



Legislation Details (With Text)

File #: O-221-18 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 5/25/2018 **In control:** Public Utilities Department
On agenda: 6/5/2018 **Final action:** 6/5/2018
Title: Authorizing the mayor to enter into Director's Final Findings and Orders with the Ohio Environmental Protection Agency (Ohio EPA) related to a portion of the former Unitcast site; authorizing the expenditure in the amount not to exceed \$800,000 from the Capital Improvement (CIP) Fund for the payment of costs necessary to complete closure work activities; authorizing the mayor to accept formal bids and enter into contracts for closure activities; waiving provisions of TMC §187 for consulting services; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A

Date	Ver.	Action By	Action	Result
6/5/2018	1	City Council		
6/5/2018	1	City Council		
6/5/2018	1	City Council		

DPU060518UNITCAST

Environmental Services

Marc Gerdeman (x3771)/Paul Syring (x1025)

Revised

Authorizing the mayor to enter into Director's Final Findings and Orders with the Ohio Environmental Protection Agency (Ohio EPA) related to a portion of the former Unitcast site; authorizing the expenditure in the amount not to exceed \$800,000 from the Capital Improvement (CIP) Fund for the payment of costs necessary to complete closure work activities; authorizing the mayor to accept formal bids and enter into contracts for closure activities; waiving provisions of TMC §187 for consulting services; and declaring an emergency.

SUMMARY & BACKGROUND:

The city of Toledo owns the former 26-acre property known as the Unitcast Foundry, located at 1414 East Broadway, Toledo, Ohio. The property is subdivided into two parcels consisting of an 18.8 acre parcel on which the foundry operation was located and a 7.1 acre parcel upon which a residual waste landfill was located. The Unitcast property is subject to Director's Final Findings and Orders issued on May 2, 2007 by the Ohio EPA, which require the City to complete the remediation of the Property, including closure and capping of the landfill parcel on or before May 2, 2010. The city has been granted two time extensions to complete the remediation by May 31, 2018. Ordinance 364-15 was passed authorizing a metal recovery agreement with Garrett Well, LLC in exchange to complete the closure per Ohio EPA Findings and Orders at no cost to the city. In 2017, the city and Garrett Well finally ended negotiations due to the collapse of the salvage metal market. As a result, the city was

unable to meet the May 2018 deadline. Nonetheless, the city has been successful in reaching a tentative agreement with Ohio EPA for a final extension closure deadline of December 31, 2019. The CIP expenditure will allow the city to complete closure activities in order to comply with this final deadline.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the mayor is authorized to enter into Director's Final Findings and Orders with the Ohio Environmental Protection Agency (Ohio EPA) related to the former Unitcast site, as shown in substantial final form on Exhibit "A" attached and made a part hereof.

SECTION 2. That the expenditure of an amount not to exceed \$800,000 is authorized from the Capital Improvement Fund Account Code 5040-38000-8CP1809UNCAST for the purpose authorized herein.

SECTION 3. That the mayor is authorized to accept bids and enter into contracts for the purposes of completion of the closure activities.

SECTION 4. That it is found that it is in the best interest of the city to waive competitive bid requirements of TMC Chapter 187 for the purposes of retaining an environmental consultant for the remediation of the subject property and comply with project milestone schedule ordered by Ohio EPA. Said waiver will avoid project delay by retaining a consultant with specialized knowledge of the property and has successfully negotiated the city's Findings and Orders with Ohio EPA.

SECTION 5. That it is found and determined that all formal actions of Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of Council and any of its committees that result in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION 6. That this Ordinance is declared to be an emergency measure and shall take effect and be in force immediately from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety, and property and for the further reason that this ordinance must be immediately effective in order to fulfill Ohio EPA landfill closure requirements.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council
_____.

Attest: _____
Clerk of Council