January 28, 2008

Paul Rosenberg, Western Region Cleanup Program Manager
Oregon Department of Environmental Quality
1102 Lincoln St., Suite 210
Eugene, OR 97401

Dear Mr. Rosenberg,

Thank you for your letter of November 8 about railyard pollution in the River Road neighborhood, in response to our letter of Sept. 27th addressed to Greg Aitken. We appreciate the maps of the groundwater contamination plume [Trichloroethene (TCE) from 1997, Sept. 2003 and Mar. 2007, and Tetrachloroethene (PCE) from 1997, Mar. 2003 and Mar. 2007], and look forward to receiving the additional maps showing the location of the groundwater plume from the most recent sampling conducted in September of 2007 when those are completed.

WELL WATER CONTAMINATION
Testing of private irrigation wells of River Road residences

Your letter did not directly respond to our request for additional testing of residential irrigation wells in our neighborhood for railyard solvents. You did note that your agency will continue to sample wells (presumably monitoring wells) in our neighborhood to verify that conditions remain safe. We again ask that this future sampling program include additional testing of irrigation wells on potentially affected properties (e.g., those over or near the estimated boundary of the plume) in cases where residents request it. We also think residents should be able to have their wells tested at reasonable intervals into the future. We attach a list of property owners who have requested this testing, and we ask that there be notification and opportunity for additional property owners to sign up. (Our organization would be happy to help with the notification).

Your letter did note that DEQ has concluded that use of well water in our neighborhood is safe as long as residents don't use the water for drinking. However, we believe that residents have the right to know about specific levels of contamination in their wells due to railroad pollution, and to be able to make their own judgments about whether it is safe for their uses. Government agency standards change over time as knowledge increases, and are based on assumptions and arbitrary choices of what is "acceptable" risk that may not be valid for--or accepted by--particular individuals.

In addition, we believe that many of the wells in our area are legally registered for "domestic use" (including drinking water or showering) and such uses are not otherwise precluded (such as by deed restrictions). Property owners have a right to know whether contamination in their wells exceeds drinking water standards, and they may have a legal obligation to share information about contamination that does exceed drinking water standards with tenants and potential buyers.

As the "responsible party", the railroad should pay for this testing. However, residents are concerned about the validity of results if tests are conducted by a contractor of the railroad (an interested party). It

seems more legitimate for sampling to be done by DEQ or an independent agency. DEQ has the capability to do this testing, and we ask that the agency do it.

VAPOR INTRUSION
Testing of air in crawl spaces or basements of River Road homes

Your letter also did not directly respond to our request for testing of crawl spaces of homes in our neighborhood "over the plume" for possible vapor intrusion. However, you indicated that based on "protective assumptions" (modeling) and experience at other solvent-contaminated sites around the country, DEQ believes that groundwater contamination is too dilute to pose a vapor intrusion threat in River Road homes. We would appreciate more details about the specific levels of contamination and depth to groundwater that have been shown to pose risk of vapor intrusion elsewhere so that we might see for ourselves how our situation compares. Also, typical soils in our area are loamy and well-draining, and typical homes are built over dirt floor crawl spaces, not slab foundations. It would seem that the potential for vapor intrusion would be greater than with other types of soils and construction. Also, it is our understanding that wells and utility lines could serve as conduits for contaminants and vapors. It seems to us that each site needs to be assessed individually to really be able to estimate the potential for vapor intrusion.

At the very least, we believe that some actual measurements of contaminants of concern in soil gas and crawl space air should be done in our neighborhood to validate "attenuation factors" and other aspects of whatever model is used to make sure they are accurate for our soils and construction types, etc. We ask that this testing be done. We also renew our request that crawl space (or basement) air testing be done for any homeowner "over the plume" who requests it, for the same reasons that we think well testing should be done. Property owners have a right to know about specific levels of contamination that might be present from railyard pollution, to enable them to make their own decisions about risks they are willing to accept. Even if levels are expected to be low or negligible, results documenting this may be important for property owners' peace of mind, and so they can be shown to prospective tenants or buyers.

We had also asked specifically about risks in homes where basements flood. You noted that DEQ evaluated three River Road homes known to have periodic basement flooding, and concluded there is not a human health threat due to vapor intrusion in those homes. However, the memorandum you cite as the basis for the determination has a formula for estimating the risk of vapor intrusion in homes with basements where the water is presumed to be just below the slab grade. Is this really the proper method for estimating risks in situations where groundwater actually floods into the basement periodically?

