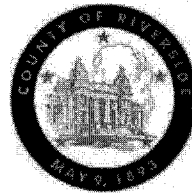


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**ITEM
12.2
(ID # 8318)**

MEETING DATE:

Tuesday, November 6, 2018

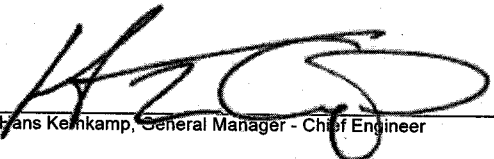
FROM : DEPARTMENT OF WASTE RESOURCES:

SUBJECT: DEPARTMENT OF WASTE RESOURCES: Approval of Contract Documents for the Construction of the Menifee Landfill Final Cover and Drainage Project, District 5 [\$0 – Department of Waste Resources Enterprise Funds] (CEQA Exempt)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15061(b)(3) (General Rule for Exemption), statutorily exempt pursuant to Section 15269 (Emergency Project), and categorically exempt pursuant to Section 15301 (Existing Facilities), Section 15302 (Replacement or Reconstruction), Section 15304 (Minor Alterations of Land), Section 15308 (Actions Taken by Regulatory Agencies), and Section 15330 (Minor Clean-up Actions); and
2. Approve the Contract Documents, including the specifications and project drawings, for the Construction of the Menifee Final Cover and Drainage Project; and
3. Authorize the General Manager-Chief Engineer of the Riverside County Department of Waste Resources (Department) to advertise for bids to be received by the Department Office located at 14310 Frederick Street, Moreno Valley, up to the hour of 11:00 am on Thursday, December 6, 2018 at which time the bids will be opened; and
4. Direct the Department to file the Notice of Exemption (NOE) with the County Clerk upon approval of the Project.

ACTION: Policy


Frans Kemkamp, General Manager - Chief Engineer 10/25/2018

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None
Date: November 6, 2018
xc: Waste

Kecia Harper-Ihem
Clerk of the Board

By: 
Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: Department of Waste Resources Funds			Budget Adjustment: No	
			For Fiscal Year: 18/19	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The Menifee Landfill was operated as a burn dump by the Riverside County Road Department from 1948 to 1971. The site then operated as a cut and fill landfill from 1971 until it closed in 1973 when it was permanently closed to the public. In 2013, Department staff found the landfill final cover to have been eroded in several areas.

The Riverside County Department of Environmental Health, Local Enforcement Agency (LEA) has issued violations for final cover and drainage/erosion control during their quarterly inspections. In response to the violations, the Department developed and submitted a workplan to the LEA to address the violations.

The Department proposes to place a minimum of two feet of engineered clean cover over the exposed waste areas, and construct drainage channels throughout the property to direct storm water runoff to an existing storm water drain.

Prev. Agn. Ref.: M.O. 12.1 of 06/30/15 (authorized Department to apply/receive grant funding)

California Environmental Quality Act (CEQA) Findings

The Project contemplated in this Form 11 involves approval of contract documents identifying proposed drainage and site improvements at the Menifee Landfill. The Contract Documents including Specifications will be advertised, and ultimately, a contractor will be selected to complete the work (under a separate Board action). The work identified in the Contract Documents involves maintaining, improving, and replacing existing drainage structures/facilities (drainage channels, culverts, etc.), existing landfill cover systems, and improving site security. The final cover and drainage activities occur within existing landfill disturbance areas and involve no expansion of approved uses.

A NOE to this effect will be filed by the Department with the County Clerk upon Project approval.

Impact on Residents and Businesses

Completion of this Project will protect the public health and safety from the potential exposure of landfill material.

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

Additional Fiscal Information

On November 14, 2016, the Department was awarded a grant in the amount of \$549,000 through CalRecycle's Legacy Disposal Site Abatement Partial Grant Program for the Menifee Final Cover and Drainage project.

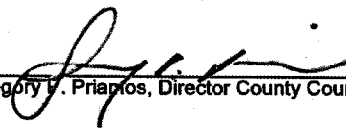
No general funds are being used for this project.

Contract History and Price Reasonableness

The Engineer's estimate for this project is \$750,000 and will be competitively bid through the California Public Works Contract process. Project construction is expected to commence during fiscal year FY18/19.

