



DATE: December 1, 2009

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Authorization for the City Manager to Execute a Grant Application from the California Integrated Waste Management Board for a Solid Waste Disposal and Co-disposal Site Cleanup Program for the West Winton Landfill

RECOMMENDATION

That Council adopts the attached resolution authorizing the City Manager to submit a grant application to the California Integrated Waste Management Board for the Solid Waste Disposal and Co-disposal Site Cleanup at West Winton Landfill.

BACKGROUND

As addressed in previous reports, the City acquired the closed West Winton Landfill (WWLF) from Oakland Scavenger Company (Waste Management of Alameda County "WMAC") in 1978. Since then, the City has been maintaining the landfill pursuant to a Waste Discharge Requirement (WDR) Order from the Water Quality Control Board San Francisco Bay Region (RWQCB) and has spent financial and labor resources to maintain it. Numerous conditions developed over the years that required additional focus from the City. The WDR (Order No. 95-088) requires the City to maintain the landfill cap and vegetative layer (Specification 11 and Provision 13), and prohibits the exposure of waste (Specification 2). Since 1995, the City and WMAC have been working cooperatively to maintain the landfill.

In July of 2007, as a result of the City excavating the soil in the close proximity of the landfill, the RWQCB became aware of possible existence of buried refuse in uncapped areas of the landfill. The agency required the City to perform a Human and Environmental Health Risk Assessment (HERHA) for delineation of the limits of refuse, uncapped materials, and impacts to groundwater along the northern portion of the landfill and up to a drainage slough. The City hired a consultant, Fugro West, to develop and implement a work plan to address the geological investigation and present findings to the RWQCB.

In January 2008, RWQCB accepted the work plan prepared by Fugro West for evaluation of an area directly to the north of the panhandle. The evaluation revealed levels of contamination in two of the

ten borings. The lead and zinc contamination was in excess of environmental screening levels (ESL's) as identified by the RWQCB.

DISCUSSION

As it became evident that the existence of buried refuse in uncapped areas of the landfill had the potential to be very complicated and costly to address, the City contacted WMAC, updated its staff on the situation, and asked them to review Fugro's draft report. After reviewing the draft report, WMAC's closed landfill maintenance team agreed to work with the City in a collaborative manner to address the existing situation and acknowledged it will need to participate in the costs to address this issue. WMAC has since replaced Fugro with a consultant hired by WMAC (Geomatrix) for the additional phases of the investigation. Geomatrix, now renamed to Abatix, has worked with WMAC and RWQCB on other landfill closure issues.

In February 2009, the City hired Applied Soil Water Technologies (ASW) as a consultant to assist in mitigating WDR compliance issues. A conceptual scope of work as developed by ASW has been tentatively approved by the RWQCB and Alameda County Health in September 2009. The scope of work includes design and construction of a clay cap and vegetative layer in an area located to the north the panhandle section and the EBRPD parking lot. Additional work on the main landfill section calls for leveling/replacing two existing 1,200 foot drainage culverts and contouring the existing vegetative layer to prevent ponding and provide a grade suitable for rain runoff. ASW has developed estimated cost for design and construction of \$ 450,000.

Staff recently became aware of a funding opportunity to help address these continuing costs to maintain the WWLF. Since 1993, the California Integrated Waste Management Board has managed the Solid Waste Disposal and Co-disposal Site Cleanup Program (Program) for cleanup of solid waste sites and solid waste at co-disposal sites. Under this Program, local governments can finance a wide range of remediation projects. The California Integrated Waste Management Board provides financial assistance in the form of reimbursement grants up to \$750,000 in matching funds for eligible costs to assist public entities requiring financial assistance who are committed to accelerating the pace of cleanup, restoring sites, and protecting public health and safety, and the environment. As of November 17, 2009, \$273,211 was still available to fund new local government matching grants. However the deadline for filing applications for the present funding cycle is December 15, 2009 and must be accompanied by an agency resolution. In order to reduce costs to either the general fund or the sewer enterprise fund, staff is recommending that the City apply for this grant program.

ECONOMIC IMPACT

To date, the City has spent \$70,000 on consultant services (Fugro West and Applied Soil Water Inc.) for the most recent geotechnical, subsurface investigation, and preliminary regulatory agency interaction and mitigation proposal. This cost has been covered by the Sewer Enterprise Fund.

WMAC funded the previous phase of the investigatory work using Geomatrix/Abatix. The 2010 Capital Improvement Program does include \$350,000 in the Sewer Capital Improvement Fund for

addressing the WWLF rehabilitation work based on our earlier estimates of the work that might be required. If the city is successful in our grant application, there is the potential to reduce the net cost to this fund.

PUBLIC CONTACT

Except for the staff from the affected agencies (i.e., RWQCB, BCDC, Army Corp of Engineers, U.S. Fish and Wildlife, Dept. of Fish and Game, EBRPD, HASPA, and Alameda County Health), no other public contacts have been made at this time.

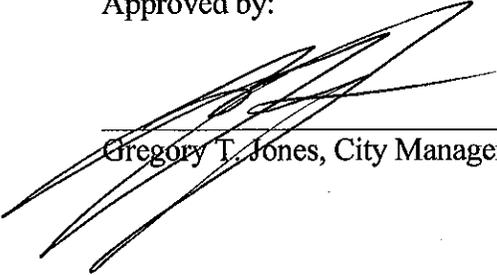
SCHEDULE

Submit Application for Board abatement grant	December 15, 2009
Obtain Local Regulatory Agency Review of Plan	January 2010
Design and Construction for WDR compliance	July 2010

Prepared by: Alex Ameri, Deputy Director of Public Works/Utilities

Recommended by: Robert A. Bauman, Director of Public Works

Approved by:



Gregory T. Jones, City Manager

Attachments: Attachment I Draft Resolution

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 09-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT APPLICATION FROM THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR A SOLID WASTE DISPOSAL AND CO-DISPOSAL SITE CLEANUP PROGRAM FOR THE WEST WINTON LANDFILL

WHEREAS, the people of the State of California have enacted Assembly Bill 2136 that authorizes the California Integrated Waste Management Board (the Board) to initiate and administer a program for cleanup of solid waste disposal sites and for cleanup of solid waste at codisposal sites where the responsible party either cannot be identified or is unable or unwilling to pay for timely remediation, and where cleanup is needed to protect public health and safety or the environment; and

WHEREAS, said procedures established by the Board require the applicant to certify by resolution the approval of the submittal of the application before submission to the State of California; and

WHEREAS, the applicant will enter into an agreement with the State of California for the site cleanup;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward

1. Approves the filing of an application for the cleanup of solid waste using funds from the Solid Waste Cleanup Program for the project specified above; and
2. Certifies that said applicant has or will have matching funds for the project, plus funds to pay for all ineligible work and eligible work in excess of the grant awarded; and
3. Certifies that said applicant has or will have sufficient funds to operate and maintain the project; and

4. Appoints the City Manager or his or her designee, as agent of the City of Hayward to conduct all negotiations, execute and submit all documents including, but not limited to applications, grant agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2009

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward