

AGENDA ITEM NO. 1E
COUNCIL MEETING 2/3/09

APPROVED BY

DEPARTMENT DIRECTOR 

CITY MANAGER

February 3, 2009

FROM: RENE A. RAMIREZ, Director 
Department of Public Utilities

BY: ROBERT N. ANDERSEN P.E., Assistant Director 
Department of Public Utilities

SUBJECT: APPROVE THIRD AMENDMENT TO AGREEMENT WITH CAMP, DRESSER & MCKEE (CDM) IN THE AMOUNT OF \$260,000 FOR GROUNDWATER REMEDIAL ACTION SERVICES AT THE FRESNO SANITARY LANDFILL (COUNCIL DISTRICT NO. 3)

KEY RESULT AREA

Public Safety

RECOMMENDATION

Staff recommends that the City Council approve the third Amendment to Agreement with Camp, Dresser & McKee (CDM) in the amount of \$260,000.00 for Groundwater Remedial Action services for calendar year 2009 at the closed Fresno Sanitary Landfill.

EXECUTIVE SUMMARY

In June 1998, the City of Fresno entered into an agreement with the Environmental Protection Agency (EPA) to conduct the final cleanup at the Fresno Sanitary Landfill. As part of the cleanup efforts, Groundwater Testing and other work related to groundwater remediation are required.

On October 17, 2006, Council approved an Agreement with CDM for the first year with a possible two year extension for groundwater remediation and testing at the Fresno Sanitary Landfill for the calendar year 2007.

On February 26, 2008, Council approved the First Amendment to Agreement which covers the calendar year 2008 to perform monitoring, further extraction system upgrade and ongoing reporting required for landfill closure and the ongoing groundwater remediation.

On September 23, 2008, Council approved the Second Amendment to Agreement for evaluation of the differential settlement that has been occurring on the cover at the Fresno Sanitary Landfill and for an Analysis of Risk (AOR) for City-owned properties adjacent to the Fresno Sanitary Landfill.

This proposed Third Amendment to Agreement will be for the calendar year 2009 to perform monitoring, further extraction system upgrade and on going reporting of the Landfill Remediation. The Amendment to Agreement will expire on December 31, 2009.

KEY OBJECTIVE BALANCE

The project goal is to provide ongoing monitoring of the Fresno Sanitary Landfill. The testing is required by the EPA and benefits the Fresno community by keeping the contaminated groundwater plume from expanding.

BACKGROUND

In June 1998, the City of Fresno entered into an agreement with the Environmental Protection Agency (EPA) to conduct the final cleanup at the Fresno Sanitary Landfill (FSL). As part of the cleanup efforts, Groundwater testing and other work related to groundwater remediation are required. The City is currently in negotiations with USEPA to develop Restrictive Covenants that identify the various allowable land uses by the City on the Landfill property and adjacent City-owned land.

On June 26, 2000, the City of Fresno began the construction to cap the landfill, add extraction wells and monitoring wells. The construction also included groundwater extraction wells and a gas flare. Since that time, the City has been monitoring the groundwater plume using the wells in the area and wells installed on-site.

On July 13, 2006 staff sent out seven Request for Qualifications (RFQ) to firms specializing in groundwater testing and monitoring. The RFQ's we required to be delivered no later than August 1, 2006. Staff received two RFQ's and interviewed both candidates. CDM was chosen as the most qualified candidate.

On October 17, 2006, Council approved an agreement in the amount of \$370,200 with CDM for the first year with possible two year extension for groundwater remediation and testing at the Fresno Sanitary Landfill.

On February 26, 2008, Council approved the First Amendment to Agreement which covers the calendar year 2008 to perform monitoring, further extraction system upgrade and ongoing reporting of the Landfill Remediation.

On September 23, 2008, Council approved the Second Amendment to Agreement for evaluation of the differential settlement that has been occurring on the cover at the Fresno Sanitary Landfill and for an Analysis of Risk (AOR) for City-owned properties adjacent to the Fresno Sanitary Landfill.

This proposed Third Amendment to Agreement will be for the calendar year 2009 to perform monitoring, further extraction system upgrade and on going reporting of the Landfill Remediation. The Amendment to Agreement will expire on December 31, 2009.

The Amendment to Agreement has been approved as to form by the City Attorney's Office.

Staff is requesting Council approve the Third Amendment to Agreement with Camp Dresser & McKee in the amount of \$260,000 to perform monitoring, further extraction system upgrade and on going reporting of the Landfill Remediation and allow the Director of Public Utilities or his designee to sign the agreement on the City's behalf.

FISCAL IMPACT

See attached.

