

MEMORANDUM

Date: September 15, 2022
To: Board of Directors
From: Michael Fritschi, P.E. - Director of Operations
Subject: Lake 11 Emergency Storm Drain Repair Project

The District delivers treated recycled water to Lake 11 to be used for the South golf course irrigation. The District's waste discharge permit requires the District to operate and manage the recycled water system so as to avoid any discharge to waters of the state, including the Cosumnes River.

In June of 2022 the District violated the waste discharge permit due to leakage of recycled water from Lake 11 through leaks and defects in the existing 55-inch storm drain and into the Cosumnes River. The District took immediate steps to isolate the leak with a plug. The District Engineer was contracted to design improvements to repair the leaking drainage line and prevent the recycled water from leaking into the river moving forward.

In July it was noted that recycled water was getting past the plug and that it caused a second waste discharge violation by spilling recycled water into the Cosumnes River. In the interim the District was able to add additional sandbags and convince the Country Club to temporarily keep the level of Lake 11 at a lower level to prevent future spillage on a temporary basis.

The Regional Water Quality Control Board has been in direct contact with the District after the second violation. Based on input from the Regional Board after the second recycled water spill, the District has accelerated the repair project to avoid future recycled water leaks and the resulting potential fines and penalties. The project needs to be completed before the rainy season to avoid risk of additional water quality violations which will not be avoidable once the lake fills with rain. In addition, the District had a number of related recycled water violations back in the early 2000's that resulted in severe fines and penalties, which could affect the Regional Board's treatment of the District in the event of further violations.

Recent camera (CCTV) footage of the line shows evidence that based on the overall wear and damage of the existing metal storm drain, that there is likely the potential for significant recycled water leakage from Lake 11 from more than 50 feet from the originally conceived slip-line repair area. The overall magnitude of damage throughout the host pipe and the hydraulic influence of Lake 11 significantly reduces the probability that a slip line repair would be successful in preventing future recycle water leaks.

The design was modified to include a new 36-inch storm drain alignment and the construction of a new intermediary manhole with flap gate. The alignment would be excavated approx. 15-ft deep and the intermediary manhole will need to be excavated down to 25-ft.

A seismic refraction test was conducted on the 18th of August and test pits were excavated on August 23rd. The test yielded lower seismic velocity along the depth of the proposed excavation and was field verified with (3) test pits. Based on the outcome of the refraction test and the field pits, the excavation of the new storm drain alignment can most likely be excavated with standard equipment.

The topographic survey crew was out Saturday the 27th of August to shoot site elevations. After the survey, the design was finalized in late August.

The District hosted a pre-bid meeting on the 25th of August and invited Lund, Veerkamp, and Teichert. The District has finalized the design to the point where the District can receive unit pricing bids as soon as the second week of September.

The District has pre-ordered and received the 320-feet of 36-inch HDPE storm drain and appurtenances. This procurement is necessary to have materials available on site so that the project can proceed before the rainy season. The cost of the pipe and appurtenances is \$55,155. The District was provided an availability to procure materials that were normally 10 weeks out.

For permitting, the District expects a categorical exemption for CEQA. This environmental work is occurring in parallel with design and construction. This work is estimated to total \$12,000 and includes archeological and biological surveys.

The District Engineer released the bid documents to two of the three interested contractors (Lund and Veerkamp) on the 8th of September (Teichert dropped out after the pre-bid meeting). The District received 1 bid for \$310,456 from Lund Construction to complete project construction.

Along with the emergency status of this project driven by the risk of additional discharges and Regional Board enforcement, the rainy season soon will arrive. It therefore is also paramount that the District complete this project prior to major rains. There is some risk that the project may be held up by early precipitation, however the District has a plan for diversion of drainage, but subsequent precipitation could be detrimental to the project. Therefore, the construction contract states that substantial completion shall occur by October 21st to avoid liquidated damages.

Public Contract Code sections 20682.5(g) and 22050 authorize the District to quickly approve no-bid construction contracts in an emergency. State law defines “emergency” for public works purposes as “a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.” (Pub. Con. Code § 1102.) The recent discovery of the significant leaks in the Lake 11 drainage system was unexpected and unforeseen. That coupled with the soon-to-arrive rainy season and the risk of an illegal discharge to the river requires the

District to act quickly to repair the drainage line. Staff has evaluated this circumstance and we conclude that it constitutes a sudden, unexpected occurrence requiring immediate action to protect river water quality and public health, within the meaning of the “emergency” definition.

Early estimates put the total project cost somewhere close to \$300,000 - \$350,000, including materials, labor, and design, however, given the emergency status of the project, two of the contractors dropping out of the bidding process, and the overall recent availability of materials and resulting inflation, the total project cost is now estimated to come in between \$420,000 – \$482,800. This project will affect and benefit both the District sewer/recycled water facilities and drainage facilities. Staff have evaluated the appropriate allocation of costs under District cost of service principles and have determined that the project costs should be split 75%/25% between the District Sewer Fund (\$362,100) and Drainage Fund (\$120,700).

