

## Department of Port Control

Ord. No.: 692-2021

Division of Planning & Engineering  
(Environmental Services)

### Executive Summary

The Department of Port Control is requesting authority to enter into one or more professional consultants to perform various services needed for on-going mandatory environmental compliance for the Department of Port Control; to acquire licenses for compliance; and authorizing the Director to enter into various written standard purchase and requirement contracts, for materials, equipment, supplies, services, and training necessary to effectuate this ordinance, for a period of five years, effective January 1, 2022.

---

#### Background/Purpose:

The Department is required to comply with applicable requirements, including but not limited to those imposed by the U.S. and Ohio Environmental Protection Agencies, the U.S. Army Corps of Engineers, and the Northeast Ohio Regional Sewer District, through statute, regulation, permit, license, order, certification, policy, guidance, or other legal mechanism.

Per the aforementioned, a multitude of permanent environmental services currently exist at the Department that are required to be performed continuously due to mandates imposed by federal, state, and local agencies. These directives are required to maintain an environmentally safe and efficient operating status deemed in compliance so that serious penalties for non-compliance can be avoided. Such penalties have included large monetary fines imposed by the regulatory agencies.

#### Scope of Work:

The scope of work includes continuous environmental service necessary to respond to the above requirements. These services are necessary for a variety of interminable projects (see attached) to comply with applicable requirements, including but not limited to those imposed by the U.S. and Ohio Environmental Protection Agencies, the U.S. Army Corps of Engineers, and the Northeast Ohio Regional Sewer District.

#### Justification/Urgency:

The Environmental section is required to comply with local, state and federal regulations in order to maintain operating status and to avoid serious penalties for non-compliance that includes large monetary fines and possible imprisonment. Failure to have the ability to act on requirements imposed on the Department can result in serious obligations and fines.

**Anticipated cost:** N/A

**Schedule or Term of Contract:** N/A

**Current Vendors/Contracts:** See below.

**CSB/MBE/FBE/DBE:**

Any and all contracts entered into will comply with the City of Cleveland’s Office of Equal Opportunity and the Disadvantage Business Enterprise guidelines as applicable.

**On-Going Environmental Services**

**1. Waste Management**

Consultant provides the necessary personnel, facilities, transportation, equipment, supplies and materials, and technical services to perform all services necessary to support the Department of Port Control (DPC). This project provides professional services necessary for waste storage, characterization, management, loading, shipping, and proper legal disposal of hazardous, non-hazardous, and universal wastes, and reporting; environmental compliance; DOT regulations; and solid waste laws to support the DPC. All waste management and disposal services shall be in compliance with all applicable federal, state, and local laws. If the contents of the drums are hazardous we are in violation of Title 40 of the Code of Federal Regulations (CFR) at Part 260 to 299 (RCRA) if they are not disposed within 180 days. Lamps that have been used and are being discarded are “spent materials” as defined in OAC 3745-51-01 of the Administrative Code and need to be discarded within six (6) months.

<b>Current Vendor Name</b>	<b>Vendor Address</b>	<b>Contract No.</b>	<b>Certified Amount</b>
Chemtron Corporation	35850 Schneider Court Avon, Ohio 44011	PS2020*175	\$55,000 per year

**2. Laboratory Services**

The purpose of this project is to support DPC in its efforts to comply with Ohio EPA’s regulatory permits such as the NPDES Permit 3II00179\*FD as well as unknown emergency findings, at CLE and/or required for activities at CLE. The services provide for necessary support of regulatory permits and orders as mandated by the EPA. The complete suite of services for analytical and data analysis (for soil, water, and wastes) are provided on an as-needed basis in support of the Cleveland Airport System’s Environmental compliance program. DPC requires laboratory services to comply with federal and state regulations for analyzing and reporting:

- Weekly samples required by its NPDES permit(s);
- Waste characterization samples; and
- Assessing soil and water contaminants for proper management.

**2a. Interim Control Approach to Eliminate Nuisance Growth**

Over the last few years Ohio EPA received complaints regarding the presence of biofilms in Abram Creek and Rocky River. The biofilms appear to be the result of continuous discharges of low levels of pollutants, most likely associated with aircraft and pavement deicing. Depending on a variety of physical and chemical factors, the biofilms can exhibit a variety of characteristics including colors from tan to bright orange, offensive odors, highly filamentous and general indicators of pollution. As a result of these characteristics, persons observing areas with biofilms have made reports to Ohio EPA and Ohio EPA has investigated and incorporated

response requirements in the most recent update to the NPDES permit for discharge of stormwater from industrial areas.

The NPDES permit issued by Ohio EPA requires CLE to eliminate its contribution to nuisance growth of biofilms in Abram Creek and Rocky River with a specific plan of action submitted to Ohio EPA. To provide time to evaluate options and determine the most cost-effective means to address the permit requirement, funding for consultant services and construction of interim controls is needed to continue.

