



# Folsom City Council Staff Report

<b>MEETING DATE:</b>	8/25/2020
<b>AGENDA SECTION:</b>	Consent Calendar
<b>SUBJECT:</b>	Resolution No. 10504 - A Resolution Authorizing the City Manager to Execute Amendment No. 4 to the Agreement (Contract No. 173-21 09-024) with Brown and Caldwell for Corrective Action Monitoring for the Corporation Yard Landfill and Appropriation of Funds
<b>FROM:</b>	Environmental and Water Resources Department

## **RECOMMENDATION / CITY COUNCIL ACTION**

The Environmental and Water Resources Department recommends the City Council pass and adopt Resolution No. 10504 - A Resolution Authorizing the City Manager to Execute Amendment No. 4 to the Agreement (Contract No. 173-21 09-024) with Brown and Caldwell for Corrective Action Monitoring for the Corporation Yard Landfill and Appropriation of Funds.

## **BACKGROUND / ISSUE**

The City of Folsom's Corporation Yard is located at the foot of Leidesdorff Street, west of the Leidesdorff Lid over Folsom Boulevard, adjacent to Lake Natoma. The City is in the process of preparing the existing Corporation Yard for future unrestricted land uses. Preparing the Corporation Yard for future unrestricted use has been approached as a two phase process. The first phase was the clean closure of the landfill which was completed in early October 2009. The second phase, which is not a part of this current effort, is the demolition and removal of buildings and foundations associated with current and historical practices once the industrial activities associated with the current site have been relocated to the new corporation yard location. To facilitate this endeavor, the Corporation Yard landfill has been removed and no longer exists. This clean closure activity was accomplished in accordance with the Clean Closure Plan (CCP), Waste Discharge Requirements (WDRs) Order R5-2008-0106, and California Code of Regulations (CCR), Title 27.

The City of Folsom, as the owner of the Corporation Yard, remains responsible for compliance with the WDRs and in particular the Monitoring and Reporting Program (MRP) as part of the post-closure activities. Intent of the MRP is to evaluate the effectiveness of the corrective actions (removal of the landfill contents) in remediating the landfill's purported impacts to the underlying groundwater. While the site may be used for any use the City deems appropriate as the landfill has been removed, any development of the property requiring the relocation of the groundwater monitoring wells would require approval from Regional Water Quality Control Board (RWQCB).

In November 2012, the Regional Water Quality Control Board required that the City continue groundwater monitoring pursuant to the Waste Discharge Requirement Order R5-2008-0106. Amendment No. 1 to the agreement (Contract No. 173-21 09-024) with Brown and Caldwell for corrective action monitoring for the Corporation Yard Landfill covered monitoring and reporting activities through July 2013. On November 12, 2013 City Council approved Amendment No. 2 to continue monitoring and reporting of the Clean Closure activities for the City required under the WDR.

On May 23, 2017 City Council approved Amendment No. 3 that included the work associated with a new monitoring strategy developed by City staff, Brown and Caldwell, and the Regional Water Quality Control Board. This closure strategy focused on constructing a new monitoring well network that monitors both: 1) historic shallow gold mining dredge tailings; and 2) the underlying native Merhten Formation that supplies drinking water in and around the Sacramento area. Monitoring both groundwater units will provide the RWQCB the information they need as documentation to accept that the former landfill is not impacting groundwater in the native Mehrten Formation.

This resolution will authorize the City Manager to execute Amendment No. 4 for \$200,427. The new contract total amount, including Amendment No. 4 is \$905,068.

### **POLICY / RULE**

In accordance with Chapter 2.36 of the Folsom Municipal Code, supplies, equipment, services, and construction with a value of \$62,014 or greater shall be awarded by City Council.

### **ANALYSIS**

The final objective associated with the removal of the landfill in the Corporation Yard is the rescission of the WDRs and with that action elimination of the MRP and the need for semi-annual groundwater monitoring, and removal of the groundwater sampling wells. This action will eliminate the need for any input by the RWQCB regarding future development of the property and the associated cost of groundwater monitoring. Currently, the City is responsible for continued groundwater monitoring under the MRP and consistent with CCR Title 27, section 21090(f)(1) for implementing any additional corrective action measures that are necessary to achieve compliance with the Water Quality Protection Standard (WQPS).

In accordance with the WDRs the City needs to demonstrate that the “constituents of the release have been reduced to levels below concentration limits.....” As the concentration limits are greater than the WQPS, continuous compliance with the WQPS cannot be demonstrated in accordance with the WDRs. However, at the end of the compliance period, the City can propose that the concentration limits be increased. In accordance with G 28 of the WDRs:

“Any proposal for concentration limits greater than background (CLGBs) shall be accompanied by the requisite demonstration under Section 20400(c) (i.e., that it is technologically and economically infeasible to achieve the background value for that constituent and that constituent will not pose a substantial present or potential hazard to human health or the environment). Approval of the CLGBs shall require approval of revised WDRs by the Regional Water Board.”

