

1 **County of Sacramento**
2 **Environmental Management Department**
3 **Environmental Compliance Division**
4 **10590 Armstrong Ave., Suite A**
5 **Mather, CA 95655**
6 **Telephone: (916) 875-8550**
7 **Facsimile: (916) 875-8513**

7 **In Re: CITY OF SACRAMENTO) SECOND CORRECTIVE ACTION**
8 **PARKS AND RECREATION) ORDER**
9 **ATTN: SHANNON BROWN)**
10 **915 I STREET, 3RD FLOOR) [California Health and Safety**
11 **SACRAMENTO, CA 95814) Code Section 105256]**
12 **) Case File No. 18-RO0001707**

12 The Sacramento County Environmental Management Department,
13 Environmental Compliance Division ("EMD"), the "Local Enforcement Agency" in
14 the County of Sacramento, hereby issues this Second Corrective Action Order
15 ("Order") pursuant to California Health and Safety Code (H&SC) sections 105251
16 and 105256 to the **CITY OF SACRAMENTO** ("Respondent") for lead hazards at
17 the **JAMES MANGAN PARK RIFLE AND PISTOL RANGE** ("Facility") located at
18 2140 34th Avenue, Sacramento, CA 95822.

19 **APPLICABLE AUTHORITY**

20 **H&SC section 105256 provides:**

21 (a) Notwithstanding any other provision of law, whenever the department
22 or a local enforcement agency determines that a condition at a location or
23 premises, or the activity of any person at the location or premises, is creating or
24 has created a lead hazard at the location or premises, the department or the
25 local enforcement agency may order the owner of the location or premises to
26 abate the lead hazard, and may order the person whose activity is creating or
27 has created the lead hazard, to cease and desist.

1 (b) It is unlawful for any person to refuse to obey any order issued
2 pursuant to this section.

3 (c) A violation of subdivision (b) shall be an infraction punishable by a fine
4 not to exceed one thousand dollars (\$1,000).

5 (d) A second or subsequent violation of subdivision (b) shall be a
6 misdemeanor punishable by a fine not to exceed five thousand dollars (\$5,000)
7 or by imprisonment for not more than six months in the county jail or by both that
8 fine and imprisonment.

9 (e) Any penalties under this section shall be in addition to any other
10 penalty or remedy provided by law.

11 **STATEMENT OF FACTS**

12 EMD received an inquiry on April 4, 2016, about lead-contaminated dust at
13 the indoor gun range located at the Facility.

14 On April 13, 2016, EMD received documents that verified that a lead
15 hazard, as defined in Title 17 California Code of Regulations (CCR) section
16 35037, is present at the Facility.

17 **DETERMINATIONS**

18 Based on the above Statement of Facts, EMD has determined that a lead
19 hazard exists at the Facility, which warrants abatement or corrective action
20 pursuant to H&SC section 105256.

21 **DIRECTIVES**

22 Until the lead hazard at the Facility has been abated or corrected:

- 23 1. Respondent shall ensure that the building interior is not generally
24 accessible to the public;
- 25 2. Respondent shall ensure that the procedures for building entry and
26 exit are followed, as described in the work plan by PARC Specialty
27 Contractors, dated May 19, 2016, titled *Interior Lead Dust Migration*

1 *Prevention Lead Compliance Work Plan;*

- 2 3. The building shall not be repurposed as a “public building” or a
3 “residential building,” as defined in 17 CCR sections 35045 and
4 35046;
- 5 4. Respondent shall notify EMD within thirty (30) calendar days of
6 Respondent making a final decision regarding disposition of the
7 Facility (for example, reuse or demolition): and
- 8 5. Prior to conducting any lead activities, as defined in 17 CCR section
9 35032, Respondent shall submit a work plan for EMD’s review and
10 approval that identifies how Respondent will conduct such activities.
11 Lead activities will not be initiated prior to EMD’s approval of the
12 work plan. Measures used must comply with the California
13 Department of Public Health (CDPH) standards for Work Practices,
14 17 CCR sections 36000, 36050, and 36100.

15 All submittals required by this Order shall be addressed to Charley Langer,
16 Environmental Specialist, Sacramento County Environmental Management
17 Department, 10590 Armstrong Avenue, Mather, CA 95655.

18 As used in this Order, the date of issuance shall be the date of this
19 Order, and the date of service, whether by personal service or by certified
20 mail, shall be the date the Order is served on the City of Sacramento.

21 EMD reserves the right to make such modifications to this Order and/or
22 to issue such further order(s) as it may deem necessary to protect public
23 health and safety. Such modification may be issued as amendments to this
24 Order and shall be deemed effective upon issuance.

25 Nothing in this Order relieves Respondent of its obligation to meet the
26 requirements of any law, regulation, standard, permit, or order issued
27 thereunder.

PARTIES BOUND

This Order shall apply to and be binding upon Respondent, its officers, directors, agents, employees, contractors, and assignees.

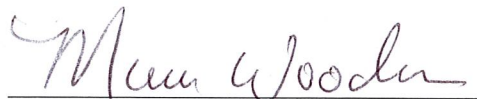
SEVERABILITY

The Directives of this Order are severable, and Respondent shall comply with each and every provision hereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

Violation of a Corrective Action Order issued pursuant to H&SC section 105256 is a criminal offense, punishable by fine or imprisonment, or both. EMD does not waive any further enforcement action by issuance of this Second Corrective Action Order.

Dated: October 17, 2018 County of Sacramento
Environmental Management Department


Marie Woodin, Interim Director

W:\DATA\SAMS-CUPA CORR ACTION ORDERS\CITY OF SACRAMENTO-MANGAN GUN RANGE\CORRECTIVE ACTION ORDERS\CITY COR ACTION ORDER 2 REV10-2-18.DOCX