<b>Current Vendor Name</b>	<b>Vendor Address</b>	<b>Contract No.</b>	<b>Certified Amount</b>
EnviroScience Inc.	5070 Stow Road Stow, Ohio 44224	PS2019*051	\$199,300 per year

### **3. Emergency Environmental Response**

Professional Emergency Spill Response Services is necessary to fulfill regulations as set forth by the Ohio EPA which stipulates the required ability to provide timely emergency spill response (initiate cleanup activities within sixty (60) minutes of notification), evaluation, clean-up, handling, remediation, and disposal services. Services are required to meet compliance with local, state, and federal permits, orders, regulations (such as the Ohio EPA NPDES) permit, and guidance. These services are outside the scope of the department's in-house capability. The professional services address immediate needs for emergency response requirements that are required when imminent danger to public health and/or the environment could result in a notice of violation from a regulatory agency. All personnel at the worksite shall have the required training specified in 29 CFR 1910.120 – Hazardous Waste Operations and Emergency Response and any other training required by law depending on the work task, including, but not limited to, the Resource Conservation and Recovery Act Regulations (RCRA) 40 CFR 260-270, the U.S. Department of Transportation (DOT) Regulations 49 CFR 100-199, and Confined Space Rescue Regulations 29 CFR 1910.146.

<b>Current Vendor Name</b>	<b>Vendor Address</b>	<b>Contract No.</b>	<b>Contract Amount</b>
EnviroScience Inc.	5070 Stow Road Stow, Ohio 44224	PS2019*316	\$15,000/year

### **3a. Spill Prevention Control and Countermeasures**

This Spill Prevention, Control and Countermeasure (SPCC) Plan (hereafter, the "Plan") addresses the containers, equipment, facilities, and associated infrastructure regulated or required under Title 40 Code of Federal Regulations (CFR) Part 112 and exclusively operated by the DPC at CLE. The DPC-owned regulated bulk storage containers at the Facility have an aggregate aboveground oil storage capacity greater than 10,000 gallons. Therefore, the facility does not meet the requirements of a qualified facility that may self-certify its SPCC Plan. DPC is required to amend this Plan within 6 months of a change in facility design, construction, operation, or maintenance that affects the Facility's potential for the discharge of oil into or upon navigable waters of the United States or adjoining shorelines. Examples of such changes may include, but are not limited to the addition of bulk storage containers, modifications to secondary containment, changes in location of fueling operations, and modifications to the

Facility's storm water drainage system. Because the facility does not meet the requirements of a qualified facility that may self-certify its SPCC Plan in accordance with §112.6, DPC will utilize a Registered Professional Engineer to certify technical amendments (e.g., amendments prepared under §112.5(a)) to this Plan.

**4. Oil/Water Separator and Sewer Maintenance**

Professional service contracts are necessary to assist the DPC in our efforts to clean, inspect, repair and maintain the oil/water separators, sewers, electrical vaults, holding tanks, lift stations and associated appurtenances, including testing and disposal of waste materials. To ensure maintenance of the oil/water separators and under drain systems. Without these services petroleum based liquids may reach the Ohio EPA regulated outfall locations. Activities required meeting compliance with local, state, and federal permits, orders, regulations (Ohio EPA NPDES permit), and guidance. These services are outside the scope of the department's in-house capability.

<b>Current Vendor Name</b>	<b>Vendor Address</b>	<b>Contract No.</b>	<b>Contact Amount</b>
C&K Industrial Services, Inc	5617 Schaaf Road Cleveland, Ohio 44313	PS2019*324	\$450,000

**5. Storm Water Pollution Prevention Inspections**

The DPC must comply with a General NPDES permit for Construction Activity issued by the Ohio EPA. Along with a requirement for the development of a Storm Water Pollution Prevention Plan (SWP3) for construction activity, this permit includes, discharge goals and requires that the CAS implement measures and Best Management Practices (BMPs) to control discharges to "Waters of the State" to obtain compliance with the Clean Water Act (CWA) and OAC 6111. Services at CAS including, but not limited to weekly inspections to assure that all required Best Management Practices (BMPs) on-site have been installed in accordance with the guidelines Rainwater and Land Development Ohio's Standards for Stormwater Management Land Development and Urban Stream Protection Third Edition 2006 (Rainwater and Land Development) and are functioning properly and that the Master SWP3 is being properly implemented. Comprehensive weekly and storm event (0.5 inches or greater) inspections are required as defined in Ohio EPA's NPDES General Permit for Storm Water Discharges associated with construction. Any violations, for which the Contractor is accountable, received by DPC from Ohio EPA, will be passed directly to the Contractor for payment. Such violations could be as high as \$25,000/day.

