



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item G11

**#2009-164 - Approving Public Right-of-Way Access Agreement
with EPA (Parkview Superfund)**

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Gary R. Mader, Utilities Director
Wesley Nespor, Asst. City Attorney/Purchasing

Meeting: July 14, 2009

Subject: Public Right-of-Way Agreement with Environmental Protection Agency - Parkview Superfund

Item #'s: G-11

Presenter(s): Gary R. Mader, Utilities Director

Background

The Environmental Protection Agency (EPA) is nearing completion of the design and awarding of contracts to install the wells, buildings and pipelines necessary for the remediation of the groundwater contamination in the Parkview area of the City of Grand Island. The installation of the necessary infrastructure to operate the remediation system will require the use of the public rights-of-way in the area for collector pipeline construction and the installation of monitoring and extraction wells. The remediation system is also designed to use the old Parkview III well site for the installation of a treatment plant which will remove the volatile organic compounds from the contaminated groundwater extracted from the area.

Discussion

The EPA requests that the City execute an access agreement to permit the use of City owned and controlled properties required for use for this project. Staff members from the City's Legal, Public Works and Utilities Departments have worked with EPA in the development of the requested access agreement. A copy of the proposed agreement is attached.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that Council approve the Access Agreement with EPA to allow use of the public right-of-way and City owned property to allow installation of the remediation system in the Parkview Subdivision area.

Sample Motion

Move to approve the Access Agreement with the Environmental Protection Agency to allow installation of the groundwater remediation system.

**CONSENT TO ACCESS FOR EPA
ENVIRONMENTAL RESPONSE ACTION ("AGREEMENT")**

RIGHT of ENTRY

The City of Grand Island, Nebraska ("Grantor"), pursuant to the terms of this Agreement, hereby knowingly consents to and permits the United States Environmental Protection Agency ("EPA") and its employees, authorized representatives, agents and contractors to enter upon and perform environmental response actions upon certain properties owned by the City as generally set forth in Attachment A ("Property"). The Property that is the subject of this Agreement are within the Parkview Well Superfund Site ("Site") located in Grand Island, Hall County, Nebraska. Grantor understands that this grant of consent does not limit EPA's right of access under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. §§ 9601-9675, or any other law.

PURPOSE OF ACCESS

Pursuant to Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), and consistent with the National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R Part 300, EPA has requested that Grantor allow EPA and its employees and representatives access to the Property for the purpose of investigating and/or responding to a release of hazardous substances, pollutants and/or contaminants at and from the Site.

ENVIRONMENTAL RESPONSE ACTIONS TO BE TAKEN

The planned environmental response actions to be taken at the Property include, but are not limited to, the following:

- Perform geoprobe sampling involving the installation of temporary boreholes into the subsurface to allow collection of environmental samples;
- Install new groundwater monitoring wells, and monitor and maintain new and existing monitoring wells, including the periodic collection of groundwater samples from those wells (generally depicted on Drawings C-16, C-19, and Figures 3-2, and 3-3);
- Perform chemical oxidation injections to subsurface areas using geoprobe equipment along North Road South (generally depicted on Figure 3-2). Injections to be performed using temporary boreholes that will be grouted after completion.
- Construct, operate and maintain one groundwater extraction well (EX-10) and associated well house, piping to convey contaminated groundwater to groundwater treatment plant, pipeline provision in anticipation of future City water main expansion, protective barricade around well house, and associated electrical lines (generally depicted on Drawings A-8, C-2, C-6 through C-10, and E-4).

- Construct, operate and maintain groundwater treatment plant and associated discharge piping and discharge control features, including necessary connection to the City's storm sewer inlet (generally depicted on Drawings A-4 through A-6, C-3 through C-5, and C-15).
- General access for vehicles and support equipment to perform the activities identified above.

TERM OF AGREEMENT

This Consent to Access will be effective on the date signed by EPA, and will extend until the completion of all environmental response actions at the Site.

AGREEMENT NOT TO INTERFERE

Grantor agrees not to interfere with any of the activities undertaken by EPA at the Property, tamper with any property that EPA may bring on to or add to the Site, which includes the Property, or take any actions regarding the use of the Property which may endanger human or welfare or the environment, or allow others to use the Property in such manner during the term of this Consent. Grantor agrees to provide notice and a copy of this agreement to prospective purchasers, lessee, assigns, or grantees of the Property or any portion of it. Grantor agrees to provide 30 day notice to EPA prior to any transfer of ownership rights to the Property.

Grantor agrees to notify EPA of any existing easement or license granted with respect to the Property prior to the date of the Agreement. EPA agrees not to interfere with said easement or license without the consent of the party who granted the easement or license.

RESTORATION OF PROPERTY. Upon the completion of the activities authorized by this Consent to Access, EPA agrees that reasonable measures will be taken to leave the Property in a condition reasonably similar to the condition the Property was in immediately prior to entry.

LIMITATION OF LIABILITY. EPA shall be liable for damages to the Property or injuries to persons which result from or are caused by the activities on the Property only to the extent provided under the Federal Tort Claims Act, and the Federal Employees Compensation Act (28 U.S.C. Section 2671, et seq., 5 U.S.C. Section 8101, et seq., and 31 U.S.C. Section 3701, et seq.). Nothing in this Agreement shall be construed to transfer title of any Property interest at the Site from Grantor to EPA. In addition, nothing in this Agreement is intended nor shall it be construed to absolve Grantor of any claims or rights that EPA or any other governmental entity may have against Grantor with respect to the Site.

The undersigned Grantor has read this Agreement and understands that it grants permission to the EPA, its employees, authorized representatives, agents and contractors to enter the above-described Property and perform certain activities for purposes of conducting the aforementioned environmental response actions and agrees to its terms and conditions. The undersigned Grantor certifies that he or she is fully authorized to enter into this Agreement, and legally bind Grantor to all terms and conditions of this Agreement.

GRANTOR:

SIGNATURE

DATE

NAME (type or print)

TITLE (type or print)



