

From: David McGuire <david@sharkstewards.org>
Sent: Wednesday, April 8, 2026 1:20 PM
To: Ferris, Scott; Manager, C; Salcedo, Ricardo; All Council; Berkeley Mayor's Office
Cc: f5creeks@gmail.com; friends_of_aquatic_park@googlegroups.com
Subject: Formal Letter of Concern Regarding Environmental and Public Health Risks of Proposed Union Pacific Railroad Right-of-Way Reclamation Adjacent to Aquatic Park

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To: Berkeley Manager, Mayor, Council, Parks Director Ferris, Supervising Engineer Ricardo Salcedo
cc: Susan Schwartz, President, Friends of Five Creeks

Dear City Managers,

As the Director of Shark Stewards I would like to endorse Susan Schwartz and Friends of Five Creeks concerns regarding the sudden notice and the potential impact on the environmental and public health associated with construction along the Union Pacific Railway at the east end of Aquatic Park. Having conducted water quality analysis along the park over the last year in this study, we conclude that runoff has a serious impact on the health of the lagoon ecosystem. Our additional comments are below.

April 8, 2026

To: Berkeley City Council and City Manager's Office

From: David McGuire, MEH

Shark Stewards

Subject: Formal Letter of Concern Regarding Environmental and Public Health Risks of Proposed Union Pacific Railroad Right-of-Way Reclamation Adjacent to Aquatic Park

To the City of Berkeley,

On behalf of **Shark Stewards**, a marine conservation organization dedicated to the protection of California's coastal ecosystems, we are writing to express our urgent concern regarding the proposed reclamation of the Union Pacific Railroad right-of-way along the corridor east of Aquatic Park.

Given our ongoing involvement in water quality monitoring at Berkeley Aquatic Park, we are concerned that soil disturbance in this corridor poses a direct threat to the fragile health of the lagoon and the safety of the West Berkeley community.

Environmental and Public Health Risks

The Aquatic Park lagoon is a critical urban sanctuary, already battling significant sediment accumulation and impaired water circulation. The eastern boundary of the park, adjacent to the historic railway, is a high-risk zone for the following reasons:

- **Mobilization of Legacy Contaminants:** Decades of heavy industrial use leave toxins in the soil along this corridor. Proposed construction or reclaiming of this land threatens to liberate these contaminants, allowing them to enter the lagoon via the Potter Street drain and other storm-water pathways.
- **Aquatic Park Vulnerability:** Our recent data shows that parameters such as dissolved oxygen, salinity and conductivity are highly sensitive to external runoff. A surge in heavy metals or hydrocarbons would cause catastrophic damage to the local bird populations and the limited but vital aquatic life within the lagoon.

Precedent of Contamination in California Rail Corridors

Railroad corridors are notorious for harboring persistent environmental toxins. Data from similar sites in California reveal a pattern of contamination that the City must acknowledge:

1. **Chemical Profile:** Railroad corridors across the state have tested positive for:
 - **Polychlorinated Biphenyls (PCBs):** Used in transformers and lubricants; found at levels up to **420 mg/kg** in similar California rail yards.
 - **Heavy Metals:** High concentrations of lead, arsenic, and mercury (often from pyrite cinder waste and herbicides).
 - **Petroleum Hydrocarbons:** Diesel, gasoline, and motor oil (TPH) are ubiquitous in these corridors, often reaching levels of **390,000 ug/l** in groundwater.
2. **Specific Case Study:** In investigations at the **Union Pacific Oakland site**, the EPA found PCBs migrating from the rail corridor into the sediment of adjacent creeks, requiring the installation of asphalt caps and extensive excavation to prevent coastal water contamination.

Legal Precedent and Liability

The history of Southern Pacific in California is marked by significant environmental litigation. Failure to conduct rigorous oversight could expose the City to shared liability or ecological disasters similar to previous cases:

- **Sacramento River Toxic Spill (1991):** A Southern Pacific derailment spilled 19,000 gallons of metam sodium, resulting in a **\$16 million settlement** (1994) after it decimated aquatic life for 45 miles.
- **Prop 65 Violations:** Union Pacific has previously been served with **Sixty-Day Notices of Intent to Sue** by the California Department of Justice for knowingly releasing carcinogens (PCE and TCE) into groundwater and soil near the Oakland Estuary.

