



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www.CityofSacramento.org

Consent
September 29, 2009

Honorable Mayor and
Members of the City Council

Title: Agreement: Chemical Spill at Del Paso Regional Park

Location/Council District: Council District 2 near 3615 Auburn Boulevard

Recommendation: Adopt a **Resolution** authorizing the City Manager or his designee to execute a General Release Agreement releasing Siemens Water Technologies Corp from all claims and liabilities arising out of the May 30, 2007, chemical spill at Del Paso Regional Park in exchange for payment of the sum of \$18,557.50.

Contact: Dan Giammona, Park Operations Manager, 808-4070
Barbara Collins, Administrative Analyst, 808-1956

Presenters: Not applicable

Department: Parks and Recreation

Division: Park Operations

Organization No: 4728

Description/Analysis

Issue: A leaking chemical tank owned by Siemens Water Technologies Corp, released calcium nitrate causing damage leading to the destruction of oak trees and contamination of soil on City property located in Del Paso Regional Park. HDI - Gerling America Insurance Company, insurer for Siemens, is offering to pay a sum of \$18,557.50 to compensate the City for its damages in exchange for a release of liability.

Policy Considerations: The action recommended in this report will result in the City being fully-compensated for the damages it incurred as a result of the chemical spill at Del Paso Regional Park

Commission/Committee Action: None

Environmental Considerations: The action recommended in this report is an administrative activity. Under the California Environmental Quality Act (CEQA) guidelines, continuing administrative activities do not constitute a project and are therefore exempt from review.

Sustainability Considerations: Not Applicable

Rationale for Recommendation: The City's Urban Forestry Division assessed the replacement value of the damaged trees at \$14,950 and remediation costs, the cost to remove the contaminated soil, were assessed at \$3,607.50 for a total of \$18,557.50. HDI - Gerling America Insurance Company, insurer for Siemens, is offering to pay \$18,557.50 to compensate the City for its damages. It has been determined that there is no residual damage to the site and the Department of Parks and Recreation accepts the \$18,557.50 as full compensation for the loss of the trees and the cost of site remediation.

Financial Considerations: None

Emerging Small Business Development (ESBD): Not applicable

Approved by:  for
James L. Combs
Director, Parks and Recreation

Recommendation Approved:

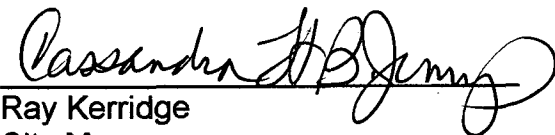

for Ray Kerridge
City Manager

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ATTACHMENT 1

BACKGROUND INFORMATION

On May 30, 2007, Siemens Water Technologies Corp, while performing work as a subcontractor for the County of Sacramento at the S-14 Sewer Pump Station located in the City's Del Paso Regional Park (Park) near 3615 Auburn Boulevard, Sacramento, California, caused calcium nitrate to spill onto the ground in the Park. The calcium nitrate damaged nine native oak trees and contaminated soil in the Park. The trees died as a result of the damage, and the City incurred costs in remediating the contaminated soil.

The City's Urban Forestry Division assessed the replacement value of the damaged trees at \$14,950. Remediation costs for removal of the contaminated soil were assessed at \$3,607.50. HDI - Gerling America Insurance Company, insurer for Siemens, is offering to pay \$18,557.50, the sum of the replacement value of the trees and the remediation costs, to compensate the City for its damages.

In consultation with the City's Environmental Program Manager and the Sacramento County Environmental Management Department, Water Protection Division it was determined that calcium nitrate, being very soluble, would quickly dilute and be eliminated from the site of the spill. Calcium nitrate is not on Federal (Resource Conservation and Recovery Act (RCRA)) or State of California lists of hazardous wastes, Federal lists (Superfund Amendments and Reauthorization Act (SARA)) of hazardous materials, and is not a chemical listed in California Proposition 65 (the Safe Drinking Water and Toxic Enforcement Act). Photos taken in April 2009 of the area where the spill occurred show lush vegetation growth confirming the fact that there is no residual damage to the site.

RESOLUTION NO.

Adopted by the Sacramento City Council

September 29, 2009

AGREEMENT: CHEMICAL SPILL AT DEL PASO REGIONAL PARK

BACKGROUND

- A. On May 30, 2007, Siemens Water Technologies Corp, while performing work as a subcontractor for the County of Sacramento at the S-14 Sewer Pump Station located in the City's Del Paso Regional Park (Park) near 3615 Auburn Boulevard, Sacramento, California, caused calcium nitrate to spill onto the ground in the Park. The calcium nitrate damaged nine native oak trees and contaminated soil in the Park. The trees had to be destroyed because of the damage, and the City incurred costs in remediating the contaminated soil.
- B. The City's Urban Forestry Division assessed the replacement value of the damaged trees at \$14,950. Remediation costs for removal of the contaminated soil were assessed at \$3,607.50.
- C. HDI - Gerling America Insurance Company, insurer for Siemens, is offering to pay \$18,557.50, the sum of the replacement value of the trees and the remediation costs, to compensate the City for its damages.
- D. In consultation with the City's Environmental Program Manager and the Sacramento County Environmental Management Department, Water Protection Division it was determined that calcium nitrate, being very soluble, would quickly dilute and be eliminated from the site of the spill. Calcium nitrate is not on Federal (Resource Conservation and Recovery Act (RCRA)) or State of California lists of hazardous wastes, Federal lists (Superfund Amendments and Reauthorization Act (SARA)) of hazardous materials, and is not a chemical listed in California Proposition 65 (the Safe Drinking Water and Toxic Enforcement Act). Photos taken in April 2009 of the area where the spill occurred show lush vegetation growth confirming the fact that there is no residual damage to the site.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City Manager or his designee is authorized to execute a General Release Agreement releasing Siemens Water Technologies Corp from all claims and liabilities arising out of the May 30, 2007, chemical spill at Del Paso Regional Park in exchange for payment of the sum of \$18,557.50.