In September 2019, the RWQCB required four additional sampling events and one additional semi-annual report for 2020. This work was covered under Amendment No.3 with the remaining balance of funds available under that Amendment. The City will use the results of the samples collected from September 2017 through June 2020 (12 samples total) to develop a recommendation to the RWQCB to rescind the WDR for the Corp Yard. By virtue of Brown and Caldwell’s unique knowledge of the Corporation Yard Landfill and the requirements of the MRP, it was determined that Brown and Caldwell is the firm best suited to provide the necessary professional services to develop the request for rescission of the WDRs with the final Annual Report under Amendment No. 4.

This amendment provides additional support for the following:

- Third quarter 2020 sampling and monitoring event required by the RWQCB
- Groundwater monitoring report and site closure request
- Meeting and coordination with RWQCB staff
- Destruction of site monitoring wells if approved by RWQCB
- Well abandonment report if well destruction is approved by RWQCB
- Project management

The proposed scope for Amendment No. 4 anticipates that final closure documents could be prepared in 12 months from the Notice to Proceed. This will include the final closure report and well destruction.

### **FISCAL IMPACT**

The Landfill Closure Fund (Fund 543) contained budgeted expenditures in the amount of \$100,000. An additional appropriation will be required for this amendment in the amount of \$100,427. The Solid Waste Operating and the Wastewater Operating Funds contribute in a 60% / 40% split to cover the costs associated with the closure of the land fill. The Solid Waste Operating Fund (Fund 540) and the Wastewater Operating Fund (Fund 530) will also require additional appropriations. The Solid Waste Fund will require an appropriation \$60,256 and

the Wastewater Fund will require an appropriation of \$40,171. The appropriations in the Solid Waste and Wastewater Funds will be transferred to the Landfill Closure Fund. The additional appropriation in the amount of \$200,427 will increase the contract amount to a total of \$905,068.

### **ENVIRONMENTAL REVIEW**

This action is covered by the Initial Study and Mitigated Negative Declaration for the Clean Closure of the Corporation Yard Landfill, which was adopted by the City Council on February 26, 2008, under Resolution No. 8237.

### **ATTACHMENTS**

Resolution No. 10504 - A Resolution Authorizing the City Manager to Execute Amendment No. 4 to the Agreement (Contract No. 173-21 09-024) with Brown and Caldwell for Corrective Action Monitoring for the Corporation Yard Landfill And Appropriation of Funds

Submitted,

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Marcus Yasutake, Director  
ENVIRONMENTAL AND WATER RESOURCES DEPARTMENT

**RESOLUTION NO. 10504**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 4 (CONTRACT NO. 173-21 09-024) TO THE AGREEMENT WITH BROWN AND CALDWELL FOR CORRECTIVE ACTION MONITORING FOR THE CORPORATION YARD LANDFILL AND APPROPRIATION OF FUNDS**

**WHEREAS**, to comply with the monitoring and reporting requirements of the “Waste Discharge Requirements for Clean Closure of Folsom Corporation Yard Landfill, WDR R5-2008-0106” as issued by the Central Valley Regional Water Quality Control Board; and

**WHEREAS**, in September 2017 the City of Folsom developed an alternative clean closure strategy in coordination with the Regional Water Quality Control Board; and

**WHEREAS**, Brown and Caldwell, by reason of their experience and professional expertise for performing the required services, was selected to provide technical assistance; and

**WHEREAS**, Amendment No. 4 will be in the amount of \$200,427; and

**WHEREAS**, an additional appropriation will be required in the Landfill Closure Fund (Fund 543) in the amount of \$100,427; and

**WHEREAS**, the Solid Waste Operating Fund (Fund 540) and the Wastewater Operating Fund (Fund 530) will provide funding to the Landfill Closure Fund (Fund 543); and

**WHEREAS**, the agreement will be in a form acceptable to the City Attorney:

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Folsom authorizes the City Manager to execute Amendment No. 4 to the Agreement (Contract No. 173-21 09-024) with Brown and Caldwell for Corrective Action Monitoring for the Corporation Yard Landfill in the amount of \$200,427, bringing the total contract amount to \$905,068.

**BE IT FURTHER RESOLVED** that the Finance Director is authorized to appropriate \$200,427 to the Landfill Closure Fund (Fund 543), \$60,256 to the Solid Waste Operating Fund (Fund 540) and \$40,171 to the Wastewater Operating Fund (Fund 530) for this amendment.

**PASSED AND ADOPTED** this 25<sup>th</sup> day of August 2020, by the following roll-call vote:

**AYES:** Council Member(s):  
**NOES:** Council Member(s):  
**ABSENT:** Council Member(s):  
**ABSTAIN:** Council Member(s):

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Sarah Aquino, MAYOR

ATTEST:

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Christa Freemantle, CITY CLERK