FISCAL IMPACT STATEMENT

PROGRAM: GM00014 - Landfill

<u>RECOMMENDATION</u>	<u>TOTAL OR CURRENT</u>	<u>ANNUALIZED COST</u>
Direct Cost	<u>\$260,000</u>	<u> </u>
Indirect Cost	<u>\$5,000</u>	<u> </u>
TOTAL COST	<u>\$265,000</u>	<u> </u>
Additional Revenue or Savings Generated	<u>-0-</u>	<u> </u>
Net City Cost	<u>\$265,000</u>	<u> </u>
Amount Budgeted (If none budgeted, Identify source)	<u>\$265,000</u>	<u> </u>

Indirect Costs consist of the following:

Project Management - \$5,000

THIRD AMENDMENT TO AGREEMENT

THIS THIRD AMENDMENT TO AGREEMENT ("Amendment") made and entered into as of this ____ day of _____, 2009, amends the Agreement heretofore entered into between the CITY OF FRESNO, a municipal corporation, hereinafter referred to as "CITY", and Camp, Dresser & McKee, a California Corporation, hereinafter referred to as "CONSULTANT".

RECITALS

WHEREAS, CITY and CONSULTANT entered into an Agreement, dated October 17, 2006, for Groundwater remedial Action services for City of Fresno Sanitary Landfill, hereinafter referred to as "Agreement;" and

WHEREAS, CITY now desires to modify the scope of work, therein, by requiring additional services.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and of the covenants, conditions, and premises hereinafter contained, to be kept and performed by the respective parties, the parties agree that the aforesaid Agreement be amended as follows:

1. CONSULTANT shall provide additional services as described in Attachment "A", attached hereto and incorporated herein by reference. Such additional services shall be completed within 365 of days following execution of this Amendment by both parties.
2. The number of consecutive calendar days set forth in Section 4 of the Agreement is amended to read "1,170."
3. CONSULTANT'S sole compensation for satisfactory performance of all services required or rendered pursuant to this Amendment shall be a total fee of \$ 260,000.00.
4. In the event of any conflict between the body of this Amendment and any Exhibit or Attachment hereto, the terms and conditions of the body of this Amendment shall control and take precedence over the terms and conditions expressed within the Exhibit or Attachment. Furthermore, any terms or conditions contained within any Exhibit or Attachment hereto which purport to modify the allocation of risk between the parties, provided for within the body of this Amendment, shall be null and void.
5. Except as otherwise provided herein, the Agreement entered into by CITY and CONSULTANT, dated October 17, 2006 remains in full force and effect.

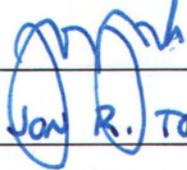
IN WITNESS WHEREOF, the parties have executed this Amendment at Fresno,

California, the day and year first above written.

CITY OF FRESNO,
a municipal corporation

Camp, Dresser & McKee,
a Massachusetts Corporation

By _____

By  _____

Name _____

Name JON R. TOYODA

Title _____

Title VICE PRESIDENT

ATTEST:

REBECCA E. KLISCH
City Clerk

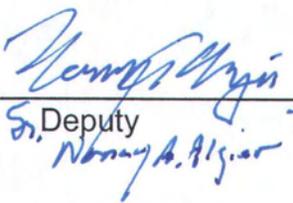
By: _____
Deputy

APPROVED AS TO FORM:
JAMES C. SANCHEZ
City Attorney

REVIEWED BY:



Robert N. Andersen
Assistant Director of DPU

By:  1-13-09
Deputy Date
Nancy A. Aljar

Attachment:

Exhibit "A" – Fresno Sanitary Landfill Groundwater Remedial Action
Year 3 Scope of Work and Budget (2009)

Exhibit "A"

Year 3 Scope of Work and Budget (2009)

Fresno Sanitary Landfill (Operable Unit 2)

Groundwater Remedial Action

Introduction

Provided below are descriptions of work tasks to be performed by Camp Dresser & McKee (CDM) on behalf of the City of Fresno (City) as part of the ongoing operations of the groundwater remediation system (Operable Unit No. 2) at the Fresno Sanitary Landfill (FSL). This work is being performed as an element of the formal closure of the FSL Superfund Site under the oversight of the U.S. Environmental Protection Agency (USEPA).

This scope of work presented below reflects work to be performed during Year 3 of a 3-year contract between the City and CDM. During the 3-year period of this contract, budgets were developed on an annual basis. The work tasks described below cover the period January through December 2009. Work on the project is defined in terms of 6 project tasks consistent with work performed under previous contracts between the City and CDM:

- Task 1 - Groundwater Extraction System Upgrade
- Task 2 - Groundwater Monitoring Program
- Task 3 - Groundwater Remedial Action Operations Assistance
- Task 4 - Performance Monitoring Program Reporting
- Task 5 - Project Reports
- Task 6 - Project Management/Project Meetings

The Table 1 consists of a summary of the estimated costs for this scope of work. The total cost for this work is \$260,000.

