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Sunday, November 8, 2020

Stephanie Swanson, Associate Planner sent by electronic mail 12:15 p.m. 11/8/2020
City of Santa Barbara Planning Commission
Community Development Department
PO Box 1990
Santa Barbara CA 93102-1990

RE: Ortega Park Master Plan -Draft Mitigated Negative Declaration – PLN2019-00425

Dear Ms. Swanson:

Heal the Ocean appreciates the opportunity to make input on the proposed Draft Mitigated Negative Declaration (DMND) for the Ortega Park Master Plan. We have reviewed the studies for the project – including the Site Assessment Report, Soils Management Plan, Stormwater Reports, and other documents contained in the Corrective Action Plan (CAP).

We have also reviewed the documents on the State Water Board’s Geotracker website, which identifies the site as a contaminated **Cleanup Program Site (T10000014371)**, a case still open for Assessment & Interim Remedial Action,

[Ortega Park \(T10000014371\)](#)

604 Ortega St, E
Santa Barbara, CA 93103

Cleanup Program Site

***Cleanup Status: Open - Assessment & Interim Remedial Action
Loc Case #: 760***

Heal the Ocean genuinely feels that a cleaned-up city park for the beneficial use of the neighborhood and other Santa Barbara citizens is a wonderful idea. **The key phrase here is “cleaned up.”** As with other development projects that have come before the City Planning Commission, Heal the Ocean once again insists that the 5.35-acre Ortega Park, which overlies a former city dump, be cleaned up/remediated before one shovel of dirt is moved.

We appreciate the fact that the City signed a **Remedial Action Agreement with EHS** on 12/19/2019 for cleanup of the property, but note that this agreement does not determine method or strategy of cleanup. (*Attachment 1*)

Part of the Ortega Park site was used as a municipal waste dump from as least 1902 until 1927. A Phase II Environmental Site Assessment Report for the project prepared by Rincon Consultants, Inc. (6/13/2019) determined the following contaminants onsite in concentrations **exceeding state standards**: volatile organic compounds (VOCs), total petroleum hydrocarbons (TPH), benzo (a) pyrene (BaP), polycyclic aromatic hydrocarbons (PAHs), arsenic, barium, chromium, lead, mercury, thallium and zinc. (Per City Parks & Recreation Application Letter to City Planning Commission, August 19, 2020). (*Attachment 2*)

The plan for the new and improved Ortega Park calls for a synthetic turf field, new year-round pool with 26,870 sq. ft. multi-purpose pool area, a 1,650 sq. ft community building, a skate park, new park restrooms, a new playground-family picnic area, and this is only part of the list. The project calls for an estimated cut of 10,600 cubic yards (CY) and estimated fill is 480 CY for a net 10,120 CY of cut that would be hauled off site.

I. ISSUE: CONTAMINATED SOILS

The **Corrective Action Plan (CAP)/Soils Management Plan (SMP)**, prepared by Rincon Consultants (June 10, 2020) and approved by County EHS, presents methodology and protocols to properly handle, store, transport, and dispose of impacted soil that is encountered during grading. Heal the Ocean believes the Planning Commission should thoroughly examine the **June 29, 2020 letter** (*Attachment 3*) to the City from Santa Barbara County Environmental Health Services Senior Hazardous Materials Specialist for the LUFT & SMU Programs, **E. Steven Nailor** outlining what the City must do to move forward with this project on a “phase approach.”

“Phase approach” means “test as you go along” (Heal the Ocean’s term), It comes from Mr. Nailor’s letter to the City dated **May 26, 2020** (*Attachment 4*) - that this approach might be a more economical (i.e., “dollars may be better spent removing and disposing of impacted soils when encountered during park renovation activities” (**section 6** of the letter).

Heal the Ocean appreciates Mr. Nailor’s outline of requirements, and disagrees with the phase approach in terms of environment, hazardous waste issues, contaminated stormwater runoff, and neighborhood safety (air pollution). Very importantly, we feel strongly that the City risks fierce economic setbacks with this approach. In Mr. Nailor’s follow-up letter of June 29, 2020, mentioned above **and which Heal the Ocean endorses**, and which we encourage the Planning Commission to thoroughly examine, the requirements are complex and many.

