



City of Carson Report to Mayor and City Council

November 4, 2009
Unfinished Business

SUBJECT: UPDATE ON THE ENVIRONMENTAL INVESTIGATION OF THE CAROUSEL TRACT (FORMER KAST PROPERTY SITE)

Submitted by Clifford W. Graves
Economic Development General Manager

Approved by Jerome G. Groomes
City Manager

I. **SUMMARY**

On October 20, 2009, the City Council directed staff to coordinate with the Los Angeles Regional Water Quality Control Board (Water Board) to explore a collaborative approach that would allow selection of a qualified facilitator to provide services aimed at enhanced community outreach within the Carousel Tract (former Kast Property site).

This report provides an update related to the use of a facilitator and other activities associated with the environmental investigation.

II. **RECOMMENDATION**

CONSIDER and PROVIDE direction.

III. **ALTERNATIVES**

TAKE another action the City Council deems appropriate.

IV. **BACKGROUND**

The Water Board is the lead agency overseeing Shell Oil Company (Shell) in the environmental investigation of the Carsousel Tract. The Water Board has initiated the environmental investigation as a result of potentially significant and harmful contamination in the soils and groundwater underlying the Carsousel Tract. As discussed at the October 20, 2009 City Council meeting, the Water Board acknowledges the benefit of utilizing outside resources to facilitate information sharing and to expedite the environmental investigation. The City Council requested staff to work with the Water Board to determine how such an effort could be advanced.

In consultation with the Water Board representatives, staff has reviewed a request for proposal that was initiated in 2004 by the Los Angeles County Sanitation Districts (Districts) to conduct and oversee facilitation services for meetings/activities between the Water Board and Districts and other stakeholders and committees, during the implementation of the Upper Santa Clarita River Chloride Total Maximum Daily Load (Exhibit No. 1). In this project, the consultant provided facilitation between the Water Board Districts, technical

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consultants, advisory panels and other stakeholders. The Water Board believed the facilitation services greatly enhanced the working relationship between the government agencies, technical consultants, environmental groups and resident stakeholders. Staff believes that a similar RFP could be initiated by the city. Shell Oil Company has agreed that they would bear the costs for all facilitation services and would provide such payment pursuant to a contract with the city. With authorization from the City Council, the RFP could be issued within the next several weeks with a consultant selected by the end of the year.

There have been further communications with the Carousel Tract Homeowner's Association President, Mrs. Barbara Post, regarding the value of the city retaining a facilitator. Mrs. Post has advised that, after discussion with several neighbors, the residents decline the potential offer from the city. She indicated that the law firm of Girardi and Keese and related environmental advisors will provide the information needed by the residents to understand the process and any technical details.

There are obviously competing and complementary interests for the various parties associated with the environmental investigation. The City Council is advised that the use of a facilitator will be constrained if there is active opposition from some of the key community stakeholders. Conversely, the City Council should consider the need for clear and concise information to be shared between the Water Board, technical consultants, interested parties and the residents of the Carousel Tract. The Water Board and staff seek direction from the City Council and recognize that the matter may need to be deferred until such time that there is a showing of residential support for the use of a facilitator.

The following information summarizes recent or upcoming activities associated with the environmental investigation:

October 15, 2009 – the Water Board issued an order to Shell Oil Products US requiring that an interim remediation action plan (IRAP) be submitted by November 4, 2009 (Exhibit No. 2). The purpose of the IRAP is to focus on mitigation of the threat to human health from vapor intrusion and direct exposure to impacted soil in the Carousel neighborhood.

October 27, 2009 – City Attorney Wynder notified the law firm of Giradi and Keese that the city of Carson should be removed from the plaintiffs' caption in the complaint (Carousel Tract Homes advs. Shell Oil Co.) (Exhibit No. 3).

October 30, 2009 - Los Angeles Unified School District will conduct additional screening investigation of the Wilmington Middle School to confirm there is no evidence of elevated methane or petroleum related chemicals within the buildings.

November 18, 2009 - The Water Board is tentatively scheduling the next community meeting at the Congresswoman Juanita Millender-McDonald Community Center.

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The Executive Director of the Water Board will participate directly in the meeting. Updates will be provided as available.

Testing of Homes: Only one or two homes are currently scheduled for testing by URS, the environmental consultant hired by Shell. Independent testing appears to have been initiated by the law firm of Girardi and Keese. It is not known at this time when and how the test results will be shared with the Water Board. There is concern that the lack of additional data will hamper the Water Board analysis and determination of remediation activities.

As requested by City Council, future agenda items will be generated on a frequent basis to provide additional information regarding the environmental assessment process and preliminary results from testings.

V. FISCAL IMPACT

Potential staff costs due to the administration of contracts with outside consulting firms.

VI. EXHIBITS

1. Excerpt from RFP for Facilitation of the Upper Santa Clara River Chloride TMDL Implementation Plan. (pgs. 4-21)
2. Los Angeles Regional Water Quality Board letter to Shell Oil Products US dated October 15, 2009. (pgs. 22-23)
3. City Attorney letter to Giradi and Keese dated October 27, 2009. (pg. 25)

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Reviewed by:

City Clerk	<u>City Treasurer</u>
<u>Administrative Services</u>	<u>Development Services</u>
<u>Economic Development Services</u>	<u>Public Services</u>

Action taken by City Council

Date _____ Action _____

November 4, 2009