Re: the accuracy of air test data in Trainsong, we appreciate the data from the split samples that DEQ independently collected and evaluated for PCE and TCE. We remain concerned about the vinyl chloride measurements, and wonder why DEQ did not analyze for this breakdown product as well? We appreciate the information about why detection limits for vinyl chloride are commonly raised, but still do not have full understanding of why vinyl chloride cannot be (or has not been) accurately evaluated at the low levels at which it is known to pose unacceptable cancer risks. Why is the detection of TCE deemed more important than vinyl chloride? Isn't vinyl chloride a more potent carcinogen? Shouldn't some testing focus on trying to quantify levels of this chemical, even if PCE and TCE cannot be measured accurately at the same time?

Also, we would appreciate more information about the Soil Vapor Extraction pilot test underway in Trainsong. What are the benefits and risks of this method? Are dioxins or other toxic products formed or released into neighborhood air?

POLLUTANTS IN WATERWAYS AND DRAINAGE DITCHES
Contamination at River Road Culvert draining from railyard and "oil pit"

Your letter mentions that waterway samples were collected in our neighborhood, and suggests that some contaminants were found, but only at low levels that do not present a threat to human health. However, we note that at one site--the northwest end of the culvert that drains under the Northwest Expressway near the intersection of Knoop and Filbert--levels of Total Petroleum Hydrocarbons (TPH) found in sediments there were not low, but high. TPH levels in sediment samples RR-S-001, NWEX-1, and NWEX-3 were significantly higher than the DEQ "Risk-Based Concentration" for the residential scenario (July 2005 Remedial Investigation Summary report). Those results were excluded from the interim Human Health Risk Assessment of the railyard, with the explanation that the contamination was likely due to runoff from the Expressway, and not from the railyard.

Information that we have seen from DEQ files, and anecdotal information from River Road residents suggests to us that the railroad should not be so easily exonerated from responsibility for this pollution. An August 1989 letter in DEQ's files indicates that state representative Jim Edmundson was contacted by Southern Pacific (SP) railroad workers concerned about contamination at two sites of the railyard, including an "oil pit" between the SP tracks and the Northwest Expressway, one-quarter mile south of Park Avenue and the Expressway. It turns out that the oil pit area is actually 2 feet outside railyard property, at the southwest end of the culvert that connects under the Expressway directly to the site in our neighborhood described above where high levels of petroleum pollution were found.

An August 1990 DEQ Preliminary Assessment describes the pit as containing water, oil, and a barrel. The report says that SP representatives interviewed by DEQ officials at that time claimed no knowledge of this pit. However, SP officials did acknowledge that previously (until 1975) a culvert had discharged into this area from SP property, and was one of the main discharges for water out of the yard, including water from the oil/water separator.

Meantime, David Monk, then director of the Oregon Toxics Alliance, reports that in 2003 he was in the area taking photos, and talked to a long-time River Road resident and his son who lived adjacent to the slough where the culvert drains. These individuals reported to Mr. Monk that for years, they had watched trains pull up and engineers get out and dump 5-gallon barrels of unknown substance just across the Expressway in the "oil pit" area. They reported concern about potential health impacts to themselves and River Road neighbors living near where the culvert drains.

DEQ's 1990 Preliminary Assessment says it was not proved that the railyard was the source of oil in this area. However, we didn't see evidence presented there (or in more recent documents) to support the contention that runoff from the Expressway was a likely source of the pollution, either. To us the evidence strongly suggests that the railyard and railroad operations *were* the source of the pollution. SP employees called state officials' attention to the "oil pit" originally. Railroad officials acknowledged that this had been a major wastewater discharge area from railyard (including wastewater from oil/water separator). And the eyewitness account above reports regular dumping of buckets or barrels by train engineers at this location.

We don't know if the oil pit itself has been cleaned up as per DEQ's recommendations in 1990, but we ask that more investigation and cleanup of the high contamination in our neighborhood just on the other side of the culvert from this pit be undertaken now. We suspect the railroad *is* likely responsible for the contamination, but in any case, cleanup is needed to prevent exposure to neighborhood residents, especially since new homes have recently been built in the immediate vicinity.

