

APPROVED

11-16-2016

BOARD OF RECREATION AND PARK COMMISSIONERS NO. 16-234

BOARD REPORT

DATE November 16, 2016

C.D. 15

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: AVERILL PARK – DONATION FOR CLEANUP EXPENDITURES; STATUTORY EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR EMERGENCY ACTIONS PURSUANT TO ARTICLE II, SECTION 2(a) (3) OF THE CITY CEQA GUIDELINES

AP Diaz	_____	V. Israel	_____
<i>for</i> R. Barajas	<i>CB</i>	K. Regan	_____
H. Fujita	_____	N. Williams	_____

[Signature]

 General Manager

Approved Disapproved _____ Withdrawn _____

RECOMMENDATIONS

1. Accept the donation of Five Thousand Dollars, Four Hundred And Fifteen Dollars, and Thirty-Eight cents (\$5,415.38) by CBS Studios, Inc. for receipt of Department contractual environmental testing and cleanup services at Averill Park;
2. Authorize the Department of Recreation and Parks' (RAP) Chief Accounting Employee to establish the appropriate fund and account to receive the funds and allow payment of the environmental cleanup contractors; and,
3. Find that this cleanup project is statutorily exempt from CEQA as an emergency action in accordance with Article II, Section 2(a) (3) of the City CEQA Guidelines.

SUMMARY

CBS Studios, Inc. was issued a filming permit (#F00106230) at Averill Park as well as Angel's Gate Park on April 5, 2016. The permit allowed a cellular phone to be tossed into one of the ponds at Averill Park, but required it to be retrieved after each toss. On April 7, 2016 during the filming, approximately twelve cellular phones were tossed into the pond, but not all of the phones were retrieved according to the film monitors report. The Park Services Film Office contacted Environmental Management Group (EMG) to determine if there was a contamination concern from the cellular phones remaining in the pond.

EMG issued an emergency task order to one of the on-call consultants, Ninyo and Moore Consultants, to perform water quality testing in the pond. In addition, EMG prepared to use the City's Clean Harbors contract for retrieval of the phones and any environmental cleanup. The water quality testing results indicated that six metals (total chromium, copper, lead, mercury, nickel and zinc) exceed the NPDES discharge limits to all receiving waters of the State of

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California (State). However, the source of these metals was unknown, and could be attributed with any amount of certainty to be a result of the cellular phones deposited in the pond. In addition, there is no previous sampling or background data of metals concentrations in the pond water for comparison purposes. Therefore, a decision was made not to drain the pond to retrieve the phones to avoid a discharge to waters of the State. Instead it was decided to systematically dredge the pond by hand. The six remaining phones were all recovered by Clean Harbors.

Expenses for the environmental testing and cleanup services were intended to be paid by CBS Studios, Inc directly to the two contractors in the amount of Three Thousand, Five Hundred Dollars (\$3,500) to Ninyo and Moore and One Thousand, Nine Hundred Fifteen Dollars and Thirty-Eight Cents (\$1,915.38) to Clean Harbors for a total project expense of Five Thousand, Four Hundred Fifteen Dollars and Thirty-Eight Cents (\$5,415.38). However, a check was cut directly to the Department, which was placed in Account 2202. EMG had intended to pay the contractors from a contractual service account, but this type of account cannot be reimbursed from Account 2202. Therefore, the total project expense amount was cash flowed to allow the contractors to be paid. Upon the Board's acceptance of the monies paid by CBS Studios as a donation in receipt of the contractual services from the Department, the Chief Accounting Employee will be authorized to reimburse the cash flow loan.

ENVIRONMENTAL IMPACT STATEMENT:

Staff has determined that through a donation the subject project paid for emergency environmental testing and cleanup contractual services, and therefore, is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article II, Section 2 (a) (3) of the City CEQA Guidelines.

TREE AND SHADE

No trees were affected by the filming incident and the associated environmental cleanup.

The Assistant General Manager of the Operations Branch and the Superintendent of the Pacific Region are aware of the project, and each supports the project and concurs with staff's recommendations pursuant to actions taken by the Environmental Management Group of the Planning, Construction and Maintenance Branch.

FISCAL IMPACT STATEMENT

This project will not have any fiscal impact on RAP's General Fund as the cost of the contractual services for the emergency environmental cleanup will be made through direct payment to Contractors. No future maintenance at the park in connection with the environmental cleanup will be required.

This Report was prepared by Paul Davis, Environmental Supervisor II, Environmental Management Group, Planning, Construction and Maintenance Branch.