

305



**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

FROM: Waste Management Department


SUBMITTAL DATE:
October 30, 2014

SUBJECT: Construction Award - Pedley Landfill Emergency Slope Repair in Accordance with Public Contract Code Section 22050, District 2/2 [\$677,300 - Waste Management Department Enterprise Funds], Project is Exempt under CEQA.

RECOMMENDED MOTION: That the Board:

1. Affirm that the environmental effects of the Pedley Landfill Emergency Slope Repair (Project) will not have a significant effect on the environment. The California Department of Fish and Wildlife (CDFW), acting as a Lead Agency, determined the Project is exempt under the California Environmental Quality Act (CEQA) and filed a Notice of Exemption. The County of Riverside Board of Supervisors, acting as a Responsible Agency, has concluded no substantial changes to the Project or circumstances under which the Project will be undertaken have occurred and the Project is statutorily exempt pursuant to State CEQA Guidelines section 15269 and categorically exempt pursuant to sections 15301, 15302, and 15330; and
2. Find that the Project is an emergency that will not permit a delay resulting from a competitive solicitation for bids, and that this action is necessary to respond to the emergency pursuant to Public Contract Code sections 22035 and 22050; and
3. Accept the bid submitted by Road Builders, Inc., in the amount of \$677,300 for emergency repair of the North & South Slopes at the Pedley Landfill, and authorize the Chairman to execute the Agreement on behalf of the Department; and
4. Direct the Clerk of the Board to file a Notice of Exemption with the County Clerk within five (5) days of the approval of the emergency repairs and bid.

(continued)


 Hans Kernkamp
 General Manager-Chief Engineer

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 677,300	\$ 0	\$ 677,300	\$ N/A	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ N/A	
SOURCE OF FUNDS: N/A				Budget Adjustment: No	
				For Fiscal Year: 14/15	

C.E.O. RECOMMENDATION: APPROVE

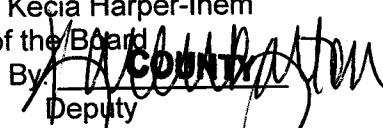
BY: 
 Alex Gann

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS


On motion of Supervisor Stone, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Stone and Benoit
 Nays: None
 Absent: Tavaglione and Ashley
 Date: November 24, 2014
 xc: Waste, Recorder

Kecia Harper-Ihem
 Clerk of the Board
 By: 
 Deputy

Prev. Agn. Ref.: District: 2/2 Agenda Number:

12-1

FORM APPROVED COUNTY COUNSEL
 BY: 
 GREGORY P. PRIAMOS
 DATE: 11/12/14

Sereni Chon
 Reviewed by
CIP TEAM
Sereni Chon
 Departmental Concurrence

Positions Added
 Change Order

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

Construction Award - Pedley Landfill Emergency Slope Repair in Accordance with Public Contract Code Section 22050, District 2/2 [\$677,300 – Waste Management Department Enterprise Funds], Project is Exempt under CEQA

October 30, 2014

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BACKGROUND:

Summary

The County faces significant regulatory fines from the Santa Ana Regional Water Quality Control Board (SAR) if the Pedley Landfill is not repaired before the next significant rain event. Staff has been advised by Counsel that similar compliance issues in the County with the SAR have resulted in very significant fines on top of actual repair costs.

The County, as operator, ran the Pedley Landfill from 1932 to 1958 and is co-permittee with the landowner, the California Department of Fish and Wildlife (CDFW). A series of storms over the last several years has caused the Santa Ana River to change course and slowly erode slopes at the landfill.

Staff, under the threat of fines, has designed plans and obtained all necessary permits to prevent further erosion at the landfill by installing a slope armoring system. Construction funding is the only item holding up construction. For over a year, CDFW staff has promised to fund 50% of the project, but failed to produce any funding agreement or substantive work product to protect us both from SAR fines.

It is staff's firm belief that the only reason fines have not yet been issued is due to the Department's good-faith efforts to date and long standing positive working relationship with the SAR's land disposal division. Regardless, any release during the anticipated El Nino rain season will force their hand and will very likely result in significant fines that far exceed any remediation costs incurred. The Project will protect the health and safety of the public from additional contamination of the Santa Ana River, as well as the surrounding community. Without these emergency improvements, unpredictable rain events would result in further impacts on the environment and represent a risk to the health and safety of the public.

Impact on Residents and Businesses

The repairs to the landfill will protect the public from the release of potential contaminants; without such emergency repairs, significant risk to the public health and safety and the environment remain.

