

SANTA MONICA MOUNTAINS CONSERVANCY

RAMIREZ CANYON PARK
5750 RAMIREZ CANYON ROAD
MALIBU, CALIFORNIA 90265
PHONE (310) 589-3200
FAX (310) 589-3207
WWW.SMMC.CA.GOV



November 4, 2013

Ms. Jessy Fierro, Project Manager
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311

Comments on the Draft Remedial Action Plan for the Taylor Yard G2 Site

Dear Ms. Fierro:

The Santa Monica Mountains Conservancy and a partner entity, the Mountains Recreation and Conservation Authority are dedicated to the protection, management, and creation of natural parkland and open space, and are part of the multi-agency, ongoing effort to revitalize the Los Angeles River. Like our partner organizations, the Conservancy sees the subject property, Taylor Yard Parcel G2, as central to plans to naturalize portions of the River and create new parkland in the heart of urban Los Angeles. In many ways the revitalization effort was born out of community efforts to create the Rio de Los Angeles State Park on another portion of Taylor Yard. The Los Angeles River Revitalization Master Plan (LARRMP) identified the subject property as one of the highest priority acquisitions that would allow for demonstration of concrete removal as a restoration strategy. The location of this parcel and River hydrology support using the 42-acre G2 parcel as a major treatment wetland, which would improve water quality downstream and partially remediate past industrial contamination at locations such as the subject property. Furthermore, the Draft Los Angeles River Ecosystem Restoration Integrated Feasibility Report (LA River IFR) considers ecological restoration of the G2 site as a vital element to approval and implementation of the plan.

The City and community's vision for the property is well-documented in adopted plans and the public record. Both the current property owner and potential buyer are fully aware of planning efforts for the site, despite its current underlying industrial zoning. In fact, the potential developer, Trammell Crow, has publicly stated that they have "no intention of developing the site as industrial," preferring instead a mix of residential and open space (Brad Cox, Senior Managing Director, January 31, 2012). The Remedial Action Plan (RAP) position that the site will remain industrial is therefore inconsistent with public plans, the community's vision, and the private sector's intent. We understand that the Department of Toxic Substances Control (DTSC) charter limits enforcement orders to that of the current zoning, but urge you to use your powers to require Union Pacific to clean-up the site for the highest and best uses that are widely envisioned for the site. The path set out

by the Draft RAP would otherwise likely constrain the property's potential as an environmentally restored site for decades, counter to the mission of DTSC to rehabilitate contaminated sites for future use.

The RAP must therefore administer an approach that remediates the site to a higher standard than an industrial cleanup goal. Other parcels at Taylor Yard have become schools, parks, and housing, consistent with the City and community's vision. The public's intent to acquire the subject G2 parcel as parkland is well-known, but even in the event that it is purchased by a private developer the likely use would be residential with substantial open space. In any case, an industrial cleanup standard does not facilitate these future uses, and Union Pacific's goal of walking away with industrial closure status is highly distasteful to a public that previously gave the land to the railroad in expectation of a public good and not for a profit to be made at the public's expense. A RAP that does not move forward with a long term vision for meeting stricter residential or parkland standards would hinder the public's goals to make use of the subject property. The RAP would need to be redone in the future to accommodate any probable future use if these alternatives are not included now.

The Conservancy recognizes that DTSC sought to combine the relative strengths of Alternatives 2-4 (e.g. extensive excavation and removal of 400,000 cubic yards of soil, continued vapor extraction, sub-slab venting, capping, and groundwater monitoring) into the proposed Alternative 5, which adds bioventing and institutional land use controls, but only excavates 25,000 cubic yards of soil. One of the criteria considered against Alternative 4 was that the community would not accept short-term disruptions that would result from removing such a significant amount of contaminated soil and then importing an equal amount of backfill material. While the impacts to the community are not to be marginalized, the environmental justice impact for future generations in the community by leaving contaminants in place are even more significant. At a minimum, the Conservancy recommends that DTSC combine the proposed extent of soil contaminant removal from Alternative 4 with the additional elements in Alternative 5. Furthermore, after reviewing the recommendations from Appendix K-Hazardous, Toxic, and/or Radioactive Waste Survey Report in the Draft Los Angeles River IFR, Section 7.3 illustrates cost efficiency in construction sequencing between contaminant remediation to river restoration. It would be mutually beneficial to the community, local river restoration partners, and Union Pacific if Union Pacific were to maximally excavate contaminants from the site (i.e. Alternative 4 or more) and leave the excavations unbackfilled. At that point the Army Corps of Engineers could step in to commence river channel removal and avoid the double-handling of these contaminated soils.

