Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Don Marr
Ward 3 Position 1 - Robert K. Rhoads
Ward 3 Position 2 – Bobby Ferrell
Ward 4 Position 1 - Shirley Lucas
Ward 4 Position 2 - Lioneld Jordan

Final Agenda
Special City Council Meeting
August 25, 2005

A Special meeting of the Fayetteville City Council will be held on August 25, 2005 at 4:45 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

A. **New Business:**

1. **Mid-America Environmental Solutions Remediation Services Contract:** An ordinance waiving competitive bidding, increasing the amount authorized for clean-up costs to $270,000.00, approving a Contract/Work Plan Agreement not to exceed $270,000.00 with Mid-America Environmental Solutions, Inc., and approving a budget adjustment of $225,000.00.

PASSED AND SHALL BE RECORDED AS ODINANCE NO. 4746.

MEETING ADJOURNED AT 5:05 P.M.

Special City Council Meeting August 25, 2005

Subject:	Roll Call 4:45pm				
Motion To:					
Motion By:					
Seconded:					
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	—			
	Ferrell	✓			
	Lucas	✓			
	Mayor Coody	✓			

Subject:	Mid - America - Ord.				
Motion To:		2nd read	3rd read	Pass	
Motion By:		Jordan	Jordan		
Seconded:		Ferrell	Ferrell		
	Jordan (1)	✓	(1) ✓	(1) ✓	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	—	—	—	
	Ferrell (2)	✓	✓	✓	
4746	Lucas	✓	✓	✓	
	Mayor Coody				

adjourned- 5:05

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

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ORDINANCE NO. _____

AN ORDINANCE WAIVING COMPETITIVE BIDDING, INCREASING THE AMOUNT AUTHORIZED FOR CLEAN-UP COSTS TO $270,000.00, APPROVING A CONTRACT/WORK PLAN AGREEMENT NOT TO EXCEED $270,000.00 WITH MID-AMERICA ENVIRONMENTAL SOLUTIONS, INC. PLUS A CONTINGENCY OF $55,000.00, AND APPROVING A BUDGET ADJUSTMENT OF $ 255,000.00

WHEREAS, upon further analysis by the Arkansas Department of Environmental Quality, Mid-America Environmental Solutions, Inc., and the City of Fayetteville, the hazardous material cleanup, remediation and underground storage tank removal costs will substantially exceed the initial estimate approved by the city Council in Ordinance No. 4730; and

WHEREAS, it is imperative that Mid-America Environmental Solutions, Inc. continue to work on this hazardous waste clean-up.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines that the immediate and vital continuing clean-up of these hazardous materials is an exceptional situation in which formal competitive bidding is not feasible or practical and therefore waives the requirements of formal competitive bidding and approves the increased contract/work plan agreement with Mid-America Environmental Solutions, Inc. in the not to exceed amount of $270,000.00 (which includes the previously approved $70,000.00), plus a contingency amount of $55,000.00.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached budget adjustment of $255,000.00 for this project.

PASSED and **APPROVED** this 25th day of August, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

City Council Meeting of August 25, 2005

CITY COUNCIL AGENDA MEMO

To: City Council

Thru: Mayor Dan Coody

From: David Jurgens, Water/Wastewater Director, Interim

Date: August 23, 2005

Subject: Approval of a $270,000 for Mid-America Environmental Solutions, plus a project contingency of $55,000, for environmental remediation of lift station underground storage tanks

RECOMMENDATION

Fayetteville City Administration recommends approval of a time and materials contract not to exceed $270,000.00 with Mid-America Environmental Solutions, for hazardous material cleanup and remediation and underground storage tank removal, plus approval of a project contingency in the amount of $55,000.00. This is a total amount, and includes the $70,000 previously approved by the City Council in Ordinance No. 4730 on 19 July 2005.

BACKGROUND

The cleanup on this site has been positively determined by ADEQ to be a hazardous materials cleanup. The initial City Council approval of $70,000 was developed before the determination was made by ADEQ that this was in fact a hazardous materials spill. The material is being removed, hauled by HAZMAT operators to a Hazardous Material landfill in Peoria, Illinois. Much of the material has been removed, but Mid-America has reached the previously approved funding approval limit. Limited stream sampling has been performed, and indicates the possiblity, but not the probability, that there may be a small amount of ground water contamination.

