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## **Humboldt Baykeeper Issues Notice of Intent to Sue over Balloon Tract Pollution**

*Group Cites Violations of Clean Water Act and Other State and Federal  
Environmental Laws and Detrimental Impacts to Humboldt Bay and Public Health*

EUREKA - A local Humboldt Bay advocacy group has issued a notice of intent to sue Union Pacific Railroad Company for violations of the federal Clean Water Act and other state and federal laws on the company's Eureka property commonly known as the "Balloon Tract."

Humboldt Baykeeper, a Eureka-based non-profit dedicated to the protection of Humboldt Bay, the coast, and the public health of our community, states that Union Pacific has serious and ongoing violations of the Federal Clean Water Act and Resource Conservation and Recovery Act, as well as California's Hazardous Waste Control Act.

Pete Nichols, Program Director of Humboldt Baykeeper, says that the Balloon Tract, a railroad switching yard since the 1800's, is severely contaminated with heavy metals and other toxic chemicals including petroleum hydrocarbons. "This site contains many dangerously toxic contaminants --- lead, pentachlorophenol, chromium, oil and gasoline and other solvents just to name a few--- and we want to ensure that Union Pacific is held accountable for the threat that these toxic chemicals pose to the Humboldt Bay and the citizens of Humboldt County," Nichols said. "Every time it rains these toxins can end up in the nearby wetlands, Clark Slough, and ultimately into Humboldt Bay. Let's face it, this is Humboldt County, we get a lot of rain, and these toxins are a direct threat to public health and the environment," he added.

The suit claims that Union Pacific has violated the Clean Water Act and the Resource Conservation Recovery Act for many years. The Clean Water Act was established in 1972 to regulate the discharges of pollutants into the waters of the United States. The Resource Conservation Recovery Act (RCRA) was enacted in 1976 to regulate hazardous waste in order to protect human health and the environment.

Nichols explained that the current proposal to change the zoning on the property from public use to commercial use is troubling. “We have been looking at this site as a major source of contamination for quite some time. Changing the zoning on this property would only result in an inadequate clean-up, which ultimately provides zero benefit to the public or to the environment,” he said. “This issue is about preserving a broad range of opportunities for the community. Past, irresponsible uses of this property by Union Pacific should not limit its potential future use by the citizens of Eureka,” he added.

Prior to its use as a railroad maintenance yard, the Balloon Tract was an undeveloped tidal marsh. In 1888 there was one railroad track that traversed north to south along the northwestern boundary of the Site. The Site was soon filled, additional tracks were installed and numerous structures were constructed to house the various maintenance operations that were subsequently conducted on the site. The Balloon Track was used as a railroad switching, maintenance and freight yard beginning in the late 1800's and was used as such until the closure of the rail lines in the mid 1980's.

Significant contamination from both the remaining materials and the historical operational practices continues to negatively impact both surface and groundwater. Union Pacific's contaminated storm water discharges from the Balloon Track and its contamination of the groundwater supply are of special concern because of the Balloon Track's proximity to Clark Slough, Humboldt Bay, the fresh water aquifer below the site, and the onsite freshwater wetlands.

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