



Date: February 1, 2024

To: Wanda S. Page, City Manager
Through: Keith Chadwell, Deputy City Manager
From: Wade Walcutt, Director – Parks and Recreation *W. W.*
Subject: Departmental Response to Request to Speak

On November 20, 2023, Durham Parks and Recreation (DPR) provided a community update on the status of our efforts to find a solution to address the issue of lead-contaminated soil in some areas of five City-owned parks - Walltown, East End, East Durham, Lyon, and Northgate Parks.

At that time, we shared the North Carolina Department of Environmental Quality (NCDEQ) had decided that all five parks qualified for the [State’s Pre-Regulatory Landfill Program](#). This means the City of Durham has an opportunity to receive additional resources and funding to remediate our park spaces that measured above the U.S. Environmental Protection Agency (EPA) threshold for lead.

As part of this late November update, we noted that over the next two months (December 2023 – January 2024) representatives from the State’s Pre-regulatory Landfill Program were to complete additional research and surveying at these five parks which will allow them to conduct a risk assessment at the sites using standards of the program. This work also includes a parallel review to prioritize each location amongst their established database of their other pre-regulatory landfill sites throughout North Carolina.

City staff met with NCDEQ representatives in late January 2024, and we now have the following updates to share.

As of February 1, 2024

Update 1 – NCDEQ Risk Scores Now Available

NCDEQ uses a scoring matrix to assess risk. The highest risk score in the program is 526 and the lowest is 0. The top 50 sites in the program, score 218 and higher and the top 100 sites score 156 and higher.

Durham’s five parks are now in NCDEQ’s database with the associated risk scores as follows:

- 1. Lyon Park 274
- 2. East End Park 173
- 3. Walltown Park 173
- 4. East Durham Park 83
- 5. Northgate Park 83

Please note, these scores do NOT necessarily reflect the amount of lead or hazardous materials within the park, however the scores help NCDEQ establish priority based on risk score and recommend risk-based remediation goals. Examples of the criteria used to score include:

- Potable drinking wells on site within 1000 feet of contamination
- Schools and churches on site or within 1000 feet of contamination

The complete guidelines for NCDEQ’s Addressing Pre-Regulatory Landfills and Dumps can be [found here](#).

The scores prioritization rankings are only part of the process to completely and accurately assess each park’s condition and determine the best steps toward solutions. The next step began in December 2023 and ended in January 2024: NCDEQ surveyed each park’s entire footprint through 0.25-acre grids to examine the top 12 inches of soil. This was a critical step to determine the comprehensive risk analysis of each park. The samples are currently being analyzed and a report is being prepared by NCDEQ, with an estimated completion date being April 2024.

The results will fully inform the City and community as to all contents in the first 12” inches of soil in each of the 5 parks. This information will be then used by NCDEQ staff to create a draft report containing options for remediation solutions. The report will be made available for public comment and community collaboration prior to approval and implementation. NCDEQ staff have agreed to participate directly and engagement activities at this point in the process.

Update 2 – EPA's Updated Soil Lead Guidance

The EPA has recently lowered recommended screening levels and strengthened guidance for investigating and cleaning up lead-contaminated soil in residential areas where children live and play from 400ppm and above to 200ppm and above. [Explainer: Updated Soil Lead Guidance](#)

Previously the City followed the EPA’s original guidance and prohibited access to areas in the five parks that were screened 400 PPM and above. Based on their new guidance, beginning Monday, February 5, the City will prohibit access to areas within each of the five parks that have previously screened between 200 PPM and 400 PPM. Additionally, we are exploring options to install improved fencing and improved signage in these areas. These new action steps have been reviewed and supported by the City and NCDEQ while adhering to the latest guidance of the EPA. Using the new 200ppm guidance, the number of additional restricted areas are as follows (see attachments for specific locations):

| | |
|------------------|----|
| Lyon Park | 6 |
| East End Park | 4 |
| Walltown Park | 15 |
| East Durham Park | 3 |
| Northgate Park | 7 |

Next Steps:

- Once we review the analysis and report from NCDEQ, we will host community conversations to share, listen, discuss and mutually explore short- and long-term impacts and solutions.
- NCDEQ will continue their analysis to include geophysical surveys to include but not limited to horizontal explorations beyond City properties, gas probes, water sampling,

Additional Information:

- Considerable interest has been expressed to the City from a group of concerned citizens regarding public engagement. With the assistance of the Neighborhood Improvement Services Department, and based on this information, the staff proposes that we meet with a smaller and delegated representation of the group's choosing no later than February 15th for the primary purpose of crafting a suitable approach for further engagement. Some additional time can be allotted for further discussion on the information in this memorandum. DCM Keith Chadwell will commit to participating.
- Funding request: DPR has submitted a request to assist with solutions for these parks as part of the City's FY24-25 budget process. Additionally, the staff has begun some deliberations with Mid-Atlantic on the topic of funding for remediation. The City has some successes in pursuing funding for environmental programs through the company's expertise in this area.
- Lead Blood Testing: We have shared with the Durham County Department of Public Health that a request has been made for the department to provide additional blood lead testing, which the department ceased in October 2023. The department continues to provide lead information on their [website](#).

We hope this information has been beneficial in understanding our continued efforts to ensure the safety of our parks.

We will continue to use our [dedicated project webpage](#) as well as the City's other communication tools and outreach channels to help ensure our community remains informed on our progress.

This matter continues to be top priority for DPR, and we remain committed to finding a solution to address this issue in our five parks.