SIGNATURE

7/2/09

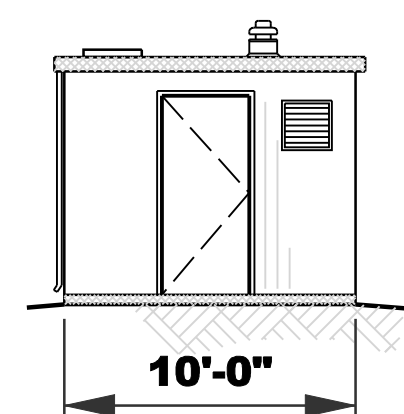
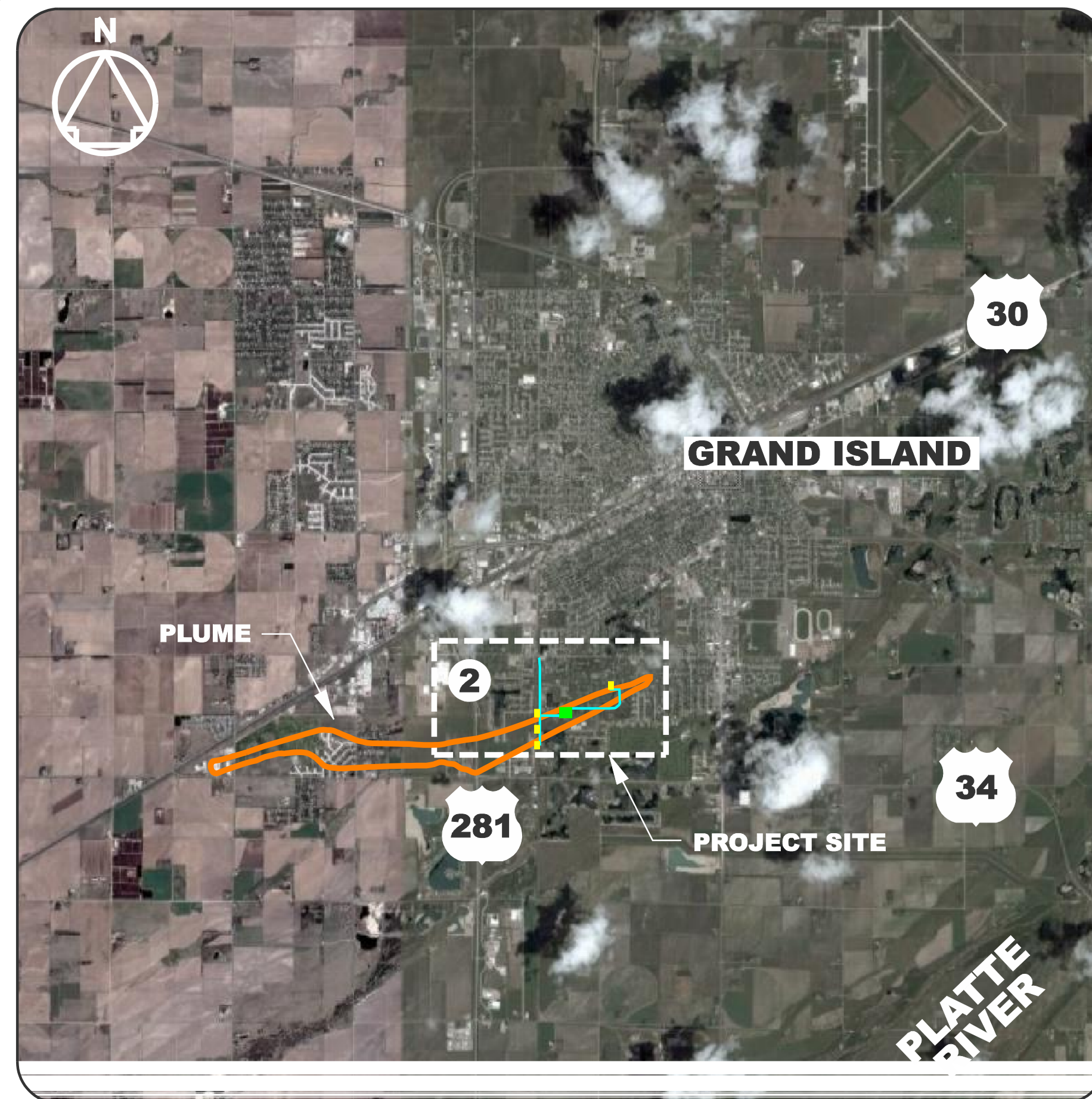
DATE

Bradley W. Vann

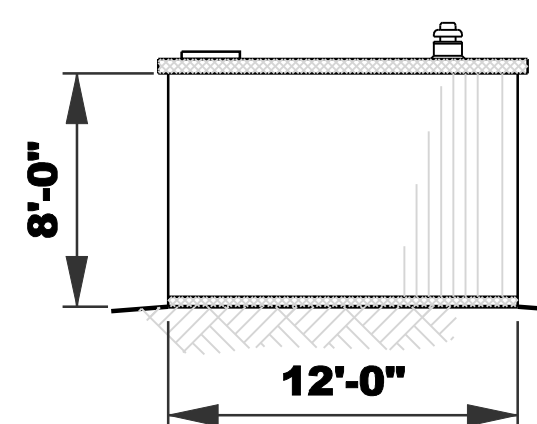
NAME (type or print)

Remedial Project Manager

TITLE (type or print)

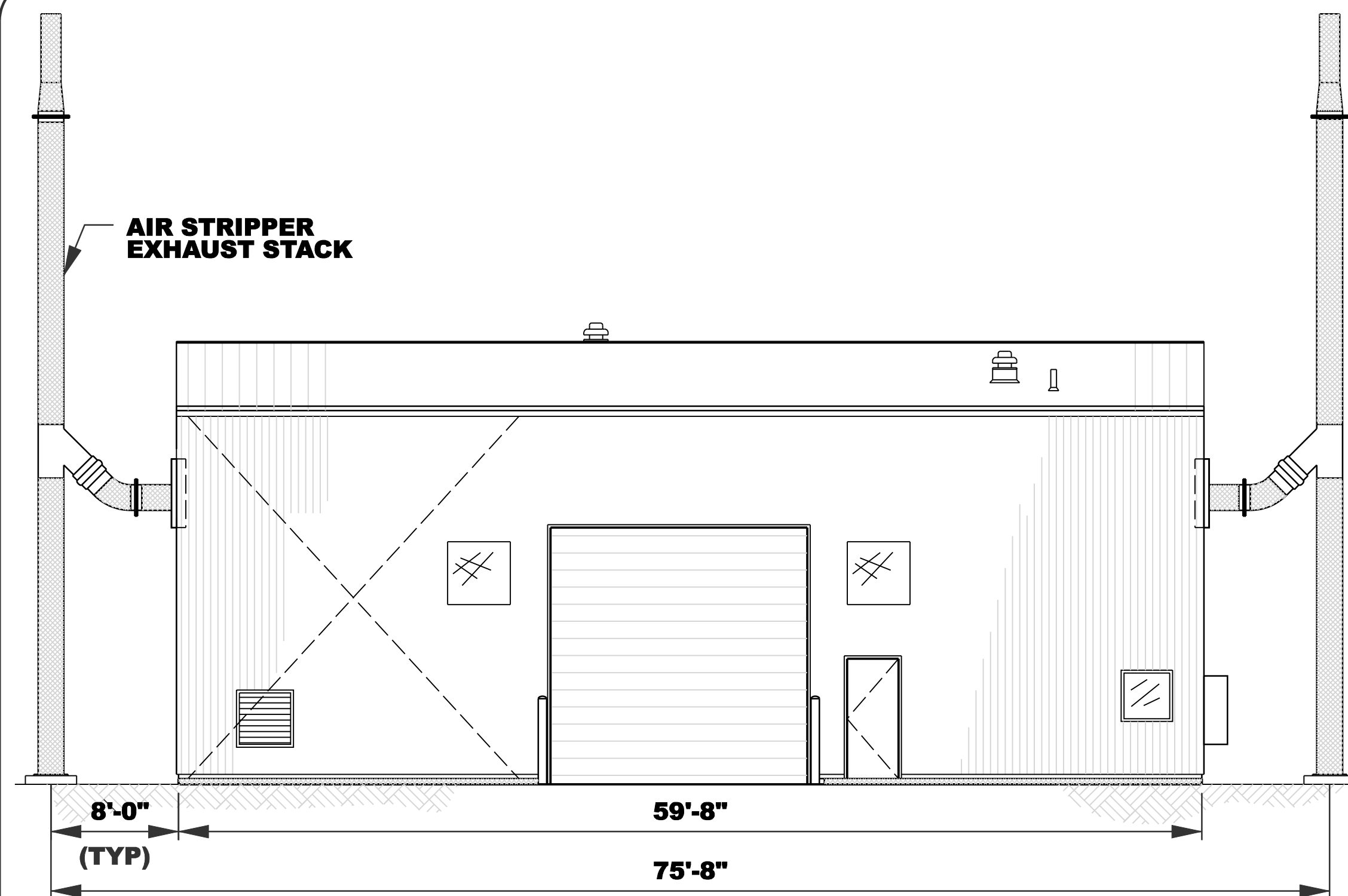


(FRONT PERSPECTIVE)

