

## **ORDINANCE NO. 03-16 AC CMS**

**AN ORDINANCE DETERMINING THAT A REAL AND PRESENT EMERGENCY EXISTS IN REGARD TO THE CITY OF OBERLIN MUNICIPAL LIGHT AND POWER (OMLPS) AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MAINTENANCE UNLIMITED, INC. OF STRONGSVILLE, OHIO AND DECLARING AN EMERGENCY**

**WHEREAS, the City operates a municipal Light and Power System; and**

**WHEREAS, the City has discovered an old 10,000 gallon underground storage tank on the grounds of OMLPS which contains approximately 9,000 gallons of product; and**

**WHEREAS, the continued existence of the tank and product on the OMLPS property poses an immediate environmental threat to the City of Oberlin and its residents, and represents a real and present emergency arising in connection with said system.**

**NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:**

**SECTION 1. That the City Manager is hereby authorized and directed to enter into a contract with Maintenance Unlimited, Inc., Strongsville, Ohio, for the removal and disposal of a 10,000 gallon underground storage tank on OMLPS property and any required remediation of the surrounding land, in an amount not to exceed \$20,000.00.**

**SECTION 2. That the immediate need for said work is hereby declared a real and present emergency arising in connection with the operation of the City of Oberlin Municipal Light and Power System pursuant to Section 735.051 of the Ohio Revised Code.**

**SECTION 3. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.**

**SECTION 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of public peace, health, safety of the citizens of the City of Oberlin, Ohio, to wit:**

"to ensure the safe and efficient operation of the Oberlin Municipal  
Light and Power System",

and shall take effect immediately upon passage.

PASSED: 1<sup>st</sup> Reading – February 18, 2003 (E)  
2<sup>nd</sup> Reading –  
3<sup>rd</sup> Reading –

ATTEST:

  
\_\_\_\_\_  
CLERK OF COUNCIL

  
\_\_\_\_\_  
CHAIR OF COUNCIL

POSTED: 2/19/03

EFFECTIVE DATE: 2/19/03

**Maintenance Unlimited, Inc.**

14800 Foltz Industrial Pkwy.  
Strongsville, Ohio 44149-4725  
440-238-1162 FAX 440-238-7975



**CONSTRUCTION**

Construction and Earthwork  
Pipeline  
Concrete and Demolition  
Environmental  
Underground Utilities

January 30, 2003

VIA FACSIMILE 440-775-1546 & MAIL

City of Oberlin  
Electric Dept. Warehouse  
322 S. Main St  
Oberlin OH 44074

Attention: Steve Dupee

Re: **Proposal for Site Exploration and Removal of UST**

Dear Mr. Dupee,

In November of 2002, we received your purchase order #RG-21633 and your request to investigate a buried tank at the OMLPS Pole Yard

On January 28, 2003, MUI performed site exploration work and analytical tests to determine the location, size, and contents of the tank. A summary of our activities on that date is shown in the table below.

Also following is our proposal to remove and dispose the existing 10,000-gallon tank and approximately 9,000 gallons of product remaining in it.

**Scope of Work for Tank Removal**

1. Profile waste materials into an approved EPA disposal site
2. Pump out residual product remaining in tank (9,000 gallons)
3. Provide proper manifesting to comply with EPA and DOT regulations
4. Transport product to disposal site utilizing DOT coded Tankers
5. Purge atmospheres in order to render tank safe to cold cut.
6. Excavate and remove tank
7. Place aboveground for cleaning.
8. Cold cut two entryways into tank
9. Enter and pressure wash tank interior utilizing proper confined space protocol and equipment
10. Flush out associated piping as required
11. Pump out rinseate and residual
12. Provide proper manifesting to comply with EPA and DOT regulations
13. Transport rinseate to disposal site utilizing DOT coded Turbo Vac
14. Load and haul tank to an approved disposal yard.
15. Assuming soils are clean: Backfill excavation with compactable fill from City dump and top with #304 limestone

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- 16. Cleanup / Demobilize/ Complete and file closure report with State of Ohio BUSTR
- 17. Option: Backfill entire void with #304 limestone. .... Add: \$3,825.00

<b>Original Purchase Order Amount</b>					<b>\$5,000.00</b>
<b>Labor &amp; Equipment for Exploration</b>	<b>Unit</b>	<b>Qty</b>	<b>Rate</b>	<b>Total</b>	
Excavator	hr	8	\$135.00	\$1,080.00	
Foreman with truck	hr	8	\$52.00	\$416.00	
UST Certified Supervisor	hr	8	\$55.00	\$440.00	
Mobilization	hr	3	\$75.00	\$225.00	
Analytical tests	ea	3	\$275.00	\$825.00	
<b>Work Completed to Date - Total</b>					<b>\$2,986.00</b>
<b>Balance left on purchase order</b>					<b>\$2,014.00</b>
<b>Proposed Tank Removal</b>					
Tank removal crew - 1 day	hr	8	\$242.00	\$1,936.00	
Tank cleaning crew - 1 day	hr	8	\$325.00	\$2,600.00	
3 loads product	ea	3	\$405.00	\$1,215.00	
9000 gallon product	gal	9000	\$0.32	\$2,880.00	
State inspector	hr	8	\$70.00	\$560.00	
Permit/Closure Report/Additional Sample	ls	1	\$1,825.00	\$1,825.00	
Mobilize/Demobilize	hrs	6	\$75.00	\$450.00	
Backfill crew / final cleanup	hr	8	\$285.00	\$2,280.00	
<b>Proposed Tank Removal Cost</b>					<b>\$13,746.00</b>
<b>Additional Cost to Complete Tank Removal</b>					<b>\$11,732.00</b>

Should you have any questions, please call me at your earliest convenience.

Sincerely,

Jason B. Friscone  
Director of Operations

JBFB/br