



Contra  
Costa  
County

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: August 11, 2020

Subject: License Agreement with Colony Park Town House Association for Hookston Station Remediation Activities

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### **RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to execute a license agreement, approved by the County Administrator and approved as to form by County Counsel, authorizing Contra Costa County to enter property owned by Colony Park Town House Association adjacent to the Hookston Station site at 228 Hookston Road, Pleasant Hill, to conduct a vapor intrusion investigation mandated by the California Regional Water Quality Control Board.

### **FISCAL IMPACT:**

No General Fund revenues are involved. These activities are a Recognized Obligation of the former Redevelopment Agency and included in the Recognized Obligation Payment Schedule.

### **BACKGROUND:**

In 1992, the County using the Redevelopment Agency funds acquired a portion of a former railroad right-of-way in the Hookston Station area of Pleasant Hill. The right-of-way was being acquired to preserve the former rail corridor for a future fixed guideway/transit use;

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **08/11/2020** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

### **VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor

Candace Andersen, District II  
Supervisor

Diane Burgis, District III Supervisor

Karen Mitchoff, District IV  
Supervisor

Federal D. Glover, District V  
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: August 11, 2020

David Twa, County Administrator and Clerk of the Board of Supervisors

By: Stephanie Mello, Deputy

Contact: Maureen Toms (925)  
674-7878

cc:

for the Iron Horse Trail; and for a roadway connection between the Contra Costa Centre area and Monument Blvd. The Redevelopment Agency was to fund the roadway project; therefore the Agency funded the property acquisition on behalf of the County, the legal owner of the subject property. The roadway element has since been dropped from

## BACKGROUND: (CONT'D)

consideration as a planned roadway. The Agency has funded the construction of the Iron Horse Trail in the subject corridor and the County continues to preserve the corridor for future fixed guideway/transit.

The seller of the property, a group of individual investors (Dan & Mary Lou Helix, John Hook, Steven Purcell, and Nancy Ellicock) is referred to as the Hookston Group. The Hookston Group had acquired the right-of-way between Hookston Road and Mayhew Way as part of a reversionary transaction from the Southern Pacific Railroad Company. In the County's acquisition of the right-of-way steps were taken to protect the County from liability related to the removal of identified surface and sub-surface contaminants.

Subsequent to the County's acquisition of the right-of-way chlorinated solvents (trichloroethylene) were determined to exist in the groundwater. Prior testing had not revealed their presence. Some of the contamination is suspected to have come from a prior tenant of the property during the tenure of Southern Pacific's ownership. The County/Agency joined the Hookston Group in filing suit against Southern Pacific related to the groundwater contamination. Effective in November, 1997, the County, the Agency (now the Successor Agency), the Hookston Group, and Union Pacific Railroad Company (now the successor to Southern Pacific) entered into a Settlement Agreement to resolve the federal lawsuit. In general, the Settlement Agreement assigned financial responsibility to the parties.

The parties owning the property during the time period contaminants are suspected to have been introduced to the groundwater were given the primary role in funding remediation. The County was assigned a subordinate role in funding remediation. The County, the County Redevelopment Agency, and the Hookston Group also entered into an additional October 1, 1998 Settlement Agreement to further clarify remediation funding responsibilities as outlined above.

The parties have engaged in a process to develop and obtain regulatory agency approval of a remediation plan. The remediation plan has been approved by the Regional Water Quality Control Board, and is being implemented.

The Regional Water Quality Control Board has directed the parties to conduct vapor intrusion investigation in and around the property in connection with monitoring and remediation activities. The license agreement enables the parties' consultant to access an adjacent Colony Park property to conduct the investigation.

## ATTACHMENTS

License Agreement