

Environmental Management
Department
Val F. Siebal, Director



April 22, 2016

CITY OF SACRAMENTO
PARKS AND RECREATION
ATTN: CHRISTOPHER C. CONLIN
915 I STREET, 3RD FLOOR
SACRAMENTO, CA 95814

CITY OF SACRAMENTO
OFFICE OF THE CITY ATTORNEY
ATTN: SHERYL PATTERSON
915 I STREET, ROOM 4010
SACRAMENTO CA 95814

CERTIFIED MAIL:
7015 0920 0001 8161 8410

CERTIFIED MAIL:
7015 0920 0001 8161 8427

NOTICE OF CORRECTIVE ACTION

RE: **JAMES MANGAN PARK RIFLE AND PISTOL RANGE**
2140 34TH AVENUE, SACRAMENTO, CA 95822

The Sacramento County Environmental Management Department, Environmental Compliance Division (EMD), the Certified Unified Program Agency (CUPA) in the County of Sacramento, was recently informed of lead contamination in and around the James Mangan Park Rifle and Pistol Range that exceeds the State standards for lead. EMD has delegation authority from the California Department of Toxic Substances Control (DTSC) for oversight of environmental assessments and corrective action.

As was discussed in our first meeting on April 13, 2016, the attached Corrective Action Order (Order) is issued pursuant to section 25187 of the California Health and Safety Code (H&SC) for the abatement and remediation of lead contamination and releases at the James Mangan Park Rifle and Pistol Range.

Our process allows of an appeal to the Order which may be requested by completing a written request for a hearing postmarked within 15 days after receipt of the attached Order (Attachment 1). This must be done by completing the attached **Notice of Defense** (Attachment 2) including a statement of the reason(s) why the City believes it should not be subject to the Order.

H&SC section 25187 authorizes EMD to assess administrative penalties for contamination caused by the release of a hazardous waste/constituents or failure to comply with this Order. EMD does not waive any further enforcement action, including penalties, by issuance of this Order.

We have been working with you cooperatively and you are encouraged to meet with us to discuss this Order if you have questions. Please contact me directly at (916) 875-8527 or woodinm@saccounty.net to set our next meeting.

Sincerely,


Marie Woodin, Chief
Environmental Compliance Division

MW:CH:ea

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ATTACHMENT 1

**County of Sacramento
Environmental Management Department
Environmental Compliance Division
10590 Armstrong Ave., Suite A
Mather, CA 95655
Telephone: (916) 875-8550
Facsimile: (916) 875-8513**

**In Re: CITY OF SACRAMENTO) CORRECTIVE ACTION
PARKS AND RECREATION) ORDER
ATTN: CHRISTOPHER C. CONLIN)
915 I STREET, 3RD FLOOR) [California Health and Safety
SACRAMENTO, CA 95814) Code section 25187]
) Case File No. 16-RO0001707**

The Sacramento County Environmental Management Department, Environmental Compliance Division ("EMD"), the Certified Unified Program Agency in the County of Sacramento, hereby issues this Corrective Action Order ("Order") pursuant to California Health and Safety Code (H&SC) section 25187 to the **CITY OF SACRAMENTO** ("Respondent") for lead contamination at the **JAMES MANGAN PARK RIFLE AND PISTOL RANGE** ("Facility") located at 2140 34th Avenue, Sacramento, CA 95822.

APPLICABLE AUTHORITIES

H&SC Section 25187(b)(2) and (b)(3) provide in relevant parts:

1) The order shall include a requirement that the Respondent take corrective action with respect to the release of hazardous waste or constituents, abate the effects thereof, and take any other necessary remedial actions.

2) The order shall require that corrective action be taken beyond the facility boundary, where necessary to protect human health or the environment.

STATEMENT OF FACTS

EMD received an inquiry on April 4, 2016, about a release of lead from an indoor gun range located at the Facility.

On April 13, 2016, EMD received documents that verified the Facility was contaminated with lead. The documents also indicated that the roof around the ventilation system was contaminated with elevated levels of lead.

On April 15, 2016, EMD received documents that indicate elevated levels of lead on the building exterior and in the soil outside the building. These levels exceed State standards for lead.

DETERMINATIONS

Based on the above Statement of Facts, EMD has determined that lead contamination in and around the Facility is a release of hazardous waste and warrants corrective action pursuant to H&SC section 25187.

DIRECTIVES

All compliance timelines are determined from the service date of the Order unless otherwise noted.

- 1) Within ten (10) calendar days, Respondent shall submit sample results to EMD that will be used by Respondent to determine the extent of hard surface contamination outside of the fence area at the Facility. Test areas shall include, but are not limited to, the sidewalks in front of and leading to the entrance of the Facility building and sidewalks across the street from the Facility. For this directive, wipe samples may be used as the screening tool. A sample plan must be approved by EMD prior to samples being collected.

ATTACHMENT 1

1 2) Within **fourteen (14) calendar days**, Respondent shall submit a
2 workplan for EMD's review and approval that identifies how Respondent will
3 prevent lead dust inside the Facility from migrating outside the Facility.
4

5 3) Within **fourteen (14) calendar days**, Respondent shall submit a
6 workplan for EMD's review and approval that describes the measures
7 Respondent will take to reduce and mitigate the potential exposure to the
8 public from contamination outside of the Facility building and on hard surfaces
9 other than soil, to a level that meets California Department of Public Health
10 (CDPH) standards. The methods may include, but are not limited to, cleaning,
11 removal and/or encapsulation. Measures used must comply with the CDPH
12 standards for Lead Evaluation and Abatement, California Code of Regulations
13 (CCR) Title 17, sections 36000 and 36100.
14

15 4) Within **thirty (30) calendar days**, Respondent shall submit a site
16 characterization plan for EMD's review and approval that identifies how
17 Respondent will further characterize the nature and extent of metals
18 contamination outside of the Facility building. The site characterization is limited
19 to contamination that originated from the Facility. The site characterization plan
20 shall be consistent with Department of Toxic Substance Control (DTSC)
21 Preliminary Endangerment Assessment (PEA) Guidelines as they pertain to this
22 Facility.
23

24 5) Within **one hundred twenty (120) calendar days**, Respondent
25 shall submit a soil remediation plan for EMD's review and approval that
26 identifies how Respondent will remediate the lead contamination from the soil
27
28

ATTACHMENT 1

1 outside of the Facility building to levels that meet the California Office of
2 Environmental Health and Assessment (OEHHA) levels for lead in soil.

