



Midpeninsula Regional  
Open Space District

R-11-93  
Meeting 11-25  
September 14, 2011

## **AGENDA ITEM 7**

### **AGENDA ITEM**

Authorization to Amend a Contract with ERM-West, Inc. for an Additional \$95,500 to Continue Providing Environmental Consulting and Remediation Services for the Alma College Petroleum Release at Bear Creek Redwoods Open Space Preserve and Determine that the Recommended Action is Categorically Exempt from the California Environmental Quality Act

### **GENERAL MANAGER'S RECOMMENDATIONS**

1. Determine that the recommended action is categorically exempt from the California Environmental Quality Act (CEQA) as set out in this report.
2. Authorize the General Manager to amend a contract with ERM-West, Inc. (ERM) for an additional \$95,500, which includes a contingency of 10%, for a total amount not to exceed \$123,000 to continue providing environmental consulting and remediation services for the Alma College Petroleum Release.

### **SUMMARY**

ERM has provided exemplary consulting services and assistance to the District in responding to the Alma College petroleum release event that occurred in March 2011. Working with ERM, District staff has developed a multifaceted approach to address the hazardous materials on the former Alma College site and complete the cleanup and response to the petroleum release. The General Manager therefore recommends that the ERM contract be amended for an additional \$95,500, for a contract amount not to exceed \$123,000, to cover the additional services required to complete the clean up and determine if other, actionable contamination is present at this location.

### **DISCUSSION**

On March 25, 2011, District staff working in the Alma College Area of Bear Creek Redwoods Open Space Preserve noticed a strong petroleum odor following heavy rains. Investigations identified the source of the odor as an abandoned building (Boiler Room) where rainwater had collected within the building foundation that contained a layer of an oily substance floating on the surface of the water. Additionally, stormwater runoff was observed flowing out of a hillside

downslope from the Boiler Room carrying this oily substance to a service road where the flow traveled down the road surface approximately 1,000 feet.

District staff initiated an emergency spill response to contain the release, which was started by Santa Clara County Fire and completed by a hazardous materials containment and cleanup contractor, Clean Harbors, Inc., retained by the District. District staff also began investigations to identify the source of the oil and the extent of contamination present at the Alma College site once the initial spill containment and cleanup was completed, approximately 3 days after the release was identified. To perform these services, the District contracted with ERM-West, Inc (ERM), an environmental consulting firm with experience investigating and cleaning contaminated sites and structures. Given the need for immediate emergency containment and response, the initial ERM contract of \$27,500 was authorized by the General Manager under the emergency conditions provision in the Board-adopted Public Contract Bidding, Vendor, and Professional Consultant Selection, and Purchasing Policy (last amended 2010). Even though the contract for ERM was authorized under the emergency conditions provision, staff did solicit proposals for services from two additional environmental consulting firms and determined that ERM was best qualified to provide the environmental services and negotiated a competitive rate for services.

ERM conducted subsurface utility location investigations and was able to identify the source of the oil as an approximately 2,000 gallon heating fuel underground storage tank (UST) located eight feet underground. This UST was found adjacent to the Boiler Room building where oil and water were originally identified and suspected as the source of the oil observed seeping from the hillside. ERM also mapped oil distribution pipelines leading from the UST to the building, which were not capped, as well as broken and uncapped fill ports to the UST that permitted water to enter the tank and force out residual fuel oil through the distribution pipes and into the Boiler Room. A sump was identified within the foundation of the Boiler Room that drained the oil and water mixture from the building, through a drain line, and ultimately onto the slope below the building where a break in the drain pipe proved to be the release point of the oil that was observed flowing following the heavy rains.

All of the pipelines and fill ports were capped by ERM to mitigate the threat of an oil release into the environment. Additionally, ERM has excavated impacted soil and debris from the road surface and collected soil samples from below the foundation of the Boiler Room, the slope below the Boiler Room, and the road to determine if impacted soils are present. Analytical results of the soil samples indicate that the soils below the Boiler Room foundation are free from contamination; however, the slope and road have elevated levels of petroleum hydrocarbons that will require the impacted soils to be excavated. Staff is recommending completing these remediation actions prior to the onset of winter rains to address the potential for continued petroleum hydrocarbon impacts.

Additionally, ERM has identified asbestos containing materials within the Boiler Room building. Staff is recommending removal (abatement) of these materials to eliminate this potential hazard from the property. Because the property has a significant history of use by multiple previous property owners, staff is also recommending that a more detailed assessment of the main campus area of the former Alma College site be conducted to determine if other or similar environmental concerns are present on the site.

District staff worked with ERM to design a multifaceted approach that will:

- Remove the UST and removal or abandonment in place of the underground pipelines leading to the Boiler Room;
- Excavate and/or remediate contaminated soils and restore the site following remediation actions;
- Abate asbestos within Boiler Room structure; and
- Perform detailed archive review and on-site field investigation to determine if additional unknown USTs or other immediate concerns are present on property.

Because of the potential for unexpected conditions to be encountered when undertaking a project of this nature, the contract amendment with ERM will contain a contingency line item equal to 10% of the amendment amount. These contingency funds will only be used in the event that unexpected conditions are encountered such as the discovery of additional infrastructure during soil excavation or responding to direction to conduct additional work as directed by regulatory personnel.

### **FISCAL IMPACT**

The FY2010-11 and FY2011-12 budgets each include a line item for Unanticipated Capital Improvement Projects in the amount of \$25,000. The initial contract for services with ERM and the work that has continued into this fiscal year has been charged to these accounts with an expectation that staff would return at Midyear for a budget adjustment to cover the remaining cleanup action expenses. The Midyear budget will include a requested amount of \$150,000 to address the petroleum release and necessary cleanup actions at the Alma College site. These funds will be reallocated using budget savings from other FY2011-12 capital projects.

In addition, the District's pollution coverage carrier has been notified of this incident and provided with pertinent information to pursue available coverage. The deductible for this coverage is \$50,000. Legal staff will be working with CJPIA and the carrier to seek reimbursement for the portions of this work that fall within coverage. It is not possible to determine whether and to what extent insurance will be available to reimburse the costs related to this incident.

### **PUBLIC NOTICE**

Notice has been provided as required by the Brown Act. No additional notice is required.

### **CEQA COMPLIANCE**

Minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release of threat of release of a hazardous waste or substance are categorically exempt from the application of CEQA under Section 15330 of Public Resources Code. Section 15330 defines minor cleanup actions as small or medium removal actions costing \$1 million or less. This project is expected to cost well below that threshold and meets all of the other criteria under Section 15330.

**NEXT STEP**

The contract amendment under consideration will allow staff to address all of the outstanding environmental concerns on the former Alma College site. Upon Board authorization, the General Manager will amend the contract with ERM for \$95,500 for a contract amount not to exceed \$123,000.

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