ATTACHMENT A. Notice Inviting Bids to Contractors

ATTACHMENT B. Notice of Exemption



Gregory F. Priapos, Director County Counsel 10/26/2018

NOTICE INVITING BIDS TO CONTRACTORS

The Riverside County Department of Waste Resources, hereinafter called "County," invites sealed bids for:

2018 FINAL COVER AND DRAINAGE REMEDIATION
AT
MENIFEE LANDFILL

On or after November 6, 2018 Contract Documents may be examined at the County's office at 14310 Frederick Street, Moreno Valley, California, and may be obtained upon payment to the County of \$60 per set, received at the County's office and \$70 per set if mailed by U.S. mail (mailing cost does not apply when using recipient's mailing account number). No refund will be made.

A digital copy of the Contract Documents and Project Drawings in PDF format will be available on the Department's website <http://www.rcwaste.org>. The Project Drawings will also be available in digital Microstation (.dgn) format on Department's website. This digital data is to be used at the Contractor's own discretion. The County is not responsible for the manner in which the Contractor chooses to use the digital data. The County is not responsible for how this digital data might be converted by the Contractor to another format. The Contractor is solely responsible for its use of this digital data.

Each Bid Proposal must be accompanied by a Bid Security, in the form of cash, a certified check, cashier's check or Bid Bond, equal to ten percent (10%) of the amount Bid, payable to the County of Riverside as a guarantee that the Contractor will, if awarded the Contract, execute a satisfactory Contract and furnish the required bonds and provide the required certificates of insurance.

Bid Proposals must be placed in a sealed envelope clearly marked "Bid Proposal". Bid Proposals must be in accordance with the instructions and other Contract Documents and filed with the County by **11:00 AM on December 6, 2018** at 14310 Frederick Street, Moreno Valley, CA 92553 which time and place are fixed for the public opening of bids. A **mandatory** pre-bid site review will be conducted at the MENIFEE LANDFILL on **November 27, 2018 at 10:00AM**. The MENIFEE LANDFILL site address is located west of the Menifee Rd. and Coastline Ave. intersection, Menifee, CA 92584. Latitude: 33°42'37.53"N; Longitude: 117° 9'15.21"W.. All questions and requests for clarification or interpretation of the Contract Documents must be submitted in writing by **3:00 PM on November 30, 2018** to Monica Napoles via e-mail to "mnapoles@rivco.org" or fax no. (951)486-3250.

Pursuant to Labor Code Section 1771.1, any Contractor bidding and subcontractors to be listed on a Bid Proposal are subject to Public Contract Code Section 4104 and shall not be eligible

ADMINISTRATIVE PROVISIONS

to bid unless currently registered with the Department of Industrial Relations and qualified to perform public works pursuant to Labor Code section 1725.5. No Contractor or subcontractor may be awarded a public works project or enter into a Contract without proof of current registration to perform public works.

General prevailing rate of per diem wages and general prevailing rate of per diem wages for holiday and overtime work, including employer payments for health and welfare, pension, vacation, apprentices and similar purposes for each craft, classification or type of workman needed for execution of Contracts under the jurisdiction of the County have been obtained by the County from the Director of Industrial Relations of the State of California for the area where the Work is to be done. These are on file at the County's office, and will be made available to any interested person upon request. THIS PROJECT IS SUBJECT TO COMPLIANCE MONITORING AND ENFORCEMENT BY THE DEPARTMENT OF INDUSTRIAL RELATIONS. The awarded prime Contractor shall post job site notices, including a copy of the prevailing rate of per diem wages determinations made by the Director for the Department of Industrial Relations and other notices prescribed by regulations and comply with the provisions of the California Labor Code, including, without limitation, Sections 1771.4, 1773.1, 1773.2, 1774, 1775, 1776, and 1777.5.

Contractor shall furnish the records specified in Labor Code Section 1776, including but limited to the certified payroll records, directly to the Labor Commissioner for the Department of Industrial Relations.

Substitution of securities for any moneys withheld by County shall be permitted as provided for by Section 22300 of the California Public Contract Code.

Contractors submitting Bid Proposals for this project shall have an active and in good standing Class A Contractors license from the State of California in order to be considered eligible for the Contract award. The license(s) shall remain active and in good standing throughout the entire duration of the project.