DISCUSSION

This approval is expected to cover the maximum anticipated amount of work that is required for site remediation at this lift station, based on what has been seen thus far. The project contingency approval is requested in the event additional unanticipated contamination is discovered, and if ADEQ requires ground water sampling, stream sampling, or other work that is outside the scope of the specific site remediation.

BUDGET IMPACT

A budget adjustment is attached.

Attachments:
Fact Sheet Dated August 23, 2005
Time and Materials Agreement with Work Plan work plan (Appendix A) and expected scope of work with prices (Appendix B)

Gregg Avenue Lift Station Ferrous Chloride Cleanup
Fact Sheet
August 23, 2005

Work to remove the underground storage tank (UST) at the Gregg Street sewer lift station began on June 30, 2005; the tank was removed from the excavation on August 1, 2005. The tank was used to store ferrous chloride, which was pumped into the wastewater at this lift station for odor and corrosion control. Ferrous chloride is listed as a hazardous waste with a code of K062, unless it is used as a product in the waste treatment process. The Arkansas Department of Environmental Quality (ADEQ) has stated that when this material leaks from the tank, it and any material that comes in contact with it must be considered hazardous waste and must be handled as such. This material would not have been considered hazardous waste if the tank had not failed. During tank removal, gravel backfill from around the tank was removed and placed in six roll-off storage containers at the site. Each of the six roll-off containers represented approximately 1.5 to 2 feet of the gravel backfill. Visually impacted gravel backfill was observed near the top, sides and bottom of the tank. There were three separate visible cracks in the tank. Samples were collected from the gravel backfill and submitted to a laboratory and analyzed for iron, and chloride as required by ADEQ. The analytical results showed chloride concentrations from the background were higher than the backfill samples, therefore the results cannot be used as a hazardous waste indicator. As a result, pH was used to indicate whether the backfill was indeed contaminated. Field pH testing indicated that stained gravel backfill in four of the six containers exhibited a pH of 1 to 3, which unquestionably indicated contamination from this product. These four containers have been removed for proper disposal.

ADEQ also requested that six water samples be collected and analyzed to ascertain if any groundwater impacted by the escaped product was entering the creek. The results of this water sampling indicate the presence of chlorides at 32 mg/l. Even though this level is not of great concern, it exceeds the Arkansas State standard of 20 mg/l for the Illinois River Basin. Based on these results, ADEQ stated that a groundwater investigation at the site will likely be required. It is not certain at this time whether or not the groundwater impacted with chlorides is entering the creek, or whether the elevated chlorides (if they exist) are related to a release from the UST. Additionally it should be noted that the presence of chlorides in excess of the standard on a single day does not mean that the State level has been violated and additional sampling of the stream will be required. It is also likely that regardless of this additional sampling that a groundwater investigation including ground well installations and groundwater and stream sampling will be required by the ADEQ.

From visual observation, additional soil removal is warranted from the base of the UST excavation. A revised sampling and analysis plan should be prepared and submitted to ADEQ to establish an agreement on criteria to determine impacted materials. The revised sampling and analysis plan will likely be based on the pH of the material. A series of background measurements will be collected to document natural soil pH in the area and at the site. This revision is based on a review of sampling and analysis at similar sites where a release of the same material has occurred. At this point it appears that obviously stained material is primarily in the base of the UST excavation and little or no lateral migration has occurred. There is, however, a concrete pad in the base of the UST excavation that makes observation of any additional contaminated material impossible at this time. Based on the depth to groundwater, soil instability, the presence to the lift station structure, and the belief that the majority of the chemical migrated down with minimal lateral migration, an estimate of no more than 400 additional tons of soil may need to be removed.

ORDINANCE NO. _____

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Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached budget adjustment of $255,000.00 for this project.

PASSED and **APPROVED** this 25th day of August, 2005.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

MiD-America
Environmental Solutions

P.O. Box 737
Carthage, MO 64836
Ph: 417-358-3599
Fax: 417-358-8332

P.O. Box 414
Rogers, AR 72757
Ph: 479-621-5405

We agree to execute the cleanup of the Gregg Avenue Lift Station site in accordance with the ADEQ approved work plan (Appendix A) on a time and material basis, not to exceed $270,000. Unit prices and maximum expected work are identified in Appendix B. Modifications to the work plan, as required by ADEQ, do not modify this base agreement.

Signature: _____ Date: 8/23/05

Dominic Whitley

President

MiD-America
Environmental Solutions

WORK PLAN FOR REMOVAL OF FERROUS CHLORIDE UST AT CITY OF FAYETTEVILLE GREGG STREET LIFT STATION 3896 N. GREGG AVE. FAYETTEVILLE, AR 72704 FACILITY ID# 72001731

1.0 GENERAL SITE INFORMATION

1.1 FACILITY INFORMATION

Gregg Street Lift Station # 5
3896 N. Gregg Avenue
Fayetteville, AR 72704
Facility ID# 72001731

1.2 OWNER INFORMATION

City of Fayetteville
1400 N. Fox Hunter Rd.
Fayetteville, AR 72701
Ph: (479) 443-3292 (David Loenneke)
Ph: (479) 575-8330 (Bob Davis, P.E.)

1.3 CONSULTANT/CONTRACTOR INFORMATION

MiD-America Environmental Solutions
P.O. Box 737
Carthage, MO 64836
Ph: (417) 358-3599
Fax: (417) 358-8332
Contact: Dominic Whitley, Consultant or Dan Ross, Consultant
Company License UST License No. 000542
Individual UST License No.: D. Whitley 001285, D. Ross 000542

2.0 SUMMARY

On or about April 13, 2005 the City of Fayetteville discovered the loss of an estimated amount of 4,200 gallons of ferrous chloride from their fiberglass underground storage tank (UST) located at the Gregg Street Lift Station 3896 N. Gregg Ave., Fayetteville, Arkansas (herein after referred to as the site). The tank was found to be empty of all product when OMI personnel, attempted to measure the level of ferrous chloride within the tank. OMI is the wastewater operations contractor for the City of Fayetteville. The ferrous chloride is used as pre-treatment in the sewage system handling process and is dripped into the system. The UST system is a suction system with the suction line being located roughly 14" from the base of the UST. The tank being void of ferrous chloride was thought to indicate tank failure or theft. Theft has been ruled out as the facility is fenced and locked. Handling of ferrous chloride would require a special pump, hoses, and storage vessels. Due to restricted access and the material nature theft does not appear probable. Furthermore, soils around the UST have subsided. An approximate 18" depression is present over a significant portion of the south side of the UST. Physical evidence suggests that the subsidence of the soil has occurred recently. Based on these factors it was determined by the client and MAES that the failed tank should be removed and subsurface conditions be evaluated and dealt with as needed. It should be noted that it is unknown how much if any ferrous chloride has been released from the UST as the amount used in normal operations is recorded but can vary and inaccuracies in the amount utilized is possible.

On April 14, 2005, at the request of the Arkansas Department of Environmental Quality Regulated Storage Tank Division (ADEQ RST), a 30-Day UST Closure Notice and preliminary work plan was faxed and mailed to the ADEQ. On April 15, 2005, the ADEQ RST requested that a site Health and Safety Plan (HASP) be submitted prior to approving closure. MAES provided a site specific HASP to the ADEQ the afternoon of April 15, 2005. Upon receiving the HASP the ADEQ RST responded to MAES with notification that the ferrous chloride was in fact "spent pickle liquor" derived from the process for pickling steel. As such when found as a waste product is considered a listed waste with a waste code of K062. The ADEQ RST Division also involved the Hazardous Waste Division in the review and planning process in the event the ferrous chloride was lost into the environment. This waste determination by the ADEQ resulted in the scheduling of a site meeting between ADEQ personnel, the generator, and MAES.

On April 20, 2005, personnel from the ADEQ RST Division and Hazardous Waste met with the City of Fayetteville, OMI, and MAES at the site. Upon a discussion of events leading up to discovery and a review of site conditions, the RST Division indicated a tightness test should be performed to confirm that a release had occurred. In the interim the ADEQ was working on the development of a Sampling and Analysis Plan for the tank removal and assessment process. RST personnel also indicated the need for stream samples from Mud Creek and identified six (6) locations for sample collection.

On April 21, 2005, OMI had the UST tightness tested by Compliance Management, Inc. The results of the tightness test indicated tank system failure. Also on this date the ADEQ provided an analytical and sampling strategy for the project.

Specific tank information is provided below in Table 1.