NEED FOR AIR TOXICS MONITORING IN RIVER ROAD AND TRAINSONG
For solvents, diesel particulate, etc. from railyard operations and industrial and ambient sources

Your letter notes you are unaware of any ambient air testing for levels of solvents, diesel particulates, and vinyl chloride in our neighborhood, but you direct us to Lane Regional Air Protection Agency (LRAPA)'s regional air monitoring results (based on the single air toxics monitoring station at Amazon Park in south east Eugene), and the EPA modeled estimates (National Air Toxics Assessment) for our census district. Indeed, this is exactly our point and concern--that there is NO actual monitoring data for ambient air toxics in our neighborhood, though we lie downwind of the railyard and industrial zone and experience frequent air stagnation and chemical and diesel odors.

A set of samples collected at just one monitoring station at Amazon Park does not say anything credible about pollution levels in our neighborhood. (In fact, we question whether such data really says anything very meaningful about the air quality in our community as a whole.) EPA's model-generated estimates for census tracts are similarly flawed if the models are not validated with at least periodic and spot monitoring data from the area they are supposed to represent. LRAPA staffers have questioned the validity of the EPA modeled estimates for our area. EPA itself acknowledges that NATA estimates may underestimate actual monitored concentrations for many compounds very significantly, including metals and volatile organic compounds [2007. Comparison of 1999 Model-Predicted Concentrations to Monitored Data. Available: http://www.epa.gov/ttn/atw/nata1999/99compare.html.]

We know DEQ has a new program for air toxics assessment, including air toxics monitoring. We also know that this program has not yet been adopted by LRAPA. In any case, both our neighborhood and the Trainsong (and/or larger Bethel) neighborhood(s) need air toxics assessments, including monitoring and estimation of resident exposures to solvents, formaldehyde, wood preservatives, metals, diesel particulate matter and more. Our neighborhoods also need permanent air toxics monitoring stations, as well as periodic air monitoring or modeling studies over wider areas. Assessment of diesel particulate impacts is especially important, though we understand that diesel particulate cannot be measured directly and must be estimated with appropriate surrogates and modeling.

Recent findings of multiple cancer clusters (leukemia, brain cancer, and lung cancer) in certain Trainsong and Bethel census tracts only underscores the need for more thorough investigation of environmental contamination in our West Eugene neighborhoods. Contrary to state findings to date, we do not believe that air toxics exposures can be ruled out as contributing risk factors without more thorough investigation. We hope that you, LRAPA officials, and other state officials can help ensure that air toxics assessment(s) are initiated as soon as possible.

Thanks for your attention to our concerns. We look forward to a speedy response, as well as actions to address our requests.

Sincerely,

Jolene Siemsen and Steve Norris, co-chairs for the unanimous RRCO board
c/o Jolene Siemsen
190 Hawthorne Ave.
Eugene, OR 97404

Cc: Amy Nichols, Office of the Governor
Stephanie Hallock, Director DEQ
Mayor Kitty Piercy and Eugene City Council
Lane County Commissioners

Senator Vicki Walker
Representative Nancy Nathanson
Representative Chris Edwards
US Senator Ron Wyden
US Senator Gordon Smith
Congressman Peter DeFazio
Merlyn Hough, Lane Regional Air Protection Agency
Jae Douglas, Oregon Public Health Division

RIVER ROAD
COMMUNITY ORGANIZATION

Attachment

At our August 2007 RRCO meeting, the following people signed a list saying they were interested in having their residential irrigation wells tested for contamination from the railyard. Those who spoke requested testing by DEQ, not the railroad.

Beth Parsons, 1274 Sunny Dr., bethandjohn2@comcast.net
Lalena Selander, 399 Bushnell Lane, lalenas@hotmail.com
Teresa Damron, 605 Howard Ave, teresa@sperrytreecare.com, 461-3459
Hillary Kittleson, 977 Elkay, hillarykittleson@msn.com
Philip DeLong, 110 Merry Lane, 688-8635
John Reed, 1320 Evergreen Dr., 461-0781, jreedewriterswelcome.com
JoAnn Sanesi, 200 Lindner Lane, 688-8728

As we noted in our letter, we think that any of these property owners--and others who request it--whose property lies above or near the historic plume of contamination should be able to have their wells tested now and at reasonable intervals into the future. We ask that there be notification and opportunity for additional property owners to sign up. (Our organization would be happy to help with the notification).