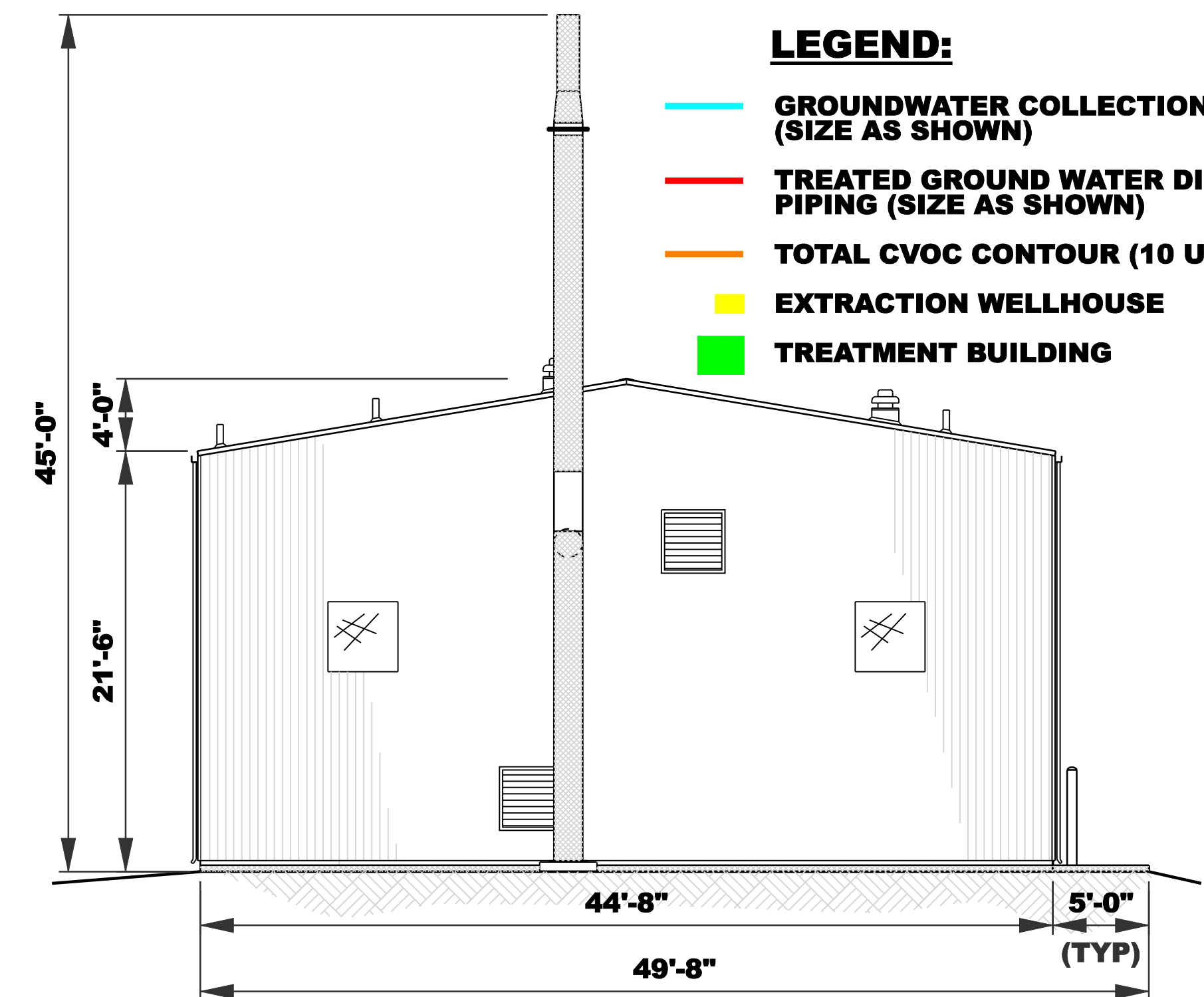


(SIDE PERSPECTIVE)

**EXTRACTION WELL HOUSE
(TYPICAL OF 4 TOTAL)**



**TREATMENT BUILDING
(LOOKING WEST FROM S BLAINE ST)**

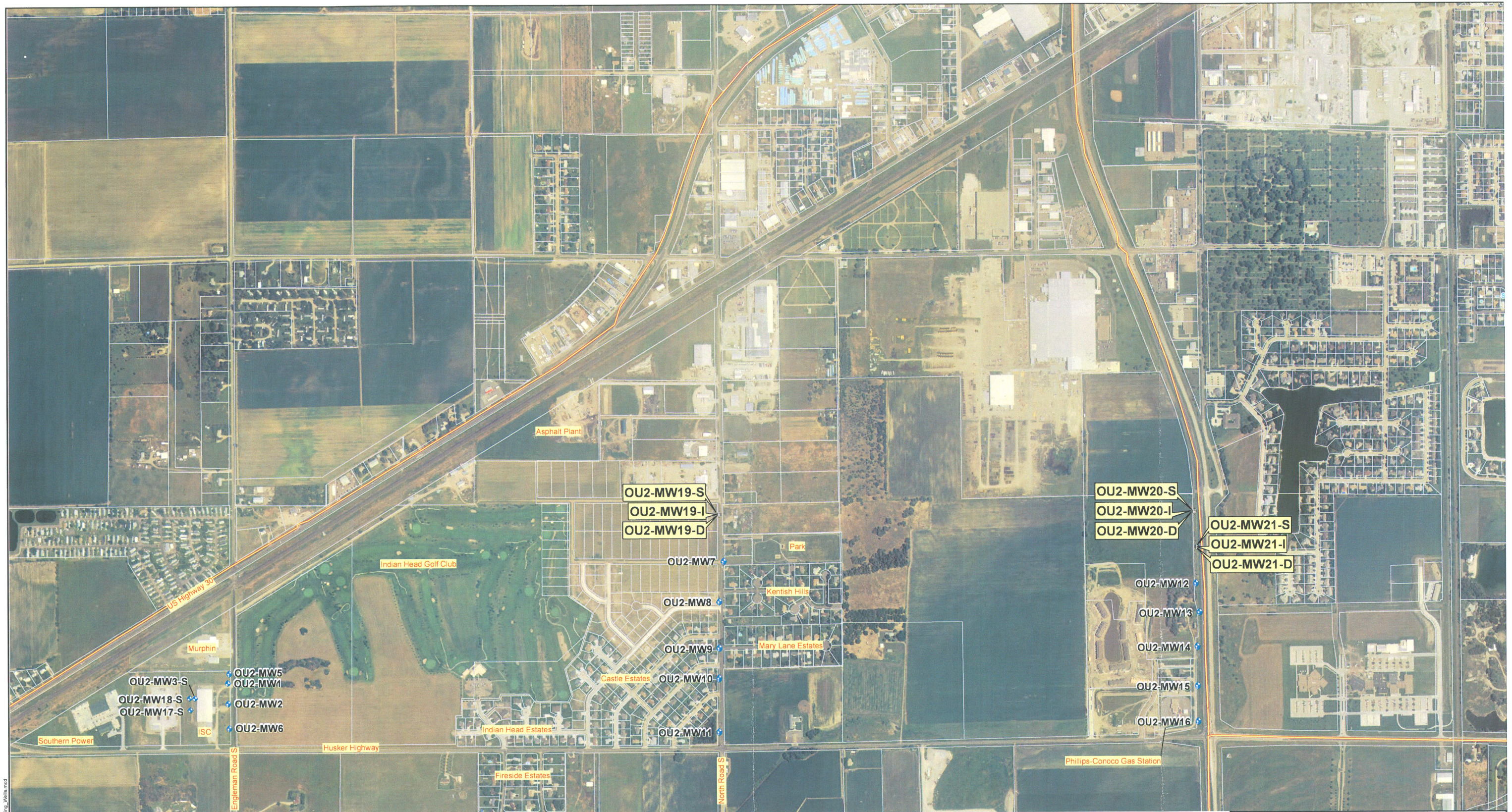


**TREATMENT BUILDING
(LOOKING NORTH)**

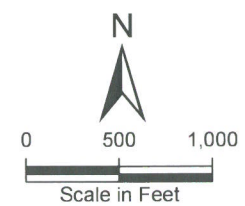
LEGEND:

- GROUNDWATER COLLECTION PIPING (SIZE AS SHOWN)
- TREATED GROUND WATER DISCHARGE PIPING (SIZE AS SHOWN)
- TOTAL CVOC CONTOUR (10 UG/L)
- EXTRACTION WELLHOUSE
- TREATMENT BUILDING

PARKVIEW WELL REMEDIAL DESIGN FOR OPERABLE UNIT 1 (OU1)



- Legend
- ◆ Existing Monitoring Well
 - ⬢ Proposed Monitoring Well
 - Municipal Well
 - Highways
 - Lot boundary



Parkview Well Site
Grand Island, Nebraska

Figure 1A-5
Proposed Monitoring Wells

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ENERGY WATER INFORMATION GOVERNMENT

Date: 05/07/09 Drawn By: Kyle Gallagher Project No: 044758



C-15

C-14

C-13

C-12

C-11

WICKLOW
DRIVE —

C-10

BLAINE ST.