In his June 29, 2020 letter to the City, Mr. Nailor outlines succinctly what contaminants have been found on site, basing his information from the boring tests conducted on the site, the results of which are contained in the SMP:

- **Total Petroleum Hydrocarbons** {TPH) in the diesel and motor oil ranges (RB3, RB4, RBS, RB6, RB7, RB9, RB10, RB11, and RB12).
- **Metals**: arsenic, barium chromium, lead, mercury, thallium and zinc (RBS, RB6, RB7, RB9, RB10, RB11, HP3, HP4, and HPS).

- **Polycyclic Aromatic Hydrocarbons (PAHs)** - Benzo(a)pyrene equivalents (RB3, RBS, RB6, RB7, and RBS).

Having identified these findings, Mr. Nailor also notes the areas of contaminants in percentages over the 5.35 acres:

- a. Figure 3 depicts the TPH distribution in soil at approximately 8 %, or about 0.43 acres.
- b. Figure 4 depicts Lead (Pb) distribution in soil at approximately 39 %, or about 2.09 acres.
- c. Figure 5 depicts PAH concentrations in soil at approximately 14 %, or about 0.75 acres.

The total percentages are the basis for the recommendation of the phase approach – that the most economical way for the City to proceed with the project is *not* to first remediate the grounds before starting construction, but to “test as you go along.” After studying the procedure outlined in the CAP/SMP, Heal the Ocean disagrees mightily with the phase/“test as you go along” approach. Here is the description of the process that is to happen when/if contaminated soils are discovered:

*If field evidence of unidentified soil contamination is encountered during subsurface work, **work should cease** in that area of the excavation and the City of Santa Barbara representative should be contacted. **Any excavated soil exhibiting evidence of contamination should be segregated and managed** as described in the following subsection. Work should not resume in potentially contaminated areas of the site without the permission of the City of Santa Barbara project manager. Unless otherwise specified by the City of Santa Barbara project manager, **the City of Santa Barbara project manager will notify the EHS Hazardous Materials Specialist, Steven Nailor, via telephone at (805) 346-8344 if potentially contaminated soil is encountered during excavation work. (SMP p. 10).***

This process is lengthy, cumbersome, but more problematic is how contaminated soils “should be segregated and managed.” According to the SMP the contaminated soils are to be, wrapped “Burrito-like” (their language) by plastic tarps in an area of the property that won’t come into contact with groundwater. In discussion of the Air Pollution Control District (APCD) regulations for soil storage, the SMP says this:

*The APCD permit for the excavation of greater than 1,000 cubic yards of contaminated soil typically **does not allow the stockpiling of soil for more than 24 hours**. A variance that allows the stockpiling of contaminated soil for more than 24 hours may be applied for under certain circumstances. If contaminated soil is stored onsite, it shall be placed in United States Department of Transportation (DOT) approved containers or stockpiled. Stockpiled material shall be stored on and covered by undamaged **high-density polyethylene or equivalent impermeable barrier in a burrito wrap fashion**. The stockpile shall not be located in sensitive site areas or in areas containing inlets to storm drains and other water ways. Stockpile areas will not contain standing water at any time. Residual water resulting from*

excavated soil that is too wet to transport will be properly containerized, tested, and disposed. (SMP p. 10)

Heal the Ocean notes:

- The APCD permitting of the project, as well as handling of hazardous materials, is highly important, because the project is in the middle of a high-density neighborhood. There are family homes around the project site, which can be seen in the maps in the SMP for Lead (SMP p. 24) and TPH (SMP p. 25). (*Attachments 5 & 6*).
- “Sensitive site areas or...areas containing inlets to storm drains and other water ways” are not specifically identified in the SMP;
- “Properly containerized,” and “tested” – is described in the SMP, but so cumbersome that the delay in construction while testing is done, would greatly impact the time – and cost – of the project, which could lead to its failure: Here are the requirements for testing:

*Soil samples will be transported to the State certified analytical laboratory following chain-of-custody protocol. The laboratory analyses shall be performed by a laboratory certified by the California Department of Health Services Lab Accreditation Program for each of the analyses to be performed. The analytical laboratory Environmental Laboratory Accreditation Program (ELAP) number will be included in the analytical report. **The analytical program used for the profiling of the soil and for waste profile verification shall be in accordance with the requirements of the disposal facility that will accept the excavated soil and is anticipated to include the following:** ♣ Title 22 Metals by EPA Method 6010B/7471A ♣ Full Range TPH by EPA Method 8015M ♣ Full list VOCs including oxygenates by EPA Method 8260B ♣ PAHs by EPA Method 8270C Soil samples analyzed for delineation. (SMP p. 11)*