BIDDER QUALIFICATIONS: A Bidder must satisfy the following requirements to bid on this project:

1. Within the last five years, the Contractor and/or subcontract shall have successfully completed a construction project with at least 20,000 cubic yards of engineered fill including soil material processing, placement, compaction, and grading per plan.
2. Within the last five year, the Contractor and/or subcontractor shall have successfully completed a construction project with at least 11,000 cubic yards of refuse excavation.
3. Within the last five years, the Contractor and/or subcontractor shall have successfully completed a construction project with at least 60,000 square feet of soil cement installation.
4. Within the last five years, the Contractor and/or subcontractor shall have successfully completed a construction project with at least 8,500 square feet of asphalt concrete drainage structures.
5. Within the last five years, the Contractor and/or subcontractor shall have successfully completed a construction project with at least 244,000 square feet of greenwaste application.

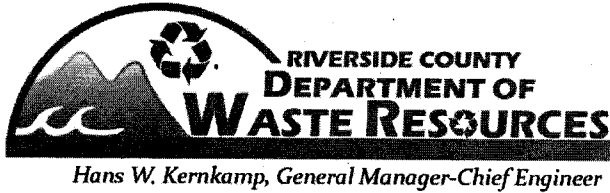
SUBMITTAL REQUIREMENTS:

With the submittal of the Bid Proposal, the Contractor shall submit for approval by the County documented evidence of satisfaction of all of the Bidder Qualifications listed above, including the name and experience of the superintendent and lead personnel that will be responsible for each category of Work listed under the preceding paragraph "Bidder Qualifications". As part of this submittal, Project Reference Forms shall be completed indicating at a minimum, the name, address, and phone number of the project owner and owner's representative, the location of the project, the amount of material installed, and completion date.

Dated: _____

RIVERSIDE COUNTY
DEPARTMENT OF WASTE RESOURCES

Hans W. Kernkamp, General Manager - Chief Engineer



Original Negative Declaration/Notice of Determination was routed to County Clerks for posting on.

NOTICE OF EXEMPTION

Date

Initial

Via Waste

DATE: October 12, 2018

TO: County Clerk, County of Riverside

PROJECT CASE NO/TITLE: NOE 18-6 – Maintenance, Repairs, and Drainage Improvements at the closed Menifee Landfill

PROJECT LOCATION: The Menifee Landfill is located in the City of Menifee, off of Menifee Road. APN: 333-210-003 (County property), and, APNs: 333-210-005 and 333-220-034 (private property)

PROJECT DESCRIPTION: The Project involves maintenance, repairs, and drainage improvements, as well as associated contract documents and permit approvals, at the closed Menifee Landfill (Project)

PUBLIC AGENCY APPROVING PROJECT: County of Riverside (County)

AGENCY CARRYING OUT PROJECT: Department of Waste Resources (RCDWR)

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, historic resources, or unique sensitive environments. Further, no unusual circumstances or potential cumulative impacts would occur that may reasonably create a direct or reasonably foreseeable indirect physical environmental impact.

EXEMPT STATUS:

- Ministerial: Activity
- Declared Emergency
- Statutory Exemption: Section 15269, Emergency Projects
- Categorical Exemptions: Sections 15301, 15302, 15304, 15308, 15330
- Other Exemption: Section 15061(b)(3), General Rule

REASONS FOR EXEMPTION:

Section 15061(b)(3) of CEQA Guidelines, Review for Exemption

The activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

This project is exempt under Section 15061(b)(3) because:

The Project proposes removal of refuse material from adjacent private property and its subsequent consolidation within the landfill footprint, and landfill cover repairs, at the closed Menifee Landfill. The Project will not result in a significant environmental impact and does not bring about any new or significant changes to the physical condition of the property. No sensitive habitat will be impacted, and RCDWR will comply with the standard regulatory requirements for construction projects (AQMD permitting, SWPPP, etc.), as well as perform required pre-construction surveys in accordance with the western Riverside County Multiple Species Habitat Management Plan (MSHCP). Therefore, this determination is an issue of fact and sufficient evidence exists in the record that the activity will not have a significant effect on the environment. As such, the exemption applies and no further evaluation under CEQA is required. See *Muzzy Ranch Co. v Solano County Airport Land Use Comm'n* (2007) 41 Cal.4th 372.