Contract History and Price Reasonableness

Staff's cost estimate of the Pedley repair is \$677,300. Staff will still pursue CDFW for their fair share (50%), either through a formal agreement or litigation. Negotiations are ongoing, but time is of the essence, as the Water Board is threatening to issue fines to both CDFW and the County. In addition, the Department has been told that this project will generate mitigation credits from CDFW for use at the Corona landfill.

California Environmental Quality Act (CEQA) Findings

The repairs at the Pedley Landfill (Project) are statutorily exempt from CEQA pursuant to State CEQA Guidelines section 15269 Emergency Project, and categorically exempt pursuant to 15301 Existing Facilities, 15302 Replacement or Reconstruction, and 15330 Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances. CDFW filed a Notice of Exemption (NOE) to this effect with the Governor's Office of Planning and Research (OPR), State Clearinghouse (SCH), on September 2, 2014. No substantial changes to the Project or circumstances under which the Project will be undertaken have occurred and the Project is exempt under CEQA.

AGREEMENT

THIS AGREEMENT is made as of ROAD BUILDERS, INC and is between the COUNTY OF RIVERSIDE (County) and THE NAME OF THE LOWEST BIDDER GOES HERE_(Contractor).

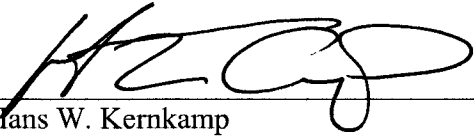
IT IS AGREED BY THE PARTIES AS FOLLOWS:

1. The Work. Contractor shall furnish all tools, equipment, apparatus, facilities, labor and material necessary to perform the work for the project, Construction of the North and South Slope Repair at the Pedley Landfill in exact conformity with the Contract Documents, subject to such inspection as County deems appropriate.
2. Contract Documents. The Contract Documents for the project are:
 - (a) Notice to Contractors;
 - (b) Instructions To Bidders;
 - (c) Contractor's Proposal;
 - (d) Agreement;
 - (e) Bid Bond;
 - (f) Performance Bond;
 - (g) Payment Bond;
 - (h) General Provisions;
 - (i) Special Provisions;
 - (j) Appendix A – SCAQMD Form 403-N & Rule 1150 Excavation Permit Standard Conditions;
 - (k) Appendix B – BMP Installation Details from the CASQA Stormwater BMP Handbook;
 - (l) Any other documents included in or incorporated into the Contract Documents or in the County's bid package;
 - (m) Addenda Nos. -0-

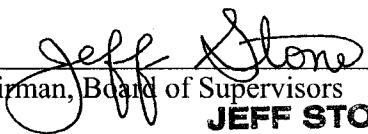
Each of the above-mentioned documents presently in existence are by this reference incorporated into this Agreement and each of these documents not now in existence are incorporated herein as of the time of their issuance.

3. Contract Price - Payment. **Exhibit A** is attached to and incorporated into this Agreement and states the basis for full payment for this project. Contractor represents that it fully understands the payment method for the work.

RIVERSIDE COUNTY WASTE
MANAGEMENT DEPARTMENT
14310 Frederick Street
Moreno Valley, CA 92553

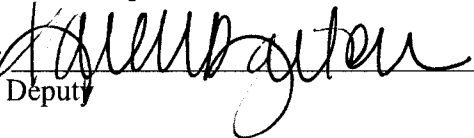
By: 
Hans W. Kernkamp
General Manager - Chief Engineer

COUNTY OF RIVERSIDE

By: 
Chairman, Board of Supervisors
JEFF STONE

ATTEST:

By: _____
Kecia Harper-Ihem, Clerk of the Board

By: 
Deputy
(Seal)

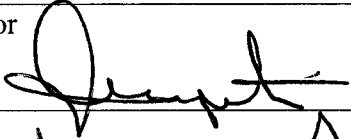
ROAD BUILDERS, INC
Contractor
By: 
Name: JOSEPH AUGUSTINE
Title: PRESIDENT
(If corporation, attach corporate seal)

EXHIBIT A

(To Agreement for the Riverside County Waste Management Department Project, Construction of the North and South Slope Repair at the Pedley Landfill, located in Riverside, California.)

It is understood that the quantities listed (except for those shown as "Lump Sum, [L.S]") are but estimates only and final payment will be based on actual quantities, whatever they may be, subject to such adjustments and alterations as elsewhere provided for in the Contract Documents.

