



# WASHOE COUNTY

Integrity Communication Service

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## STAFF REPORT

BOARD MEETING DATE: April 14, 2020

**DATE:** April 08, 2020

**TO:** Board of County Commissioners

**FROM:** Brian Bass, Interim Remediation District Program Manager,  
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**THROUGH:** Dwayne Smith, P.E., Division Director, Engineering and Capital Projects  
Community Services Department, 328-2043, [desmith@washoecounty.us](mailto:desmith@washoecounty.us)

**SUBJECT:** Recommendation to: 1) approve an Interlocal Cooperative Tetrachloroethene (PCE) Agreement by and between the Nevada Division of Environmental Protection and Washoe County that establishes terms and conditions of work to be conducted for continuing characterization of PCE contamination in the Kietzke/Mill Street potential source area, in support of the Central Truckee Meadows Remediation District (CTMRD) program; and 2) authorize staff to competitively bid the associated investigative field work and present the resulting agreement(s) to the Board for consideration [estimated cost is \$300,000]. (Commission District 3.)

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### SUMMARY

Approval of the Interlocal Agreement will establish a cooperative working agreement between the CTMRD and Nevada Division of Environmental Protection (NDEP) that prescribes the terms, conditions, and scope of work for the CTMRD to perform additional tetrachloroethene (PCE) investigation on and around the Dean Food's property (northwest of the intersection of Mill Street and Kietzke Lane). The intent of the work is to further define the magnitude and extent of PCE found on the property, and source(s) of the PCE. The field work necessary to support this investigation will be competitively bid following Nevada Revised Statutes and Washoe County Policies and will be brought to the Board for consideration. It is estimated that the cost of the field work will be approximately \$300,000 which will include all site work elements and laboratory testing.

If the investigation results conclude that PCE from the Dean Foods property is contaminating or has contaminated the groundwater and/or soils of the Central Truckee Meadows, then the investigation report will be submitted to NDEP for enforcement and recovery of costs incurred by the CTMRD as required under NRS 540A.280.

The field work necessary to support this investigation will be competitively bid following Nevada Revised Statutes and Washoe County Policies and will be brought to the Board for consideration. It is estimated that the cost of the field work will be approximately \$300,000 which will include all site work elements and laboratory testing.

AGENDA ITEM # \_\_\_\_\_

Washoe County Strategic Objective supported by this item: Safe, secure and healthy communities.

### **PREVIOUS ACTION**

On June 24, 2008, the Board of County Commissioners (Board) approved a contract with Kleinfelder Consulting to support the investigation of potential PCE sources in the Mill/Kietzke potential source area.

On July 8, 2008, the Board approved a contract with a WDC, Inc. (a well drilling company) to install monitoring wells to more effectively define the extent and characteristics of the Mill/Kietzke plume (and two other plumes), and to provide sentinel capability down gradient from the plume(s) for protection of other, non-impacted, municipal water supply wells.

### **BACKGROUND**

The Central Truckee Meadows Remediation District (CTMRD) was created in 1995 (by state statute [NRS540A250-285] and county ordinance [Ordinance 1000]) to:

- Address groundwater contaminated by PCE (a cleaning and degreasing solvent widely used since the 1940s).
- Provide liability protection for innocent property owners in the affected area (i.e. within the CTMRD contaminant boundary); and,
- Prevent the Reno/Sparks area from receiving a superfund site listing by the United States Environmental Protection Agency (EPA).

Pursuant to NRS 540A.280 the NDEP is a partner with the CTMRD. If the CTMRD, during an investigation to establish the boundary of a district for remediation, development of a plan for remediation, or the carrying out of the plan, acquires evidence that a person has caused or contributed to the condition requiring remediation, CTMRD must provide the evidence to the NDEP for appropriate action. Further, the NDEP may, by legal action, recover costs from the person responsible for the condition requiring remediation.

While conducting a potential source area investigation under the approved CTMRD Remediation Management Plan, the CTMRD discovered an area with high-concentration PCE in the soil and groundwater; this area is now referred to as the Kietzke High Mass Area. Analysis of soil and groundwater sample data by CTMRD indicated the PCE most likely originates on private property currently owned by Dean Foods Company (Dean Foods).

