



Midpeninsula Regional  
Open Space District

R-20-124  
Meeting 20-25  
October 28, 2020

## AGENDA ITEM 8

### AGENDA ITEM

Contract Amendment with Engineering/Remediation Resources Group, Inc., for the Madonna Creek Ranch Cleanup at Miramontes Ridge Open Space Preserve

### GENERAL MANAGER'S RECOMMENDATION

Authorize the General Manager to increase the contract amount of \$143,945 with Engineering/Remediation Resources Group, Inc., by an additional \$146,664 for a new, not-to-exceed contract amount of \$290,609.

### SUMMARY

Midpeninsula Regional Open Space District (District) is under contract with Engineering /Remediation Resources Group to clean a debris site on the former Madonna Creek Ranch property within Miramontes Ridge Open Space Preserve. During debris removal activities, significant volumes of additional debris and soil contaminants beyond the contract scope of work were encountered below the ground surface that require proper removal and disposal. Because testing has determined that the soil contaminants are high in lead, the soil requires more costly disposal at specialized facilities outside of the Bay Area. The additional debris and contaminated soil will cost \$146,664 to dispose. The Fiscal Year 2020-21 (FY21) budget contains insufficient funds to complete the recommended actions in the current project budget and therefore will require a future budget amendment as part of the Quarter 2 Budget review. Savings and unspent funds in other projects may allow for a net-zero budget adjustment to fund this work.

### DISCUSSION

In November of 2019, Rincon Consultants, Inc., (Rincon) completed surface and subsurface investigations of the Madonna Creek debris site and identified the approximate extent of debris and the presence of contaminants, including lead and petroleum products. On March 11, 2020, the Board of Directors (Board) awarded a contract to Rincon to develop a remediation plan for the former Madonna Creek Ranch Cleanup project (R-20-23). Rincon developed the plan and the District entered into the voluntary cleanup program with the San Mateo County Health Department. On August 26, 2020 (R-20-92), the Board awarded a contract to Engineering/Remediation Resources Group to clean the debris, contaminants, and install erosion control on the site with the work to be substantially complete by October 1, 2020.

Staff anticipated that some unidentified materials might be encountered during the cleanup due to the subsurface nature of the project. Despite conservative estimates that included a \$21,325 allowance and a 15% contingency of \$15,994, much more debris and contaminants were encountered than what is allowed for under the current Board-approved contract. Specifically,

soil that was expected to be re-used on site (based on initial limited testing) was ultimately deemed to be unsuitable for reuse based on additional, more robust testing per San Mateo County due to concentrations of lead above the residential standard and significantly higher quantities of trash and debris that still remains mixed in the soil and difficult to filter out (see Attachment 1). The residential standard for clean soil is used at this location given the site's adjacency to the perennial Madonna Creek that drains into Pilarcitos Creek through the City of Half Moon Bay. At least 30 car batteries removed from the site are the likely source of lead, although 3 cars, numerous appliances, and other garbage removed from the disposal site may also contribute lead.

Initial limited samples indicated that the additional soil could be disposed of as non-hazardous soil at the nearby Ox Mountain landfill. More recently, secondary and more comprehensive leach tests indicate lead levels are not suitable for local disposal and require disposal at special hazardous materials disposal facilities (generally located in the Central Valley). Disposal and trucking costs have substantially increased accordingly. Staff negotiated with the contractor to reduce the unit pricing costs on disposal to be within 10% of the average of the four bids received for the Project, and by refining the estimate of materials to be disposed of, reducing the fee by \$53,000.

The District is unlikely to secure significantly lower bids for off-hauling and disposal of the contaminated soils based on comparative data from the five bids first received for the Project. Based on these five initial bids, the average cost for extra disposal of trash and contaminated soil is estimated to be approximately \$25,000 less (i.e. approximately \$121,000) than the proposed contract amendment. However, that estimate does not account for mobilization and startup costs, which generally cost between \$10,000 to \$15,000 a project. Further, the time delay to secure additional bids would likely require containing the soil piles over the winter with primary and secondary containment to prevent seepage, which in itself would require a contract amendment and additional costs to complete. Staff also compared the unit pricing to engineer estimates for similar District projects. The average unit pricing is higher than comparative data (e.g. \$367 per ton versus \$300 per ton for excavation and disposal of hazardous soils). However, this is likely due to the project site conditions that cannot support large equipment or dump trucks, requiring more time to complete the work. Therefore, the General Manager recommends proceeding with the proposed contract amendment as the best course of action that is in the best interest of the District to complete this work considering all the factors.

Due to the increased debris, extra excavation, and loss of reusable soil during the cleanup activities, staff authorized change orders using most of the contingency and allowance to (1) rent equipment for greater material sorting (\$10,854.16) and (2) procure rip-rap to protect and stabilize the excavation site (in lieu of filling with the onsite soil) (\$14,797.86). There is a pending change order of \$3,638 to deal with extra disposal fees from dozens of tires found on site. Approximately \$8,029 remains from the allowance and contingency. Staff is proposing to reserve this for any additional cleanup that may be required based on confirmation samples taken from beneath soil stockpiles after the remaining soil and debris is off hauled. The contaminated soils and debris remain on site and are placed on and covered by plastic sheeting away from the creek, awaiting off-haul. The proposed contract amendment would provide the additional funds to properly off-haul and dispose the contaminated soil and debris.

