



City of Grand Island

Tuesday, April 26, 2011

Council Session

Item G7

#2011-96 - Approving Parkview Well Superfund Site, Access Agreement Amendment #3

Staff Contact: Timothy Luchsinger

Council Agenda Memo

From: Utilities Department
Jason Eley, Interim City Attorney

Meeting: April 26, 2011

Subject: Parkview Well Superfund Site, Access Agreement
Amendment #3

Item #'s: G-7

Presenter(s): Timothy G. Luchsinger, Utilities Department

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 the utilization of the City Right-of-Way (R-O-W) for the installation of several of the components of the remediation system and the installation of groundwater wells that are used for treatment of the contamination, for tracking the extent of the contamination and for monitoring the effectiveness of the remediation program. As time has passed during the investigation and construction of the remediation system, EPA has requested modifications to the initial agreement to allow additional facilities to be installed in the City R-O-W. The original agreement has been modified by two previous amendments.

Amendment #1 – allowed the installation of additional monitoring wells in the Hagge and Country Club Subdivisions to the east of the Parkview Subdivision to track the movement of the leading edge of the contamination plume.

Amendment #2 – allowed the installation of additional monitoring wells down gradient of the treatment injection wells located along North Road to provide sample points to monitor the effectiveness of the treatment.

Attached for reference are:

- The most recent request for modification of the agreement from EPA
- Map of the wells added per Amendment #1
- Map of the wells added per Amendment #2
- Original agreement – *Consent to Access for EPA Environmental Response (“Agreement”)*

Discussion

EPA had requested that the original agreement again be amended to grant permission for EPA to install two additional monitoring wells in the Parkview Subdivision. The purpose of the new monitoring points is to determine the northern boundary of the contamination plume, and to monitor the performance of the extraction well remediation system currently in service in that area. The two new monitor wells would be installed at the intersection of Park Drive and Blaine Street, and at the intersection of Commerce Avenue and Blaine Street, as shown on the map accompanying the EPA's proposed Amendment #3. Monitoring at each of the two locations consists of a three level cluster, so that the plume can be measured at varying depths (shallow, medium and deep).

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 proposed Amendment #3 to the *Consent to Access for EPA Environmental Response Action* ("Agreement").

Sample Motion

Move to approve Amendment #3 to the *Consent to Access for EPA Environmental Response Action* ("Agreement").

*Original to
Allyse Stog
7-15-09*

**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)

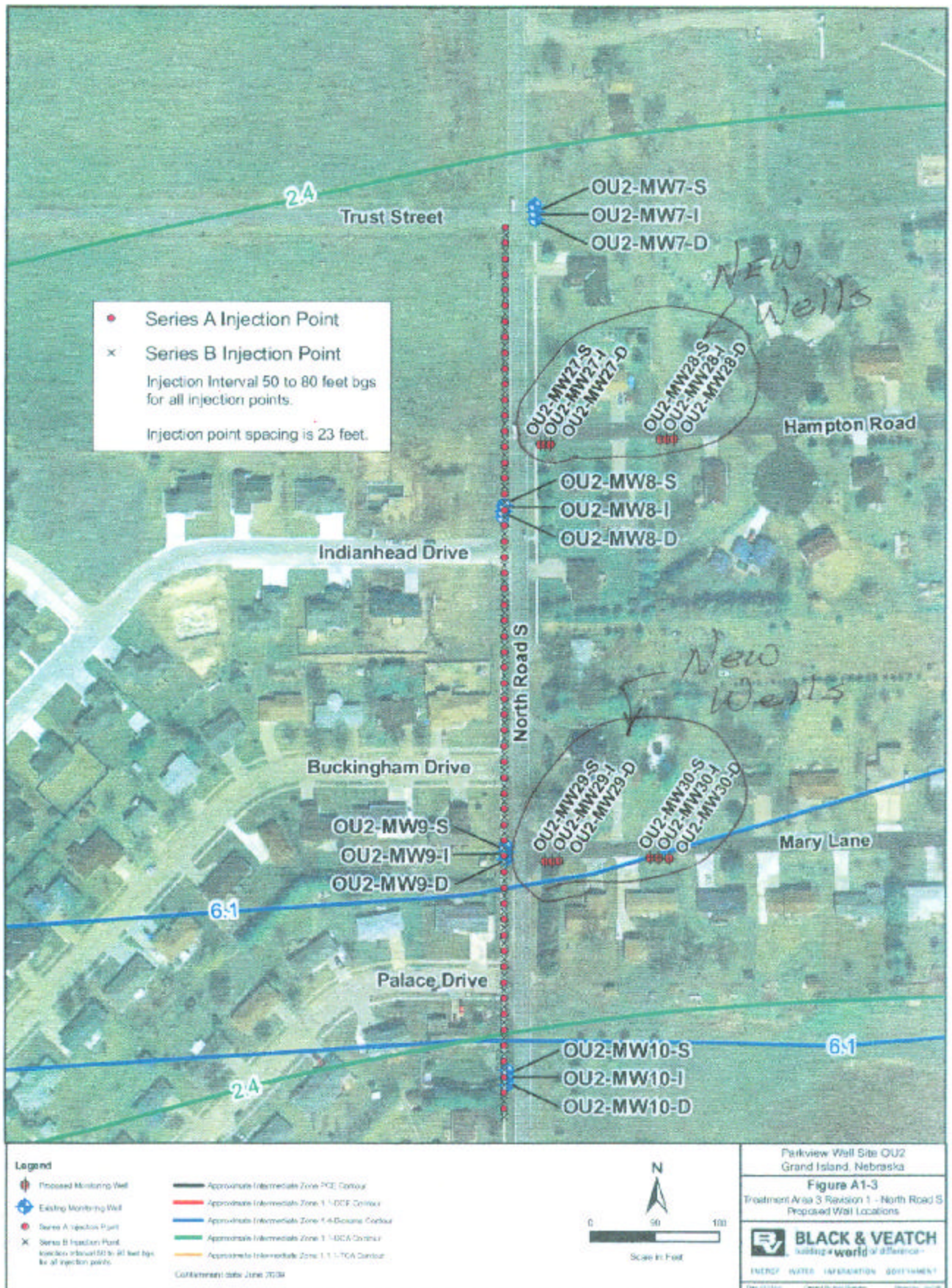
Remedial Project Manager
TITLE (type or print)

