DEQ be to honor a request from the City to reject this project and approve only a project that involves full-site clean-up?
DEQ would acknowledge the City's request. However, under the voluntary cleanup agreement between DEQ and UPRR, DEQ does not have the ability to require them to conduct a full site cleanup. The voluntary cleanup program provides a flexible schedule where work can be completed as part of a site redevelopment project, as operable units, or based on an annual budget. DEQ's interest is ensuring that the project is completed consistent with the Record of Decision.
- Q5. How likely would DEQ be to honor a request from the City to require transport for this limited project be done by rail?
DEQ would acknowledge the City's request. However DEQ is unable to require UPRR to use rail for removal. DEQ believes truck removal can be just as safe as rail removal provided the proper controls are in place.

- Q6. What kind of on-site monitoring does DEQ perform? How does DEQ ensure that the work is being done properly and safely after the work begins?
DEQ would review UPRR methods for managing environmental risk, but there is no requirement for on-site DEQ oversight. After review and approval of the work plan, DEQ expects that UPRR's environmental consultant (CH2MHill) will complete this project safely and properly.
- Q7. UPRR has proposed air quality monitors around the perimeter of the work site. What is the purpose of those monitors and how will the data from them be used to affect or alter the work?
DEQ is not aware of air quality monitors proposed by UPRR around the perimeter of the site because a current work plan has not been submitted for DEQ review.
- Q8. Is there a deadline that must be met for cleaning up this property? If so, what are the consequences for failing to meet that deadline? Has UPRR given any indication of when it plans to clean up the remaining 18 acres?
There is no deadline for voluntary cleanup. In its current state, the site is low-risk and does not pose a risk to people or the environment. DEQ understands that UPRR is currently considering various options for cleanup of this property.
- Q9. Would DEQ consider waiving the requirement for UPRR to bring in clean fill?
DEQ would not waive the requirement for clean fill.
- Q10. Would DEQ representatives be willing to come to a City Council meeting and answer questions directly from the Council?
Yes. DEQ staff are scheduled to attend the Oct. 6 City Council meeting.
- Q11. Does DEQ have any legal authority to require UPRR to utilize the 2013 cleanup plan?
No. DEQ does not have legal authority to require UPRR to utilize the 2013 cleanup plan.
- Q12. Would successful execution of this limited cleanup project establish any precedent for how contaminated soil and subsequent clean fill would be transported when the rest of the site is cleaned up?
No. DEQ does not believe such a precedent would be established.

Q13. Are there other similar projects that have been undertaken in Oregon? If so, where and what were the outcomes?

Additional clarification on this question is necessary to provide specific details. The excavation and removal of contaminated soil to an off-site disposal facility and replacement with clean fill is a very common and accepted cleanup method. In FY 2014 DEQ completed 10 removal actions and 12 remedial actions as shown in the table below. This table and the full 2014 Annual Cleanup Report can be viewed online at:

<http://www.deq.state.or.us/lq/pubs/docs/cu/AnnualCUREporttoLegislature2014.pdf>

Completed actions	FY 2014		FY 2013 + FY 2014	
	Projected	Actual	Projected	Actual
Removal Actions	10	10	18	18
Preliminary Assessments (PAs)	15	5	30	24
Remedial Investigations (RIs)	9	13	21	21
Feasibility Studies (FSs)	6	5	11	8
Records of Decision (RODs)	4	1	8	5
Remedial Actions (RAs)	15	12	27	30
No Further Action Determinations (NFAs)	95	88	185	190
Totals:	154	134	300	296

Q14. UPRR proposed in 2006 and 2012 to use rail for soil removal. Why can't DEQ (or the City) compel them to adhere to those earlier proposals and use rail now?

DEQ believes truck removal can be just as safe as rail removal provided the proper controls are in place and DEQ is generally okay with either method of removal.

Q15. There's new technology that allows for "soil washing," which would mean no soil would have to be removed from the property. Has DEQ examined the feasibility of that? Is that an option?

DEQ has not examined the feasibility of soil washing, however several types of "soil washing" were evaluated by UPRR during preparation of the feasibility study report in 2000. "Soil washing" was ultimately not selected for further evaluation for a variety of reasons as described in the report (copies of the feasibility study report can be provided upon request).

Q16. DEQ requires clean-up to UCL-90. The City has imposed a condition of approval that requires clean up to DEQ residential standard. Can you explain the difference? What exactly is UCL-90?

The UCL-90 is not a cleanup target or method. It is statistical estimate of the contaminant level that a person would be exposed to if they occupied a particular

land area. It is calculated from all sample data taken from an area, and means that we can be 90 percent confident that the true average concentration of a contaminant is below the calculated number. We then use this number to compare against DEQ's standard maximum contaminant level that we believe is safe for a particular type of land use: residential, commercial, or industrial.

In the case of the Ashland Rail Yard where a specific development plan is not yet available, DEQ assumed use of the entire 20-acre rail yard as a single residential property where a person's long-term exposure to site contaminants could be averaged across the 20-acre site. Since the calculated UCL-90 number is higher than DEQ's standard "safe" maximum contaminant level for residential use, DEQ required cleanup actions to reduce contaminant levels below the "safe" level.

DEQ's assumption about a person's average exposure to contaminant levels for the rail yard will no longer be correct if the property is subdivided into multiple lots. If subdivision occurs, then a new UCL-90 calculation would need to be made based on sample data for the particular subdivided lots, and the new number would need to be compared with DEQ's "safe" level to decide if additional cleanup would be needed. It is possible that additional samples would need to be collected and test results used for a new UCL-90 calculation in this case, since the currently available site data may not be sufficient to represent conditions in the new subdivided lot.

Q17. What kind of development would be allowed on a site remediated to residential levels that would not be allowed on a site cleaned to UCL-90?

Please see the response to Q16 for clarification of the meaning of the UCL-90 and DEQ's assumptions about exposure, land use, and the need to re-evaluate contaminant exposure and possible additional cleanup actions if the 20-acre rail yard property is subdivided or different land uses are contemplated.

Q18. Since DEQ is required to favor the least costly option for site clean-up, how was it determined that trucks are less costly than rail?

The feasibility study report for the Ashland Rail Yard was completed in 2000 and specified rail as the method of transportation for soils targeted for off-site disposal. The cost for rail transportation was not included in the cost information for each cleanup alternative. DEQ did not request UPRR to consider one transportation method over another.

Q19. Does clean-up to UCL-90 require a modification of the ROD?

No. However, DEQ will conduct a public participation process similar to that which would be required for modification of a ROD.

Q20. What does the following sentence mean which is the second paragraph in the May 8, 2013 letter from Max Rosenberg?

"If the modified plan is implemented, DEQ will prepare a conditional no further action determination, which states that the site meets DEQ residential standards as long as the land use restrictions are maintained."

This means that the property would need to remain at its current size and would not be able to be subdivided. DEQ understands that the property is expected to be subdivided in the future. Future uses may affect cleanup actions and this will need to be evaluated as described in the response to Q16.