Large-scale soil import to fill-in areas like the excavated debris site is generally infeasible for District projects because 'clean soil' or fill cannot be effectively tested for soil pathogens (phytophthoras), which stunt and kill vegetation. Unfortunately, no suitable borrow soils are

known to exist on the property. Given that the site occupies a narrow space between farm fields and a perennial riparian corridor, slope stabilization of the excavated site near the creek was best accomplished using rip-rap rather than through extensive grading to avoid impacts to the active farm field and to keep to the tight construction window. The area of excavation is now stabilized with erosion control blankets, native grass seed, and riprap. The site is located adjacent to a dam on Madonna Creek that is being evaluated for future removal to provide fish passage. Removal of the dam would require extensive grading in proximity of the excavation site. Therefore, the design intent of the Madonna Creek cleanup project also focused on stabilizing slopes and revegetating with native grasses and fast-growing willows until the larger creek restoration/dam removal project is further developed to determine if there is a more opportune time to conduct extensive grading in the area that can also soften the contours of the excavated site.

CalRecycle staff in the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program have recommended \$50,000 in funding for the Madonna Creek project. Because the District was not eligible to apply for the grant funds, the San Mateo Resource Conservation District applied in partnership with the District and will receive and disburse the grant funds to offset costs.

### FISCAL IMPACT

The FY21 adopted budget includes \$261,874 for the Remediation Plan & Ranch Dump Clean Up - Madonna Creek Ranch MAA01-004 project. There are insufficient funds in the project budget to cover the recommended action and expenditures. A budget adjustment will be included at the Quarter 2 Budget review that may be covered by project savings and/or unspent funds.

<b>Remediation Plan &amp; Ranch Dump Clean Up - Madonna Creek Ranch MAA01-004</b>	<b>Prior Year Actuals</b>	<b>FY21 Adopted</b>	<b>FY22 Projected</b>	<b>FY23 Projected</b>	<b>Estimated Future Years</b>	<b>TOTAL</b>
<b>Total Budget:</b>	<b>\$0</b>	<b>\$261,874</b>	<b>\$10,000</b>	<b>\$4,000</b>	<b>\$10,000</b>	<b>\$285,874</b>
Spent-to-Date (as of 10/19/2020):	\$0	(\$28,220)	\$0	\$0	\$0	(\$28,220)
Encumbrances:	\$0	(\$194,341)	\$0	\$0	\$0	(\$194,341)
Engineering/Remediation Resources Group, Inc. Contract Amendment:	\$0	(\$146,664)	\$0	\$0	\$0	(\$146,664)
<b>Budget Remaining (Proposed):</b>	<b>\$0</b>	<b>(\$107,351)</b>	<b>\$10,000</b>	<b>\$4,000</b>	<b>\$10,000</b>	<b>(\$83,351)</b>

The following table outlines the Measure AA Portfolio 01 Miramontes Ridge: Gateway to the Coast Public Access, Stream Restoration and Agricultural Enhancement allocation, costs-to-date, projected future project expenditures and projected portfolio balance remaining.

<b>MAA01 Miramontes Ridge: Gateway to the Coast Public Access, Stream Restoration and Agricultural Enhancement Portfolio Allocation:</b>	<b>\$27,774,000</b>
<b>Total Portfolio Allocation:</b>	<b>\$27,774,000</b>
Life-to-Date Spent (as of 10/19/20):	(\$28,220)
Encumbrances:	(\$194,341)
Remaining FY21 Project Budgets:	\$107,351
Future MAA01 project costs (projected through FY23):	(\$170,664)

<b>Total Portfolio Expenditures:</b>	<b>(\$285,874)</b>
<b>Portfolio Balance Remaining (Proposed):</b>	<b>\$27,488,126</b>

The following table outlines the Measure AA Portfolio 01 Miramontes Ridge: Gateway to the Coast Public Access, Stream Restoration and Agricultural Enhancement allocation, projected life of project expenditures and projected portfolio balance remaining.

<b>MAA01 Miramontes Ridge: Gateway to the Coast Public Access, Stream Restoration and Agricultural Enhancement Portfolio Allocation:</b>	<b>\$27,774,000</b>
Projected Project Expenditures (life of project):	
MAA01-003 Zion Property Purchase	\$0
MAA01-004 Remediation Plan Development and Ranch Dump Clean Up - Madonna Creek Ranch	(\$285,874)
<b>Total Portfolio Expenditures:</b>	<b>(\$285,874)</b>
<b>Portfolio Balance Remaining (Proposed):</b>	<b>\$27,488,126</b>

## BOARD COMMITTEE REVIEW

No Board Committee reviewed this item. The original award of contract was brought to the full Board on August 26, 2020.

## PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

## CEQA COMPLIANCE

In accordance with the State California Environmental Quality Act (CEQA) Guidelines, this project was deemed exempt under Section 15330 "Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances" upon the award of contract.

## NEXT STEPS

If approved, the General Manager will amend the contract and authorize the proper disposal of the contaminated soils as soon as practical.

Attachment

1. Photos

Responsible Department Head:

Kirk Lenington, Natural Resources Department

Prepared by:

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Attachment 1: Excavation Area (erosion control in progress)

