

RESOLUTION NO. 64-21

**A RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND,
CALIFORNIA, APPROVING EMERGENCY JUSTIFICATION TO ADOPT A
CONTRACT WITH US ECOLOGY (AKA NRC ENVIRONMENTAL) IN AN
AMOUNT NOT TO EXCEED \$90,000 AND TO ADOPT A CONTRACT WITH
PATRIOT ENVIRONMENTAL IN AN AMOUNT NOT TO EXCEED \$325,000 FOR
THE DECONTAMINATION OF THE STORM DRAIN COLLECTION SYSTEM
AND CLEAN-UP OF THE DIESEL SPILL DISCHARGING TO THE PARR CANAL
IN THE RICHMOND INNER HARBOR IN RICHMOND, CA FOR A TOTAL
PROJECT AMOUNT NOT TO EXCEED \$415,000**

WHEREAS, at approximately 1600 hours on Friday, April 2, 2021, Richmond Fire Battalion Chief, Victor Bontempo was notified by the Richmond Fire Department Fire Marshal that he had been contacted by Joanne Le of the Storm Water Program, reporting an unknown substance in the water near 402 Wright Avenue; and

WHEREAS, Richmond Fire Department (RFD) immediately responded to investigate and found a 30' X 30' red liquid substance and sheen at the end of Parr Canal, pinned up against the storm water outfall gates; and

WHEREAS, RFD notified our Hazardous Materials Response Team (HMRT) and established Wright Incident Command with Richmond Communications Center; and

WHEREAS, RFD HMRT tested the unknown substance and determined it was a "Low Tax Diesel", "High Sulfur Fuel" or "Red Lamp Oil"; and

WHEREAS, RFD made notifications to Cal. Office of Emergency Services (OES) to file an incident/spill release report; and

WHEREAS, RFD spoke with Diego Navarro of Cal OES and was issued control number 21-1767 ; and

WHEREAS, RFD also contacted the California Department of Fish and Wildlife and the U.S. Coast Guard; and

WHEREAS, RFD decided the unknown substance was contained by the boom which was deployed earlier near the outfall gates at the end of Parr Canal and there was no immediate hazard to the community; and

WHEREAS, RFD met with Ryan Hanson of Department of Fish and Wildlife and Sarah Davis of the US Coast Guard at 0900 hours on Saturday, April 3, 2021; and

WHEREAS, RFD notified Contra Costa County Health-Hazardous Materials Response Team; and

WHEREAS, Contra Costa County Health-Hazardous Materials Response Team responded (Saturday, April 3, 2021) to assist with finding the source, which was coming from the storm water outfall gates; and

WHEREAS, RFD personnel checked storm water drains along Hoffman Boulevard from South 8th Street to Cutting Boulevard; and

WHEREAS, several properties and businesses in the surrounding area were investigated in an attempt to find the source of the product; and

WHEREAS, US Coastguard was able to federally fund the cleanup of the product in the water and contracted out to US Ecology (aka NRC Environmental); and

WHEREAS, after several days of conducting the clean-up of the Parr Canal, there was no definitive source of the diesel; and

WHEREAS, the source of the diesel was discharging from the City of Richmond (the City) stormwater collection system; and

WHEREAS, the US Coast Guard informed the City that the City of Richmond would now be financially and contractually responsible for the clean-up and decontamination of the stormwater collection system; and

WHEREAS, the City assumed the financial responsibility of the contract for US Ecology from the Coast Guard as of Monday, April 12, 2021; and

WHEREAS, the City met with the US Coast Guard, Department of Wildlife, and Contra Costa County Health and was informed that the City would be responsible for decontaminating the stormwater collection system; and

WHEREAS, due to the urgency of the incident, the City phoned vendors on its list pre-qualified vendors to obtain bids for the decontamination of the stormwater collection system; and

WHEREAS, the only pre-qualified vendor that submitted a bid was Patriot Environmental, a Richmond-based business; and

WHEREAS, US Ecology was informed that they would relinquish the clean-up and operation of the Parr Canal project to Patriot; and

WHEREAS, Patriot was able to immediately mobilize and assume responsibility of the clean-up of the Canal and decontamination of the Parr Canal; and

WHEREAS, the estimated expenses that have been provided from **US Ecology** are not to exceed **\$90,000**; and

WHEREAS, the estimated expenses that have been provided from **Patriot Environmental** are not to exceed **\$325,000**;

WHEREAS, the investigation is currently on-going, and the City, along with the US Coast Guard, Department of Wildlife, Contra Costa County Health and the State Waterboard are very close to having the perpetrator identified.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Richmond, as follows:

Section 1. The foregoing recitals are true and correct and this City Council hereby so finds and determines:

Section 2. The Water Resource Recovery Division of the Public Works Department shall appropriate funds from the City of Richmond Liability Insurance Fund in the amount of \$415,000.

Section 3. The Contract for **US Ecology (NRC Environmental)** shall be in an amount not to exceed **\$90,000**.

Section 4. The Contract for **Patriot Environmental** shall be in an amount not to exceed **\$325,000**.

Section 5. The total cost of the Diesel Spill Clean-up at Parr Canal and Stormwater Decontamination Project shall not exceed \$415,000 without City Council approval.

Section 6. This resolution shall take effect immediately upon its passage.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held June 1, 2021, by the following vote:

AYES:	Councilmembers Bates, Jimenez, Martinez, McLaughlin, Willis, Vice Mayor Johnson III, and Mayor Butt.
NOES:	None.
ABSTENTIONS:	None.
ABSENT:	None.

PAMELA CHRISTIAN

 CLERK OF THE CITY OF RICHMOND
 (SEAL)

Approved:

THOMAS K. BUTT
 Mayor

Approved as to form:

TERESA STRICKER
 City Attorney

State of California }
 County of Contra Costa } : ss.
 City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 64-21**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on June 1, 2021.



 Pamela Christian, Clerk of the City of Richmond

CLERK'S
CERTIFICATE

I, Pamela Christian, City Clerk of the City of Richmond, do hereby certify as follows:

The foregoing resolution is a full, true and correct copy of **Resolution No. 64-21** duly adopted at a regular meeting of the City Council of said City duly and regularly held at the regular meeting place thereof on the 1st day of June 2021, of which meeting all of the members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said resolution was adopted by the following vote:

AYES:	Councilmembers Bates, Jimenez, Martinez, McLaughlin, Willis, Vice Mayor Johnson III, and Mayor Butt.
NOES:	None.
ABSTENTIONS:	None.
ABSENT:	None.

An agenda of said meeting was posted before said meeting at City Hall, 450 Civic Center Plaza in the City of Richmond, California, a location freely accessible to members of the public, and a brief description of said resolution appeared on said agenda.

Such agenda was further posted and such meeting was conducted in accordance with and pursuant to Executive Order N-29-20, signed by the Governor of the State of California on March 17, 2020 and Executive Order N-35-20, signed by the Governor of the State of California on March 21, 2020.

I have carefully compared the foregoing with the original on file and of record in my office, and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting.

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

Dated: June 8, 2021.



City Clerk of the City of Richmond

[SEAL]