3 Proposed Monitoring Well Locations added in 2010

Recommended well locations



Note: Monitoring well locations are approximate and may be relocated to avoid existing utilities. Documentation of well construction and exact GPS survey coordinates shall be provided to the City of Grand Island Public Works Director upon completion.



Map of the wells added per Amendment #2

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

Amendment #3

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:

- 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, 3-3, as generally shown on drawing titled – 3 Proposed Monitoring Well Locations added in 2010; as generally shown on drawing titled – Figure A1-3, Treatment Area 3 Revision 1 – North Road S, Proposed Well Locations also added in 2010; **and as generally shown on the drawing titled – 2 Proposed Monitoring Well Locations (3 wells each) added in 2011.**

GRANTOR:

SIGNATURE

DATE

NAME (type or print)

TITLE (type or print)



SIGNATURE

3/25/11

DATE

Bradley W. Vann

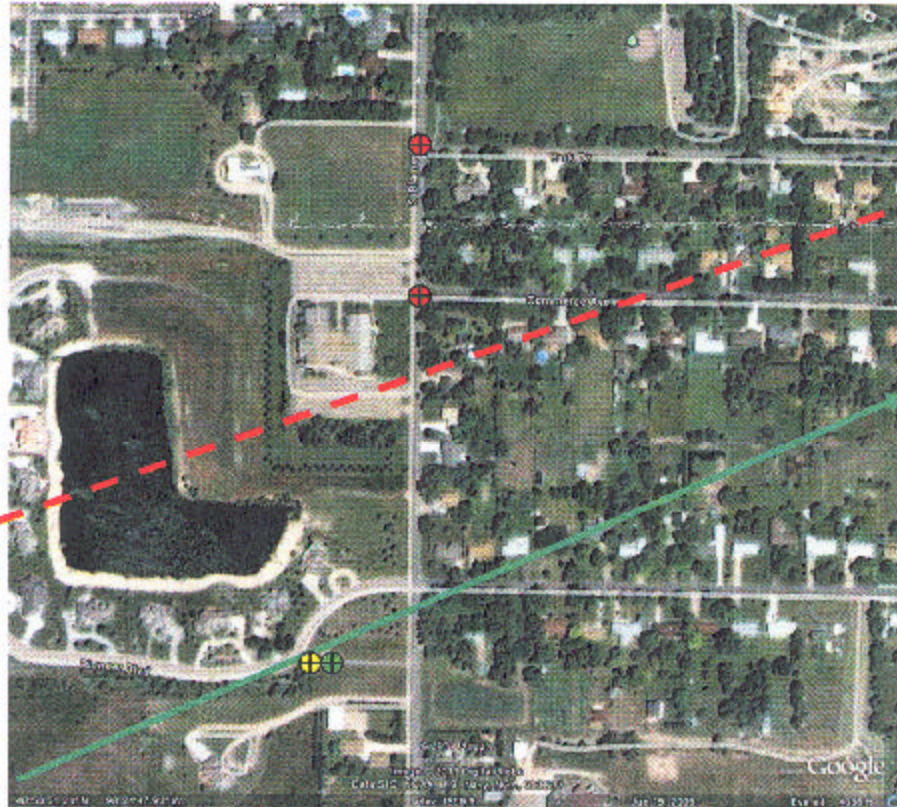
NAME (type or print)

Remedial Project Manager - EPA

TITLE (type or print)

2 Proposed Monitoring Well Locations (3 wells each) added in 2011

- | | | | |
|-----------------------------|---|-----------------------------|-------------|
| Recommended well locations | ⊕ | Extrapolated plume boundary | - - - - - ➔ |
| Groundwater Treatment Plant | ⊕ | Known plume boundary | ————— ➔ |
| Existing Monitoring Well | ⊕ | | |



The two proposed locations are at the southeast corner of Commerce Avenue and Blaine Street, and southeast corner of Park Drive and Blaine Street. Three monitoring wells will be installed at these locations (total of 6 wells) to intercept sample the shallow, intermediate and deepest portions of the local aquifer. As with other monitoring wells that EPA has installed in Grand Island at the Parkview Well Superfund Site, these wells shall be installed along the city utility right-of-way, on grassy areas and flush mounted to not obstruct lawn mowing.

Note: Monitoring well locations are approximate and may be relocated a reasonable distance to avoid existing buried utilities. Documentation of well construction and exact GPS survey coordinates shall be provided to the City of Grand Island Public Works Director upon completion.

RESOLUTION 2011-96

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 Parkview Subdivision to monitor the groundwater contamination plume; and

WHEREAS, Amendment #3 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 #3 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, April 26, 2011.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk