



## Legislation Details (With Text)

**File #:** ID 21-505      **Version:** 1      **Name:**  
**Type:** Action Item      **Status:** Agenda Ready  
**File created:** 4/2/2021      **In control:** City Council  
**On agenda:** 4/22/2021      **Final action:**  
**Title:** Actions pertaining to groundwater monitoring and reporting for the Fresno Sanitary Landfill (FSL) (Citywide) (Council District 3):  
1. Adopt a finding of Categorical Exemption pursuant to Sections 15308/Class 6 and 15309/Class 9 of the California Environmental Quality Act (CEQA) Guidelines  
2. Approve a Third Amendment to the Agreement with CDM Smith, Inc., in the amount of \$328,600 for monitoring and reporting requirements for groundwater remedial actions for the FSL (City) (Council District 3)

**Sponsors:** Department of Public Utilities

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment 1 Third Amendment to the Agreement with CDM Smith Inc for Groundwater Monitoring Services, 2. Attachment 2 2021 Second Amendment to the Agreement with CDM Smith Inc for Groundwater Monitoring Services, 3. Attachment 3 2020 First Amendment to the Agreement with CDM Smith Inc for Groundwater Monitoring Services, 4. Attachment 4 2016 Agreement with CDM Smith Inc for Groundwater Monitoring Services

Date	Ver.	Action By	Action	Result
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## REPORT TO THE CITY COUNCIL

**April 22, 2021**

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

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

**THROUGH:** ROSA LAU-STAGGS, Wastewater Manager  
Department of Public Utilities - Wastewater Management Division

## SUBJECT

Actions pertaining to groundwater monitoring and reporting for the Fresno Sanitary Landfill (FSL) (Citywide) (Council District 3):

1. Adopt a finding of Categorical Exemption pursuant to Sections 15308/Class 6 and 15309/Class 9 of the California Environmental Quality Act (CEQA) Guidelines
2. Approve a Third Amendment to the Agreement with CDM Smith, Inc., in the amount of

\$328,600 for monitoring and reporting requirements for groundwater remedial actions for the FSL (City) (Council District 3)

## RECOMMENDATIONS

Staff recommends that Council:

1. Adopt a finding of Categorical Exemption pursuant to Sections 15308/Class 6 and 15309/Class 9 of the California Environmental Quality Act (CEQA) Guidelines;
2. Approve a Third Amendment to the Agreement with CDM Smith, Inc., in the amount of \$328,600 for monitoring and reporting requirements for groundwater remedial actions for the FSL; and
3. Authorize the Director of Public Utilities, or designee, to execute the agreement and one remaining extension 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 Fresno Sanitary Landfill (FSL). As part of the cleanup efforts, groundwater monitoring and testing are required and quarterly and annual reports are prepared for US EPA.

On March 11, 2016, the City Council approved an Agreement with CDM Smith, Inc. (CDM) for professional groundwater monitoring services for the FSL. The Agreement was for a period of four years in the amount of \$781,120 with the option of three one-year extensions at a cost to be determined on each year extension. Due to delays, two extensions of time only (First and Second Amendments) were issued with no additional costs. The Third Amendment addresses costs to cover the period for year 2021 in the amount of \$328,600 and include a needed design for landfill regrading and rehabilitation project as required by US EPA.

## BACKGROUND

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 cleanup entails operation and maintenance activities at the groundwater extraction and treatment facility, groundwater monitoring and reporting to US EPA, and allocating adequate funds to finance groundwater remedial actions and maintenance of the FSL during the delisting process.

The end goal for this project is removal of the FSL from the National Priorities List. The City is currently evaluating the final phase (Phase 3) which added additional monitoring and extraction wells to demonstrate enough pollutant removal for delisting of the FSL.

On June 26, 2000, the City began constructing a Landfill Cap and installing extraction and monitoring wells. The construction included a groundwater treatment facility and a landfill gas flare. Since that time, the City has monitored the groundwater plume using the monitoring wells in the area and wells installed on-site.