Formal Request for Documentation

Shark Stewards formally requests that the City of Berkeley provide—or require the Railroad to produce—the following documents for public review:

1. A comprehensive **Environmental Impact Statement (EIS)** or **Environmental Impact Report (EIR)** specific to the reclamation of the right-of-way.
2. Any existing **Phase I or Phase II Environmental Site Assessments (ESA)** conducted on the corridor between University Avenue and Ashby Avenue.
3. A detailed **Stormwater Pollution Prevention Plan (SWPPP)** that accounts for the potential leaching of legacy contaminants into the Aquatic Park lagoon.

The health of our park and the safety of the citizens who recreate there cannot be compromised for the sake of industrial expansion. We look forward to your response and a commitment to protecting this vital Berkeley landmark.

Sincerely,

David McGuire MEH, Director

Shark Stewards

Durr, Jasmine

From: Friends of Five Creeks <f5creeks@gmail.com>
Sent: Tuesday, April 7, 2026 5:33 PM
To: Ferris, Scott; Salcedo, Ricardo; Manager, C; Berkeley Mayor's Office; All Council; David McGuire
Subject: Resend, no garble: UP Railroad planned work on Aquatic Park track berm -- safety recommendations

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To: Berkeley Manager, Mayor, Council, Parks Director Ferris, Supervising Engineer Ricardo Salcedo

From: Susan Schwartz, President, Friends of Five Creeks

It was startling to learn with two days' notice of the Union Pacific's plan to basically reclaim its right of way in Aquatic Park, but I am somewhat familiar with railroads' behavior. This project has been in the planning for years; it is possible that meetings were held years ago (I dimly remember something) or that they have just gotten around to notifying the city.

Friends of Five Creeks has worked at Aquatic Park off and on for more than 25 years, and I have recently become more aware of the industrial history of the area just east of the tracks, due to research for a Berkeley Historical Society show, On the Waterfront, opening this Sunday, April 12. You are all most welcome.

This email explains why we believe that a program of rigorous soil testing during this project, and replacement of antiquated runoff infrastructure, is essential to this project:

(a) the work is being done immediately west of where the largest and probably most toxic concentration of West Berkeley's former heavy industries drained and discharged westward; soil has never been remediated and

(b) drainage infrastructure from those industries still exists along the railroad and on occasion drains into the lagoon. Some is quite dangerous, with covers that can be opened over deep pools. The opportunity to fix this will not return in our lifetimes.

I apologize that Sanborn insurance maps are hard to read, but the attachments show that industries along this part of the railroad or draining to it include Armco (heavy metal pipes, asbestos, acids), Macaulay Foundry, another foundry making pipes and valves (slag, acids), Hall-Scott Motors (heavy engines, asbestos), Wesco Water Paints (marine paints), Cutter Labs (medical products for animals and humans), and Colgate Palmolive Peet Bros. (cleaning and domestic products). Several had been there since before 1915.

The attached black-and-white photos show the general concentration and active smokestacks of industries in this particular area of West Berkeley, longstanding for many decades.

The color photos below show drainage hazards in the old infrastructure, still draining to the lagoons. (It is possible that these have been recently fixed.)

Photos omitted to save space

The tracks were built along the existing Bay shoreline in 1877-8, and industrial use to the east increased steadily thereafter, especially after the San Francisco Earthquake.

City sewage was piped untreated to the Bay until EBMUD intercepted it about 1951. Industries along this shoreline commonly built their own pipes, sometimes sharing with the city. You can see some of that infrastructure now; in storms and other circumstances it still discharges into Aquatic Park.

Large storm drains built in 1929 at Ashby/Potter on the south end and Strawberry Creek at the north carried sewage, and now urban runoff, from more than half the city (some channeled into the park since the 1950s).

Aquatic Park was created in 1936-7, by building Eastshore Highway (now I-80) on fill, as a straight feeder to the new Bay Bridge. when the Eastshore Freeway (now I-580) continAs the attached photos (from the Historical Society) and Sanborn Fire Insurance maps show, this part of original Bay shoreline, what was tjoriginally Bay shore

Susan Schwartz, President
Friends of Five Creeks
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