



Contra Costa County

To: Board of Supervisors
From: David Twa, County Administrator
Date: May 24, 2016

Subject: Settlement Agreement with the Marine Shale Processors Site Potentially Responsible Parties Group

RECOMMENDATION(S):

APPROVE and AUTHORIZE the County Administrator, or designee, to execute a \$4,500 settlement agreement with the Marine Shale Processors Site Potentially Responsible Parties Group.

FISCAL IMPACT:

The fiscal impact is 100% General Fund. (\$4,500 from the Sheriff's Office Crime Lab budget)

BACKGROUND:

In 1995 and 1996, small amounts of hazardous waste from the Sheriff's Office Crime Lab were sent to a waste processing and treatment facility near Amelia, Louisiana, known as the Marine Shale Processors Site. More than 7,700 entities sent hazardous materials to the facility, which closed in 1996 under a federal court order. The site is now a Superfund site.

The County has received a remediation demand from the U.S. Environmental Protection

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/24/2016** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: May 24, 2016

David Twa, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: Timothy Ewell,
925-335-1036

Agency and the Louisiana Department of Environmental Quality, through an entity known as the Marine Shale Processors Site Potentially Responsible Parties Group. The County is one of approximately 1,200 entities that were responsible for sending relatively small volumes of waste to the site. Each of these entities generated between 0.2 tons and 1.0 tons of waste to the site. County Hazardous Materials Programs staff reviewed hazardous waste manifest documents for the site and confirmed that approximately 0.56 tons of hazardous waste originating from the Sheriff's Office Crime Lab was sent to the site under a contract with a hazardous waste disposal company.

Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA; 42 U.S.C. § 1906 et seq.), entities that arrange for the disposal of hazardous wastes are among the parties that may be potentially responsible for the costs of remediating a Superfund site. As a "potentially responsible party" under CERCLA, the County has been offered the opportunity to enter into a

BACKGROUND: (CONT'D)

de minimis cash-out settlement agreement that would allow the County to exit the case and avoid the costs associated with any further investigation, remediation, and litigation. Under the proposed settlement, the County would pay \$4,500 in exchange for a general release from all liability associated with the site. The settlement amount is non-negotiable.

This Board order authorizes the County Administrator, or designee, to execute a settlement agreement with the Marine Shale Processors Site PRP Group. Upon receipt of a signed settlement agreement and a \$4,500 payment, the Group will execute a release discharging the County from all liability associated with the site. The Group is authorized under CERCLA and an agreement with the U.S. Environmental Protection Agency and the Louisiana Department of Environmental Quality to execute the release.

CONSEQUENCE OF NEGATIVE ACTION:

The County would continue to be a “potentially responsible party” under CERCLA with respect to the Marine Shale Processors Site.