

# Business Item

Environment Committee



Committee Meeting Date: June 13, 2023

For the Metropolitan Council: June 28, 2023

## Business Item: 2023-128

Ratification of Declaration of Emergency Repair of Interceptor 7017-2 along State Highway 7 in Excelsior

<b>District(s), Member(s):</b>	District 3, Tyronne Carter
<b>Policy/Legal Reference:</b>	Council Policy FM 14-2, Expenditures for the Procurement of Goods, Services, and Real Estate
<b>Staff Prepared/Presented:</b>	Chris Remus, Assistant Manager, Interceptor Engineering, 651-602-4538
<b>Division/Department:</b>	Environmental Services

### Proposed Action

That the Metropolitan Council ratify the Emergency Declaration for repairs to Interceptor 7017-2 along State Highway 7 in Excelsior in the amount not to exceed \$300,000.

### Background

On the morning of May 22, 2023, a wastewater leak was reported along the L20 forcemain (7017-2) in the City of Excelsior in the northeast boulevard area of the intersection of Oak Street and State Highway 7. MCES Operations were notified and immediately dispatched tanker trucks to lift station L20 to perform cleanup and divert wastewater flow from the lift station to stop the spill. These efforts were complicated by the fact that the L20 forcemain (7017-2) is connected to the larger L19 dual forcemain system (7017 / 80285-B) which back-fed wastewater at a higher rate to the leak.

By late morning, a contractor was dispatched to the site. Excavation of the pipe revealed a hole in the side of the pipe. By later afternoon, a repair band was applied to the pipe and flow was restored. Local and state agencies were contacted and informed of the situation.

### Rationale

Emergency Declarations exceeding \$175,000 require appropriate Committee and Council ratification.

### Thrive Lens Analysis

This action advances the Thrive Outcome of Stewardship. Public financial resources will be invested efficiently and effectively to maintain and restore existing capacity to existing wastewater infrastructure which protects the region's natural resources.

### Funding

The estimated cost for the emergency work is \$300,000. This work will be funded out of the 2023 MCES Authorized Capital Program.

### **Small Business Inclusion**

Due to the time-sensitive nature of the Emergency Declaration and the need for immediate work to be performed to protect public health and existing infrastructure, the Office of Equity and Equal Opportunity did not establish a small business goal. The application of a goal would significantly impact the timing of this project.





## EMERGENCY DECLARATION FORM

“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:

Describe the nature of the emergency situation.

On May 22, 2023, a break occurred along the L20 Forcemain (7017-2) in the City of Excelsior in the northeast boulevard area of the intersection of Oak Street and Excelsior Blvd. The MCES Operations Department was notified of the on-going spill and immediately dispatched tanker trucks to L20 to begin cleanup and trucking wastewater flow from the lift station to stop the spill. The L20 forcemain is manifolded into the L19 system which is back feeding wastewater at a higher rate and adding significantly to the initial spill.

Explain why this situation is a present, immediate, and existing emergency.

A repair is required immediately to address the forcemain break and cease the trucking of flows from L20. L20 normally pumps approximately 80,000 gallons per day of wastewater. A substantial spill risk is involved with the manual pumping and hauling of wastewater especially if a wet weather event were to occur. On-going costs of 24-hour trucking will occur until the forcemain is fixed and the forcemain can return to normal operation.

Explain how this emergency does or will affect the health, safety, or welfare of the public or the safety of Metropolitan Council employees or facilities.

The spill potentially has negatively impacted public health and safety. Spills to local waterways and Lake Minnetonka will risk public exposure to wastewater. A repair and cleanup is necessary to prevent any further damage.

Describe the supplies or services which must be acquired to remedy this emergency situation, including the estimated cost.

MCES Operations staff will be trucking wastewater flow from L20 for the short-term. Additional private haulers may be needed if the forcemain cannot be repaired within one day. A contractor is required to excavate and repair the forcemain. Contracting will likely be required for cleanup and potentially communications if waterways have been impacted.

Estimated Cost: \$300,000

Identify how you chose the contractor(s).

Valley Rich was selected for the forcemain repair due to their availability relative to the other contractors in the area.

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

Requestor Signature: Adam Gordon

5/22/2023 at 4:58pm

Supervisor Signature: Bert Tracy

5/23/2023 at 3:48am

Division Director/General Manager Signature: Leisa Thompson

5/23/2023 at 7:26am

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 \$175,000 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.

Regional Administrator Signature: Mary Bogie

5/26/2023 at 8:35am

