

RESOLUTION NO. 2009-609

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.

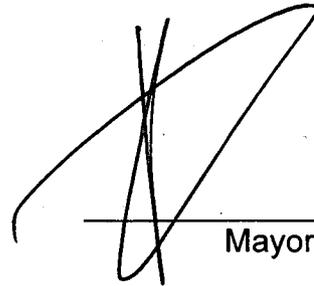
Adopted by the City of Sacramento City Council on September 29, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.



Mayor Kevin Johnson

Attest:



Shirley Concolino, City Clerk