



**COMMISSION  
AGENDA MEMORANDUM**

**Item No.** 6d

**ACTION ITEM**

**Date of Meeting** June 9, 2020

**DATE:** May 6, 2020

**TO:** Stephen P. Metruck, Executive Director

**FROM:** Sandra Kilroy, Director Maritime Environment & Sustainability  
Kathy Bahnick, Manager, Remediation Programs  
Brick Spangler, Sr. Environmental Program Manager

**SUBJECT:** Consulting Services for Maritime Environmental Long-Term Obligations

**Amount of this request:** \$10,500,000

**Action Requested:**

Request authorization for the Executive Director to execute a project-specific agreement for consultant support for long-term environmental obligation services supporting remediation activities at Harbor Island (includes Terminals 10 and 18), Terminal 5 (Southwest Harbor Project), Terminal 30, Terminal 91 and Terminal 117. The agreement amount will be \$10.5 million, and the agreement duration will be for 5 years with one (1) five-year option.

**Executive Summary:**

The Port has entered into various cleanup agreements over the years to facilitate environmental cleanup and infrastructure development. The work includes long term monitoring and maintenance obligations to confirm the protectiveness associated with the final cleanup of these properties.

The Maritime Environment and Sustainability Department generally provides and manages remediation liability and environmental regulation support services for Maritime, Economic Development and Capital Development divisions. In particular, the program provides these services for a number of ongoing federal and state remediation projects at upland, port-owned properties and adjacent sediments.

Most of the existing environmental services agreements that support remediation activities at Terminal 30, Terminal 91 Harbor Island (includes Terminals 10 and 18), Terminal 5 (Southwest Harbor Project), and Terminal 117 are due to expire in 2020 or early 2021. In order for the Port to continue to provide these services, a new contract with environmental technical and consultant services providers is needed.

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No funding is requested. Funding for this work was included in the 2020 – 2024 Environmental Remediation Liability (ERL) Program approved by Commission.

### **JUSTIFICATION**

The Port's participation supports the Century Agenda goal of being the greenest port and reinforces our commitment of being a responsible steward of community resources and the environment. The formal agreements with state and federal agencies are binding agreements to perform monitoring, maintenance and reporting work by the port.

### ***Diversity in Contracting***

The Port's Diversity in Contracting Department is recommending a 15% aspirational goal for women- and minority-owned business enterprises (WMBE) attainment.

### **DETAILS**

The Port has entered in to various environmental cleanup agreements over the years to facilitate Maritime infrastructure projects. The sites listed below include long term monitoring and maintenance obligations to confirm the protectiveness associated with the final cleanup of these properties. Below is a list of sites and their corresponding obligations that will be supported by the requested contract.

Terminal 5 Ecology State Cleanup Sites – In the past, as part of the Terminal 5 Southwest Harbor redevelopment, the Port completed remediation at four sites under three Consent Decrees with Ecology. Current obligations include on-going cap inspection and maintenance of the cap in the four areas and operation and maintenance of a methane vapor extraction system associated with the consolidated landfill area.

Terminal 5 Pacific Sound Resources (PSR) EPA Superfund Site – This site was cleaned up under an Order with EPA as part of the Terminal 5 Southwest Harbor redevelopment project. Ongoing obligations include continuing to perform required cap inspection and cap maintenance, product recovery activities and monitoring EPA activities related to the groundwater and the off-shore sediments.

Harbor Island Superfund Site Soil and Groundwater Operable Unit – Terminal 18 is located within this Superfund site. Cleanup of this site was performed under a Consent Decree with EPA. Long-term cap maintenance and inspections have been initiated as required under the Record of Decision. Groundwater monitoring is also occurring at this site.

Terminal 10 Lockheed – Lockheed previously performed the upland and sediment cleanup required at the site. The Port's continuing obligation is to maintain the upland cap and the habitat restoration area, manage any contaminated soil and groundwater encountered or removed during redevelopment or maintenance activities, and to protect Lockheed's groundwater monitoring wells. Under the Terminal 10 Uplands capital project, storm water drainage and upland cap improvements were completed in early 2012. Long term stormwater solids sampling was initiated after the capital project as a condition of EPA approval.

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Terminal 91 Ecology Cleanup site – This site is regulated under both a dangerous waste permit and a Model Toxics Control Act Order. Cleanup of the upland portion of the site was completed in 2015 and long-term operation and maintenance, cover inspection and compliance monitoring has begun. The Order also requires investigation and cleanup of newly discovered upland discrete units.