Table 1
Gregg Street Lift Station # 5 Tank Information Summary

TANK NUMBER	TANK SIZE	CONSTRUCTION MATERIAL	CONTENTS	INSTALLATION DATE	TANK USE
1	6,000 GALLONS	FRP	FERROUS CHLORIDE	7/1/1991	UTILIZED FOR SEWAGE PRETREATMENT
2	300 GALLONS	STEEL	DIESEL	1/1/1987	FUEL FOR BACK-UP GENERATOR (PERMANENTLY CLOSED)

3.0 PROPOSED FIELD ACTIVITIES

3.1 INITIAL MOBILIZATION AND MATERIAL STORAGE

It is intended that fencing around the area be dismantled and removed to allow adequate access to the tank for removal activities. Also some level of clearing and grubbing will be necessary. The tank system will be de-energized and excavation will begin. Roll-off containers will be set near the lift station to accept excavated material and the storage tank until waste analytical and disposal facility approval is granted. These containers will be lined with 12 mil HDPE liners prior to placement of materials to prevent any liquids present from leaving the container and to ensure no contact with any ferrous chloride and the steel roll off containers occur. These containers will be covered at the end of each day to prevent intrusion of rainwater. These coverings will be left in place until the containers are loaded for transportation to the disposal facility.

The fiberglass UST will be carefully excavated utilizing an excavator of adequate size. The UST will be lifted from the ground and placed in a storage container. The UST may currently be damaged to the extent that removal intact is impossible.

3.2 FIELD SCREENING METHODS

It is expected that some of the material beneath the UST will display obvious impact. The soil and/or water will likely have a greenish discoloration. Other soil and or groundwater may not be so obviously impacted. Soils will be field screened utilizing two (2) methods.

1. Specific Conductivity and pH – a pH and specific conductivity meter will be utilized to measure for the presence of impact. For screening soil approximately 100 grams of sampled material will be mixed with the volumetric equivalent of deionized water. The mixture will be shaken vigorously for thirty seconds and then evaluated with the meter. Three (3) samples from uncontaminated areas will be taken prior to field assessment to establish site background levels for pH and specific conductivity. Field sample results deviating from the established background levels will be assumed to indicate material impact.

2. Chloride Test Strips – chloride test strips will be utilized for measuring for the presence of chloride in the sample media. The colorimetric test is performed in the same manner as the pH and Specific Conductivity field analysis. The test strips when introduced into the prepared sample provide a chloride result in the 30-600 PPM range. For this field analysis, as well, three (3) samples from uncontaminated areas will be taken prior to field assessment to establish site background levels.

3.3 HAZARDOUS WASTE HANDLING & DISPOSAL

The disposal facility chosen for treating and disposing of the impacted materials from the site is the Peoria Disposal Company (PDC) RCRA Landfill in Peoria, Illinois (EPA ID# ILD000805812). This facility is capable of handling the impacted soils for RCRA direct disposal and handling impacted liquids via stabilization/solidification and disposal. PDC is also the proposed hazardous waste transporter for this project. Prior to final acceptance into the PDC landfill the impacted material must be analyzed by the PDC laboratory to confirm disposal method and/or waste treatability. This profiling and waste acceptance process will likely take 1 to 2 weeks. It is unknown if all of the impacted material can be removed during the initial UST removal and excavation. Remediation activities done during the initial mobilization may be limited by the size of the site. Additional mobilizations are expected once final waste approval is granted. Excavated materials and the storage tank will be secured as described previously in the work plan. The site will be secured with temporary fencing. Signage will be established around the work areas delineating the site as a hazardous waste site with entrance by authorized persons only.

Once final disposal approval has been obtained. The project will likely be operated as a dig and load. Excavated or removed materials will be loaded directly into lined trailers or liquid into portable vessels and hauled directly to the landfill for disposal. Hazardous waste manifests will accompany each load from the site to the landfill. The generator or generator's representative will be required to sign each manifest. The driver of the waste transport will be required to sign the manifest, and the disposal facility will finally sign the manifest when received at the disposal facility.

Fill material removed on the upper portions of the excavation may not be impacted with the lost ferrous chloride product. The material will be stockpiled in separate storage containers and sampled and analyzed for a determination of impact. The material will be composite sampled at a rate of one 4 part composite sample for every 50 cubic yards, or one sample per container. If no impact is found via laboratory analysis the material is expected to be considered reusable as clean fill. If impact is present the material will be disposed of as a hazardous waste as previously described.