The total cost breakdown is as follows:

\$310,456 - Lund Construction Contract

\$55,155 – District furnished 36-inch HDPE Storm Drain Materials with Minor Appurtenances

\$54,213 – Engineering Design Contract including Geotech, Environmental, and Survey

\$62,973 – 15% Contingency for unforeseen project needs

\$482,797 Total

Recommendation

To move this important emergency repair project forward, staff recommends that the Board approve the following actions:

1. Adopt a resolution finding that an emergency exists in connection with the lake 11 storm drainage system and authorize the General Manager to approve an emergency construction contract with Lund Construction in the amount of \$310,456 to perform the repair work.
2. Approve CIP #23-23-05 in the amount of \$482,800 and split the appropriation 75%/25% between the Sewer Fund (\$362,100) and Drainage Fund (\$120,700).
3. Ratify the expenditure of \$55,155 for the purchase of project-related construction materials spent to avoid longer project lead times.

RESOLUTION NO. 2022 - 21

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT
DETERMINING THE EXISTENCE OF AN EMERGENCY IN CONNECTION WITH THE LAKE 11
STORM DRAINAGE SYSTEM AND AUTHORIZING AN EMERGENCY CONSTRUCTION CONTRACT
WITH LUND CONSTRUCTION CO. TO REPAIR DISTRICT DRAINAGE FACILITIES**

BE IT RESOLVED by the Board of Directors of the Rancho Murieta Community Services District as follows:

1. Background Findings. The Board determines and finds the existence of the following background facts:

(a) The District provides sewer/recycled water and drainage services to residents and properties in Rancho Murieta. As part of the recycled water system, the District delivers treated recycled water to Lake 11 to be used for golf course irrigation. The District's waste discharge permit requires the District to operate and manage the recycled water system so as to avoid any discharge to waters of the state, including the Cosumnes River.

(b) As explained in the accompanying staff report dated September 15, 2022 (the "Staff Report"), the District recently discovered that there is a significant leak in the Lake 11 related storm drainage lines, that recycled water therefore can leak and has leaked from the lake into the Cosumnes River, and that the District should quickly repair the leaking line in order to avoid subsequent discharges to the river, protect river water quality and public health, and avoid potential fines by the Regional Water Quality Control Board.

(c) The repair work is beyond the capacity of District staff and equipment to handle in-house. Consequently, it will be necessary to retain a contractor to perform the repair work. As explained in the Staff Report, the District has solicited a proposed construction contract with Lund Construction Co.

(d) Ordinarily, repair work of this type and magnitude would require the District to award a repair contract through the required competitive bidding process in the California Public Contract Code. In the usual competitive bidding process for District public works and repair projects, the District must (i) prepare detailed plans, specifications, bid and contract documents, and a notice inviting bids, (ii) issue the notice inviting bids and solicit bids for the work, (iii) receive and evaluate the bids and determine the lowest responsible, responsive bidder, and deal with any associated bid protests, and (iv) award the bid to the lowest responsible, responsive bidder and sign the contract. This process, even if expedited, can take one to two months or longer.

(e) The rainy season typically begins in October, which is next month. In order to repair the drainage line ahead of the rainy season and thereby avoid the risk of further recycled water

discharge to the river, it is imperative for the District to promptly repair the line before the risk of a major storm. If the District follows the usual competitive bidding process and timetable, the repair work would not be complete until late fall or early winter. This would pose a risk that there could be another discharge to the river and consequent water quality and public health impacts.

(f) The Public Contract Code authorizes the District to take immediate action (without the usual competitive bidding) to repair a public facility in the event of an emergency and to protect public health.

2. Emergency Findings. Based on the foregoing facts and Staff Report, and in accordance with Public Contract Code sections 20682.5(g) and 22050, the Board finds and determines that:

(a) The recent discovery of a leaking drainage line at this time of the year shortly before the onset of the rainy season is a sudden, unexpected occurrence that poses a clear and imminent danger to the water quality of the Cosumnes River, requiring immediate action to prevent impairment of public health. This circumstance constitutes an emergency within the meaning of Public Contract Code section 1102.

(b) The emergency circumstance will not permit the time to undertake the statutorily-required competitive bidding process before the rainy season. The prompt repair work therefore is necessary to respond to the emergency and avoid water quality impacts to the river.

3. Emergency Work Authorization. Pursuant to Public Contract Code sections 20682.5(g) and 22050, the Board (a) authorizes the immediate repair of the District drainage line as described in the Staff Report, without giving notice for bids to let contracts and (b) approves the proposed repair contract with Lund Construction Co. and authorizes the General Manager to sign the contract and proceed with the work.

4. CEQA. The Board finds that the drainage line repair work is exempt from environmental review pursuant to the California Environmental Quality Act as an action to repair an existing structure with no expansion of use under CEQA Guidelines section 15301 and as an emergency action under CEQA Guidelines section 15269(b).

PASSED AND ADOPTED this 21st day of September 2022 by the following four-fifths vote:

Ayes:

Noes:

Abstain:

Absent:

Tim Maybee, President of the Board
Rancho Murieta Community Services District

Attest:

Amelia Wilder
District Secretary