Terminal 117 Sediments, Bank and Uplands – EPA identified the Port’s Terminal 117 in South Park as an Early Action Area. The T-117 cleanup and now long-term monitoring work is performed by the Port with a cost sharing agreement with the City. The upland and sediment cleanup actions along with interim restoration of the site at T-117 were completed in 2016. Long-term monitoring and maintenance of the site began in 2017/18, which includes annual upland inspections, biennial sediment sampling, and annual reporting. Inspection of the adjacent city stormwater system in the neighborhood is performed by the City.

Terminal 30 Cleanup – Terminal 30 supports an active, in-situ groundwater treatment system consisting of air sparging, soil vapor extraction, free-phase petroleum product recovery, and treatment of recovered vapors under an Ecology MTCA Consent Decree. The Port completed construction of the treatment system in 2019 and began operations in September. Long-term operation, maintenance and monitoring of the treatment system is expected to continue for several years.

### ***Scope of Work***

The purpose of this proposed consulting contract is to provide timely, cost-efficient consulting services necessary to perform remediation-related activities that are required under existing agreements with either the state or federal environmental regulatory agency (Washington State Department of Ecology or United States Environmental Protection Agency, respectively). The requested services and activities include, but are not limited to:

- cap inspection and repair support
- required documentation and reporting
- regulatory support
- groundwater monitoring (sampling and laboratory analysis)
- landfill gas monitoring (sampling and laboratory analysis)
- recovery, storage, and disposal of waste materials
- design services during construction
- operation, maintenance and monitoring of in-situ groundwater treatment system
- investigation of new discoveries at the sites

### ***Schedule***

Work under this service agreement is expected to start prior to the end of the current contract supporting these sites in December 2020. The initial contract period would be for 5 years with an additional 5-year option.

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**ALTERNATIVES AND IMPLICATIONS CONSIDERED****Alternative 1 – Do Not Authorize Procurement for Project Specific Consultant Contract**

Conduct the activities described above using only Port resources, without outside consultant assistance. There are insufficient staff resources, equipment and expertise to conduct these environmental management tasks without consultant and laboratory support. Relying on in-house staff would likely result in the work not being conducted according to the schedule required by the regulatory agency, with a risk of enforcement action.

**Pros:**

- (1) None.

**Cons:**

- (1) Increased legal and staff time and efforts to respond to an enforcement order from noncompliance and provide ancillary support to Ecology or EPA to carry out the order (gain access to the site, etc.).
- (2) The ultimate costs of the work will be much higher if Ecology or EPA performs the work itself.
- (3) Not performing this work could tarnish the port's reputation with Ecology, EPA and the community as having a commitment to public health and being a steward of community resources and the environment.
- (4) To perform the work inhouse additional equipment and staff would be needed.

*This is not the recommended alternative.*

**Alternative 2 – Authorize the Procurement and Execute a Project Specific Consultant Contract**

The process required to procure a professional services agreement ensures a competitive process, encourages women and minority owned business participation, and provides staff with the tools needed to comply with the above-mentioned formal agreements.

**Pros:**

- (1) Complies with the order and furthers the port's collaborative working relationship with Ecology and EPA.
- (2) Continues the long-term protection of human health and the environment at these sites.
- (3) Demonstrates the port's value of being a responsible steward of community resources and the environment.

**Cons:**

- (1) Costs of approximately \$10.5 million over the next 10 years by the port to comply with the Ports long term environment obligations.

***This is the recommended alternative.***

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**FINANCIAL IMPLICATIONS**

There is no funding request as part of this authorization. Funding for the associated scope of work and costs is included in the annual Environmental Remedial Liability (ERL) authorization. Certain costs may also be eligible for reimbursement under cost sharing agreements.

**ATTACHMENTS TO THIS REQUEST**

None

**PREVIOUS COMMISSION ACTIONS OR BRIEFINGS**

November 19, 2019 – The Commission authorized spending environmental remediation liabilities funds for 2020 in the amount of \$28,730,000 and a five-year plan of \$123,312,000 for Environmental Remediation Liability Program for 2020-2024 of which an amount estimated not to exceed \$30,000,000 will be obligated during 2020 to be spent in future years.

November 13, 2018 – The Commission authorized spending environmental remediation liabilities funds for 2019 in the amount of \$17,025,000 and a five-year plan of \$88,800,000 for Environmental Remediation Liability Program for 2019-2023 of which an amount estimated not to exceed \$30,000,000 will be obligated during 2019 to be spent in future years.