3 6) General directives:

4 a. The fence and signs around the Facility building shall be
5 maintained in a manner to discourage unauthorized access until it is
6 determined by EMD that the hazard has been mitigated and poses no threat
7 to public health and the environment.

8 b. All waste generated on site must be characterized by
9 Respondent to determine if it is a hazardous waste. If determined to be a
10 hazardous waste, Respondent shall handle, store and disposed of the
11 hazardous waste pursuant to the requirements of H&SC Division 20, Chapter
12 6.5.

13 c. All workplans shall identify all tasks and timelines for
14 completing each phase of the corrective actions.

15 d. All workplans shall identify compliance with the California
16 Environmental Quality Act (CEQA).

17 e. Respondent shall notify EMD within thirty (30) calendar
18 days of Respondent making a final decision regarding disposition of the
19 Facility, for example, reuse or demolition.

20 f. All submittals required by this Order shall be addressed to
21 Charley Langer, Environmental Specialist, Sacramento County Environmental
22 Management Department, 10590 Armstrong Avenue, Mather, CA 95655.

23
24 As used in this Order, the date of issuance shall be the date of this
25 Order and the date of service, whether by personal service or by certified
26 mail, shall be the date the Order is served on the City of Sacramento.

ATTACHMENT 1

1 EMD reserves the right to make such modifications to this Order and/or
2 to issue such further order(s) as it may deem necessary to protect public
3 health and safety. Such modification may be issued as amendments to this
4 Order and shall be deemed effective upon issuance.

5 Nothing in this Order relieves Respondent of its obligation to meet the
6 requirements of any law, regulation, standard, permit, or order issued
7 thereunder.

PARTIES BOUND

8
9 This Order shall apply to and be binding upon Respondent, its officers,
10 directors, agents, employees, contractors, and assignees.

SEVERABILITY

11
12 The Directives of this Order are severable, and Respondent shall comply
13 with each and every provision hereof, notwithstanding the effectiveness of any
14 other provision.

FURTHER ENFORCEMENT ACTION

15
16 H&SC section 25187 authorizes EMD to assess administrative penalties
17 for contamination caused by the release of a hazardous waste or failure to
18 comply with a Corrective Action Order. EMD does not waive any further
19 enforcement action by issuance of this Corrective Action Order.

RIGHT TO A HEARING

20
21 Respondent may, within 15 days after service of this Corrective Action
22 Order, request a hearing pursuant to H&SC section 25187(d) by completing and
23 filing with EMD the enclosed Notice of Defense. A Notice of Defense shall be
24 deemed filed within the 15 day period if it is postmarked within that period.

25 If Respondent requests a hearing, Respondent may select as a hearing
26 officer either an Administrative Law Judge of the Office of Administrative
27 Hearings, Department of General Services, State of California, or a hearing

ATTACHMENT 1

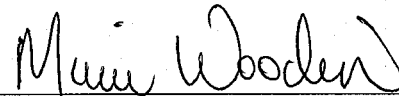
1 officer designated by EMD. If a Notice of Defense is filed, but no hearing officer
2 is selected, EMD may select the hearing officer.

3 If Respondent requests a hearing, a hearing decision will be issued by an
4 Administrative Law Judge or by the hearing officer designated by EMD. Pursuant
5 to Government Code section 11440.10, H&SC 25187(g), and section 6.60.030 of
6 the Sacramento County Code, the decision of the Administrative Law Judge or
7 hearing officer will be accepted as final by EMD following the hearing.

8 If the Notice of Defense is not filed within the specified time limit, this
9 Corrective Action Order shall become final.

10
11 Dated: April 22, 2016

County of Sacramento
Environmental Management Department

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14 Marie Woodin, Chief
15 Environmental Compliance Division
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NOTICE OF DEFENSE

**COUNTY OF SACRAMENTO
ENVIRONMENTAL MANAGEMENT DEPARTMENT
ENVIRONMENTAL COMPLIANCE DIVISION**

In Re: CITY OF SACRAMENTO) NOTICE OF DEFENSE
PARKS AND RECREATION)
ATTN: CHRISTOPHER C. CONLIN)
915 I STREET, 3RD FLOOR) [California Health and Safety Code
SACRAMENTO, CA 95814) section 25187]
) Case File No. 16-RO0001707

I, the undersigned, on behalf of Respondent, acknowledge receipt of the Corrective Action Order ("Order") issued by the County of Sacramento Environmental Management Department, Environmental Compliance Division ("EMD") dated April 22, 2016. I request a hearing to permit Respondent to present its defense to the Order. I select the following as a Hearing Officer (check one):

- A Hearing Officer designated by the County.
- An Administrative Law Judge of the State Office of Administrative Hearings.

I have attached a written statement to this Notice of Defense providing the reason(s) why I believe Respondent should not be subject to the Order.

I understand that I will be notified of the hearing date by EMD once the case has been scheduled for review before the Hearing Officer selected above.

Signature of Respondent's Representative Print Name Date

Street Address City, State, Zip Phone #