

Resolution No.

# STOCKTON CITY COUNCIL

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## **RESOLUTION APPROVING FINDINGS AND RATIFY FINAL EXPENSES FOR THE EMERGENCY ENVIRONMENTAL CLEANUP AND REMEDIATION OF A HAZARDOUS MATERIALS SPILL AT ANDERSON STREET**

On June 10, 2022, a hazardous materials spill was reported at the City's stormwater pump station located at 725 West Anderson Street near Interstate 5. Municipal Utilities Department (MUD) Stormwater and Environmental Control staff investigated and determined the diesel fuel spill posed a threat to public health, property, and the environment; and

On June 15, 2022, MUD retained Ponder Environmental to conduct more extensive containment and remediation at the spill site; and

On August 25, 2022, the City Manager approved the MUD request for emergency procurement authorization for the Anderson Street hazardous materials spill in accordance with City Manager Emergency Contract and Procurement Policy (17.05.150), which provides a process for rapidly acquiring needed materials or services for critical, unforeseen government need amid emergency situations as defined in Chapter 3.68 of the Stockton Municipal Code, and City Council Resolution 2019-03-05-1109 which authorizes a rotating vendor list for environmental cleanup and abatement services; and

On September 12, 2023, Ponder Environmental completed the cleanup and remediation work to date at the spill site. Following a thorough watershed investigation, the MUD was unable to determine the source of the diesel fuel spill; and

On February 21, 2024, the Central Valley Regional Water Quality Board determined that no further cleanup action was required regarding the remediation of the Anderson Street hazardous materials spill; now, therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:**

1. The City Council approves findings pursuant to Stockton Municipal Code section 3.68.070 in support of an exception to the competitive bidding process for emergency environmental cleanup and remediation of the hazardous materials spill at Anderson Street:

- a. A hazardous materials spill of diesel fuel near the City's Anderson Street stormwater pump station was reported to the City.
- b. Emergency environmental containment, cleanup and remediation of the stormwater pump station, storm drainage system, and surface ditch was necessary to protect public health, property, and the environment, in accordance with environmental regulations.

- c. City Council Resolution 2019-03-05-1109, which approved a rotating vendor list for environmental cleanup and abatement services, allowed staff to quickly respond to address the hazardous materials spill at Anderson Street.
- d. Ponder Environmental is a responsive contractor that was available and capable of completing the necessary environmental cleanup and mitigation, which was in the best interest of the public.
- e. Ponder Environmental completed the cleanup and remediation of the Anderson Street spill area on September 12, 2023.
- f. On February 21, 2024, the Central Valley Regional Water Quality Control Board notified the City that no additional cleanup actions were required.
- g. Final expenses have been identified in the amount of \$962,489.88.

2. The City Council ratifies the total expenditure of \$962,489.88 for cleanup and remediation services for the emergency environmental cleanup and remediation of the hazardous materials spill at Anderson Street.

3. The City Manager or designee is hereby authorized to take appropriate and necessary actions to carry out the purpose and intent of this Resolution.

PASSED, APPROVED, and ADOPTED April 16, 2024.

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KEVIN J. LINCOLN II  
Mayor of the City of Stockton

ATTEST:

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ELIZA R. GARZA, CMC  
City Clerk of the City of Stockton