



Legislation Details (With Text)

File #: ID#14-280 **Version:** 1 **Name:**

Type: Action Item **Status:** Passed

File created: 8/11/2014 **In control:** City Council

On agenda: 8/28/2014 **Final action:** 8/28/2014

Title: Approve Amendment No. 6 between the City and ERM-West, Inc. (ERM) to provide ongoing engineering, environmental, and remedial actions concerning groundwater contamination at Fresno Yosemite International Airport (FAT) for an amount not to exceed \$72,700

Sponsors: Airports

Indexes:

Code sections:

Attachments: 1. FYI-ERM Amendment #6 to 2006 Agreement, 2. Site Map - ERM Amendment #6

Date	Ver.	Action By	Action	Result
8/28/2014	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

August 28, 2014

FROM: KEVIN R. MEIKLE, Director of Aviation
Airports Department

SUBJECT

Approve Amendment No. 6 between the City and ERM-West, Inc. (ERM) to provide ongoing engineering, environmental, and remedial actions concerning groundwater contamination at Fresno Yosemite International Airport (FAT) for an amount not to exceed \$72,700

RECOMMENDATION

Staff recommends Council authorize the Director of Aviation to execute Amendment No. 6 with ERM for additional professional engineering, environmental, and remedial actions concerning groundwater contamination emanating from FAT.

EXECUTIVE SUMMARY

ERM is providing environmental remediation services for the clean-up of groundwater contamination that emanated from a military aircraft maintenance facility at the then named Hammer Field. Work during calendar year 2014 is underway pursuant to Amendment No. 5 of the Master Agreement. Amendment No. 6 is for the decommissioning of nine (9) monitoring wells,

which are no longer needed since regional water levels have receded and these wells are now dry, and the repair of five (5) well boxes. The State of California Department of Toxic Substances Control (DTSC) and the Regional Water Quality Control Board (RWQCB) support this work.

BACKGROUND

The environmental clean-up program of groundwater contamination has been ongoing throughout the past 20 years. An Operating Agreement entered into by the City of Fresno (City), United States Army Corps of Engineers (USACE), and Boeing pursuant to a September 16, 2010, Settlement Agreement ensures that the ongoing clean-up is coordinated by the parties, including the selection and retention of consultants and contractors. The parties have determined that ERM continues to be the most qualified consultant to manage the clean-up effort and the required coordination with the DTSC and the RWQCB. One of the conditions of the Settlement Agreement requires that the City execute all related agreements entered into under the Operating Agreement on behalf of all parties.

Oversight for the clean-up is accomplished through the DTSC and the RWQCB. Financial responsibility for the clean-up has been negotiated and cost allocations identified in the Settlement Agreement reached among the City, USACE, and Boeing. Under the terms of the Settlement Agreement, the USACE was deemed responsible for 68%, Boeing for 22%, and the City for 10% of total clean-up costs beginning September 16, 2010, and to remain in effect until the State is satisfied that the clean-up is complete.

The USACE and their subcontractor, North American Aviation (subsequently bought by Boeing), operated an extensive aircraft maintenance facility on what was then called Hammer Field in the late 1940s through the 1950s. Groundwater contamination emanating from the former North American Aviation site was discovered in the 1980s. Clean-up activities began in 1990 and have included the installation of a soil vapor extraction system, monitoring wells, water treatment systems, related piping, operations and maintenance, system monitoring, and coordination with the State. So far, over \$17,000,000 has been spent on clean-up related activities by the three parties. The extent of clean-up at and around FAT is shown on the attached site map.

Substantial progress has been made over the years including a determination by the State that the soil vapor extraction system has successfully removed the source area contamination (P-3 hangar), which was decommissioned and removed in 2013. However, completion of the overall clean-up effort and 100% clearance by the State is still many years away. It is anticipated that the City will propose additional amendments to this Agreement in the future.

In regards to the past work that ERM has performed for the City, our experience has been that they have performed professionally, and, also have maintained a very productive working relationship with the USACE, Boeing, and the State of California. ERM is a California corporation and they continue to operate out of their Fresno office for this project. One of the conditions of the Settlement Agreement requires that the City execute all related agreements entered under the Operating Agreement on behalf of all parties.

The current Agreement with ERM, the parties' remediation contractor identified in the Settlement Agreement, was executed on December 21, 2006, and included work through calendar year 2010. Amendment No. 1 was executed on February 4, 2011, and included work through calendar year 2011. Amendment No. 2 was executed on February 17, 2012, and included work through

calendar year 2012. Amendment No. 3 was executed on December 11, 2012, and included work through calendar year 2013. Amendment No. 4 was executed on September 16, 2013, and included additional work for the installation of a replacement injection well, known as HFIW-2. Amendment No. 5 was executed on January 30, 2014, and included work through calendar year 2014. The parties, pursuant to the Operating Agreement, concur in City's retaining and contracting with ERM to perform the scope of work in Amendment No. 6. (Refer to attached Amendment No. 6.)

The total fee for satisfactory performance of the additional services identified in Amendment No. 6 shall not exceed \$72,700. The total not to exceed fee for satisfactory performance of all services required or rendered pursuant to the agreement as amended shall not exceed \$1,996,630. The City is responsible for 10% of the fee, or \$7,270 for this amendment. The City Attorney has reviewed Amendment No. 6 and has approved it as to form.

ENVIRONMENTAL FINDINGS

This Agreement is entered into pursuant to a court order and is not subject to the California Environmental Quality Act (CEQA) per CEQA Guidelines §15379.

LOCAL PREFERENCE

The City's Local Preference Ordinance (FMC 4-108) does not apply because this contract utilizes federal funding.

FISCAL IMPACT

The City's financial responsibility for Amendment No. 6 is \$7,270 (10% of the total cost). Funding will be provided by Airport revenues and is included in the City's FY 2015 adopted budget. There is no impact to the City's General Fund from this action.

Attachments:

- Amendment No. 6
- Site Map