



# Memorandum

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** Katy Allen  
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**SUBJECT:** MANAGEMENT PLAN FOR ENVIRONMENTAL ISSUES ON CITY-OWNED PROPERTY

**DATE:** 11-28-05

Approved

Date

11/29/05

Council District: Citywide

## RECOMMENDATION

Approval of a work plan for the management of environmental issues on City-owned property.

## BACKGROUND

As a result of confirming earlier this year that portions of Watson Park were used as a landfill and burn site in the early 1900's, the City Council adopted a resolution on August 9, 2005 authorizing the Director of Public Works to hire a consultant to perform various in-depth environmental tests at Watson Park and to develop a remediation plan for reuse of the park. Work on the park is moving forward. Staff has had several community meetings to keep interested parties advised of the progress on the park.

As part of that Council action, it was further directed that staff report back to Council on the elements summarized below:

- Status of the environmental studies at Watson Park.
- Conditions at other community gardens on City-owned property.
- Database of City-owned properties to include environmental site conditions.
- Protocols for managing City-owned sites identified as former dumpsites.
- Response procedures upon discovery of contaminated soil on City projects.
- Community outreach and internal communications.

## ANALYSIS

Since August, considerable progress has been made in development of a comprehensive strategy for addressing environmental issues on City properties. Below is a summary of the various issues in response to the August 9<sup>th</sup> direction.

### **Status of Environmental Studies at Watson Park**

URS Corporation is under contract to perform various activities related to Watson Park. These activities include the following:

- Prepare a preliminary Waste Characterization Study Work Plan. The objective of the work plan will be to implement a program that addresses the various requirements of the boards, departments and offices within the California Environmental Protection Agency so that a plan can be developed to mitigate potential problems associated with the landfill and possible water quality issues related to the site.
- Prepare a Site Characterization Study. The study culminates in a report which will determine the vertical and horizontal limits of the waste dumped in the landfill, its chemical constituents, a human health risk screening evaluation, an ecological risk screening evaluation and the consultant's recommendations.
- Prepare a state-mandated Remedial Action Work Plan (RAW) or a Removal Action Plan (RAP). The objective of the RAW/RAP will be to define remediation and/or removal procedures based upon the intended land use as well as identify required institutional controls (restrictions on future use) where applicable.

Currently the consultant is performing a records review and developing a Conceptual Site Model (CSM). The CSM is intended to summarize all currently available information about the site, develop a preliminary understanding of the site, and identify informational data gaps. The CSM is expected to be complete and approved by the end of December 2005. The next steps include the preparation of a sampling analysis plan, a quality assurance plan, a site health and safety plan, and a community health and safety plan. A meeting was held with the community on November 2, 2005 to go over the next steps of the process. Community health education and lead blood testing programs are ongoing and jointly sponsored by the City, the County, and San Jose Unified School District.

### **Conditions at Other Community Gardens**

Various actions are underway at all city parks with community gardens. The City will conduct a Phase I Environmental Site Assessment (ESA) for the 17 operating community gardens. The Phase I ESA will be conducted in accordance with professionally accepted standards and guidelines presented in the document titled "STANDARD PRACTICE FOR ENVIRONMENTAL ASSESSMENTS: PHASE I ENVIRONMENTAL SITE ASSESSMENT PROCESS" (The American Society for Testing of Materials ASTM, E1527-00).

The general scope of work shall include the following:

- Conduct an environmental records search of available federal, state, and local government databases listing sites of known or potential environmental concern within a one-mile radius (standard research area) of the subject site;
- Review available historical documents including, but not limited to, aerial photographs and topographic maps of the site;

- Review available City documents related to development of the site and/or other relevant projects;
- Review of available Historical Society records of the site area;
- Conduct a site reconnaissance of existing site conditions;
- Conduct interviews of appropriate persons with possible knowledge and/or documentation related to site history and/or use related to environmental conditions of the site;
- Compile data collected from the assessment program into a Phase I ESA Report, including recommendations for Phase II ESA, if appropriate. The Phase II effort may include soil sampling.

The work to complete Phase I has already begun and is scheduled to be completed by December 31, 2005. A registered Environmental Assessor within the Environmental Services Department is performing this work. There will be costs of approximately \$500 per site for the purchase of historical documents, with a total cost for 17 existing community gardens of approximately \$8500. The multiple agency database searches are currently in progress. The collection and review of other historical documents is planned to occur over the next month with site inspections and interviews to occur shortly thereafter.

#### **Database of City-owned Property**

Staff is proposing the design and development of a City-owned Property Database (CPD) to allow for the review of a property's history and site characteristics prior to engaging in development plans. Such a tool will allow land-use stakeholders to proactively research a property for potentially undesirable elements during the scoping phase of a project. In addition to property identifiers (i.e. Assessor's Parcel Number, address) the CPD will include pertinent property information such as acquisition date, previous site CEQA designation, and any existing environmental site assessment findings.

