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**Title:** Actions pertaining to preparation of a Nitrate Initial Assessment for the Fresno-Clovis Regional Wastewater Reclamation Facility and the North Fresno Wastewater Reclamation Facility (Council Districts 3 and 6):

1. Adopt a finding of Categorical Exemption pursuant to Section 15306/Class 6 of the California Environmental Quality Act (CEQA) Guidelines.
2. Approve a consultant services agreement with Carollo Engineers, Inc., for an amount not to exceed \$830,640 plus a contingency amount not to exceed \$83,100

**Sponsors:** Department of Public Utilities

**Indexes:**

**Code sections:**

**Attachments:** 1. Agreement - Carollo NIA corollo signature.pdf

Date	Ver.	Action By	Action	Result
6/18/2020	1	City Council	approved	

**REPORT TO THE CITY COUNCIL**

**June 18, 2020**

**FROM:** MICHAEL CARBAJAL, Director  
Department of Public Utilities

**THROUGH:** BROCK D. BUCHE, PE, PLS, Assistant Director - UP&E  
Department of Public Utilities - Utilities Planning & Engineering

**BY:** ANITA LUERA, Supervising Engineering Technician  
Department of Public Utilities - Utilities Planning & Engineering

**SUBJECT**

Actions pertaining to preparation of a Nitrate Initial Assessment for the Fresno-Clovis Regional Wastewater Reclamation Facility and the North Fresno Wastewater Reclamation Facility (Council Districts 3 and 6):

1. Adopt a finding of Categorical Exemption pursuant to Section 15306/Class 6 of the California Environmental Quality Act (CEQA) Guidelines.
2. Approve a consultant services agreement with Carollo Engineers, Inc., for an amount not to exceed \$830,640 plus a contingency amount not to exceed \$83,100

**RECOMMENDATIONS**

Staff recommends that City Council adopt a finding of Categorical Exemption pursuant to Section 15306 (Class 6) of the CEQA guidelines; approve a consultant services agreement with Carollo Engineers, Inc. (Carollo), for an amount not to exceed \$830,640 plus a contingency amount not to exceed \$83,100, for the preparation of a Nitrate Initial Assessment (NIA) for the Fresno-Clovis Regional Wastewater Reclamation Facility and the North Fresno Wastewater Reclamation Facility (collectively Facilities) to evaluate whether there are nitrate impacts to groundwater and develop an early action plan, if needed; and authorize the Director of Public Utilities, or designee, to sign the agreement on behalf of the City of Fresno (City).

## **EXECUTIVE SUMMARY**

The Department of Public Utilities (DPU), Wastewater Management Division operates the Facilities under Waste Discharge Requirements (WDR) issued by the Central Valley Regional Water Quality Control Board (Board). The WDR implements the Water Quality Control Plan for the Tulare Lake Basin (Basin Plan). The latest Amendment to the Basin Plan requires preparation of a NIA to assess the presence of nitrates as nitrogen in groundwater near the Facilities as it relates to the Facilities' discharge operations. Staff conducted a competitive process for selecting a consultant to complete the assessment and prepare the NIA for approval by the Board.

## **BACKGROUND**

The DPU, Wastewater Management Division operates the Facilities under WDRs issued by the Board. This WDR implements the Basin Plan which was adopted by the Board on July 25, 1975. The Basin Plan is the regulatory document that contains policies and procedures for protecting state waters in order to maintain water quality standards. The latest amendment to the Basin Plan, adopted by the Board on May 31, 2018, adds a Nitrate Control Program that allows for the control and permitting of nitrate discharges. The purpose of the program is to ensure protection of drinking water supplies and to manage nitrate concentrations in groundwater.

A Notice to Comply with the Nitrate Control Program is expected to be issued by the Board in late May 2020. The Wastewater Management Division will then have 330-days to prepare a NIA as part of a Notice of Intent to comply with the Nitrate Control Program and submit it to the Board for approval. The NIA will assess the presence of nitrates, as nitrogen in groundwater near the Facilities and determine water quality trends as they relate to the Facilities' discharge operations. If the Facilities are found to be the cause of excessive nitrate concentrations, an Early Action Plan must also be prepared which will outline procedures to identify impacted groundwater consumers and the actions to be taken to provide them with immediate access to safe drinking water. Completion of these highly complex and detailed documents will ensure the RWRF remains compliant, and avoids citation for non-compliance, with the conditions stipulated in the WDR. This effort requires detailed technical analysis by a qualified team of individuals with substantial experience in the fields of geology, hydrogeology, groundwater modeling, chemistry, civil engineering, and environmental assessment. While the department maintains staffing that includes professional engineers and technicians, these individuals are focused on delivering the department's annual capital improvement program and supporting operation activities. Successful completion of the Nitrate Initial Assessment in the allocated 330-day timeline requires a partnership with a qualified consultant to ensure stringent regulatory deadlines are met.

In accordance with Fresno Municipal Code Chapter 4, Article 1, and Administrative Order 6-19, the

DPU conducted a competitive process for selecting a consultant to provide the requested professional services for this Project. On March 11, 2020, the City published a Request for Qualifications (RFQ) for consulting services through the City's Planet Bids website and sent direct email notifications with details of the posting to 1,682 potential candidates. The RFQ was also published in the Business Journal on March 11, 2020. One Statement of Qualifications (SOQs) was submitted to DPU for consideration by the deadline of April 22, 2020. A selection committee, consisting of five representatives from DPU's Utilities Planning and Engineering, and Wastewater Management Division, evaluated the SOQ and ranked the consultant. Upon completion of the evaluation, scope of work, and fee negotiation process, Carollo was selected based on their extensive experience on groundwater impacts by wastewater treatment facilities and their knowledge of the existing conditions of the RWRF as a result of a previous study determining the RWRF Best Practical Treatment and Control Report (2007) that addressed pollutants of concerns including arsenic and manganese. Failure to submit the workplan or to meet the deadlines established by the Board will result in a non-compliance status of the RWRF.

A standard consultant services agreement has been used, without modification, in accordance with Administrative Order 4-4. Carollo's Certificates of Insurance have been approved by the City's Risk Management Division. Upon approval by the City Council, the consultant services agreement will be executed by the Director of Public Utilities, or designee, who has been delegated this authority by the City Manager.

## **ENVIRONMENTAL FINDINGS**

Staff has determined that approval of this contract is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15306 because it involves data collection and resource evaluation activities designed to identify and evaluate nitrate concentrations found in groundwater in the vicinity of the RWRF. In addition, none of the exceptions to exemptions set forth in CEQA Guidelines section 15300.2 apply to this approval. Therefore a Class 6 Categorical Exemption pursuant to CEQA Guidelines Section 15306 is appropriate.

## **LOCAL PREFERENCE**

Local preference was not implemented as only one submission was received. Carollo Engineers, Inc. is a local firm pursuant to Fresno Municipal Code Section 4-109(b).

## **FISCAL IMPACT**

There is no impact to the General Fund. This Project is located in Council Districts 3 and 6. Funding for this work is included in the Wastewater Management Division's Capital Improvement Program budget within the Wastewater Enterprise Fund No. 40501. The total contracted price for this work is \$913,740, including a contingency of \$83,100. No additional funding is required for this Project.

Attachments:

Attachment 1 - Consultant Services Agreement