PIONEER BLVD

C-9


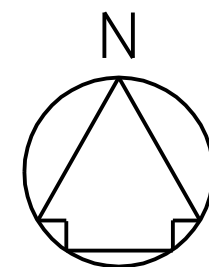
C-8

C-6

C-7

PIONEER BLVD

1. SEE C-1 FOR LEGEND, ABBREVIATIONS AND GENERAL NOTES. SEE G-1 FOR DRAWING INDEX.
2. SEE C-6 TO C-15 FOR GROUNDWATER COLLECTION PIPING PLANS.

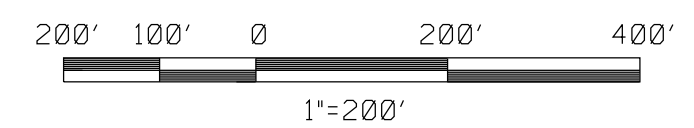



2

PARKVIEW WELL SUPERFUND SITE
OPERABLE UNIT 1

REVISED ISSUED FOR CONSTRUCTION

DATE OF ISSUE 03/17/09

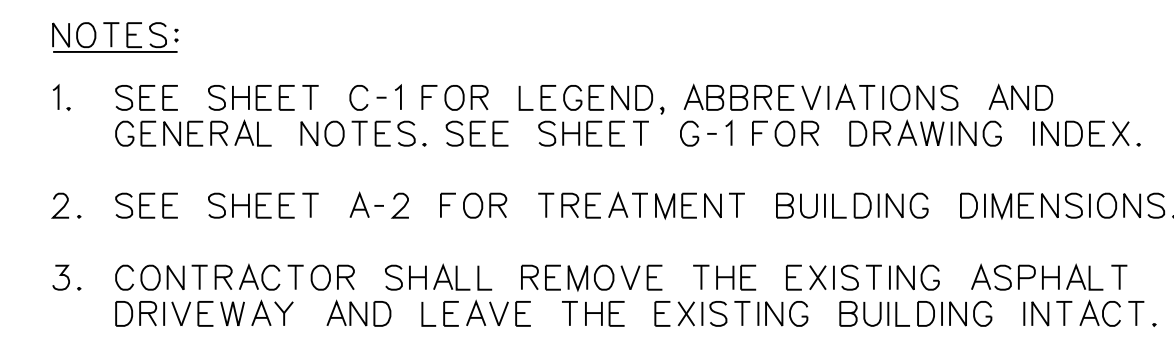
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 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY	R.E. FILARDO Drawn by:	05/05/08 Checked by:
	M.D. MARINARO Submitted by:	D.E. RENSHING File name:
BLACK & VEATCH Special Projects Corp.		C002.DGN
Approved by:		K. L. HEER

PARKVIEW WELL SUPERFUND SITE
OPERABLE UNIT 1

GROUNDWATER COLLECTION PIPING
KEY PLAN

Sheet
Number:
C-2



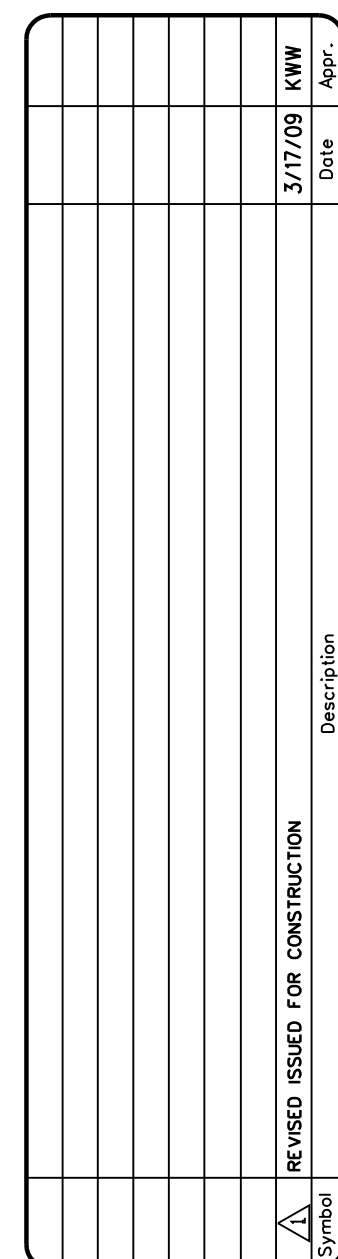
PARKVIEW WELL SUPERFUND SITE
OPERABLE UNIT 1


REVISED ISSUED FOR CONSTRUCTION

DATE OF ISSUE 03/17/09

20' 10' 0 20' 40'

1"=20'

