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# CITY OF POMONA COUNCIL REPORT

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April 3, 2017

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted by: Darron Poulsen, Water/Wastewater Operations Director

Subject: **Approve an Amendment for Site Remediation Oversight Agreements with the Department of Toxic Substances Control, in the Total Amount of \$186,144, for “City Lot Remediation” Project No. 418-2590-XXXXX-71021**

## OVERVIEW

**Recommendation** – That the City Council:

1. Approve an Amendment for Site Remediation Oversight Agreements with the Department of Toxic Substances Control, in the total amount of \$186,144, for “City Lot Remediation” Project No. 418-2590-XXXXX-71021; and
2. Authorize the City Manager to execute the amendment to the contract, subject to review by the City Attorney, and any subsequent change orders.

**Fiscal Impact** – The total fiscal impact of the amendment is \$186,144. The funding for the amendment to DTSC is available as part of “City Lot Remediation” Project No. 418-2590-52299-71021. Of the total amended agreement amount, \$145,411 shall be associated with the site remediation oversight of 822 W. Commercial Street. The remaining \$40,733 is being requested for the monitoring oversight of 198 N. Hamilton Boulevard. Table 1 below summarizes the fiscal impact of the recommended actions:

**Table 1**

Category	“City Lot Remediation” Project No. 418-2590-XXXXX-71021
Beginning Budget	\$2,981,262
Expenditures and encumbrances (as of March 27, 2017)	(\$2,593,296)
DTSC agreement amendment	(\$186,144)
Balance Remaining for construction management, contingencies, inspection and administration costs	\$201,822

Approve an Amendment for Site Remediation Oversight with the Department of Toxic Substances Control, in the total amount of \$186,144, for “City Lot Remediation” Project No. 418-71021  
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**Public Noticing Requirements** – There is no public noticing requirement for the proposed action.

**Previous Related Action** – On January 28, 2013, Council approved two agreements in the combined total amount of \$81,132 with the Department of Toxic Substances Control (DTSC) for the oversight of voluntary site cleanup of City-owned properties located at 198 N. Hamilton Boulevard (APN 8348-013-903) and 822 W. Commercial Street (APN 8348-011-900) for “City Lot Remediation” – Project No. 418-71021.

On October 19, 2015, Council approved an agreement amendment for site remediation oversight with the Department of Toxic Substances Control for voluntary site cleanup of the City-owned property located at 822 W. Commercial Street for “City Lot Remediation” Project No. 418-71021 in the amount of \$131,329.

## **EXECUTIVE SUMMARY**

The City is required to enter into an agreement with the Department of Toxic Substances Control (DTSC) to oversee site cleanup work prior to and during any site remediation. This is necessary in order to meet the California Health and Safety Code requirements related to environmental site cleanup under section 25355.5(a)(1)(C). The agreement amendments will enable the City to complete the remediation process and finalize the cleanup to current DTSC standards. The recommended action authorizes the City Manager to execute a required second agreement amendment with the DTSC for the environmental contamination site cleanup of the City owned parcel located at 822 W. Commercial Street. The City Manager would also execute an agreement amendment for the site cleanup and monitoring of the City owned parcel located at 198 N. Hamilton Boulevard.

## **DISCUSSION**

In order to complete the cleanup for both sites, Staff recommends entering into the amended Voluntary Cleanup Agreements (VCAs) with the DTSC to oversee and complete the proposed environmental cleanup by the City. The proposed DTSC VCAs for the identified City properties have been reviewed in detail by the City Attorney’s office.

These amendments enable the City to conduct three (3) major components to complete the cleanup of these parcels. The major components are the following:

- First, the amended agreements authorize DTSC to obtain reimbursement from the City for DTSC’s oversight costs.
- Second, the City has been instructed by DTSC to execute an approved Removal Action Workplan (RAW) under its oversight. Upon execution of the proposed amended agreements, Staff shall continue to execute the full environmental remediation for both parcels of City owned property.

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- Lastly, the community outreach, RAW action items, land use covenants and final DTSC project closure will all occur under the oversight of DTSC for cleanup purposes as part of the amended agreements.

The property at 198 N. Hamilton Boulevard currently has received a designation of “No Further Action” from the DTSC. This designation means that the site is ready to be processed for closure and a final land use covenant. The property at 822 W. Commercial Street is being cleaned of environmental contaminants as identified in the DTSC approved RAW from October 2016.

The Water and Wastewater Operations Department is planning to complete the cleanup and finalize the “City Lot Remediation” Project No. 418-71021 in the winter of 2019. This includes all actions identified in the approved RAW, which will produce VOC concentrations at acceptable thresholds. Upon completion of the Site Cleanup, the subject parcels will be removed from the State’s DTSC Site Cleanup list.

Prepared by: Nichole Horton, Senior Water Resources Engineer