The development of the CPD will involve a two-pronged parallel approach. One aspect will involve researching the current inventory of City-owned property, and the other will involve developing procedures for the timely and accurate inventorying of new acquisitions. The CPD will ultimately link to the City-wide Geographic Information System (GIS) where layers of information regarding a parcel's characteristics can be accessed (i.e. identification of sewer lines, waste disposal boundaries, etc.).

The first aspect--research of the current property inventory-- is a task that will require significant additional resources and coordination among several departments. This task will involve researching deed files, environmental reports and / or reviewing aerial photographs for approximately 500 parkland, riparian and leased parcels of land to determine whether or not the parcels pose health and safety or environmental threats to the community. To research these parcels, it may be necessary to procure services and reports from title companies and the County Recorder's Office in the event that pertinent information is not readily available in the City's property files. General Services will work with the various departments to identify a first tier of

properties to be reviewed. This review will include properties where there is significant public use, and where there are few improvements, such as paving, that would protect the public from any potential soil contamination.

The properties will be scanned into an electronic database, and if necessary, research will be conducted to fill in any critical information gaps. Resources required for this effort will include temporary staffing, the purchase of additional hardware and software, and expenditures associated with securing services and reports from title companies and the County Recorder's Office, and if necessary, historic aerial photos of particularly suspect sites, dating back to the first aerial photographs, to assist in evaluating past use. A formal budget proposal will be submitted at mid-year to address the funding needs required for implementation of the CPD work plan.

The second aspect--the addition of new properties into the inventory--is a task whereby Public Works-Real Estate Division will forward property summary sheets to General Services-Real Property Management Division. The property summary sheets will serve as the basis for populating the CPD (see Exhibit A).

As the CPD becomes functional, project managers will be required to utilize it on the front-end of project scoping. This will help mitigate the development of facilities on sites with undesirable traits, or assist in a cost analysis of remediation to enable development.

As an interim measure and until the CPD is operational, a procedure will be implemented to ensure project managers use the services of the Real Property Agents to obtain historical information about a property prior to moving forward with development plans. In addition, project managers will utilize the GIS already in place. A training session will be conducted to provide project managers with the tools and steps required to obtain accurate property data during the preliminary analysis stage of project development.

CPD Work Plan/Timeline

October 2005 – December 2005	Design CPD
January 2006 – ongoing	Begin populating CPD with new acquisitions
February 2006 – June 2006	Scan existing first tier property files into the CPD
March 2006 – February 2007	First tier property inventory research (i.e. review Phase I reports, review title reports, review aerials, etc.)
August 2006	Establish link between CPD and GIS
January 2007 – December 2007	Complete scanning and research of remaining properties
September 2007	CPD framework in place and fully operational; data entry and research on existing properties will continue

In order to complete the work described above, a mid-year budget addition will be necessary. Staff is still refining the specific elements of the addition request, but it is likely to include temporary technical and clerical staffing (including people with specific knowledge and skills in the areas of real property and environmental compliance), resources for equipment and software, and funds to purchase necessary title reports and other documents. The total estimated amount required is between \$200,000 and \$400,000 over a two year period.

### **Protocols for Managing City-owned Sites Identified as Former Dump Sites**

The Department of Planning, Building and Code Enforcement's Local Enforcement Agency (LEA) is state certified as the lead solid waste enforcement agency for the California Integrated Waste Management Board (CIWMB). Since 1998, the LEA has participated in the development of the City Hall Records Imaging System (CHRIS) to store and track inspections and documentation on all identified disposal sites and solid waste facilities within the City.

In conformance with state law, LEA staff inspects all identified closed disposal sites every three months and evaluates each site for compliance with state regulatory standards. Inspection reports are filed with the CIWMB and are then optically scanned and filed into the CHRIS system, along with other site documentation, as clerical and optical imaging resources are available to input the legacy documentation. This information is available to other City departments and the public on the CHRIS system. LEA added Watson Park to the State Disposal Site List in July 2004, and has performed routine inspections on a regular basis since then.

Three Geographic Information System (GIS) map layers are being designed as a screening tool for City staff to use when reviewing proposed land uses or conducting other activities:

- One map layer has been created by the Environmental Services Department (ESD) that identifies the boundaries of all recorded City-owned, closed disposal sites. With the recent addition of Watson Park, the City now has six closed landfills. The other five landfills are: Singleton Road Landfill, Story Road Landfill, Roberts Avenue Landfill, Martin Park Landfill, and Nine Par Landfill.
- Two additional GIS map layers are being created by LEA and ESD staff to identify all known privately owned disposal sites, whether closed or active, located within the City. Having this information prior to developing any adjacent City property would enable the City to ensure that the property owners address any environmental impacts common to landfills. The primary impacts associated with landfills include gas migration, groundwater contamination, settlement, and odors.

The work described above has been incorporated into the LEA work plan and no additional cost for the LEA is anticipated at this time.

### **Response Procedures upon Discovery of Contaminated Soil**

All capital projects undergo a CEQA review to identify potential environmental impacts that could result from project implementation, as well as measures to minimize or avoid those impacts. This review involves examination of a wide range of environmental issues, including soil and groundwater conditions. The process also includes research of all available information regarding hazardous waste sites. By the creation of the CPD and the consolidation of property related information of GIS layers as described in previous sections of this memorandum, this research will be much more efficient and reliable.

