



APPROVED
BY THE CITY COUNCIL

OCT 13 1998

OFFICE OF THE
CITY CLERK

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**CITY OF SACRAMENTO
CALIFORNIA**

DEPARTMENT OF
NEIGHBORHOODS, PLANNING
AND DEVELOPMENT SERVICES

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October 6, 1998

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: State Superfund Law and Remediation of Union Pacific Curtis Park
Railyard Site

LOCATION AND COUNCIL DISTRICT:

Citywide and area bounded by Portola Way, 24th Street, Sutterville Road & Union Pacific
Railyard.

RECOMMENDATION:

On September 15, 1998, the Law and Legislation Committee recommended that the City
Council approve the attached resolution indicating City support for renewal and extension of
the State Superfund law, with appropriate amendments to ensure that the Union Pacific Curtis
Park Railyard Site is remediated in a manner consistent with the land use plan for the site.

CONTACT PERSON: Gary Stonehouse, General Manager,
Development Services 264-5567.

FOR COUNCIL MEETING OF October 13, 1998 (Afternoon Session)

Summary

The State Superfund law (Health and Safety Code Secs. 25300 et seq.), due to expire this year, was not renewed by the Legislature during the most recent legislative session, although several bills were introduced to do so. Staff has been advised that legislation to renew and amend the State Superfund law will be introduced during the next legislative session.

Councilmember Lauren Hammond has requested that the City adopt the attached resolution which indicates the City's support for renewal and extension of the State Superfund law, with appropriate amendments to ensure that the Union Pacific Curtis Park Railyard Site is remediated in a manner consistent with the City's ultimate land use plan for the site. Pursuant to City procedure, the proposed resolution is submitted to the City Council for its consideration.

Financial Considerations

None.

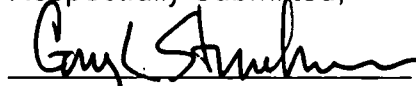
Policy Considerations

Support renewal of the State Superfund law and amendments of that law to provide that land use plans should define the level of remediation, including at the UP Curtis Park Railyard.

MBE/WBE Efforts

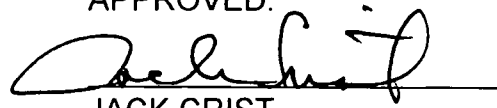
Not applicable

Respectfully Submitted,



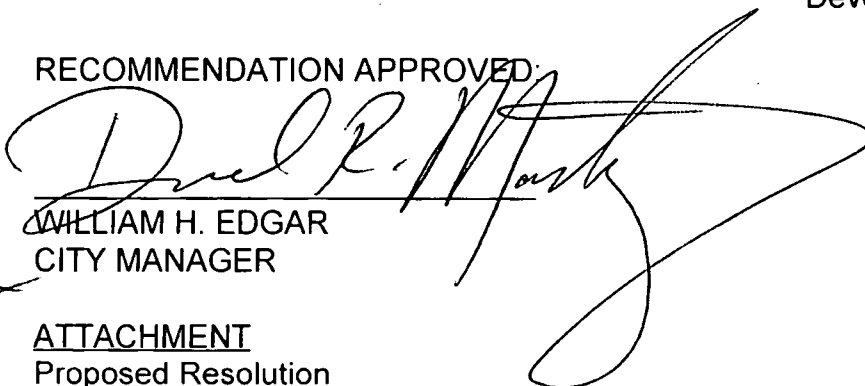
GARY L. STONEHOUSE
Planning Director

APPROVED:



JACK CRIST
Deputy City Manager
Neighborhoods, Planning and
Development Services Department.

RECOMMENDATION APPROVED:



WILLIAM H. EDGAR
CITY MANAGER

ATTACHMENT
Proposed Resolution

for

APPROVED
BY THE CITY COUNCIL

OCT 13 1998

OFFICE OF THE
CITY CLERK

RESOLUTION NO. 98-517

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**A RESOLUTION RELATING TO HAZARDOUS WASTE
CLEANUP OF THE UNION PACIFIC RAILYARD**

WHEREAS, the Council adopted Resolution No. 92-255 on April 14, 1992, in which the Council Resolution endorsed the Union Pacific Land Use Committee (UPLUC) planning principles for the reuse of the Union Pacific Curtis Park Yard. The UPLUC recommended land uses were (1) residential development, (2) open space recreational, (3) neighborhood-serving commercial, (4) possible Sacramento City College expansion, and (5) light rail and transit-oriented design; and

WHEREAS, despite a state policy that cleanup levels must be compatible with planned land use, the Department of Toxic Substances Control in 1995 refused to delay its Final Remedial Action Plan until the City had approved its land use plan for the site; and

WHEREAS, over the objections of the City, and without a City-approved final land use plan, the State Department of Toxic Substances Control (DTSC) approved a Final Remedial Action Plan (RAP) which was inconsistent with the Council-approved UPLUC goals, since it did not reflect the residential and open-space priorities of those goals. The Department's Final Remedial Action Plan has placed significant restrictions on the future land use of two-thirds of the Union Pacific Yard by allowing only commercial use and mixed use (commercial-resident) to prevent human exposure to contaminated soils; and

WHEREAS, to address the City's objections to approving a Final Remedial Action Plan in the absence of an approved local land use plan, the Executive Summary of the Final Remedial Action Plan states that the Department will require a second phase of remediation after the Department certifies the final Remedial Action Plan and after the City approves a final land use plan; and

WHEREAS, unless such second phase of remediation suggested in the Final RAP occurs, the decision of DTSC approving the Final RAP, and remediation pursuant thereto, will or may have the effect of preempting the City from exercising its local land use planning responsibilities and leave most of the developable portions of the property suitable for only commercial or industrial use, rather than residential use; and

WHEREAS, there is a perceived loophole in existing state law which could allow the railroad to avoid any additional cleanup responsibilities if the Department of Toxic Substances Control certifies

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RESOLUTION NO.: _____

DATE ADOPTED: _____

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the completion of the cleanup provided in the Final Remedial Action Plan prior to the City's adoption of a final land use plan; and

WHEREAS, the Department may be unable to require the additional cleanup promised in the Final Remedial Action Plan necessary to allow for a compatible development in accordance with the City's approved land use plan;

BE IT THEREFORE RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO that:

- (a) The Council reaffirms its policy that the cleanup requirements for the property must be adequate to allow the City Council to exercise its discretion to make land use decisions based on local land use needs, and not based on existing levels of contamination; and
- (b) The Council requests that before certifying the completion of the cleanup required under the Final Remedial Action Plan, the State Department of Toxic Substances Control require cleanup of the site in compliance with the City's final adopted land use plan for the site; and
- (c) The Council urges the Legislature to reenact the State Superfund law; and further, when it reenacts that law, to include appropriate provisions to accomplish the following: (i) to eliminate the perceived loophole in the current law which could allow the Union Pacific Railroad to complete its cleanup of the Curtis Park Railyard without having remediated the site sufficiently to allow the City to adopt and implement its land use plans for the site; (ii) to ensure the City's ability to exercise its local land use planning responsibilities is fully protected; and (iii) prohibit DTSC from making a determination that the remedial action plan is complete until after the City has completed the planning process currently underway and adopted a new land use plan for the site.

MAYOR

ATTEST:

CITY CLERK

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DATE ADOPTED: _____

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