

APPROVED
JUL 09 2008

REPORT OF GENERAL MANAGER

NO. 08-194

DATE July 9, 2008

~~BOARD OF RECREATION
and PARK COMMISSIONERS~~

C.D. 12

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: CHATSWORTH PARK SOUTH - LEAD CONTAMINATION CLEANUP - APPROVAL OF VOLUNTARY CLEANUP AGREEMENT BETWEEN THE DEPARTMENT OF RECREATION AND PARKS AND CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL

R. Adams _____	J. Kolb _____
H. Fujita _____	F. Mok _____
S. Huntley _____	K. Regan _____
V. Israel _____	M. Shull _____

see per MS

[Signature]
General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve a Voluntary Cleanup Agreement (VCA), substantially in the form on file in the Board Office, between the Department of Recreation and Parks (RAP) and the California Department of Toxic Substances Control (DTSC), for the oversight of cleanup activities of lead contamination at Chatsworth Park South, subject to the approval of the Mayor pursuant to Executive Directive No. 3 and the City Attorney as to form;
2. Direct the Board Secretary to transmit the VCA to the Mayor and City Attorney for review and approval as to form;
3. Authorize the Board President and Secretary, to execute the proposed VCA, subject to approval of the Mayor and the City Attorney as to form; and
4. Authorize the Chief Accounting Employee to encumber \$51,325 from General Fund 302, Department 88, Contractual Services Account 3040, Activity Code 0913 for the Chatsworth Park South Voluntary Cleanup Agreement.

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SUMMARY:

On February 8, 2008, the Department learned that a community member had expressed concerns to the local office of the California Department of Toxic Substances Control (DTSC) about lead shot on the grounds of Chatsworth Park South. Upon investigation of Department records, environmental staff discovered that the park property had once been used as a skeet and trap shooting range prior to acquisition in 1966. An internet search yielded a picture, circa 1955, of the Aqua Sierra Sportsmen's Club that occupied the northern part of the park. Park grounds were physically inspected and lead shot and scattered pieces of clay pigeon debris were found primarily in the area of the former skeet range (approximately 12 acres). Lead shot was also found in some areas to where erosion and drainage during storm events could have potentially moved the lead shot. Significant accumulations of lead shot debris were also found north of the former skeet range on the adjacent hillside. In this area, accumulations of lead shot were found in the soil and bedrock surface within swales and erosion rivulets associated with surface drainage patterns. There was no evidence of shooting range debris within the southeastern portion of the park area, the basketball and tennis courts, the children's play area, sand pit, and the grass lawn south of the recreation center building.

Out of an abundance of caution for public health and safety, the park was closed to the public on February 14, 2008. Young children, especially those under six years of age, are particularly vulnerable to the harmful effects of lead because their brain and central nervous system are still being formed. Generally, adults can tolerate lead exposures much better than children but can experience ill-health effects, too. Childcare programs and all other community activities conducted at the park's recreational center were moved to different, nearby recreation facilities. City employees were sent to other work locations. Warning signs were made and placed at the site notifying the public that the park was temporarily closed. Two full-time security guards were placed at the entrance to the park.

Preliminary sampling was conducted from February 15-19, 2008. The scope of work included obtaining soil samples and surface wipe samples for lead. A portable x-ray fluorescence (XRF) analyzer was used to field screen lead in soil at a total of 151 sample points. Sixty-six (66) individual soil samples, ranging from the surface to a depth of three feet, were also collected and sent to a state-certified laboratory for expedited lead analyses. Soil samples, taken near areas of visible range debris, consistently contained elevated levels of lead. In addition, twenty-nine (29) dust wipe samples were collected in the areas where children were most likely to come in contact with lead dust. The areas included the toddler play area, the south playground and the recreation center building. The dust wipe samples were sent to a laboratory to be measured for lead content. The laboratory is accredited by the American Industrial Hygiene Association (AIHA) Environmental Lead Laboratory Accreditation Program. All dust wipe sampling results were below the relevant risk assessment criteria established by the United States Environmental Protection Agency (USEPA).