**5a. Storm Water Management Plan**

The goal of this Plan is to minimize cost and maintenance impacts but still meet regulatory requirements and plans for unanticipated changes. The SWMP will also act as a guide for the DPC's (DPC) project design consultants plus demonstrate a documented program to the environmental regulators for compliance. The anticipated outcome of the SWMP is a significant savings on Airport labor, design fees, contractor expenditures, and overall project construction costs. In addition, a Draft SWMP has been prepared to address post construction Best Management Practices (BMP) requirements to meet federal, state and local regulations for stormwater pollution prevention associated with construction activities. The analysis was created for CLE to provide characterization of storm water issues in both the existing conditions

(2013) and future conditions (2025). The objective is to provide information on whether the current detention basins can meet the storage and water quality requirements that the Ohio EPA may impose. SWMP has the complete history, storm water model, assessments of detention basins and future development, plus supporting information.

## **6. Impacted Materials**

Cleveland Hopkins International Airport (CLE) has used aircraft and runway deicing fluids containing urea and glycols over the course of many years. The use of urea was discontinued in 1998, but glycol is still used for deicing aircrafts prior to takeoff. The current use of glycol is largely confined to specific areas of the airport and glycol that drains from the aircraft in these areas is currently captured and contained. However, the urea and glycol that have been released in the past have, to varying extents, come to reside in site soils. Some of the soil and/or trench, surface, and subsurface water that will be encountered as a result of construction activities has been impacted by deicing, slag, foundry sand, or petroleum hydrocarbon compounds or derivatives (including urea, glycol or aviation fuels).

The BKL facility occupies land which was formally used as the Cleveland Municipal Dump. BKL is part of the larger "muni dump site" listing that includes the entire lakefront from the mouth of the Cuyahoga River extending east to East 55<sup>th</sup> Street. Historical documents suggest that dumping occurred in a chaotic manner and that extreme variations in the materials may exist in the subsurface only a few feet apart in some areas of the BKL property. Other areas of the BKL property were filled in a more organized manner with these areas being used as fill areas for bottom sediments that were dredged from the Cuyahoga River and the shipping channels of the harbor area (Confined Disposal Facility (CDF) 9, 10B, 12, 13 and 14). Portions of the infield land of the shoreline were formed from the deposition of industrial and household wastes from the early 1900s until the mid-1950s. The vast majority of acreage at BKL was formed not from industrial and household waste dumping, but by the construction of contained dike facilities for lake and river dredging and by the deposition of clean fill and construction and demolition debris.

Because of this environmental impact at both airports, some of the soils and/or trench, surface or subsurface water will require sampling and analysis, special handling for excavation and prior to disposal and some will require remediation prior to reuse in site construction activities. The soils removed during excavation will need to be segregated and disposed depending on the outcome of the real time sampling and analysis.

## **7. Purchase Requests**

To comply with federal and state laws and SPCC Plan, the spill response carts and hazardous storage areas around CLE and BKL need regular restocking of materials (granular oil absorbent, oil specific absorbent pads, oil specific absorbent booms, and drain inserts) that are required to protect manholes, catch basins, and unpaved surfaces to prevent the discharge of oil from non-transportation related onshore and offshore facilities into or upon the navigable waters of the United States or adjoining shorelines.

Other purchase requests that are necessary for collection and proper legal disposal of used fluorescent and HID bulbs. Also due to the inventory taken in our Waste Management area old refrigerators that have been brought to the area are included and must be comply with federal law 40 CFR Part 82 for proper recovery, disposal, and reporting of ozone depleting refrigerants from waste appliances such as but not limited to refrigerators, air conditioning units, drinking fountains and dehumidifiers.

The DPC is committed to storm water quality and monitoring. Per federal and state requirements, Cleveland Hopkins International Airport (CLE) is required to monitor and report to the Ohio EPA its storm water discharges for compliance with discharge limits detailed in its NPDES storm water permit 3II00179\*FD. Since Environmental Services has taken over the required sampling for the Ohio EPA NPDES permit, many different small equipment and tools are needed to complete the tasks under the Permit and multiple purchase requests are sent throughout the year.

To be in compliance with Occupational Safety & Health Administration Title 29 of the Code of Federal Regulations, employees are required to perform their work in a manner that will prevent injury and illness to themselves and their fellow workers, and prevent damage to property or equipment. Not defined at this time, however, safety equipment, personal protection equipment (PPE), and other cleaning products may be necessary for purchase.

**8. Asbestos**

Asbestos abatement in the airport terminal(s) as well as other buildings at CLE and BKL is necessary for the protection of human health and safety during remodeling and demolition activities. Existing asbestos containing materials requiring abatement are inaccessible other than during demolition and/or remodeling activities. Circumstances of demolition and/or remodeling activities require immediate asbestos abatement and are often unpredictable. The City desires to supplement the regularly employed staff in order to obtain professional services necessary to conduct immediate and potentially unpredicted abatement for asbestos containing materials as well as air sampling during abatement activities and proper disposal of asbestos containing materials.