If a project involves property acquisition, a Phase I/II report is prepared to document the property's soil and groundwater conditions, which information is used in the CEQA review process. For projects that do not involve acquisition and the preparation of a Phase I/II report, an additional process improvement will be to include owner departments in the capital projects CEQA review process to utilize the owner department's knowledge of property histories. In the past, the owner department has not been part of the review process since they are in essence the applicants. However, such owner department coordination will provide valuable information to the process (see Exhibit A).

In situations where the appropriate level of due diligence does not reveal environmental impairment and these conditions are discovered during the construction of a public project, the Environmental Services Department (ESD) will be contacted immediately to make an initial determination. If necessary, ESD will initiate the regulatory reporting process. ESD and the Public Works Department (DPW) will then develop a scope of work for environmental consultant services to investigate and mitigate the discovered impairment.

### **Community Outreach and Internal Communications**

Staff will incorporate a number of changes in its processes to ensure that the community, Council offices, City departments, and other governmental agencies are informed about any issues that are triggered regarding City-owned property. Once the initial review of the current inventory is complete, that information will be shared with Council and the public, along with any recommended mitigation plans associated with those sites.

In the future, as property acquisition occurs, new sites will be reviewed for use history, and this information will be available to staff through the GIS and database systems described earlier in this memo. This information will also be discussed through the Property Acquisition & Disposition Committee, a multi-departmental working group that meets monthly.

Any relevant site information will then be shared with all stakeholders, including the community, Council offices, and other governmental agencies, as part of the public outreach process associated with development of the site. Staff is very aware of the need to disclose and discuss with the public any environmental issues with development sites at the earliest possible stage, and this heightened sensitivity is shared by staff at every level of the processes.

### **OUTCOME**

Staff is recommending a work plan for the management of environmental issues on City property. If Council approves the plan, staff will continue to move forward on all of the issues that are underway.

### **PUBLIC OUTREACH**

Extensive community outreach has been performed on the Watson Park neighborhood as described in the memorandum.

### **COORDINATION**

Preparation of this memorandum has been coordinated with the City Attorney's Office, the City Manager's Office and the Department of Parks, Recreation and Neighborhood Services.

### **CEQA**

Not applicable.

### **SUMMARY**

In conclusion, much work has been done to layout a plan for the management of environmental issues on City owned property, but much remains to be done. The following is a summary of what has been accomplished to date:

- A plan has been developed and is being implemented for addressing the issues at Watson Park. This plan has been coordinated with the local community through community meetings to date. The next community meeting will be held on January 9, 2006.
- An investigative process has begun at all 17 of the operating community gardens within the City that will review environmental safety at each site. The initial site assessment for all of these facilities will be completed by December 31, 2005.
- The creation of the CPD will be started that will be a one-stop source of information regarding environmental issues on City-owned property. The design of the CPD is expected to be complete by December 2005 with data collection and entry continuing into the next two years with priority being given to sites with the highest potential public exposure.

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- Protocols for the management of City-owned sites identified as former dump sites are well established. However, the recent creation of GIS layers that identify the boundaries of these sites has made this information more readily available.
- The process for discovery of environmental issues on City projects will be strengthened by improving the CEQA review process, but most importantly by the creation of the CPD.
- Communication has already been improved as the organization has rallied to respond to Watson Park issues. This improved level of communication is expected to continue as the above-mentioned elements are implemented.

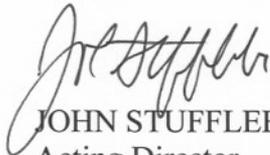
Most of the work mentioned above is already underway and is being performed with existing resources. The primary component that will require additional resources is the creation of the CPD. As mentioned, a formal budget proposal will be submitted at mid-year to address the funding needs required for implementation of the CPD.



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Exhibit A

**Property Acquisition Process Related to the Discovery of Contaminated Soil**

The following steps are currently performed as part of the property acquisition process:

- Conduct Phase I environmental site assessment (ESA).
- Conduct Phase II ESA if recommended by Phase I report.
- Develop mitigation plan (if necessary) for addressing any contamination issues.
- Perform CEQA review to identify potential environmental impacts.
- Obtain CEQA clearance for land acquisition.

The following steps will be added to the property acquisition process:

- Information obtained during the acquisition process will be added to the City-owned Property Database (CPD).

**Project Development Process Related to the Discovery of Contaminated Soil**

The following steps are currently performed as part of the project development process:

- Perform CEQA review to identify potential environmental impacts.
- Research all available information regarding hazardous waste sites.
- Develop mitigation plan (if necessary) for addressing any contamination issues.
- Obtain CEQA clearance for project.

The following steps will be added to the project development process

- The CPD will be reviewed with each project to ensure that the project site does not have a history of contamination issues.
- During the project development phase, the owner department will review all projects to ensure that all historical knowledge is brought forward.
- Information obtained from the CPD or by owner department historical knowledge will be included in the CEQA review process.
- All environmental issues related to city properties will be discussed at the Property Acquisition & Disposition Committee meetings.