- **Disposal sites.** The SMP includes a list of hazardous disposal sites, but it appears that the hunt for the site begins at the moment of discovery of contamination. Heal the Ocean believes the disposal site should be identified before the project starts. The SMP only lists possible destinations:

*Upon acceptance of the soil by the disposal facility, impacted soil will be loaded onto trucks, covered, and transported to the approved offsite disposal/recycling facility. **The following are potential non-hazardous waste disposal facilities:** ♣ Chiquita Canyon Landfill in Castaic, California- (661) 257-3655 ♣ TRS in Azusa, California- (626) 969-1384 ♣ Santa Maria Sanitary Landfill in Santa Maria, California- (805) 925-0951 **The following are potential non-RCRA hazardous waste disposal facilities:** ♣ Kettleman Hills Facility in Kettleman City, California - (559) 309-7688 ♣ Clean Harbors in Buttonwillow, California - (661) 762-6200 It will be arranged that a representative of the City of Santa Barbara will sign the waste manifests at their convenience and prior to the date of waste removal. (SMP p. 12)*

Considering all of the above measures described in the SMP, the most urgent issue emerges: the City is not given much time to act on the problem of contaminated soil, because such soil cannot be stored on-site longer than 24 hours (**SMP p. 10**).

Furthermore, multiple agencies must be contacted if contaminated soils are encountered – which they will be – and work will be stopped. Nailor’s June 29, 2020 letter to the City says this:

As the planned renovation activities will encounter hazardous materials, multiple work agencies will likely have restrictions on how and when work will be allowed to proceed. The agencies most likely with restrictions include but are not limited to:

- a. *SBCo-EHS - requires all excavated impacted soils, above cleanup goals (appropriate ESLs), to be properly disposed of offsite and not used for fill onsite or anywhere else. Any fill necessary shall be clean imported fill tested in accordance with the October 2001 document titled DTSC Information Advisory Clean Imported Fill.*

Other issues with contaminated soils on the Ortega Park property include:

- Boring samples have been taken to a maximum depth of 10 feet (encountering contaminants), but the planned swimming pool is to be dug to a depth of 11 feet, so there is no idea what contractors will run into below the boring depths.
- Contractors must be certified in hazmat training:
 - *Excavation work in areas with known contamination will be performed by a contractor with an active General A contractor’s license with a hazardous waste endorsement from the State of California. (SMP p. 8).*

II. ISSUE: GROUNDWATER

Mr. Nailor’s June 29, 2020 letter to the City abbreviates the groundwater sampling done for the SMP (noted in the Figures and Tables of the report) as follows:

- a. Total Petroleum Hydrocarbons (TPH) in the diesel and motor oil ranges.
- b. Volatile Organic Compounds (VOCs): one sample result for benzene was equal to the MCL