Current Vendor Name	Vendor Address	Contract No.	Certified Amount
Precision Environmental	5722 Schaff Road Independence, OH 44131	64342	\$ 441,000

**9. Air Inventory**

Any scheduled maintenance of air pollution control equipment (i.e. incinerator, emergency generators, boilers, snow melters etc) shall be performed in accordance with paragraph (A) of OAC rule 3745-15-06. The malfunction of any emissions units or any associated air pollution control system(s) shall be reported to the appropriate Ohio EPA District Office or local air agency in accordance with paragraph (B) of OAC rule 3745-15-06. The air contaminants emitted by the emissions units covered by this permit shall not cause a public nuisance, in violation of OAC rule 3745-15-07. Failure to submit said notification and to receive Ohio EPA approval prior to relocation of the emissions unit may result in fines and civil penalties.

**10. Lead and Mold**

Due to the age of CLE, the initial constructions have been antiquated and require updates in order to remove lead paint and potential mold (fungal) growth that have been revealed on ceiling tiles and walls throughout the concourses. Inspections have taken place to verify the findings and how to clean and take care of the findings. Based on the results of sampling and analysis performed, evidence has been found that some fungal proliferation has occurred on water-damaged ceiling tiled. Sources of water intrusion need to be identified and corrected and the affected ceiling tiles should be replaced, taking care not to overly disturb the tiles to inhibit

the dispersal of fungal spores into the air. All construction activities must comply with any applicable fugitive dust requirements contained in rule 3745-17-08 of the Administrative Code

#### **11. Future Regulatory Compliance**

There are many different reasons to change a regulatory rule, some include a quick change, (e.g., incorrect rule reference), a limited rule change (e.g., difficulties with interpretation or application), a full review (five-year review) and changes to state or federal law. The rule-making process is to identify that a rule needs to be amended, rescinded, or created. If this were to occur during this legislative timeframe, this ordinance will be used to bring on consultants/contractors to meet any of those new/updated regulatory requirements.

**Ord. No. 1208-15. By Council Members Keane and Kelley (by departmental request). An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to perform various services needed for on-going mandatory environmental compliance for the Department of Port Control; to acquire licenses for compliance; and authorizing the Director to enter into various written standard purchase and requirement contracts, for materials, equipment, supplies, services, and training necessary to effectuate this ordinance, for a period of five years, effective January 1, 2016.** Whereas, the Department of Port Control is required to comply with environmental requirements in order to maintain operating status and to avoid serious penalties for non-compliance; and Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Port Control is authorized to enter into one or more standard purchase or requirement contracts for a period of five years duly let to the lowest and best bidder after competitive bidding for materials, equipment, supplies, services, and training necessary to comply with local, state, and federal environmental requirements necessary to maintain operating status and to avoid serious penalties for non-compliance at Hopkins International Airport, Burke Lakefront Airport, and the Division of Harbors, Department of Port Control. Section 2. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide ongoing professional services necessary to comply with local, state, and federal environmental requirements necessary to maintain operating status and to avoid serious penalties for non-compliance at Hopkins International Airport, Burke Lakefront Airport, and the Division of Harbors, Department of Port Control, for a period of five years. Section 3. That the Director of Port Control is authorized to acquire by contract or contracts with one or more software developers or vendors or one or more firms of software developers or vendors, the software licenses, upgrades, technical support, and maintenance necessary to develop and maintain hosting environmental management systems at the Department of Port Control, including Cleveland Hopkins International Airport, Burke Lakefront Airport, and the Division of Harbors, for the purposes of this section, for a period of five years. Section 4. That the selection of the consultant, consultants, computer software developers, or vendors or firms of consultants, computer software developers or vendors made under this ordinance shall be made by the Board of Control on the nomination of the Director of Port Control from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance. Section 5. That the Director of Port Control is authorized to execute, in connection with the purchase of computer hardware under this section, one or more third-party license agreements for software required for use of that hardware, directly with a firm or firms other than the hardware vendor. Section 6. That the costs of the requirement contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. Section 7. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Port Control may sign all documents that are necessary to make the purchases, and may enter into one



or more contracts with the vendors selected through that cooperative process. Section 8. That contracts authorized under this ordinance shall be entered into between January 1, 2016 and December 31, 2021. Section 9. That the cost of any standard contract, software acquisition, or professional services contract or contracts authorized by this ordinance shall be paid from annual appropriations made for such purpose. Section 10. That the Director of Port Control shall submit an annual report to the Council President and to the Chairperson of the Transportation Committee regarding each contract let under this ordinance, including but not limited to, OEO goals or information and expiration dates for each contract. Section 11. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law. **Passed October 26, 2015. Effective October 28, 2015**