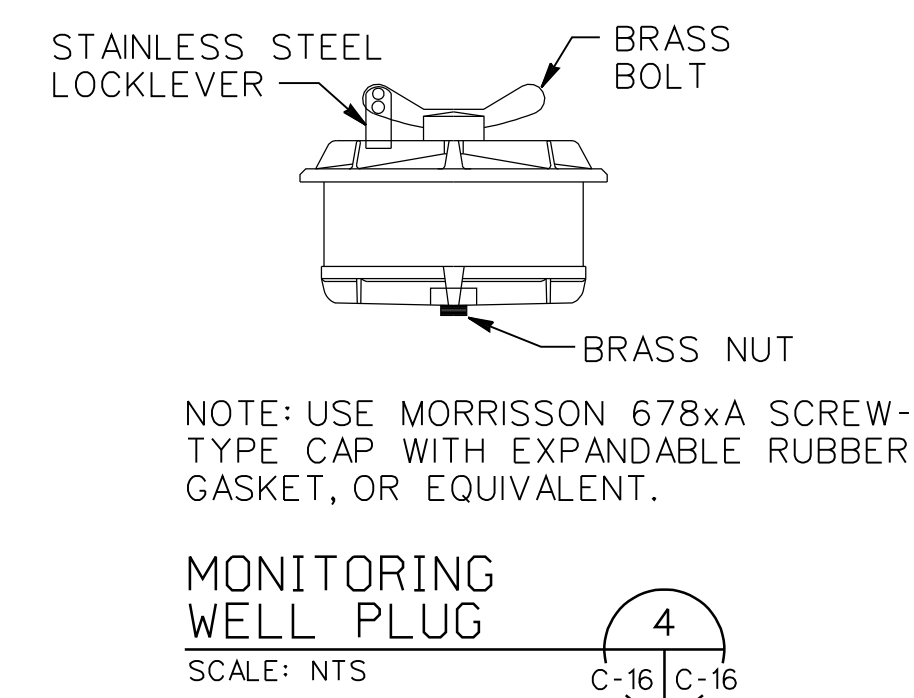
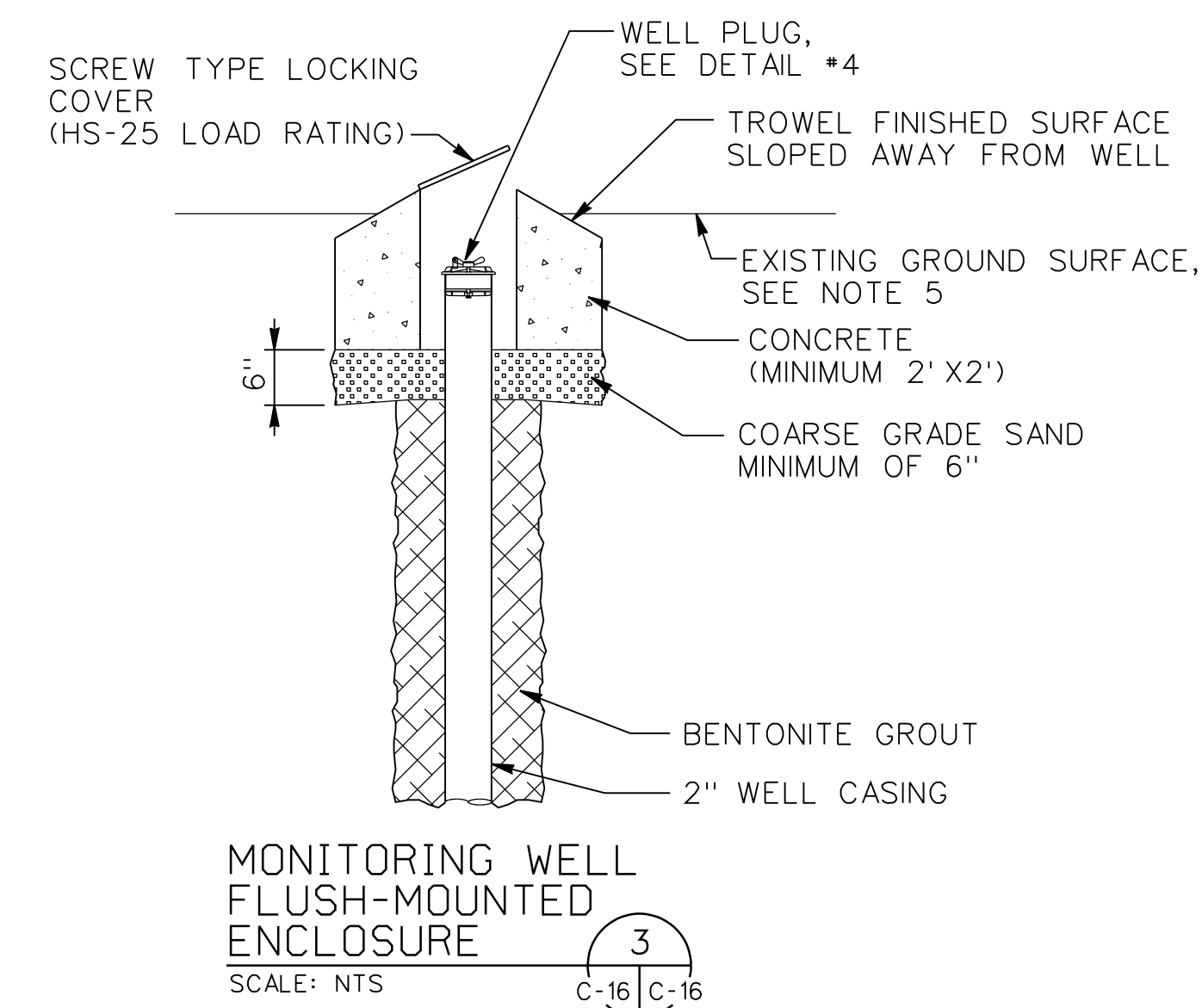
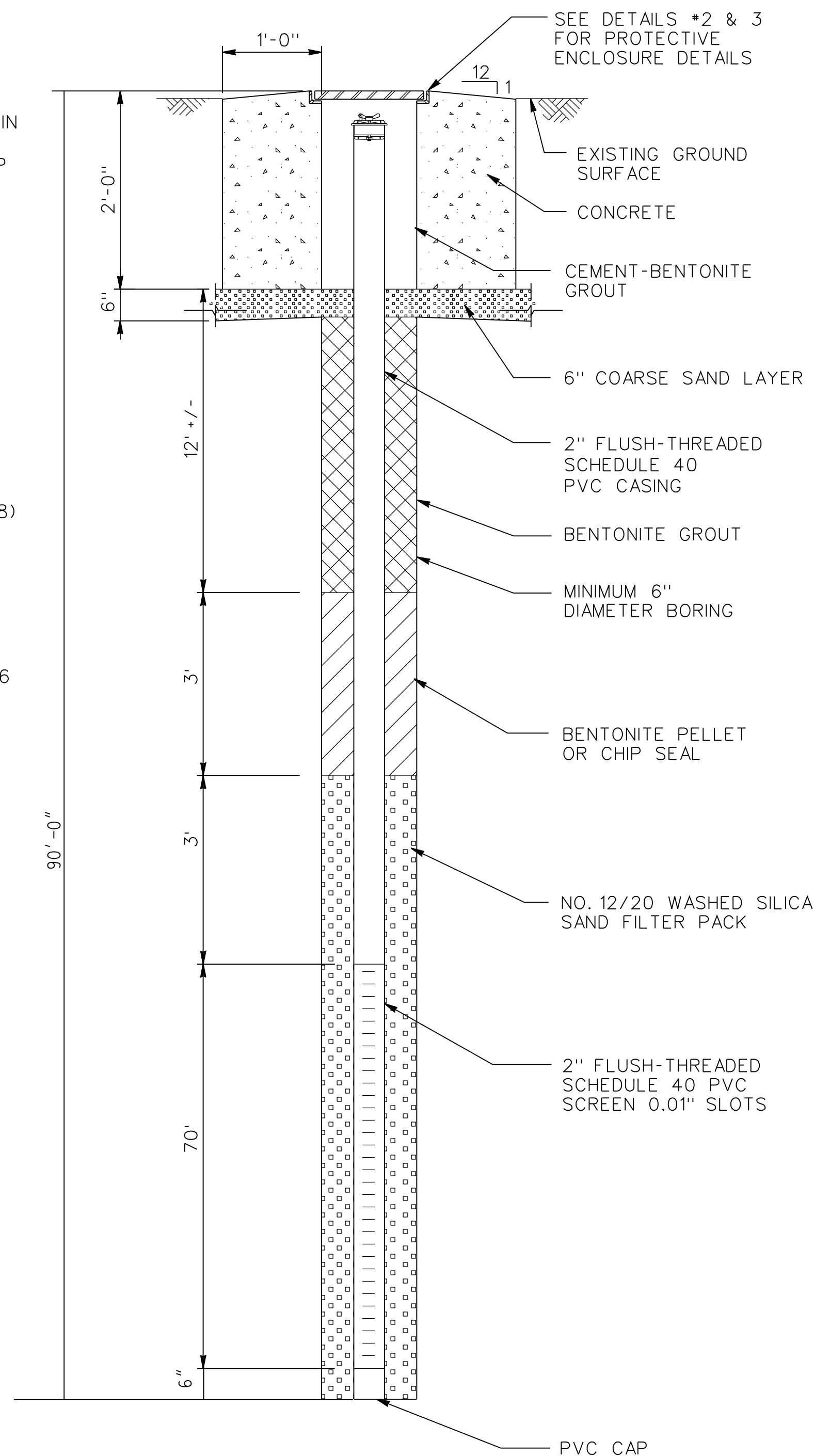
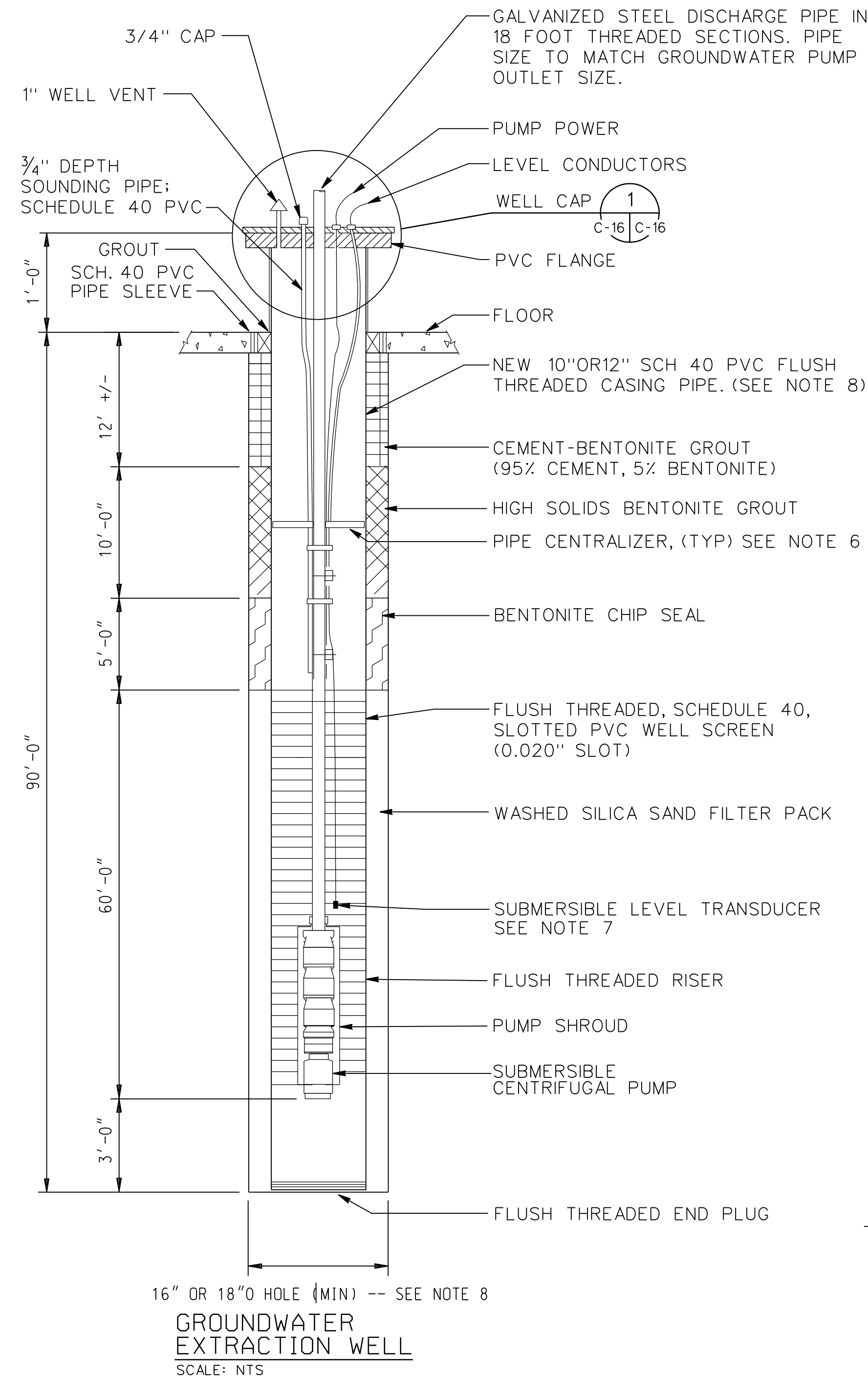