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 repairs proposed are necessary to protect public health, safety, and welfare from exposed refuse and soil contamination by removing refuse and the potentially lead-contaminated soil from the adjacent private properties and consolidating it within the existing landfill footprint. Once consolidated, adequate cover material will be added to the landfill surface, and drainage systems will be improved to prevent further erosion at the site, which if left unchecked may continue to unearth additional contents of the landfill. Therefore, the Project as proposed meets the scope and intent of the statutory exemption stated in section 15269 of the State CEQA Guidelines.

Section 15301, 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 the lead agency's determination.

This project is exempt under Section 15301 because:

The Project proposes removal of refuse material from adjacent private property and its subsequent consolidation within the landfill footprint, and landfill cover repairs, at the closed Menifee Landfill, an existing facility, involving negligible or no expansion of use beyond that existing at the time the facility was approved for both operation and closure. Therefore, the Project as proposed meets the scope and intent of the Class 1 Categorical Exemption.

Section 15302, 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 landfill by removing landfill material from adjacent private property and consolidating it within the landfill footprint, restoring and improving site drainage systems, and reinforcing the landfill cover at the closed Menifee landfill. The work at the landfill facility will allow all material to remain onsite and allow the landfill to keep the same purpose and capacity. Therefore, the Project as proposed meets the scope and intent of the Class 2 Categorical Exemption.

Section 15304, Minor Alterations to Land

This exemption covers minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees. This includes minor disturbance of land and backfilling where the surface is restored.

This project is exempt under Section 15304 because:

The proposed landfill material consolidation and repair activities will consist of minor excavations and fill containing material compatible with the natural features of the site. The site was previously disturbed for its use as a landfill and has been covered and used for recreational purposes by the Menifee Valley Flyers (who fly remote-control model airplanes). Due to the previous disturbance and current use of the site, no healthy, mature, scenic trees are present in the project area. All waste containing areas subject to excavation will be restored once excavation activities are complete. Therefore, the Project as proposed meets the scope and intent of the Class 4 Categorical Exemption.

Section 15308, Actions by Regulatory Agencies for Protection of the Environment

This exemption consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

This project is exempt under Section 15308 because:

Notices of Violation (NOVs) for exposed material and drainage/erosion control at the closed Menifee Landfill were issued by the Local Enforcement Agency (LEA), the enforcement division for solid waste matters for California's Department of Resources, Recycling and Recovery (CalRecycle). As such, a work plan was developed by RCDWR (approved by Cal Recycle and the LEA) to excavate exposed landfill material, re-bury it on-site, and remediate the drainage system, in order to prevent further erosion for protection of the environment. The permitting and contract/document approval component of the Project addresses action taken by regulatory agencies for the maintenance, restoration, and protection of the environment. Therefore, the Project as proposed meets the scope and intent of the Class 8 Categorical Exemption.

Section 15330, 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 or less.

The project is exempt under Section 15330 because:


The Project proposes to excavate and relocate landfill material from adjacent private property onto the landfill footprint of the County property, improve the on-site drainage system to prevent erosion and exposure of potentially hazardous landfill material, and reinforce final landfill cover to prevent the release of potentially hazardous material (lead contaminated ash/burn material). The cost of the removal actions is anticipated to be less than \$1 million dollars. All materials removed will be consolidated within the landfill limits. Therefore, the Project as proposed meets the scope and intent of the Class 30 Categorical Exemption.

FINDINGS:

- 1) Based upon the identified exemptions and justifications above, the RCDWR, on behalf of the County, hereby concludes that no physical environmental impacts are anticipated to occur and the Project as proposed is exempt under CEQA. No further environmental analysis is warranted.
- 2) The proposed Project is exempt from CEQA pursuant to State CEQA Guidelines sections 15061(b)(3), 15269, 15301, 15302, 15304, 15308, and 15330.
- 3) It can be seen with certainty that there is no possibility that this Project would have a direct, indirect, or cumulatively significant effect on the environment; therefore, the activity is exempt from the provisions of CEQA.

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 Department of Waste Resources**

By: 

Ryan Ross

Title: Principal Planner

Date: October 12, 2018

**ADDITIONAL ITEMS FILED
WITH
THE CLERK OF THE
BOARD**