Groundwater contamination is a major concern for the San Fernando Valley generally and

Los Angeles River restoration specifically. As the River is gradually restored, natural exchange between groundwater and surface flows, where human contact is possible, will become more frequent. While the subject property owner is not responsible for the Valley groundwater basin's designation as a superfund site, Union Pacific is responsible for its portion of the contamination. As presented by DTSC Geologist, Alice Campbell, at the Public Meeting on October 24, 2013, one cleanup objective for the project is to "minimize movement of chemicals from soil to groundwater due to rain soaking in." In response, the RAP proposes to cap much of the G2 site with pavement to prevent groundwater infiltration and contaminant movement. This solution is short-sighted as it allows contaminants to remain in place while also negatively impacting the river by increasing runoff volume and peak flows. At the same time, Southern California is in a long-term drought with water reliability and scarcity issues increasing. We need comprehensive solutions at brownfield sites, including G2, that seek to decrease reliance on imported water and protect our rivers and watersheds. The RAP is the proper venue for correcting the impacts at the G2 site by facilitating the natural hydrologic cycle to resume instead of a planning to cap and seal it from precipitation and groundwater infiltration.

The RAP is premised on several incorrect or unsupported assumptions: that the only future use will be industrial, that groundwater levels will remain constant, and that the physical River will not change. Based on these assumptions, the RAP proposes minimal remediation of near-surface contaminants and extensive capping, as previously noted. This approach would preclude the City's project to remove portions of the River channel walls along this reach. DTSC's role is not to render infeasible local jurisdictions' future public works projects. Additionally, basin management plans call for increasing local groundwater storage, which would increase groundwater levels under the subject property. The proposed capping does not protect groundwater supplies from the contaminant mobilization that would undoubtedly occur. Instead, the study assumes that up-gradient pumping would continue, maintaining artificially lower groundwater levels. The approved approach must consider planned basin management actions and ensure that the proposed remediation does not preclude reasonable local management decisions. The property owner, Union Pacific, is liable for groundwater contamination that would occur during normal basin management if the site is not properly remediated.

Regardless of what occurs on the subject property in the future, the City's plans call for increased public access to and interaction with the Los Angeles River. Even if Union Pacific is only required to remediate the site itself to industrial standards, the remedial action must prevent contamination that would endanger the public using the River. This scenario must include the assumption that the eastern concrete bank may be removed and that groundwater levels will increase consistent with basin management plans. The RAP

Draft Remedial Action Plan Comment Letter

November 4, 2013

Page 4

does not consider the proposed remedial action's effects on the River.

As explained above, the subject site is central to the City's planned River restoration. Some have even called the G2 parcel the "crown jewel" of the Revitalization Master Plan. While DTSC is a neutral party in local planning efforts, it has a responsibility to ensure that its decisions are not detrimental to local communities. While the Feasibility Study did not chart the course for cleanup to residential or parkland standards, DTSC should ultimately mandate that Union Pacific undertake those actions. That will spare public agencies from needing to reopen this process should they acquire the site in the future and accept liability for remediation. Ideally the property owner should be responsible for returning the site to its pre-industrial condition, which was land given to the railroad by the public. At a minimum, the Conservancy recommends that the proposed Alternative 5 be augmented to include the soil excavation depth and extent from Alternative 4. Furthermore, prior to RAP approval, DTSC staff should be in contact with the City of Los Angeles Bureau of Engineering River Project Office, the Army Corps of Engineers, Friends of the Los Angeles River, Conservancy, Mountains Recreation and Conservation Authority, California Department of Parks and Recreation, and the Los Angeles River Revitalization Corporation to consider fully the proposed restoration plans for the Los Angeles River and the G2 site.

Even if DTSC does not require the property owner to remediate the site above industrial standards, the remedial action plan must protect off-site public uses in the Los Angeles River, including human contact with surface water and municipal use of groundwater supplies. To the extent that groundwater surfaces through the soft-bottom channel, the quality of this water must also be suitable for human contact. The Conservancy does not believe that the proposed remedial action meets this challenge.

The Conservancy looks forward to working with DTSC as this process continues. Please send all future notices and documents to Brian Baldauf, brian.baldauf@mrca.ca.gov, (323) 221-9944, extension 110, or Paul Edelman, edelman@smmc.ca.gov, (310) 589-3200, extension 128.

Sincerely,

Irma Muñoz
Chairperson