

E Environment Committee
For the Metropolitan Council meeting of June 24, 2009

ADVISORY INFORMATION

Date Prepared: June 10, 2009

Subject: Ratification of Declaration of Emergency for Smithtown Road Odor Control

Proposed Action:

That the Metropolitan Council ratify the attached *Justification for and Declaration of Emergency* for Smithtown Road Odor Control.

Summary of Committee Discussion / Questions:

CM Wulff asked if measures will be taken to protect the area involved. Staff responded that the biofilter has been fenced, and signage will be installed. CM Bowles asked if this should be a "same week" item so that the Council can act on it as soon as possible. Staff explained that it is not necessary. Council policy authorizes the Regional Administrator to declare an emergency, and provides the means to take corrective action without delay.

CM Peterson thanked staff for an exceptional job mitigating the issues and responding to both the city and residents.

Motion to accept the proposed action was made, seconded, and passed unanimously.

E Environment Committee

Meeting date: June 9, 2009

For the Metropolitan Council Meeting of June 24, 2009

ADVISORY INFORMATION

Date:	May 26, 2009
Subject:	Ratification of Declaration of Emergency for Smithtown Road Odor Control
District(s), Member(s):	4-Peterson
Policy/Legal Reference:	Council Policy 3-3 - Expenditures
Staff Prepared/Presented:	Bill Cook 651-602-1811
Division/Department:	MCES c/o William G. Moore 651-602-1162

Proposed Action

That the Metropolitan Council ratify the attached *Justification for and Declaration of Emergency* for Smithtown Road Odor Control.

Background

On May 21, 2009 a number of odor complaints were received in the vicinity of the Council's Smithtown Road culvert crossing project. Odor control is provided through a bio-filter located downstream of the culvert crossing and the injection of bioxide into the upstream lift stations. Bioxide levels were increased after complaints were received.

Elevated levels of Hydrogen Sulfide were measured near the bio-filter vault and inside the vault.

Air pressure levels were measured in the sewer system and in the vault. Negative pressures are required for effective odor control. Positive pressures were observed within the vault. Negative pressures were observed in most of the sewer system outside of the vault. Continuous pressure monitors have been installed in the sewer system upstream of the bio-filter.

Council staff investigated the condition of the bio-filter air distribution system and the bio-filter media. The air distribution piping was severely damaged and is in the process of being replaced.

Rationale

The Metropolitan Council has delegated authority to the Regional Administrator to declare emergencies on behalf of the Council when the health, safety or welfare of the public is compromised or potentially compromised, and immediate action is required to address the emergency. The emergency declaration is then presented to the appropriate implementation committee for approval, and placed on a following Council consent list for formal ratification.

Funding

Estimated cost for the investigations and repairs is \$100,000.

Known Support / Opposition

None.

Justification for and Declaration of Emergency

"A declared public emergency is an emergency situation in which the health, safety or welfare of the public or the safety of Metropolitan Council employees or facilities is compromised or potentially compromised and requires immediate action to correct."

I REQUEST THAT A PUBLIC EMERGENCY BE DECLARED, BASED UPON THE FOLLOWING:


<p>Describe the nature of the emergency situation:</p>	<p>Obnoxious odors are emanating from MCES facilities along Smithtown Road in Victoria, MN. Numerous complaints from the public have been received and actions to date have been unsuccessful in restoring the neighborhood to pre-event conditions.</p>
<p>Explain why this situation is a present, immediate, and existing emergency:</p>	<p>The existing bio-filter facility is not functioning properly. Last fall, the media was replaced and the bio-filter is still not functioning properly. The affected neighborhood has experienced disruption from these odor episodes and from recent MCES construction in the immediate vicinity.</p>
<p>Explain how this emergency does or will affect the healthy, safety, or welfare of the public or the safety of Metropolitan Council employees or facilities:</p>	<p>The accumulation and release of odors is potential safety and welfare issue for both the public, our employees and our facilities.</p> <p>Safety: The concentration of hydrogen sulfide within our structures has risen to levels above the 8-hour safe exposure limit. Lower concentrations are noticeable from the street.</p> <p>The odors have been identified by public complaints over a 4 block area.</p> <p>Heightened hydrogen sulfide concentrations increase the potential for system corrosion.</p> <p>Welfare: Public perception of these odors reflects poorly on the ability of the agency to maintain and operate our system. Public concerns about the odors creates stress among the community and inhibit our ability to work with the community on important projects and issues.</p>

(Complete reverse side of form and sign)

Justification for and Declaration of Emergency, Page 2

<p>Describe the supplies or services which must be acquired to remedy this emergency situation, including the estimated cost:</p>	<p>Construction services are needed to excavate and repair the underdrain system of the bio-filter and to construct improvements to the mechanical systems to provide proper collection and treatment of the odors.</p> <p>Estimated cost: \$100,000</p>
<p>Identify how you chose the contractor(s) (Emergency Contractors List, vendor database, etc.):</p>	<p>Select a contractor based on the specialized nature of the work to be done, the availability of the contractor to proceed quickly and our experience with the contractor.</p>
<p>Quotes are not required in declared emergencies. If quotes were obtained, describe your efforts to obtain them:</p>	<p>Prepare a scope of work, select a number of contractors based on the above listed criteria, determine their availability and obtain quotes from three contractors that meet the availability criteria.</p>
<p>List the other vendors, if any, that have expressed an interest in providing goods or services relating to this emergency:</p>	<p>None</p>

I hereby certify that the information presented on this form is accurate and complete to the best of my knowledge and belief.

Requestor's Signature:  ENGR. SVCS MGR Title: T. S. Date: 5-26-09

Signature:  General Manager/Division Director Date: 5/26/09

Based on the above information, an emergency situation exists within the meaning of the Council Procurement Policy. Carrying out the competitive bidding process and the technical requirements of the Council's Procurement Policy, and awaiting Council declaration of an emergency and approval for the purchase of materials or supplies or the making of emergency repairs would significantly and unacceptably delay the commencement of repair work on the above-referenced project. The Metropolitan Council, by its Procurement Policy, has delegated authority to the Regional Administrator to declare an emergency on behalf of the Council in such cases. Therefore, I declare on behalf of the Metropolitan Council, that an emergency exists as described above and that the emergency situation requires the immediate purchase of materials or supplies or the making of emergency repairs. I authorize the General Manager/Division Director named above to let appropriate contracts and make payments for the purchase of materials or supplies or the making of repairs necessary to meet the emergency situation without advertising for bids, without meeting other technical requirements of Council Procurement Policy, and without prior approval of the Council. If the costs to correct the emergency situation total \$25,000 or more, I direct that this emergency declaration and any such contracts and/or payments be presented to the Metropolitan Council for formal ratification at its next meeting.

Signature:  Regional Administrator Date: 5-26-09