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**Title:** Actions pertaining to the Groundwater Integration Project for Phase 3 Groundwater Remedial Action for the Fresno Sanitary Landfill (FSL) (Bid File 3580) (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 the groundwater integration project of the Phase 3 Groundwater Remedial Action for the FSL
2. \*\*\*RESOLUTION - 56th Amendment to the Annual Appropriations Resolution (AAR) No. 2017 -165, to appropriate \$372,300 for the Groundwater Integration Project for Phase 3 Groundwater Remedial Action for the Fresno Sanitary Landfill (Requires 5 affirmative votes) (Subject to Mayor's veto)
3. Approve bid proposal in the amount of \$1,512,500 provided by Stearns, Conrad & Schmidt, Consulting Engineers
4. Authorize the Public Works Director or designee to execute the contract on behalf of the City

**Sponsors:** Department of Public Utilities

**Indexes:**

**Code sections:**

**Attachments:** 1. 2018-03-22 Attachment 1 FSL Resolution 18 56th Groundwtr Integration.pdf, 2. 2018-03-22 Attachment 2 FSL BF#3580 Fiscal Impact Statement.pdf, 3. 2018-03-22 Attachment 3 Contract\_DPW NO FED DIV 1 rev 03-17\_031617.pdf, 4. 2018-03-22 Attachment 4 FSL Vicinity Map - Integration Project.pdf, 5. 2018-03-22 Attachment 5 FSL Consent Decree 1989 USA v COF.pdf, 6. 2018-03-22 Attachment 6 FSL ROD OU-2 1996.pdf, 7. 2018-03-22 Attachment 7 FSL 5-Y EPA Review 2015.pdf

Date	Ver.	Action By	Action	Result
3/22/2018	1	City Council	adopted	Pass

## REPORT TO THE CITY COUNCIL

**March 22, 2018**

**FROM:** THOMAS C. ESQUEDA, Director  
Department of Public Utilities

**THROUGH:** JERRY L. SCHUBER, SR., Assistant Director  
Department of Public Utilities - Solid Waste Management Division

**BY:** ROSA LAU-STAGGS, Wastewater Manager-Environmental Services  
Department of Public Utilities - Wastewater Management Division

## SUBJECT

Actions pertaining to the Groundwater Integration Project for Phase 3 Groundwater Remedial Action

for the Fresno Sanitary Landfill (FSL) (Bid File 3580) (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 the groundwater integration project of the Phase 3 Groundwater Remedial Action for the FSL
2. \*\*\*RESOLUTION - 56<sup>th</sup> Amendment to the Annual Appropriations Resolution (AAR) No. 2017-165, to appropriate \$372,300 for the Groundwater Integration Project for Phase 3 Groundwater Remedial Action for the Fresno Sanitary Landfill (Requires 5 affirmative votes) (Subject to Mayor's veto)
3. Approve bid proposal in the amount of \$1,512,500 provided by Stearns, Conrad & Schmidt, Consulting Engineers
4. Authorize the Public Works Director or designee to execute the contract on behalf of the City

## RECOMMENDATIONS

Staff recommends that the City Council adopt findings of Categorical Exemption pursuant to Section 15308 (Class 8), approve a \$1,512,500 proposed bid provided by Stearns, Conrad & Schmidt for the groundwater integration project of the Phase 3 groundwater remedial actions for the FSL and authorize the Department of Public Works Director or designee to execute the contract on behalf of the City. Staff also recommends adoption of the 56th amendment to the AAR No. 2017-165 appropriating \$372,300 for the project.

## 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. Phase 3 has an integration portion and a well construction portion.

The Phase 3 Groundwater Integration portion will connect two (2) new extraction groundwater wells with the existing network of extraction wells used for the groundwater restoration project at the FSL.

## 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 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 VOCs.

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. 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 June 2016, CDM Smith, Inc. (CDM) was awarded a contract for the design and implementation of Phase 3 of the Groundwater RA for the FSL.

On July 20, 2017, The Council rejected a single bid for the “Fresno Sanitary Landfill Phase 3 Groundwater Remedial Design/Remedial Action Operable Unit 2” due to the proposal costing more than 32% over the estimated budget. Staff recommended splitting the project into an integration portion and a groundwater well construction portion in order to get more bidders. This report addresses the groundwater integration portion of the Phase 3 project.

On December 13, 2017, the FSL Phase 3 Groundwater Integration Project went out for advertisement via Bids-On-Line. Eleven (11) Building Exchanges received notices inviting bids. There were fifty eight (58) specifications distributed to prospective bidders.

One proposal was received and opened on January 30, 2018. Stearns, Conrad & Schmidt was the only responsive and responsible bidder with a submitted bid for \$1,512,500. The project will be completed 100 working days after the issuance of the notice to proceed. The bids will expire within 64 days of the bid opening on April 4, 2018.

If the bid is rejected, the project will be rebid resulting in a delay of approximately 60 days.

Staff recommends that the City Council award a construction contract in the amount of \$1,512,500 to Stearns, Conrad & Schmidt as the only responsive and responsible bidder.

City Attorney has reviewed and approved to form.

## **ENVIRONMENTAL FINDINGS**

This project is under oversight of the US EPA and the California Department of Toxic Substances. The City of Fresno's FSL was placed on the National Priority List in 1989 due to migrating gases from years of receiving waste of all types at an unlined sanitary landfill. This project is under oversight of US EPA through documented ROD-1993 (SFUND Records CTR 2087741), ROD 1996 (SFUND Records CTR 2087742), Statement of Work-OU-1, Statement of Work-OU-2 and Consent Decree between the United States and the City of Fresno signed in 1998 with full environmental findings, recommendations, public information and institutional controls. Phase 3 is the last of a series of three phases started prior to the FSL's inception into the National Priority List, with the purpose to contain, treat, monitor and remediate contamination. Phase 3 is the last phase moving towards delisting the FSL from the National Priorities List.

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 integration project at the Fresno Sanitary Landfill.

## **LOCAL PREFERENCE**

Local preference was not applied. Only one bid was received.

## **FISCAL IMPACT**

Funds in the amount of \$1,160,200 are currently available in the Landfill Closure Fund's FY 2018 budget for this project. The adoption of the attached AAR amendment will appropriate the additional funds required to fully encumber the contract for FSL Integration Project and associated contract management costs in FY 2018. The City Landfill Post Closure Fund is funded equally by the residential and commercial solid waste resources. As anticipated over the past several years and because the Commercial Solid Waste Franchise Fees are deposited in the General Fund, the support for the commercial portion of activities has been gradually shifted to the General Fund. Support for this expenditure has been budgeted in the FY 2018 General Fund.

Attachments:

Resolution - 56<sup>th</sup> Amendment (AAR No. 2017-165) (Attachment 1)  
Bid Evaluation and Fiscal Impact Statement Bid# 3580 (Attachment 2)  
Boilerplate Contract DPW NO FED DIV I (Attachment 3)  
Vicinity Map Phase 3 Integration Project (Attachment 4)  
Consent Decree, United States of America v City of Fresno (Attachment 5)  
Record of Decision 1996 Operable Unit 2 (Attachment 6)  
US EPA Third Five-year Review Report for FSL, 2015 (Attachment 7)