On September 29, 2011, Council approved an agreement with CDM for monitoring and testing the FSL for groundwater contaminants, specifically, volatile organic compounds; and performance

monitoring and reporting to US EPA of the remediation system treating those contaminants. The agreement with its various extensions ended December 31, 2015.

On March 11, 2016, Council approved a four-year agreement with CDM in the amount of \$781,120 with three one-year extension options for monitoring and evaluation of the progress to remove the FSL from the National Priority List. Delays on the construction of wells and the evaluation of water quality in Phase 3 resulted in the First and Second Amendments to the Agreement granting two of the three extensions for time only. The Third Amendment addresses cost to be incurred for year 2021 for a total of \$328,600 for monitoring and evaluation services of the FSL. The cost also includes design projects addressing EPA recommendations to regrade the FSL surface area, rehabilitate the drainage ditch in the perimeter of the landfill and evaluate the landfill protective cap for leaks and deficiencies.

Staff is requesting approval of this Third Amendment to the Agreement with CDM Smith, Inc. at a cost of \$328,600 and authorization for the Director of Public Utilities, or designee, to execute the Third Amendment to the Agreement and one remaining one-year extension option.

## **ENVIRONMENTAL FINDINGS**

Staff has determined that a Categorical Exemption is appropriate, based on Class 6 Section 15306 of the CEQA Guidelines. This section exempts basic data collection, research, experimental management, and resource evaluation activities which do not result in major disturbance to an environmental resource. This project involves compliance with requirements set forth by the USEPA for protection of the environment. The City entered into a Consent Decree following a complaint filed against the City by the USEPA under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) regarding the release of hazardous substances that impacted natural resources at or around the FSL. Under the proposed Third Amendment, CDM Smith will provide monitoring and evaluation of the progress to remove the FSL from the National Priority List. Among other things, CDM will coordinate with City staff in the ongoing implementation of the annual performance monitoring system including preparing the annual performance monitoring program reports, as well as assistance in remedial action systems operations through such activities as preparing the annual extraction well performance evaluation technical memorandum documenting the performance evaluation of each of the groundwater extraction wells, and evaluations of new wells. CDM will also prepare reports to transmit to the EPA and prepare responses to EPA and State regulatory agency review comments of the City's Phase 3 Groundwater Remedial Action Evaluation Report. While CDM will provide some design work during the Year 2 extension, no construction work will be performed by CDM.

Further, Staff has also determined that a Categorical Exemption is appropriate, based on Class 9 Section 15309 of the CEQA Guidelines. This section exempts actions activities limited entirely to inspections, to check for performance of an operation, or quality, health, or safety of a project. This project involves inspecting groundwater wells and reporting on the findings to ensure compliance with the consent decree. CDM Smith will be undergoing work on behalf of the City as part of ongoing operations at the FSL. Ongoing activities are being performed as part of Operable Unit No. 1 (OU-1 - landfill control system operations and maintenance) and OU-2 (groundwater remediation system operations and maintenance). The ultimate objective of the continued work is to achieve formal closure of FSL Superfund Site under the oversight of the USEPA.

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 15301(c), Class 1 of the CEQA guidelines.

## **LOCAL PREFERENCE**

Local preference was not implemented because the agreement does not involve the bid or award of a construction or services contract.

## **FISCAL IMPACT**

The cost of this Third Amendment to the Agreement with CDM Smith, Inc. for Groundwater Monitoring Services will be funded equally by the Landfill Enterprise Fund and the General Fund. The total cost of \$328,600 will be covered in the FY 2021 budget and split between the Landfill Operation and Maintenance (O&M) budget (\$196,000) and Landfill Capital Fund (\$132,600).

### **Attachments:**

Attachment 1 - Third Amendment to the Agreement with CDM Smith, Inc. for Groundwater Monitoring Services

Attachment 2 - 2021 Second Amendment to the Agreement with CDM Smith, Inc. for Groundwater Monitoring Services

Attachment 3 - 2020 First Amendment to the Agreement with CDM Smith, Inc. for Groundwater Monitoring Services

Attachment 4 - 2016 Agreement with CDM Smith, Inc. for Groundwater Monitoring Services