3.4 SAMPLING AND ANALYSIS PLAN

The sampling plan for this project is to sample in accordance with the ADEQ UST sampling protocol. At a minimum one soil sample will be collected from each

sidewall of the excavation and one from the floor for a total of five (5) soil samples. ADEQ personnel are expected to be on site for direction for further sampling requirements. All soil samples will be collected in clean laboratory supplied 9 ounce soil jars, water samples will be collected in clean laboratory supplied 250 mil containers. Each container is to be filled with minimal headspace with no preservative. Upon collection sample containers are to be labeled with sample identity, depth (if applicable), site name or project number, date, and time of collection. The containers should be immediately placed in a cooler with crushed ice. Sample temperature should be kept at or below 38 °F while on site and transit to the analyzing laboratory. Samples are to be shipped with chain-of-custody forms to the analyzing laboratory via overnight courier. The analyzing laboratory should be notified in advance of sample shipment. The analysis to be requested of all soil and water samples is Chlorides analysis via Method 9251 and Iron via EPA 200.7 or SW846 6010. The leaching method should be specified as Synthetic Precipitation Leaching Procedure [SPLP (Method 1312)]. Three (3) day turn around time should be requested on each chain-of-custody. See Table 2 below for a summary of analytical methods, containers, and handling. Soil and/or water samples will be submitted to PDC Laboratories, Inc. an Arkansas and NELAC accredited laboratory for analysis. Three (3) background samples will be collected and submitted for comparison analytical.

Table 2
Analytical Summary

CHEMICAL OF CONCERN	PREPARATION METHOD	ANALYTICAL METHOD	CONTAINER TYPE SOIL	CONTAINER TYPE WATER	PRESERVATIVE	TOTAL
IRON	SPLP (METHOD 1312)	EPA 200.7 OR SW846 6010	9 OUNCE JAR	250 MIL BOTTLE	COOL TO 38 °F	72 HR
CHLORIDE	SPLP (METHOD 1312)	9251	9 OUNCE JAR	250 MIL BOTTLE	COOL TO 38 °F	72 HR

Six (6) water samples are to be collected of Mud Creek in areas delineated by the ADEQ RST Division during the April 20, 2005 site meeting. One sample is to be collected as background and the remaining five in distinct locations along the south bank of Mud Creek. These samples are to be analyzed for Iron, chlorides, pH, dissolved oxygen, and alkalinity.

3.5 SITE SAFETY OVERVIEW

PPE selected for this activity is modified level D (chemical protective gloves and Tyvek) to Level C. Air monitoring will be done utilizing Hydrogen gas (0.2-2%) and Hydrochloric Acid Drager tubes. If air testing indicates during the course of excavation activities that hydrogen gas or chlorine gas are present in ambient air PPE will be raised from modified level D to level C. Refer to the site Health & Safety Plan for more information on PPE and monitoring activities. A portable eye wash and decontamination shower will be present at the site for any employee or project person that may come in contact with the removed material.

MiD-America
Environmental Solutions

Equipment such as excavator buckets, loader buckets, shovels, etc., will be decontaminated over an open-top storage vessel with potable water. Decontamination fluids will be managed and disposed of as hazardous wastes.

4.0 REPORTING

A permanent closure report and change of service will follow within 20-30 days of closure complete with project photographs, site plan, analytical results and chain-of-custody forms, analytical QA/QC data packages, and disposal documentation.

The objective of this action is UST removal, the removal and proper disposal of grossly impacted materials, and site assessment. Additional assessment or remediation activity may be warranted based on field observations and analytical results.