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BLACK & VEATCH
 Special Projects Corp.
 Prepared by: **R. J. FILLARD**
 Drawn by: **M.D. MARINARO**
 Submitted by: **K.L. HEER**
 Checked by: **D.E. RENISING**
 Date: **05/05/08**
 File name: **C004.DGN**
 Approved by: **K. L. HEER**

PARKVIEW WELL SUPERFUND SITE OPERABLE UNIT 1 GWTP SITE AND UTILITY PLAN

Sheet
Number:

C-4



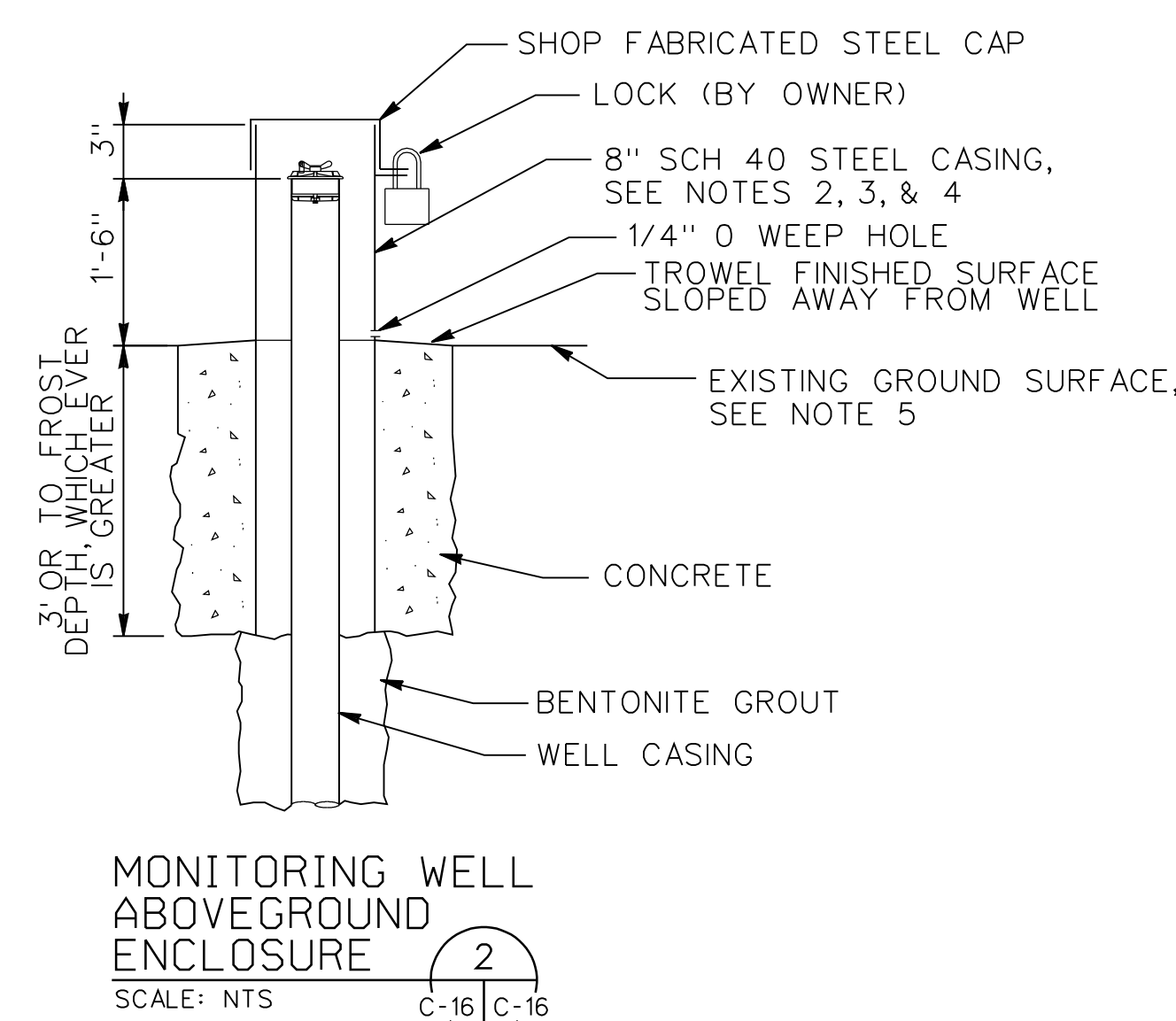
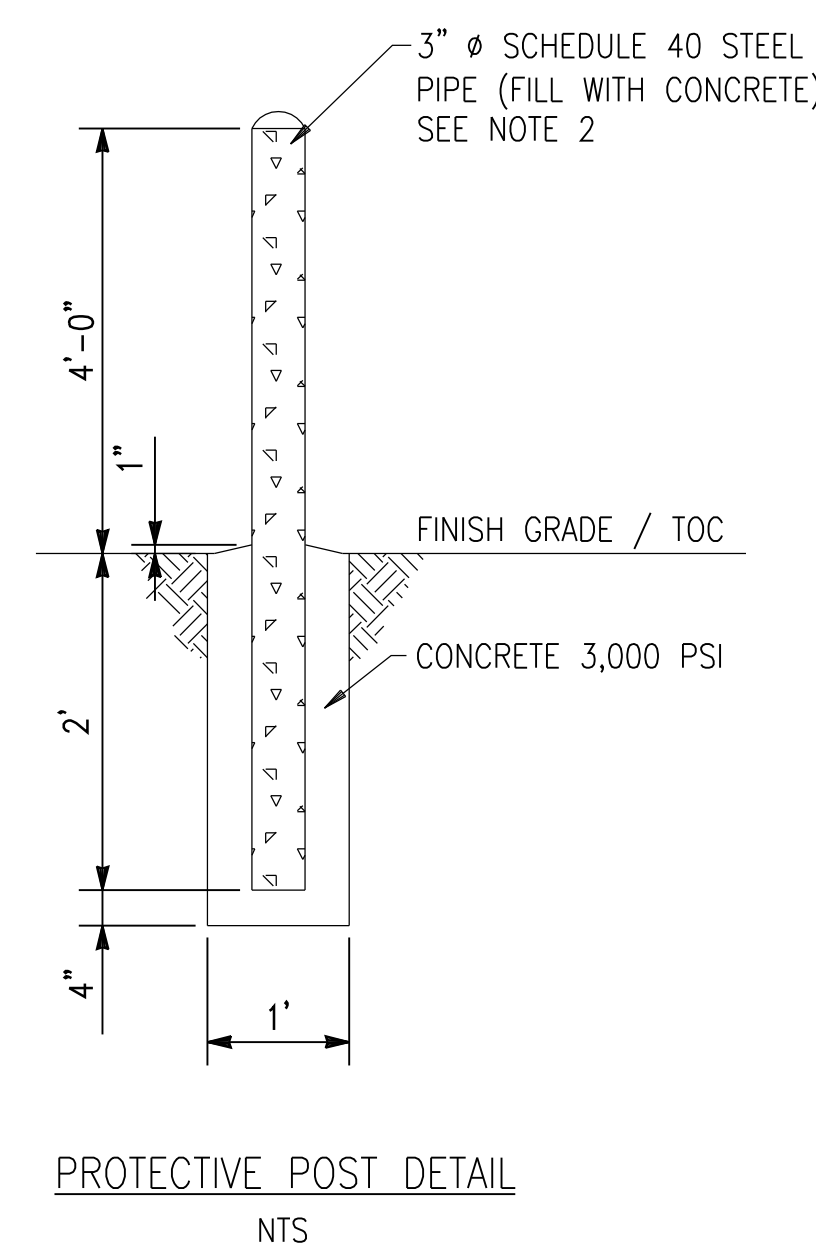
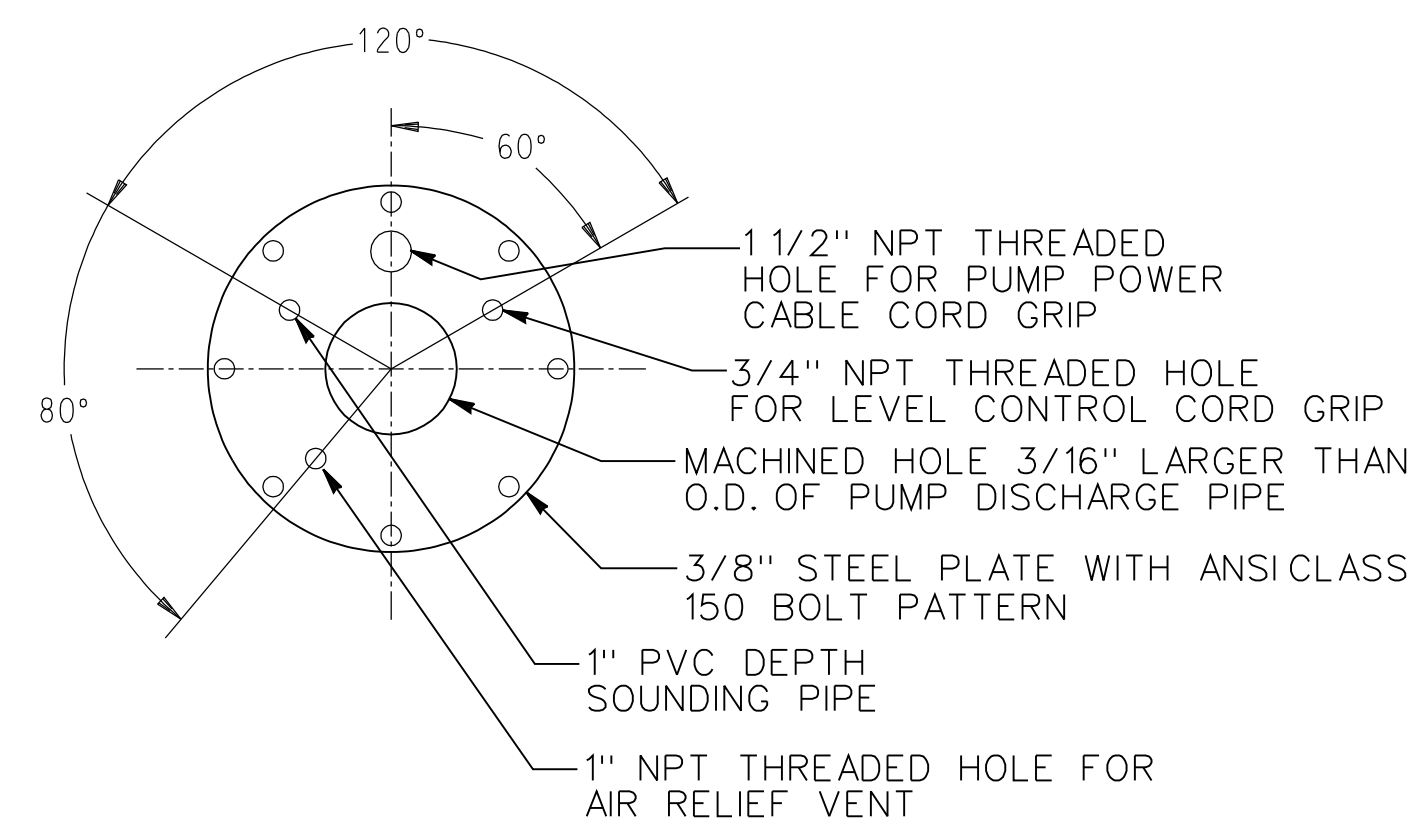
WELL TABLE							
POINT	BORING DIA (IN)	CASING DIA (IN)	SLOT SIZE (IN)	SCREEN LENGTH	COVER TYPE	COORDINATES	
						NORTHING	EASTING
EX-10	18 IN.	12	0.062	60	NA	x	x
EX-20	16 IN.	10	0.062	60	NA	x	x
EX-30	16 IN.	10	0.062	60	NA	x	x
EX-40	16 IN.	10	0.062	60	NA	x	x
OU1-MW4	8 IN.	2	0.01	70	ABOVE	390522.84	2091349.94
OU1-MW5	8 IN.	2	0.01	70	FLUSH	392258.23	2094620.22