Item No.	Item of Work	Unit	Quantity	Unit Cost	Sub-Total Cost
1	Prepare and Implement NPDES SWPPP	L.S.	1	\$19,530.00	\$19,530.00
2	Mobilization and Demobilization	L.S.	1	\$56,160.00	\$56,160.00
3	Earthwork (Landfill Excavation and Burial)	C.Y.	24,040	\$6.00	\$144,240
4	Earthwork (Engineered Fill)	C.Y.	8,900	\$11.00	\$97,900.00
5	ACB Material and Installation	S.F.	31,000	\$9.00	\$279,900.00
6	Landfill Slope Toe Excavation and Backfill	C.Y.	1,400	\$4.55	\$6,370.00
7	Bike Path Repair	L.F.	200	\$66.00	\$13,200.00
8	Time and Materials	N/A	N/A	\$60,000	\$60,000.00

Total Cost \$ 677,300.00

NOTICE OF EXEMPTION

FILED
RIVERSIDE COUNTY

NOV 24 2014

LARRY W. WARD, CLERK
By *[Signature]* M. Meyer
Deputy

DATE: November 24, 2014

TO: County Clerk, County of Riverside

PROJECT CASE NO/TITLE: Notice of Exemption – Bank Stabilization Project at the Closed Pedley Landfill (Project).

PROJECT LOCATION: The Pedley Landfill is located in the City of Riverside, northwest of the intersection of Van Buren Boulevard and Jurupa Avenue. APNs: 163-300-008, 163-300-009, 163-300-010

PROJECT DESCRIPTION: The Project site is a landfill that has not operated since approximately 1958. In 2014 a spring storm caused erosion to the landfill along the Santa Ana River and the De Anza Channel, resulting in a Notice of Violation being filed by the Regional Water Quality Control Board (RWQCB). The California Department of Fish and Wildlife (CDFW) is the owner of the property and the lead agency under the California Environmental Quality Act (CEQA). The Riverside County Waste Management Department (RCWMD) has been identified as a responsible agency under CEQA. As lead agency, the CDFW has already filed and posted a Notice of Exemption for the Project.

The proposed Project will include appropriate excavation and the incorporation of a revetment system, which will not only repair the existing hazard, but aid in future rain events. The system would be covered with engineered fill, allowing for future re-vegetation of the site, creating 1.9 acres of riverine/riparian habitat. Project construction will occur above the waterline, ensuring no biological impacts would occur to the Santa Ana River. During construction, appropriate best management practices – including silt fencing - will ensure impacts related to sediment runoff are minimal. The revetment system will be anchored with articulated concrete blocks, preventing revetment failure due to erosion of the slopes. The Project will provide protection to the Santa Ana River and surrounding environment during future rain events.

PROJECT SPONSOR: Riverside County Waste Management Department (RCWMD)

COUNTY OF RIVERSIDE
Neg Declaration/No Declaration
Filed per P.B.C. 2.11
POSTED

NOV 24 2014

Removed: _____
By: _____
County of Riverside

12-1 11/24/14

EXEMPT STATUS:

- Ministerial: Activity
- Declared Emergency
- Emergency Project
- Statutory Exemption: Section 15269
- Categorical Exemptions: Sections 15301, 15302, & 15330

Reasons Why Project is Exempt:

The Project is exempt from the provisions of CEQA specifically by the State CEQA Guidelines as identified below. The Project will not result in any specific or general exceptions to the use of categorical exemptions as detailed under State CEQA Guidelines section 15300.2. The Project will not cause any impacts to scenic resources or unique sensitive biological environments and instead will improve the environment once the Project is completed. No unusual circumstances or potential cumulative impacts would occur that may reasonably create an environmental impact and the Project site is not included on any list pursuant to Government Code Section 65962.5.

Section 15269, Emergency Projects

This exemption covers emergency repairs to publically or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare, as well as specific actions necessary to prevent or mitigate an emergency.

This project is exempt under Section 15269 because:

The emergency repairs proposed are necessary to protect public health and welfare by repairing and preventing further slope erosion, which if left unchecked will result in pollution of the Santa Ana River from unearthed contents of the Pedley Landfill. This will substantially impact public health and safety since contaminants in the Santa Ana River will have direct impacts on downstream users (water contact) of the Santa Ana River, along with potential impacts to ground water resources. Further, with the onset of the monsoon season, substantial impacts will occur to the Santa Ana River if the Project is not completed, causing a potential health risk to downstream users. Therefore, the Project as proposed meets the scope and intent of the Emergency Project Statutory Exemption.