Gregg Avenue Lift Station Ferrous Chloride Cleanup

Mid-America Environmental Solutions

TASK		PROJECT TO DATE		POTENTIAL COSTS		TOTAL REQUIRED
DESCRIPTION	UNIT COST	UNIT	COST	UNIT	COST	
PROJECT COORDINATION	$75.00 /HOUR	25.53	$1,914.75	25	$1,875.00	$3,789.75
INITIAL MOBILIZATION	$750.00 LUMP SUM	1	$750.00	$0.00	$0.00	$750.00
SUBSEQUENT MOBILIZATION	$375.00 PER EVENT	2	$750.00	2	$750.00	$1,500.00
LINE LOCATE REQUEST	$25.00 PER EVENT	2	$50.00	2	$50.00	$100.00
EXCAVATOR	$1,500.00 PER DAY	6	$9,000.00	9	$13,500.00	$22,500.00
BACKHOE	$600.00 PER DAY	5	$3,000.00	9	$5,400.00	$8,400.00
BOBCAT	$360.00 PER DAY	5	$1,800.00	9	$3,240.00	$5,040.00
DUMPSTER SET FEE	$450.00 /DUMPSTER	7	$3,150.00	0	$0.00	$3,150.00
AIR MONITORING INSTRUMENTS	$600.00 LUMP SUM	1	$600.00	0	$0.00	$600.00
FIELD SCREEN INSTRUMENTS	$125.00 PER DAY	0	$0.00	4	$500.00	$500.00
HW LANDFILL ANALYTICAL PROCESSING	$785.00 LUMP SUM	0	$0.00	1	$785.00	$785.00
HW LANDFILL DISPOSAL	$110.00 PER TON	90	$9,900.00	408	$44,880.00	$54,780.00
TRANSPORTATION TO LANDFILL	$120.00 PER TON	90	$10,800.00	408	$48,960.00	$59,760.00
12 MIL HDPE LINERS	$0.85 /SQ FOOT	1176	$999.60	1200	$1,020.00	$2,196.00
ASSESSMENT ANALYTICAL	$120.00 /SAMPLE	15	$1,800.00	25	$3,000.00	$4,800.00
STREAM ASSESSMENT ANALYTICAL	$155.00 /SAMPLE	6	$930.00	15	$2,325.00	$3,255.00
GEOLOGIST	$95.00 /HOUR	21.5	$2,042.50	120	$11,400.00	$13,442.50
UST LICENSED CONSULTANT	$75.00 /HOUR	36.5	$2,737.50	124	$9,300.00	$12,037.50
40 HOUR TRAINED ENVIRONMENTAL TECH.	$45.00 /HOUR	292	$13,140.00	600	$27,000.00	$40,140.00
HOTEL & PER DIEM	$105.00 /MAN/DAY	16	$1,680.00	49	$5,145.00	$6,825.00
VEHICLES	$85.00 /VEHICLE/DAY	22	$1,870.00	45	$3,825.00	$5,695.00
POLY SHEETING 6 MIL	$195.00 /ROLL	4	$780.00	8	$1,560.00	$2,340.00
TEMPORARY FENCING	$50.00 /ROLL	0	$0.00	6	$300.00	$300.00
PHOTOGRAPHS	$75.00 LUMP SUM	0	$0.00	1	$75.00	$75.00
LEVEL C PPE	$50.00 /ENSEMBLE	0	$0.00	12	$600.00	$600.00
LEVEL B PPE	$185.00 /ENSEMBLE	0	$0.00	12	$2,220.00	$2,220.00
DECON SHOWER UNIT	$500.00 LUMP SUM	1	$500.00	0	$0.00	$500.00
REPORT DEVELOPMENT	$60.00 /HOUR	30	$1,800.00	45	$2,700.00	$4,500.00
FINAL DEMOBILIZATION	$500.00 LUMP SUM	0	$0.00	1	$500.00	$500.00
TOTALS			**$69,994.35**		**$190,910.00**	**$260,904.35**

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Water & Wastewater Division: Water & Sewer Maintenance Program: Sewer Mains Construction	Date Requested	Adjustment Number
2005		8/23/2005	

Project or Item Added/Increased:	Project or Item Deleted/Reduced:
$255,000 in the Professional Services account.	None; $255,000 is proposed to come from Fund Balance.
Justification of this Increase:	**Justification of this Decrease:**
Funds are required for emergency hazardous material remediation work for a ferrous chloride leak from the underground storage tank at the Gregg Avenue sewer lift station, and for related work.	Sufficient funds remain within Fund Balance to meet City policies.

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Professional services	5400	5700	5314	00	255,000	05044	1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Use of fund balance	5400	0940	4999	99	255,000		

Approval Signatures		Budget Office Use Only				
		Type:	A	B	C	D E
Requested By	Date					
		Date of Approval			Initial	Date
Budget Manager	Date					
	23 Aug 05	Posted to General Ledger			Initial	Date
Department Director	Date					
		Posted to Project Accounting			Initial	Date
Finance & Internal Services Director	Date					
		Entered in Category Log			Initial	Date
Mayor	Date					

ORDINANCE NO. 4730

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND ENGAGING MID-AMERICA ENVIRONMENTAL SOLUTIONS FOR THE AMOUNT OF $70,000.00 TO PROVIDE EMERGENCY ENVIRONMENTAL REMEDIATION SERVICES FOR A FERROUS CHLORIDE DISCHARGE; APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $70,000.00; AND DECLARING AN EMERGENCY.