OU1-MW6	8 IN.	2	0.01	70	FLUSH	392659.87	2094407.97
OU1-MW7	8 IN.	2	0.01	70	ABOVE	391752.76	2091354.24
OU1-MW8	8 IN.	2	0.01	70	ABOVE	391089.08	2091350.08
OU1-MW9	8 IN.	2	0.01	70	ABOVE	390872.76	2091354.24
OU1-MW10	8 IN.	2	0.01	70	ABOVE	390170.99	2091353.80
OU1-MW11	8 IN.	2	0.01	70	ABOVE	389835.09	2091349.91
OU1-MW12	8 IN.	2	0.01	70	ABOVE	389472.32	2091356.01
OU1-MW1	8 IN.	2	0.01	15	FLUSH	391223.64	2092403.93
OU1-MW2	8 IN.	2	0.01	15	FLUSH	391387.43	2093577.92
OU1-MW3	8 IN.	2	0.01	15	FLUSH	392325.88	2094894.49
OU1-OB3	8 IN.	2	0.01	70	FLUSH	393055.30	2095147.00

* SEE SHEETS C-6, C-11 AND C-12 FOR WELL HOUSE COORDINATES.

** OU1-MW-1, OU1-MW-2, OU1-MW-3 AND OU1-OB3 ARE EXISTING MONITORING WELLS AND THE COORDINATES ARE APPROXIMATE.

MONITORING WELL LOCATIONS ARE SHOWN ON SHEET C-19.

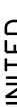
FINAL LOCATIONS FOR WELLS SHALL BE APPROVED BY EPA
CONTRACTING OFFICER.



