

City Council Communication 97-559

December 8, 1997 Agenda

Subject:

Former Diller Battery Site,
Participation Agreement

Submitted by:

Harold Smith

City Engineer

Synopsis —

A participation agreement has been prepared between the City of Des Moines, Polk County, and Union Pacific Railroad (the parties) for the former Diller Battery site. The participation agreement will provide equal sharing of site characterization expenses between the parties.

The execution of this agreement shall not constitute an acknowledgment or admission of liability.

Fiscal Impact —

The site characterization cost will include services of a consultant, sampling, laboratory analysis, report preparation, negotiations with the Iowa Department of Natural Resources and the United States Environmental Protection Agency (EPA), remediation recommendations, and other incidental work related to the site characterization. The proposed total amount for the site characterization is \$50,383, in which the City will be responsible for one-third, or \$16,794.33.

Funds available in Capital Improvement Program (CIP), Account Code 409748, Riverview Park, page 205, for this participation agreement.

Recommendation —

Approval of the participation agreement for the former Diller Battery site.

Background —

The site was operated as a lead battery factory by Diller Battery from 1946 to 1952. In 1953, the facility was operated jointly by Diller Battery and Span-O-Life Battery, and by Span-O-Life Battery only in 1954. The City of Des Moines, Polk County, Union Pacific Railroad (UPRR), and Ms. Barbara Redshaw each own property within an area bounded by Boston Avenue, Sixth Avenue, Corning Avenue, and Riverside Park in Des Moines, Iowa, which has been designated by Region 7 of the EPA as the Diller Battery site. The properties are allegedly contaminated with lead, and the EPA has distributed an integral site assessment for the former Diller Battery site in Des Moines, Iowa, dated October 1996. EPA has notified the City of Des Moines, Polk County, UPRR, and Ms. Barbara Redshaw that they are potential responsible parties (PRP) pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA). The EPA will delegate authority to provide CERCLA oversight of PRP activities at the site. The EPA has requested that the City of Des Moines, Polk County, and the UPRR conduct certain work at the site, including site characterization.

Upon execution of this participation agreement, the UPRR shall perform as pay master for the site characterization which includes: execute services with consultant that are agreed upon by the parties, review consultant's invoices and make payments to the consultant, and bill the other parties for their cost share. The parties agree to reimburse the UPRR within 30 days of receipt of invoice.