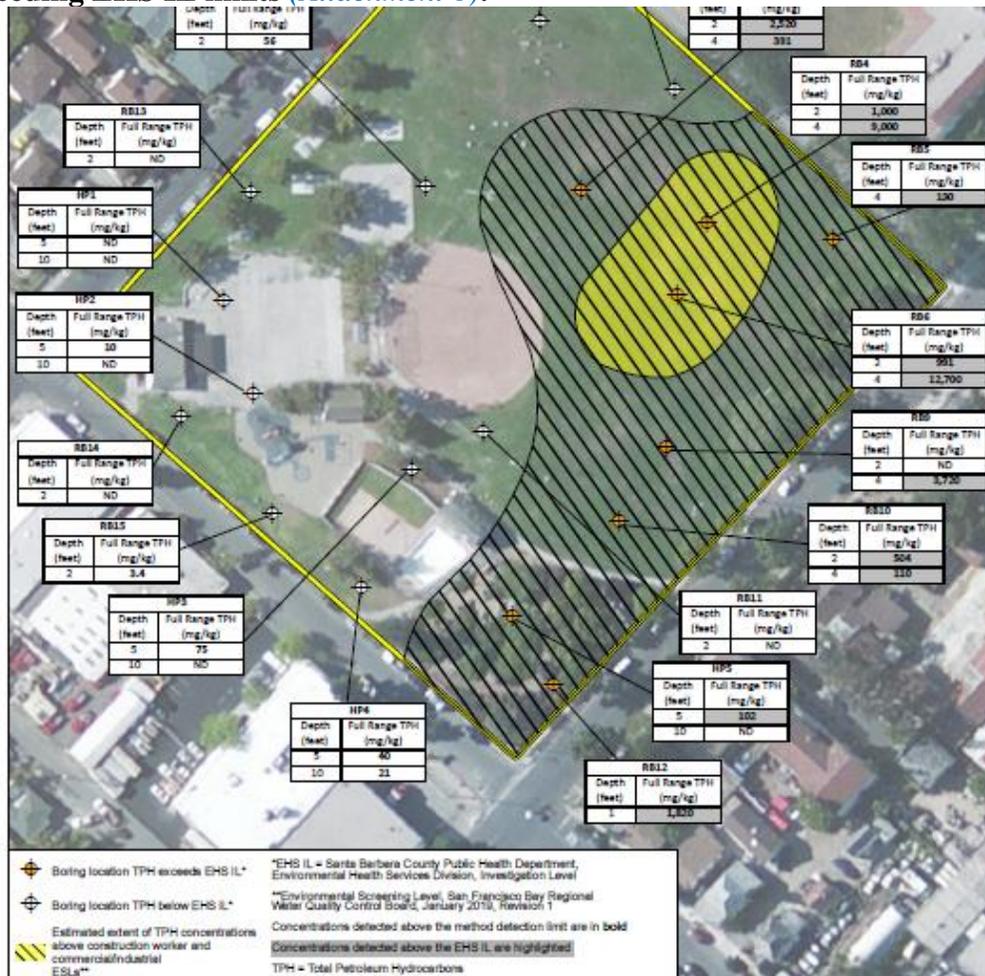
A closer examination of the fieldwork report contained in the SMP, done by Oilfield Environmental and Compliance (OEC) shows the following analytical results from temporary groundwater wells set at boring locations (listed in Table 4 of the SMP):

- TPH was detected in the 4 groundwater samples at concentrations ranging from 57 micrograms per liter (µg/L) to **3,300 µg/L**.
- TPH detected in groundwater sample HP3 **exceeds the EHS IL** of 1,000 µg/L.
- The VOCs benzene and t-butyl alcohol (TBA) were detected at concentrations **exceeding EHS ILs** in groundwater samples HP3 and HP5.
- Trichloroethene (TCE) was detected at a concentration of 0.31 µg/L, which is **below** the EHS IL for TCE in groundwater of 5 micrograms per liter (µg/L).

Full Range TPH is the aggregate of all carbon chains. As summarized on Table 1 of the SMP, Full Range TPH was detected in 21 of the 30 analyzed soil samples at concentrations ranging from 0.32 mg/kg to **12,700 mg/kg**, and also:

- Full Range TPH was detected in **12 soil samples at concentrations exceeding the EHS IL of 100 mg/kg.**
- The highest concentration of Full Range TPH was detected in the soil sample collected at 4 feet below grade from boring RB6.

This map in the SMP shows borings that revealed levels of TPH concentrations exceeding EHS IL limits (*Attachment 6*):



The OEC report notes that the thickness of cover material at the site is unknown, that it might vary throughout the site. In other words, contractors working at the site may not know exactly when they will run into contaminated groundwater. The report also states that based on information from this and other nearby sites, the local groundwater flow direction in the shallow zone is toward the east, and the regional groundwater flow direction in the shallow zone is toward the ocean (south to southeast). During the current assessment, groundwater was encountered in the southwest portion of the site **at 5 feet below grade**, and also that groundwater has been encountered at depths ranging from **less than 1 foot below grade to approximately 6 feet below grade.**

NOTE: the new swimming pool is to be dug to a depth of 11 feet. It is not known what lies underneath.

III. ISSUE: STORMWATER

Heal the Ocean has reviewed Attachment 13 Stormwater Quality Report prepared Feb. 27, 2020 by RRM Design Group – which includes infiltration rates, bioretention, and other aspects of stormwater requirements. We note that the subcatchment analyses is included for **grass cover** (p. 11-13 of the RRM report). This report, as well as additional stormwater infiltration testing BMP report done by Earth System Pacific Ventura (May 31, 2019) **do not include tests for artificial**, which is now part of the plan for the Ortega Park ballfield and playing grounds. Since artificial turf is composed of plastic, it would greatly influence bioretention and stormwater runoff calculations. These should be redone to fulfill requirements regulating stormwater.