- # NOTES
1. FOR DRAWING INDEX SEE SHEET G-1. FOR LEGEND, ABBREVIATIONS AND GENERAL NOTES SEE SHEET C-1.
 2. CONCRETE SHALL NOT BE PRESENT ON EXPOSED PORTION OF STEEL CASING AFTER INSTALLATION.
 3. ALL RUST SHALL BE REMOVED FROM THE EXPOSED PORTION OF THE STEEL CASING AND CAP PRIOR TO PAINTING.
 4. THE EXPOSED PORTION OF THE STEEL CASING AND CAP SHALL BE PRIMED AND PAINTED WITH TWO COATS OF RUST INHIBITING SAFETY YELLOW PAINT.
 5. GAPS BETWEEN FINISHED CONCRETE AND SURROUNDING SURFACE SHALL BE BACKFILLED WITH MATERIAL SIMILAR TO SURROUNDING SURFACE (I.E., SOIL, ASPHALT, CONCRETE).
 6. CENTRALIZERS SHALL BE INSTALLED EVERY 20 FEET.
 7. LOCATE SUBMERSIBLE PRESSURE TRANSDUCER 10" ABOVE PUMP DISCHARGE. SECURE TRANSDUCER CABLE AND PUMP CABLE AT EVERY PIPE JOINT. USE CLIPS PROVIDED BY TRANSDUCER MANUFACTURER TO SECURE TRANSDUCERS.
 8. EXTRACTION WELL EX-10 SHALL BE 12-INCH CASING IN 18-INCH DIAMETER BORING. EX-20, EX-30, AND EX-40 SHALL BE 10-INCH CASING IN 16-INCH DIAMETER BORING.



Symbol	Description	Date	Appr.
	REVISED ISSUED FOR CONSTRUCTION	3/17/09	KWW
	RELOCATE WELL & ADD OUT-WWA	11/24/08	KWW

 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY	BLACK & VEATCH Special Projects Corp.	Drawn by: R.E. FILARDI	Checked by: D.E. REMSING	05/05/08
		Submitted by: K.L. HEER	File name: C016.DGN	
		Approved by: K.L. HEER		

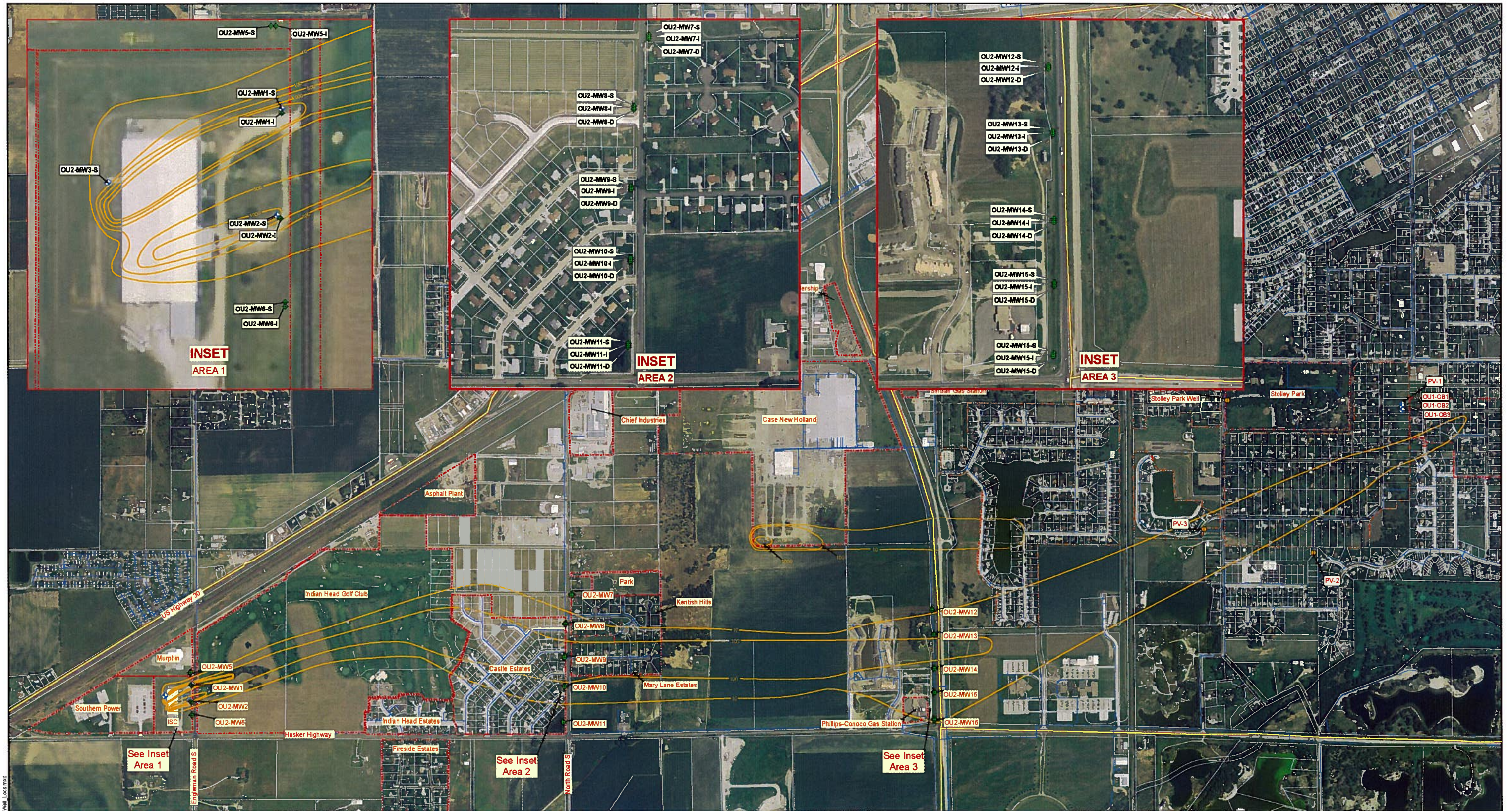
PARKVIEW WELL SUPERFUND SITE
OPERABLE UNIT 1

EXTRACTION & MONITORING
WELL DETAILS

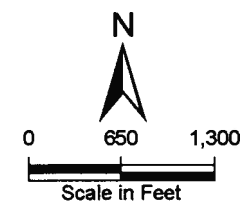
Sheet
Number:

C-16

Plotter: Scale: Original dwg size: 24x36 Revised: Time: 7:17:40 AM
Drawing: z:\projects\Graphics\VDG\N\016.dwg Date: 3/17/2009



- Legend**
- Existing Monitoring Well
 - Proposed New Monitoring Wells
 - Municipal Well
 - 10- Approximate Total CVOC contour (micrograms per liter) (Tetra Tech, 2007a)
 - Water line
 - Highways
 - Lot boundary
 - Subdivision/property boundary



Sources: Abbott, NE SE DOQQ, 2003 FSA Imagery
TetraTech EM Inc., Remedial Investigation Report,
Parkview Well Superfund Site OU2, June 2007

Parkview Well Site
Grand Island, Nebraska

Figure 3-3
Proposed New Monitor Well Locations

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ENERGY WATER INFORMATION GOVERNMENT

Date: 07/30/08

Drawn By: Kyle Gallagher

Project No: 044758

RESOLUTION 2009-164

WHEREAS, the Environmental Protection Agency (EPA) is nearing completion of the design and awarding of contracts to install the wells, buildings and pipelines necessary for the remediation of the groundwater contamination in the Parkview area of the City; and

WHEREAS, the installation of the necessary infrastructure to operate the remediation system will require the use of the public rights-of-way in the area for collector pipeline construction and the installation of monitoring and extraction wells; and

WHEREAS; the EPA requests that the City execute an access agreement to permit the use of City owned and controlled properties required for use for this project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA that the Mayor is hereby authorized to, on behalf of the City, to execute the Agreement between the City of Grand Island and the Environmental Protection Agency for consent to access for EPA Environmental Response Action.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, July 14, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
July 9, 2009	☐ City Attorney