On April 29, 2016, and in accordance with NRS 540A.280, the CTMRD provided its investigative findings to NDEP, as evidence regarding Dean Foods. Dean Foods subsequently prepared and submitted to the NDEP a “Cause or Contribute Demonstration Report” (Report) dated December 1, 2017 to document historical activities that occurred on the land owned by Dean Foods in the vicinity of the Kietzke High Mass Area. The conclusion of the Report by Dean Foods was that they had not “significantly caused or contributed to the PCE contamination observed in the Kietzke High Mass Area” as defined in NRS 540A.260(4) and 540A.280(1).

In subsequent correspondence from the NDEP to Dean Foods dated February 27, 2018, the NDEP did not concur with the conclusions presented in the Report. The NDEP concurred that, based on the Report, further assessment of the Kietzke High Mass Area on the Dean Foods property is warranted. Accordingly, and at the request of the NDEP, the CTMRD developed a work plan to perform additional investigation on the Dean Foods property (“work plan”) and the NDEP has approved that work plan.

Under the work plan, further characterization of the magnitude and extent of PCE will occur to the west of Kietzke Lane between Kietzke Lane, Gould Street and north of Mill Street, onto Dean Food’s property. The work activities to be performed by CTMRD are detailed in the workplan, and include:

- a passive soil gas survey;
- the installation of four nested active soil gas well pairs;
- installation of two groundwater monitoring well pairs;
- subsequent active soil gas and groundwater monitoring and sampling; and
- preparation of a summary report on findings from the additional investigation.

Results from the investigation could potentially lead to additional activities, including but not limited to, detailed assessment, remedy evaluation, and remedy implementation.

The purpose of the Interlocal Agreement is to develop a foundation and collaborative approach for the CTMRD and the NDEP to work together in good faith under the work plan, to determine if there is a source of PCE contributing to the Kietzke High Mass Area, which is on, or came from, the Dean Food’s property.

Prior to implementation of the work plan on the property, the NDEP will send official correspondence to Dean Foods notifying them of cost recovery authorities and other potential obligations under State regulations for contamination that may originate or emanate on property they own or operate. The correspondence will include a copy of the finalized work plan, tentative schedule, and proposed costs. Dean Foods will then provide to NDEP their intention to implement the work outlined in the work plan themselves or to conduct an equivalent level of investigative work in a reasonable timeframe; otherwise the work plan shall proceed in accordance with the details described above.

During planning and field work on the Dean Food’s property, the CTMRD will account for all expended costs and maintain documentation of all contractor invoices and CTMRD staff time. If the investigation work performed by the CTMRD identifies an apparent PCE release on or from the Dean Food’s property, the NDEP shall take appropriate action to recover costs pertaining to the investigation from Dean Foods, which may also include legal action. NDEP will allocate cost reimbursement to the CTMRD for the work that the CTMRD conducted as part of the approved work plan.

### **FISCAL IMPACT**

Sufficient funds and budget authority for the investigative field work exist in the CTMRD Special Revenue Fund (266), Source Area Evaluation (206202). Revenues in support of this project are provided from remediation fees assessed to parcels within the CTMRD service area boundary.

Any eligible reimbursement received from the State of Nevada will be directed back into the CTMRD Special Revenue Fund (266), Source Area Evaluation (206202), regardless of when received.

### **RECOMMENDATION**

It is recommended the Board of County Commissioners: 1) approve an Interlocal Cooperative Tetrachloroethene (PCE) Agreement by and between the Nevada Division of Environmental Protection and Washoe County that establishes terms and conditions of work to be conducted for continuing characterization of PCE contamination in the Kietzke/Mill Street potential source area, in support of the Central Truckee Meadows Remediation District (CTMRD) program; and 2) authorize staff to competitively bid the associated investigative field work and present the resulting agreement(s) to the Board for consideration [estimated cost is \$300,000].

### **POSSIBLE MOTION**

Should the Board agree with staff's recommendation, a possible motion would be: "Move to: 1) approve an Interlocal Cooperative Tetrachloroethene (PCE) Agreement by and between the Nevada Division of Environmental Protection and Washoe County that establishes terms and conditions of work to be conducted for continuing characterization of PCE contamination in the Kietzke/Mill Street potential source area, in support of the Central Truckee Meadows Remediation District (CTMRD) program; and 2) authorize staff to competitively bid the associated investigative field work and present the resulting agreement(s) to the Board for consideration [estimated cost is \$300,000]."