Section 15301, Class 1 Existing Facilities

This exemption covers the operation, repair, maintenance, permitting, leasing, licensing, minor alteration, or demolition and removal of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible, or no expansion of use beyond that existing at the time of lead agency's determination.

This project is exempt under Section 15301 because:

The proposed repairs/maintenance will be conducted at the closed Pedley Landfill, an existing facility, involving negligible or no expansion beyond that existing at the time the facility was approved for operation. The Project will not expand the permitted capacity of the landfill and will not alter any ongoing operations at the site. This is merely a repair of the existing landfill slopes in order to mitigate for future impacts to the surrounding environment. No significant

environmental impacts will occur during construction of the site and, once operational, will actually reduce ongoing environmental impacts. Therefore, the Project as proposed meets the scope and intent of the Class 1 Categorical Exemption.

Section 15302, Class 2 Replacement or Reconstruction

This exemption consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

This project is exempt under Section 15302 because:

The proposed Project will repair/restore the existing slope, which has undergone severe erosion. The Project is located on the same site and the repaired slope/bank will have substantially the same purpose and capacity as the previous bank/slope. No significant environmental impacts will occur during construction of the site and, once operational, will actually reduce ongoing environmental impacts. Therefore, the Project as proposed meets the scope and intent of the Class 2 Categorical Exemption.

Section 15330, Class 30 Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances

This exemption consists of any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing 1 million dollars or less. Examples of such minor cleanup actions include, but are not limited to, maintenance or stabilization of berms, dikes, or surface impoundments; construction of surface caps; and excavation and/or removal of contaminated soils. Note that definitions of "removal" pursuant to the Hazardous Substance Account Act (state superfund law) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) include not only removal actions necessary to clean up or remove hazardous substances, but also actions to prevent or minimize damage to public health or the environment. The key distinction between small to medium removal actions as opposed to larger scale remedial actions is accounted for by utilizing a 1 million dollar cap on the cost of the action.

The project is exempt under Section 15330 because:

The Project proposes to stabilize the bank/slope of the landfill to prevent hazardous waste from the exposed portion of the landfill to enter the Santa Ana River. The cost of the project is expected to be less than 1 million dollars and meets the definition of a "small or medium" action. The Project will mitigate for the ongoing hazardous condition at the site in order to prevent and minimize damage to public health and the environment. The Project will not require the use of an on-site incinerator or thermal treatment unit and will not cause any significant environmental impacts during construction. Therefore, the Project as proposed meets the scope and intent of the Class 30 Categorical Exemption.

Findings:

- 1) The Pedley landfill began operation in 1932 and ceased operation in August 1958.
- 2) The Pedley landfill operated as a burn site for residents within the City of Riverside and unincorporated communities within the Jurupa and La Sierra areas.
- 3) The Pedley Landfill is owned by the CDFW as part of the Hidden Valley Wildlife Area, and is the lead agency under CEQA. The RCWMD is the responsible agency under CEQA.
- 4) Due to a storm in 2014, erosion to the Project site occurred, resulting in a notice of violations issued to both the CDFW and RCWMD. Both parties are identified as co-dischargers at the site and share responsibility for the repair of the site. However, in order to ensure the Santa Ana River and surrounding community are not impacted from the landfill, the RCWMD is taking the lead to actually construct the needed repairs.
- 5) No sensitive habitat or vegetation exists within the Project site. No significant physical environmental impacts will occur during construction. Project construction will occur above the waterline, ensuring no biological or hydrology impacts would occur to the Santa Ana River. During construction, appropriate best management practices – including silt fencing - will ensure impacts related to sediment runoff are minimal. The revetment system will be anchored with articulated concrete blocks, preventing revetment failure due to erosion of the slopes. Once operational, the Project will provide protection to the Santa Ana River and surrounding environment during future rain events. No mitigation measures are required.
- 6) The RCWMD, as responsible agency under CEQA, has determined that the prior notice of exemption filed by the lead agency, and the Project overall will not result in any significant impacts and is exempt from further CEQA review. Based upon the provided analysis and details, it has been determined by the RCWMD that this Project will not result in any significant physical environmental impacts and the Project as proposed is exempt pursuant to State CEQA Guidelines Sections 15269, 15301, 15302, and 15330.

If there are any questions regarding the above matter, I can be reached at (951) 486-3200.

**Hans Kernkamp, General Manager - Chief Engineer
Riverside County Waste Management Department**

By: 
Ryan Ross

Title: Principal Planner

Date: November 24, 2014