
For neighbors, information is sidetracked
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Dianna Jones was uncomfortably familiar with many of the drawbacks of the Trainsong neighborhood rental house she lived in for 13 years.

The house - where she raised her two granddaughters on her earnings as an employment trainer - is across Bethel Drive from the Union Pacific rail yard.

Inside, the mold on the walls was so thick that Jones said she drew the blankets over her head at night to try to filter out the spores. At times, sewer-smelling waters burbled up from the ground behind the house. Dust from the rail yard coated her furniture.

But Jones, 58, put up with it. Where else in Eugene could she rent a two-bedroom house for \$425 a month?

Yet she was unaware of one problem: toxic solvent vapors in the crawl space under the house, possibly wafting up into the rooms.

The vapors were filtering up through the soil from the groundwater, which was contaminated by decades of solvent spills at the rail yard, according to the state Department of Environmental Quality.

For two years, a consultant for Union Pacific - studying the underground pollution - gathered a half-dozen vapor measurements in the crawl space of Jones' home. But nobody passed the results on to Jones.

Federal health investigators examined the consultant's readings from her house and more than a dozen others nearby and declared the vapors a "public health hazard." Their conclusions were based largely on an extremely high reading found under Jones' house. But officials didn't tell Jones.

Jones found out about the vapors this summer when a Register-Guard reporter asked her what she thought. Her response: By leaving her in the dark, the railroad has endangered the health of her granddaughters.

Others, too, are angry. Residents "have a right to know if they are being exposed to this contaminated groundwater and the vapors that are off-gassing," said Lisa Arkin of the Eugene-based activist group Oregon Toxics Alliance, which called in federal health investigators.

But in recent years, the community has often been the last to know about how the underground contaminants may be affecting their lives.

Two parties are at the table making decisions about the Union Pacific railroad cleanup: the railroad and the Department of Environmental Quality.

The railroad has entered into a voluntary, collaborative cleanup agreement with the state, and under that process, all decisions about the scope of the problem, the level of risk to humans, the cleanup alternatives - and even how much to involve the public - are the subject of talks between railroad consultants and DEQ managers.

The neighbors don't have a place at the table - although the state and railroad have now vowed to improve their communication with residents.

A new round of testing

The railroad is seeking to limit its liability in a cleanup and in the event neighbors feel harmed by the pollution.

The DEQ, meanwhile, is focused on a number. Under state environmental rules, the agency is charged with ensuring the railroad cleans up its pollutants so that the theoretical risk to residents is no more than one excess case of cancer per 1 million residents.

This month, the railroad has ordered an extensive round of tests at about 30 homes in the Trainsong neighborhood to check if fumes are filtering up through the soil. It also will spread plastic sheeting under some homes to see if that blocks the vapors.

The gas the railroad is testing for is from trichloroethylene, an industrial degreaser - and very likely a human carcinogen - that the railroad used to clean locomotive parts.

"The problem we're trying to get our arms around is whether the groundwater is responsible for the (vapor) concern," said Alan Nye, a consultant the railroad brought in from Little Rock, Ark.

The railroad wants to make the purpose of the tests absolutely clear: The company is making sure it's required to clean up only pollution caused by the railroad, and not pollution from other sources.

"The pilot study, by its design, will allow a determination of whether, and to what extent, indoor air may be impacted by the (trichloroethylene) volatilizing from groundwater into soil gas and crawlspaces," the railroad said in a recent letter to health investigators.

In behind-the-scenes correspondence with the DEQ, the railroad denies any connection between the underground plume coming from its property and the vapors in crawl spaces. About 30 Trainsong neighborhood homes are over the portion of the plume that contains trichloroethylene.

"The data strongly suggest that perchloroethylene and trichloroethylene detected in the crawlspaces is primarily, if not entirely, from the (general) air, and not from groundwater," a railroad consultant wrote in one letter to the DEQ.

If the railroad can prove that solvent gas is not coming up through the soil, then the railroad will not be held responsible for the pollution.

"Union Pacific has always given the charge to me if there's something here that we're responsible for and we need to take care of it, please be sure that we do that," said Jim Curtis, an engineer for the railroad's consultant, CH2M Hill.

The DEQ agrees that some of the solvent vapors measured in the neighborhood are simply a part of the urban air in west Eugene. The agency knows of a dozen other toxic-spill sites in the vicinity of the Trainsong neighborhood.

But none is so close as to be the obvious source of the trichloroethylene gas in the crawl spaces, DEQ cleanup manager Greg Aitken said.

Aitken said the trichloroethylene in some of the crawl spaces is "pretty" likely to be from the railroad's plume. But he's not yet prepared to say how many homes and whether the concentrations are high enough to require the railroad to remedy the problem - or whether the biggest share of the air pollution comes from other sources in the neighborhood.

"We aren't saying we disagree" with the railroad, Aitken said. "We're just not prepared to say what we do agree with."

Bad air, bad blood

The debate leaves residents upset. Wherever the bad air comes from, they're breathing it.

Some are furious the railroad failed to inform them two to three years ago after it discovered potentially toxic fumes in crawl spaces.

The DEQ and the railroad have issued mea culpas.

"Information is not getting out to the public," the railroad consultant, Curtis, agreed at a recent meeting. "I went to Union Pacific - and I didn't have to talk too hard - and they said we've got to go talk to these people."

Aitken said the DEQ will no longer rely on railroad consultants to get the communications done.

When new test results are in, the DEQ will see that homeowners and renters get the data. "We would expect to provide those - by hand, if necessary - within a week of getting them ourselves," he said.

Still, some of the 250 residents of the Trainsong and River Road neighborhoods who live over the underground plume no longer trust the government's voluntary cleanup process.

"We're fighting a losing battle," said River Road resident David Becker. "We don't have the resources to fight Union Pacific, especially when they've got DEQ on their

side. It's kind of sad."

Michael Waldorf, who has observed the process as the Trainsong neighborhood chairman for five years, said the DEQ has been hamstrung by its desire to work collaboratively with the railroad.

Legally, the DEQ can issue study and cleanup orders to a polluter. But that adversarial process often leads to stalemates during which little is done.

"Union Pacific could just walk away and the DEQ did not want that to happen; basically that rendered DEQ powerless," Waldorf said. "I didn't have any faith in the process at all."

Becker is cynical about the DEQ's motives. "They're doing a really good job representing Union Pacific. But for the public, they're not really doing too much for us."

The DEQ's Aitken counsels patience.

"In a voluntary cleanup, it doesn't seem as reassuring because we're collaborating and we're entertaining comments and there's lots of discussion going on semi-privately with the responsible party.

"The consultants and the responsible party are able to pitch their case to us. We hear them out and weigh that against other things that we know are relevant.

"In a case like this, it doesn't feel like, maybe, we're as supportive of the community interest as other interests - but that really isn't the reality," he said.

"We see little value in bringing in lawyers and going the heavy-handed enforcement approach. In the end we will collectively - DEQ and neighborhoods around the rail yard - achieve a quicker, more practical outcome."

If the company balks at the final analysis, the agency will force a cleanup, Aitken said.

- *Diane Dietz*The Register-Guard

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