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After the preliminary sampling data was received and reviewed by DTSC it was determined that additional testing and analyses of the soil at the park was required. With input from DTSC, the Department conducted additional soil sampling on February 29-March 4, 2008. As part of the additional sampling, two samples of clay pigeon debris were collected and analyzed for petroleum hydrocarbons, poly-nuclear aromatic compounds (PNAs), and for heavy metals. Clay pigeons have historically been manufactured using a combination of dolomite, coal tar/petroleum pitch and other petroleum-based binders. Arsenic, in small quantities, has also been a constituent used in the manufacture of small lead shot. The arsenic was added to improve the roundness of the lead shot. As expected the clay pigeon debris contained petroleum pitch by-products, petroleum hydrocarbon and related compounds, including PNAs. Low levels of arsenic, chromium, lead, and zinc were found in both samples of clay pigeon debris. Chromium was used at part of the alloys used in ammunition rounds. Lead was the primary constituent of most projectiles. Zinc was used as a jacket alloy metal. However, no elevated levels of toxic metals were found in the pigeon debris samples.

While the preliminary sampling confirmed the presence of lead and other potential contamination and the need for site clean up, a full site investigation with more extensive sampling will be required to determine the extent of the contamination and to evaluate the human health and ecological risks of exposure, before site clean up can occur. DTSC has introduced a streamlined program to protect human health, cleanup the environment and get property back to productive use. Local agencies entering into a Voluntary Cleanup Agreement will be able to restore properties quickly and efficiently, rather than having their projects compete for DTSC's limited resources with other low-priority hazardous waste sites. Prior to initiation of the Voluntary Cleanup Program, project proponents had few options for DTSC involvement in cleaning up low-risk sites. DTSC's statutory mandate is to identify, prioritize, manage and cleanup sites where a release of hazardous substances has occurred. For years, the mandate meant that only if a site presented grave threat to public health or the environment, was it listed on the State Superfund list and the parties responsible conducted the cleanup under an enforcement order, or DTSC used state funds to do so. Because of staff resource limitations, DTSC was unable to provide oversight at sites which posed lesser risk or had lower priority. DTSC has recognized that no one's interests are served by leaving sites contaminated and unusable. The Voluntary Cleanup Program allows motivated parties who are able to fund the cleanup -- and DTSC's oversight -- to move ahead at their own speed to investigate and remediate their sites. Working cooperatively with DTSC is a more efficient and cost-effective approach to site investigation and cleanup.

The Voluntary Cleanup Agreement specifies the estimated DTSC costs, scheduling for the project and the scope of DTSC services to be provided. Because every project must meet the same legal and technical cleanup requirements as do State Superfund sites, and because DTSC staff provides oversight, the Department is assured that the project will be completed in an environmentally sound manner. In the agreement, DTSC retains its authority to take enforcement action if, during the investigation or cleanup, it determines that the site presents a serious health threat, and proper and timely action is not otherwise being taken. The agreement also allows the Department to terminate

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the Voluntary Cleanup Agreement with 30 days written notice if they are not satisfied that DTSC is meeting their needs.

Once the Department and DTSC have entered into a Voluntary Cleanup Agreement, initial site assessment, site investigation or cleanup activities may begin. DTSC's staff includes experts in every vital area. The assigned project manager is either a highly-qualified Hazardous Substances Scientist or Hazardous Substances Engineer. That project manager has the support of well trained DTSC toxicologists, geologists, industrial hygienists and specialists in public involvement. The project manager may call on any of these specialists to join the team, providing guidance, review, comment and, as necessary, approval of individual documents and other work products. That team will also coordinate with other agencies, as appropriate, and will offer assistance in complying with other laws, such as the Resource Conservation and Recovery Act. When remediation is complete, DTSC will issue either a site certification of completion or a "No Further Action" letter, depending on the project circumstances. This means the park will be ready to reopen for full recreational use.

Approved project funds are available for the VCA in the following fund and accounts:

<u>FUNDING SOURCES</u>	<u>FUND/DEPARTMENT NO./ ACCOUNT NO.</u>	<u>APPROPRIATION AMOUNT</u>
General Fund	302/88/3040 (Activity 0913)	\$ 51,325
TOTAL		\$ 51,325

Staff has determined that the VCA consists of the issuance of an agreement involving an existing facility. Therefore, the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 1 (14) of the City CEQA Guidelines. However, the implementation of the VCA will involve activities that may have a significant effect on the environment. Additional CEQA documentation will be prepared once the specific activities have been identified and approved as prescribed by the VCA.

FISCAL IMPACT STATEMENT:

The estimated cost of the VCA of \$51,325.00 will have a direct impact on the Department's budget due to unforeseen and unfunded circumstances. The assessments of the future site investigations, site cleanup, operations and maintenance costs have yet to be determined due to unforeseen and unfunded circumstances.

This report was prepared by Paul Davis, Project Manager. Reviewed by Michael A. Shull, Superintendent, Planning and Development Division, Department of Recreation and Parks.