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Title: Actions pertaining to the design and Implementation of Phase 3 Groundwater Remedial Action for the Fresno Sanitary Landfill (FSL) (Citywide) (Council District 3):

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15308 (Class 8) of the CEQA guidelines for design and implementation of Phase 3 Groundwater Remedial Action for the FSL
2. Approve an agreement with CDM Smith, Inc., (CDM) in the amount of \$464,700 for design and implementation oversight of Phase 3 Groundwater Remedial Action for the FSL (City) (Council District 3)

Sponsors: Department of Public Utilities

Indexes:

Code sections:

Attachments: 1. Agreement - CDM Smith.pdf, 2. 2016-06-02 A-2 CDM Certificate of Liability Insurance.pdf, 3. 2016-06-02 A-3 United States of America v. City of Fresno Consent Decree.pdf, 4. 2016-06-02 A-4 EPA Superfund Record of Decision OU 2 Fresno 1996.pdf, 5. 2016-06-02 A-5 Phase 3 Notice of Consulting Service and Evaluation.pdf

Date	Ver.	Action By	Action	Result
6/2/2016	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

June 2, 2016

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SUBJECT

Actions pertaining to the design and Implementation of Phase 3 Groundwater Remedial Action for the Fresno Sanitary Landfill (FSL) (Citywide) (Council District 3):

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15308 (Class 8) of the CEQA guidelines for design and implementation of Phase 3 Groundwater Remedial Action for the FSL

2. Approve an agreement with CDM Smith, Inc., (CDM) in the amount of \$464,700 for design and implementation oversight of Phase 3 Groundwater Remedial Action for the FSL (City) (Council District 3)

RECOMMENDATION

Approve an agreement with CDM Smith, Inc. (CDM), in the amount of \$464,700 for the design and implementation of Phase 3 groundwater remedial actions for the FSL and authorize the Director of Public Utilities or designee to execute the agreement on behalf of the City.

EXECUTIVE SUMMARY

In June 1998, the City of Fresno entered into an agreement with the United States Environmental Protection Agency (US EPA) to conduct the final cleanup of the FSL. The 1996 US EPA Record of Decision (ROD) for the FSL stated that the objective of the Groundwater Remedial Action (RA) was to *“restore the aquifer to beneficial use in a timely and cost-effective manner.”* The aquifer impacted by historical operations of the FSL is considered restored when levels of contaminants present in groundwater comply with regulatory standards at or below maximum contaminant levels (MCLs) for volatile organic compounds. The Groundwater RA was planned for implementation in three phases, with objectives associated with each phase of remediation. Phase 3 is the final phase of the Groundwater RA and consists of installation and operation of additional wells at the FSL to complete restoration of the aquifer to beneficial use.

BACKGROUND

Groundwater remedial actions were undertaken as part of the process of closing the FSL under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and the Superfund Amendments and Reauthorization Act of 1986 (SARA). All actions under CERCLA were performed with oversight of US EPA. Closure activities were performed under two operable units. Operable Unit 1 (OU-1) focused on planning, design and construction of the landfill cover, gas control and surface water management systems and ongoing maintenance of the facilities. Operable Unit 2 (OU-2) focused on planning, design, construction and maintenance of a treatment system to address volatile organic compounds (VOCs) impacts to groundwater.

This work was conducted in accordance to a Consent Decree entered June 10, 1998 in a civil action CIV F-98-5195 (US EPA, 1998). The 1996 US EPA Superfund Site Record of Decision (ROD) for the FSL stated that the objective of the Groundwater Remedial Action (RA) was to restore the aquifer to beneficial use in a timely and cost-effective manner. The implementation of the groundwater RA was planned in three (3) phases, with specific objectives and monitoring requirements at each phase:

Phase 1 (landfill perimeter containment) included installation and operation of extraction wells along the perimeter of the FSL in order to contain the contaminated groundwater below the landfill and decreasing the potential to contaminate downgradient groundwater. Implementation of Phase 1 Groundwater RA was completed in 2002 and included construction of a groundwater treatment facility and a landfill gas flare for the removal of VOAs.

Phase 2 (plume containment) included installation and operation of the wells to contain the movement of the contaminated groundwater plume avoiding impact of the uncontaminated portions

of the aquifer system. Implementation of Phase 2 Groundwater RA was completed October 2008 and Phase 2 Enhancements Groundwater RA was completed April 2014.

Phase 3 (aquifer restoration) is the final phase of remediation and will install and operate wells to complete restoration of the aquifer to beneficial use and actively restore the contaminated aquifer downgradient to the landfill to levels that comply with regulatory standards which are at or below MCLs as established at this site.

Since 1998, the City has undertaken ongoing cleanup of the FSL as required by its agreement with the US EPA, with the goal of the FSL being removed from the National Priorities List, the list of hazardous waste sites in the United States eligible for long-term remedial action (cleanup) financed under the federal Superfund program. Phase 3 is the final phase of the Groundwater RA, requiring installation and operation of additional wells to achieve final restoration of the groundwater downgradient to the FSL.

On April 9, 2015, a Request for Consulting Services was released inviting professional groundwater remedial actions consultants to submit Statements of Qualifications for Engineering Services for Fresno Sanitary Landfill Superfund Site Phase 3 Groundwater Remedial Action. On the due date for submittals, April 24, 2015, the City received only one response, CDM Smith, Inc. (CDM). CDM was qualified based upon their knowledge and experience working on the FSL since 1989, their superfund delisting experience, and their involvement working on Phases 1 and 2 of the Groundwater RA.

Phase 3 will require, at a minimum, the following tasks:

1. Design and prepare plans and specifications for new extraction and monitoring wells.
2. Design and prepare plans and specifications for integration of the new extraction wells into the existing system.
3. Provide bid period and construction oversight services.
4. Prepare required reports to US EPA.

Staff is requesting approval of this agreement with CDM, for the design and implementation of Phase 3 of the Groundwater RA for the FSL, and authorization of the Director of Public Utilities or designee to execute the agreement.

The total cost for this agreement is \$464,700 for the period starting the date of council approval until December 31, 2017.

ENVIRONMENTAL FINDINGS

Staff has determined that a Categorical Exemption is appropriate, based on Class 8 Section 15308 of the CEQA Guidelines. This section exempts actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. This project involves compliance with requirements set forth by a regulatory agency for protection of the environment.

Furthermore, staff has determined that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project. Staff recommends that the Council, based upon its own independent judgment, adopt a finding of Categorical Exemption per staff

determination, pursuant to Section 15308, Class 8, CEQA guidelines for the proposed design and implementation of Phase 3 Groundwater RA.

LOCAL PREFERENCE

Local preference was not applied because only one proposal was received.

FISCAL IMPACT

The cost of this agreement will be proportionally funded by the Landfill Capital Fund and the General Fund.

Attachments:

Phase 3 Design and Implementation Agreement with CDM Smith, Inc., Groundwater Remedial Action - Fresno Sanitary Landfill.

Certificate of Liability Insurance

United States of America v. City of Fresno, Consent Decree.

EPA Superfund Record of Decision, OU 2, Fresno, CA 1996

Notice for Consulting Services, Statement of Qualification and Consultant Evaluation for Groundwater Remedial Action Services for Fresno Sanitary Landfill.