IV. ISSUE: ARTIFICIAL TURF

The plan to replace natural grass with artificial turf needs full study, and new stormwater calculations should be made for runoff. There are numerous studies of artificial turf that need to be examined for the Ortega Park project. From Maya K. van Rossum/Delaware Riverkeeper in Huffington Post: “...while typical lawn grass provides a limited degree of pollution filtering and opportunity for rainfall to saturate the soil before letting it run off into local creeks and streams, **artificial turf provides no such benefits.**” (*Attachment 7*)

But further, the composition of artificial turf also has to be considered for its potential polluting effects. It is basically plastic grass made up of three major parts: 1. Backing material that will serve to hold the individual blades of artificial grass. 2. The plastic blades themselves. 3. The infill, those tiny black crumbs, that helps support the blades. Various pigments are used to provide the green color of the blades. These can include lead or titanium. The little black crumbs (infill) are made from tires, which can be toxic. Modern tires are a mixture of natural and synthetic rubber, carbon black – a material made from petroleum.

The above-referenced article by Maya K. van Rossum is certainly not the first and last reference to the environmental pitfalls of artificial turf, but such issues as she raises need thorough examination. She cites studies have found that artificial turf is: leaching toxins into our environment – **like polycyclic aromatic hydrocarbons, phthalates, arsenic, cadmium, chromium and lead, and “...runoff from an artificial turf field that drains to a local creek can pose a risk of toxic effects.”**

In addition, van Rossum cites **sports injury severity**, because of hard surface quality, and also that heat islands created by artificial turf can get up 140 degrees, increasing the potential for skin burns and infections.

The author adds her own subjective opinion about the use of plastic grass. Though not pertinent to environmental review, Heal the Ocean believes these thoughts should be considered in light of the purpose of the Ortega Park plan: to create a welcoming place where kids and family can play. She says:

...with so much artificial nature and artificial play already in the lives of kids, providing living lawns, in which a child can quietly pull blades of grass while

talking to friends, and that will cool their backs as they lay back to watch the clouds blow by, or cushion a fall during a sports game, is a small but significant quality we should protect in their lives.”

If quality of life is a serious consideration for City planners, the cost of water, or recycled water, pumped to the park for genuine, cooling grass, should be calculated.

V. ISSUE: LEARNING FROM THE DESALINATION PLANT PROJECT

Heal the Ocean finds it disturbing that the City would consider a phase (“test as you go”) approach, **given what happened during the construction of the Charles Meyer Desalination Plant in 2016**. Construction workers ran into lead (the largest percentage of contaminant in the Ortega Park soils), as well as other contaminants, and had to stop work while a remedy was devised to proceed. This unexpected situation cost the City an extra \$2.3 million - \$500K of which was to keep the project on schedule. **There is the problem of construction workers having to stop while the difficulties like those described in the SMP and advisory letters from Senior Hazardous Materials Specialist E Steven Nailor are being sorted out.**

https://www.noozhawk.com/article/santa_barbara_spend_2.3_million_soil_contamination_desalination_plant

The expensive hiccup in the City’s Desal project was unexpected (although historical documentation of lead in the area existed) – but the hazards of the Ortega Park project are fully documented and expected. Heal the Ocean urges the Planning Commission to require a cleanup of the site before construction starts.

We note that hazardous waste that is improperly managed poses a serious threat to human health and the environment, and that the [Resource Conservation and Recovery Act](#) (RCRA) passed in 1976, sets up a framework for the proper management of hazardous waste, and that such management requires CEQA documentation of mitigation measures and best management practices (BMPs). Heal the Ocean’s **recommendation is clear:**

CLEAN UP THE SITE FIRST, THEN BUILD THE PROJECT.

Thank you for considering our comments.



Hillary Hauser, Executive Director

CC:

Mr. Richard Aparicio, City of Santa Barbara (raparicio@santabarbaraca.gov)

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ATTACHMENTS:

- 1) **Remedial Action Agreement City/EHS 12/19/2019**
- 2) **City Parks & Recreation Application Letter to City Planning Commission, August 19, 2020**
- 3) **EHS Senior Hazardous Materials Specialist Steven Nailor letter to City June 29, 2020**
- 4) **EHS Senior Hazardous Materials Specialist Steven Nailor letter to City May 26, 2020**
- 5) **Ortega Park Map of Lead contaminates & Surrounding Neighborhood, p. 24 SMP**
- 6) **Ortega Park Map of TPH & Surrounding Neighborhood, p. 25 SMP**
- 7) **3 Dangers of Artificial Turf, van Rossum, Delaware Riverkeeper, December 6, 2017**