WHEREAS, the underground storage tank at the Gregg Avenue Lift Station was discovered to have leaked approximately 4,200 gallons of ferrous chloride, and;

WHEREAS, the Arkansas Department of Environmental Quality has generated and approved a Work Plan and a site-specific Health and Safety Plan, and;

WHEREAS, Mid-America Environmental Solutions is qualified, and properly licensed to conduct the required remediation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical, and waives the requirements of formal competitive bidding and engages Mid-America Environmental Solutions for the amount of $70,000.00 to provide Emergency Environmental Remediation Services for a ferrous chloride discharge.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment in the amount of $70,000.00.

Section 3. Emergency Clause. That the City Council of the City of Fayetteville, Arkansas, hereby finds the immediate environmental remediation of a ferrous chloride discharge to be necessary to preserve the health and safety of the citizens of Fayetteville, and because of such, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from the date of its passage and approval.

PASSED and **APPROVED** this 19th day of July 2005.

CITY CLERK/TREASURER CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

ATTEST:

By: _____
SONDRA SMITH, City Clerk

APPROVED:

By: _____
DAN COODY, Mayor

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

8/25/2005
City Council Meeting Date

David Jurgens	Water/Wastewater	Water/Wastewater
Submitted By	Division	Department

Action Required:

Approval of a time and materials contract not to exceed $270,000.00 with Mid-America Environmental Solutions, for hazardous material cleanup and remediation and underground storage tank removal, plus approval of a project contingency in the amount of $55,000.00. This is a total amount, and includes the $70,000 previously approved by the City Council in Ordinance No. 4730 on 19 July 2005. A budget attachment for this additional funding is attached.

$ 255,000.00	$ 705,894.00	Gregg St. Luft Statecon
Cost of this request	Category / Project Budget	Program Category / Project Name
5400.5700.5314.00	$ 576,777.66	Water/Sewer Services Capital
Account Number	Funds Used to Date	Program / Project Category Name
05044	$ 129,116.34	Water/Sewer
Project Number	Remaining Balance	Fund Name

Budgeted Item [ ] Budget Adjustment Attached [XX]

Department Director — 23 Aug 05 Date

City Attorney — 8-23-05 Date

Finance and Internal Service Director — 8/23/05 Date

Mayor — 8/23/05 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — ENTERED 8-23-05 AWT

Received in Mayor's Office — ENTERED 8/23/05

Comments:

Arkansas Democrat Gazette

NORTHWEST ARKANSAS EDITION

"Northwest Arkansas' Most Widely Read Newspaper"

AFFIDAVIT OF PUBLICATION

I, **Erin Emis**, do solemnly swear that I am the Legal Clerk of the Arkansas Democrat-Gazette/Northwest Arkansas Times newspaper, printed and published in Lowell, Arkansas, and that from my own personal knowledge and reference to the files of said publication, that advertisement of:

Final Agenda was inserted in the regular editions on August 25, 2005.

PO# _____

** Publication Charge: $ 59.52

Subscribed and sworn to before me this

25 day of August, 2005.

Sharlene D. Williams

Notary Public

Sharlene D. Williams
Notary Public
State of Arkansas
My Commission Expires
October 18, 2014

My Commission Expires: _____

** Please do not pay from Affidavit.
An invoice will be sent.

RECEIVED
AUG 29 2005
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Final Agenda
Special City Council Meeting
August 25, 2005

Fayetteville ARKANSAS

A Special meeting of the Fayetteville City Council will be held on August 25, 2005 at 4:45 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

A. New Business:

1. Mid-America Environmental Solutions Remediation Services Contract: An ordinance waiving competitive bidding, increasing the amount authorized for clean-up costs to $270,000.00, approving a Contract/Work Plan Agreement not to exceed $270,000.00 with Mid-America Environmental Solutions, Inc., and approving a budget adjustment of $225,000.00.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **August 26, 2005**

RE: **Passed Ordinance from Special City Council meeting of August 16, 2005**

1. **Mid-America Environmental Solutions, Inc. contract:** Ordinance waiving competitive bidding, increasing amount authorized for clean-up costs to $270,000.00, approving contract/work plan agreement not to exceed $270,000.00 with Mid-America Environmental Solutions, Inc. plus a contingency of $55,000.00 and approving budget adjustment of $255,000.00.