



Office of the City Manager

CONSENT CALENDAR
June 24, 2008

To: *PK* Honorable Mayor and Members of the City Council

From: *PK* Phil Kamlarz, City Manager

Submitted by: Claudette Ford, Director, Public Works

Subject: Contract No. 7429 Amendment for W. R. Forde Associates to Complete Phase I Cleanup at Aquatic Park

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to increase Contract No. 7429 with W. R. Forde Associates by \$247,981 for a revised not to exceed total of \$331,431 to complete Phase I work at Aquatic Park.

FISCAL IMPACTS OF RECOMMENDATION

The cleaning work at Aquatic Park has been divided into two phases. Phase I is the cleaning (dredging) work to a depth of 10-feet below the water surface within a 50-foot radius arc in front of the Strawberry Storm Drain Overflow Outfall and disposal of the spoils. Phase II will be the cleaning (dredging) to a depth of 10-feet below the water surface within a 50-foot radius arc in front of the five (5) tide tubes, cleaning of the five (5) 24-inch diameter tide tubes, and disposal of those spoils. This contract amendment is needed to complete Phase I of the work. Phase II will be started and completed after the Joint Aquatic Resources Permit Application (JARPA) has been reviewed and appropriate permits are issued by the regulatory agencies. The original contract amount was \$83,450.

The items to complete Phase I are as follows:

Disposal Testing of Spoil Piles	\$4,000
Off-Haul and Disposal Spoils (Dry) – 2810 tons	\$210,000
Procure Floating Silt Curtain (Phase II)	\$5,000
Prepare WPCP (Phase II)	\$3,800
Contingency Allowance (Material Quantity)	<u>\$20,000</u>
	\$242,800

Phase I items completed:

Cleaning of Strawberry Storm Drain Overflow Outfall	\$35,000
Temporary Containment	\$16,531
Watertight Containment area	\$31,500
Removal & Disposal of car frame	\$1,500
Delay Costs of Equipment	<u>\$4,100</u>
	\$88,631

Budget Code: 610-5309-432-65-50-08EN06 (CMS No DP35S). The \$242,800 needed to complete the Phase II work will come from general funds already budgeted in FY 2009 for street work. The \$242,800 from the general fund will be replaced with available gas tax revenues so that none of the planned street work in FY 09 will be delayed or postponed.

CURRENT SITUATION AND ITS EFFECTS

The existing spoils that were removed from the north end of the Aquatic Park Main Lagoon in November 2007 are contained and have been drying since the first week of February 2008. The spoils are sufficiently dry for retesting and disposal at a Class II landfill. Engineering staff has received confirmation from the SF Bay Regional Water Quality Control Board (Water Board), Army Corps of Engineers (Corps), and Bay Conservation and Development Commission (BCDC) that permits for disposal of this material are not needed from these agencies. Engineering staff will retest the existing spoils to verify conformity to the Class II landfill requirements for disposal. Phase I of the project will be completed with the disposal of the existing spoils.

The remainder of the project will be completed in Phase II of the work. This work will include cleaning inside the tide tubes, clearing the Main Lagoon in front of the tide tubes, testing the spoils, dewatering, and landfill disposal of the spoils. The Water Board recommended the City submit a Joint Aquatic Resources Permit Applications (JARPA) for Phase II work. Engineering staff is processing a JARPA document to submit to the Water Board, BCDC, Corps, and Fish & Game for their review and determination if this work requires a permit. The review by the four agencies may not be completed in time to perform the work before the end of the current dry weather season. The regulatory agencies currently have a backlog of applications to review. If review of the JARPA submittal is delayed, the Phase II work may not start until May 2009. Staff will provide a status report in September 2008 on the project. Based on revised volume of spoils, and anticipated increase in disposal costs that were not known several months ago, the total cost of the maintenance project might approach \$700,000. The project has a FY 2008 budget of \$421,000. The \$240,000 needed to complete the Phase II work will come from general funds already budgeted in FY 2009 for street work. The \$240,000 from the general fund will be replaced with available gas tax revenues so that none of the planned street work in FY 09 will be delayed or postponed.

The City submitted the Water Pollution Control Program (Work Plan) to the Water Board in January 2008 (Attachment 2). The Work Plan includes the following elements that will be used to complete the remainder of the project, or Phase II work:

1. Off-Hauling of Spoils (Alternative 3): The spoils will be tested to verify conformity to the Class II Landfill documentation requirements for disposal. The off-hauling operation will be done using the Best Management Practices (BMP) listed in the Work Plan submitted to the Board.
2. Cleaning of the Tide Tubes (vacuuming and clearing): Staging and cleaning operation for the balance of the project will be done using the BMPs listed in the Work Plan. A silt

curtain will be placed and vacuuming/flushing of the tide tubes will be done first. The clearing in front of the tide tubes will be done after the tide tubes have been cleaned. After consultation with Laurel Marcus & Associates (LMA, consultant for the Aquatic Park Improvement Program or APIP) and Hydrologic-Systems (HSI, consultant for the APIP), it was determined that the period from May to October would be the best time of year to have the least impact to Aquatic Park for completing the cleaning operations of the tide tubes area. All the spoils will be placed in the watertight containment used to temporarily store the spoils from the Strawberry storm drain overflow outfall area.

3. Tide Tubes Spoils Drying in Watertight Containment: The spoils will be allowed to dry for approximately 2 months. After drying, the spoils will be tested for disposal and off-hauled to a Class II Landfill using the BMP's outlined in the Work Plan.
4. On-Site Environmental Enhancement Actions: Recommendations for additional on-site environmental enhancement actions include additional clean up around Site 1, retaining the services of an experienced ecological restoration contractor to eradicate invasive plants species (ice plant, acacia, firethorn, and fennel) and replant with appropriate species at the northern end of the lagoon, clean up and erosion control for the spoils containment site near the Rowing Club, and no significant replanting in the spoils area, to allow coordination with the APIP project.

BACKGROUND

City staff contacted Laurel Marcus & Associates (LMA) on Thursday, November 8, 2007 to evaluate the work sites in Aquatic Park for any environmental impacts caused by the cleaning (dredging) operation. Enclosed is a copy of the memorandum prepared by Laurel Marcus & Associates dated December 14, 2007 (Attachment 2).

The Council accepted a report on the status of the Aquatic Park Cleaning Project at the December 18, 2007 meeting. The report presented the results of the chemical analyses that were performed on the dredged material, and presented an evaluation of three spoils disposal alternatives. Alternate 3 was the most cost effective of the three alternatives considered.

Alternate 1: Disposing of the spoils wet and trucking to a Class II dumpsite (landfill) in watertight trucks. This alternative is over three times as expensive as disposing of the spoils dry. The transportation and disposal cost at Altamont, a Class II landfill, for the wet spoils is \$258.30 per ton.

Alternate 2: W. R. Forde taking charge of the material and haul it off to its facility. This alternative has been removed from consideration as an unfeasible alternative.

Alternate 3: Allowing the spoils to dry on-site by evaporation in a watertight containment area and disposing of the dry spoils. The transportation and disposal cost at Altamont for dry spoils is \$72 per ton.

At its December 18, 2007 meeting, Council requested a fourth alternative of using the spoils at Aquatic Park be investigated since the spoil test results indicate that the soluble lead was below the 5 mg/L threshold to be considered hazardous. After consultation with LMA (APIP consultant) and HSI (APIP consultant), Parks & Recreation staff, and with the Water Board staff, this has been determined not to be a feasible option for two reasons:

- (1) In Chapter 3 of the Basin Plan (S.F. Bay Regional Water Quality Control Board, January 18, 2007), Table 3-3 provides Marine Water Quality Objectives for Toxic Pollutants for Surface Waters (all values in ug/l). For lead, the chronic exposure level is 8.1 ug/l. Since the soluble lead measured in our samples range from 640 ug/L (0.64 mg/L) to 1800 ug/L (1.8 mg/L), these spoils would need to be encapsulated or isolated from the surrounding water environment.
- (2) There will be an excess of soil available from the planned APIP improvements that will need to be off-hauled, therefore use of the spoils at the park is not recommended by the APIP consultants. The consultants believe that the soil excavated as part of the APIP will meet the Basin Plan requirements where the spoils contaminant levels exceed the very strict exposure level.

Staff worked with LMA and with the City's contractor, W.R. Forde, to develop the work plan for the remainder of the project in December 2007 and January 2008. The work plan was submitted to the Water Board on January 31, 2008. Attached is a copy of the work plan letter submitted to the Water Board.

The watertight containment for the existing spoils pile was constructed in the first week of February 2008. Work was performed during a dry weather period between rainstorms. Staff monitored the watertight containment several times a week, particularly prior to, during, and after rainfall events.

FUTURE ACTION

Staff will complete and submit the JARPA to the Water Board, BCDC, Corps, and Fish & Game, and present a status update to Council in September 2008. When the JARPA is approved, staff will present Council with a contract amendment to complete Phase II of this project. At the conclusion of the Aquatic Park Tide Tube Cleaning Project, no further action will be taken, until further maintenance cleaning is needed, estimate to be 10 – 15 years. Recognizing that the regulatory climate may change before that time, care will be taken to follow all regulated protocols in effect at that time.

CONTACT PERSON

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Lorin Jensen, Supervising Civil Engineer	981-6411
Daniel Akagi, Assistant Civil Engineer	981-6394

Attachments:

- 1: Resolution
- 2: WPCP

3. Work Plan Letter Submitted January 31, 2008 w/o Attachments
4. Laurel Marcus & Associates Report, Dated December 14, 2007

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 7429 AMENDMENT: W.R. FORDE ASSOCIATES FOR
COMPLETING PHASE I CLEANING AT AQUATIC PARK

WHEREAS, in October 2007 the City executed Contract No. 7429 with W. R. Forde Associates for maintenance operations (clearing and cleaning) at the tide tubes and Strawberry storm drain overflow outfall in Aquatic Park; and

WHEREAS, in November 2007 Public Works was required to stop the work until the appropriate notification and the approval process for the project were completed; and

WHEREAS, staff is preparing the Joint Aquatic Resources Permit Application to be submitted to the Regional Water Quality Control Board, Army Corps of Engineers, Bay Conservation and Development Commission, and California Fish and Game for review and issuance of appropriate permits; and

WHEREAS, the Regional Water Quality Control Board, Army Corps of Engineers, and the Bay Conservation and Development Commission have all be notified of disposing of the existing spoils and staff has received reply notification that permits from those agencies are not required to dispose of the existing spoils in the watertight containment area at Aquatic Park; and

WHEREAS, funds in the amount of \$247,981 are available in FY 2008 to complete Phase I of the Aquatic Park Cleaning (Dredging) at the Tide Tubes and Strawberry Storm Drain Pipe, Specification No. 07-10239 (610-5308-432-65-50-08EN06; CMS No. DP35S); the additional \$247,981 to complete Phase I increases the total not to exceed contract to \$331,431.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment and any extensions with W. R. Forde in an amount not to exceed \$247,981 for a revised contract amount not to exceed \$331,431 to complete Phase I of the Aquatic Park Cleaning (Dredging) at the Tide Tubes and Strawberry Storm Drain Pipe, Specification No. 07-10239.