



City of Grand Island

Tuesday, August 24, 2010

Council Session

Item G9

**#2010-225 - Approving Amendment #2 to Parkview Superfund
Remediation Access Agreement**

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Gary R. Mader, Utilities Director
Steven Riehle, Public Works Director
Dale Shotkoski, City Attorney

Meeting: August 24, 2010

Subject: Amendment #2 to the Consent to Access for EPA
Environmental Response Action Agreement

Item #'s: G-9

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

Background

As a part of the EPA program for remediation of the Parkview Superfund site groundwater contamination, the City entered into an agreement with EPA to allow utilization of City Right-of-Way for the installation of several of the components of the remediation systems and the installation of groundwater monitoring wells that will be used to measure the effectiveness of the systems as they operate into the future.

Discussion

One of the primary remediation systems involves the use of injection wells to introduce neutralizing chemicals into the contaminated ground water aquifer. This injection-neutralization process is being used in the most highly contaminated area, generally in the west and central areas of the contamination plume. The neutralization remediation has begun and EPA wishes to install additional monitoring wells down gradient from the series of injection wells located along North Road. Please see the attached request from EPA with a map of the currently installed remediation system wells. The map also shows the four proposed new monitoring well locations. Monitoring at each location consists of a three well cluster. Each of the three wells is placed at a different depth (shallow, medium and deep) so that the plume shape can be monitored in three dimensions. The four proposed new locations are two monitoring well clusters on Mary Lane and two on Hampton.

It is proposed that the original agreement with EPA be amended to allow the additional monitoring wells to be installed. The agreement has been modified once before, to allow

additional monitoring well installation at the leading edge of the contamination plume just east of the Parkview area. Attached is proposed Amendment #2 to the CONSENT TO ACCESS FOR EPA ENVIRONMENTAL RESPONSE ACTION (“AGREEMENT”) and a copy of the original agreement.

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 the Council approve Amendment #2 to the CONSENT TO ACCESS FOR EPA ENVIRONMENTAL RESPONSE ACTION (“AGREEMENT”).

Sample Motion

Move to approve Amendment #2 to the CONSENT TO ACCESS FOR EPA ENVIRONMENTAL RESPONSE ACTION (“AGREEMENT”).

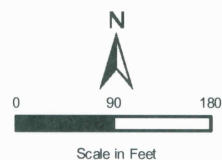


Legend

- Proposed Monitoring Well
 - Existing Monitoring Well
 - Series A Injection Point
 - Series B Injection Point
- Injection Interval 50 to 80 feet bgs for all injection points

- Approximate Intermediate Zone PCE Contour
- Approximate Intermediate Zone 1,1-DCE Contour
- Approximate Intermediate Zone 1,4-Dioxane Contour
- Approximate Intermediate Zone 1,1-DCA Contour
- Approximate Intermediate Zone 1,1,1-TCA Contour

Contaminant data June 2009



Parkview Well Site OU2
Grand Island, Nebraska

Figure A1-3
Treatment Area 3 Revision 1 - North Road S
Proposed Well Locations

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ENERGY WATER INFORMATION GOVERNMENT

Date: 07/15/10 Created By: Kyle Gallagher Project No.: 064738

*Original to
Alise Stog
7-15-09
[Signature]*

**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:

Margaret Hornady
SIGNATURE

7-14-09
DATE

Margaret Hornady
NAME (type or print)

Mayor
TITLE (type or print)

✓

Bradley W. Vann
SIGNATURE

7/2/09
DATE

Bradley W. Vann
NAME (type or print)

Remedial Project Manager
TITLE (type or print)

RESOLUTION 2010-225

WHEREAS, on July 14, 2009 the City entered into an agreement with EPA to allow utilization of City Right-of-Way for the installation of several of the components of the remediation systems and the installation groundwater monitoring wells to be used to measure the effectiveness of the remediation systems associated with the Parkview Superfund Site; and

WHEREAS, EPA has initiated operation of remediation systems; and

WHEREAS, EPA wishes to install additional groundwater monitoring wells in the City Right-of-Way in the area down gradient of the chemical neutralization wells installed along South North Road in order to observe chemical injection results; and

WHEREAS, Amendment #2 to original CONSENT TO ACCESS FOR EPA ENVIRONMENTAL RESPONSE ACTION ("AGREEMENT") is recommended to allow the additional monitoring wells.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Amendment #2 to the CONSENT TO ACCESS FOR EPA ENVIRONMENTAL RESPONSE ACTION ("AGREEMENT"), is hereby approved.

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Adopted by the City Council of the City of Grand Island, Nebraska, August 24, 2010.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
August 19, 2010	☐ City Attorney