Task 1 - Groundwater Extraction System Upgrade

During 2008, construction of the Phase 2 Groundwater Remedial Action was completed. The remaining Task 1 activity consists of services during system start-up and oversight during performance testing. The requirements for system start-up and performance testing are defined in the technical specifications, including functional acceptance testing (which will occur prior to formal system start-up) and the 5-day performance testing. CDM will provide guidance during planning of these two stages of system testing as part of the overall system acceptance, including review of Contractor submittals and guidance regarding system reports (weekly and semi-

annual extraction well reports and groundwater treatment system reports). A CDM engineer will be present to observe the functional acceptance testing (FAT). The objective of the FAT is to perform loop-specific tests to ensure that the entire installed system functions as designed. After completion of the FAT, the Contractor is responsible for operation of the entire system for a period of 5 days. CDM will provide an engineer, as requested by the City. This effort is estimated at 80 hours.

Task 2 – Groundwater Monitoring Program

City personnel have assumed primary responsibility for performing the quarterly field sampling activities, including making arrangements with the analytical laboratory (analyses, sampling containers, delivery of sampling containers to the site) and sample collection from the groundwater monitoring wells and the groundwater treatment plant (GTP) influent and effluent lines.

Quarterly sampling events are scheduled to be performed in January, April, and July, and October 2009. As part of this Task 2 CDM will be responsible for the following activities:

- Consult with the City field crew during field sampling events to be performed in January, July, and October 2009. This effort is estimated at 10 hours per quarterly sampling event.
- Participate in the April 2009 water level measurement, groundwater sampling, and GTP influent and effluent sampling activities. The objective of this annual effort will be to ensure consistency with procedures defined in the *Performance Monitoring Program, Operable Unit 2*, dated November 30, 2000, prepared by CDM. CDM assistance during the April 2009 sampling event is estimated at 50 hours.
- Provide assessment of the monitoring program on a quarterly basis. Following each monitoring event, CDM staff will review field and analytical data, assess data quality, and begin compilation of data to facilitate annual reporting efforts. This effort is estimated at 15 hours.

The estimated budgeted for this task includes sampling equipment and supplies, travel expenses, and per diem. The budget for this task does not include analytical laboratory charges for the groundwater monitoring program. Analysis of organic constituents will be performed by an analytical laboratory under contract directly with the City. Analysis of inorganic constituents will be performed by the City of Fresno Wastewater Division Analytical Laboratory, the cost of which will be billed directly to the City.

Task 3 – Groundwater Remedial Action Operations Assistance

Task 3 consists of providing assistance to City staff in ongoing operations and maintenance of the groundwater treatment system. This is an as-needed services task and will consist of on-site and office activities necessary to maintain effective

operation of the groundwater collection and treatment system. This task includes the following activities:

- Operations Assistance – Consistent with activities performed during the Year 1 activities, CDM staff will travel to the site on a periodic basis to assist City staff in optimizing operations of the groundwater treatment system (including extraction pump operations, GTP operations, and monitoring of instrumentation and controls). CDM staff will also be available on an as-needed basis to respond to requests for assistance from City staff to address GTP operational problems or to respond to questions regarding technical or regulatory issues. The cost estimate assumes 20 labor hours per quarter by CDM staff.
- Monitoring Program Optimization – Based on the Long Term Monitoring Optimization Plan (Plan) prepared during 2007, CDM will perform an evaluation of the wells included in the Performance Monitoring Program and will make recommendations in accordance with the criteria defined in the Plan. This evaluation will be completed following the April performance monitoring round. The results of this evaluation will be documented in a memorandum for submittal to USEPA. This effort is estimated at 35 hours.
- Annual Evaluation of Well Performance – CDM will perform an evaluation of the performance of each well on an annual basis. The evaluation will consist of specific capacity (pumping rate per foot of drawdown) determination for each well and a comparison to historical performance. This effort is estimated at 40 hours.
- Well Rehabilitation – Based on data generated as part of the well performance evaluation, a recommendation will be made regarding the need for well rehabilitation. Under this task, CDM will provide oversight during the well rehabilitation activities and prepare a brief memorandum to document the well rehabilitation work. CDM will assist City staff in identifying a drilling subcontractor who is capable of performing mechanical and chemical well rehabilitation activities. It is assumed that the drilling subcontractor will direct bill to the City on this task. This cost estimate assumes ten work days on-site plus per diem and travel expenses.
- Restrictive Covenant – The City is currently in the process of working with the USEPA in the development of language that will govern future uses of the landfill property and the regional park properties adjacent to the landfill. CDM will provide support to the City, as requested, in the City's efforts on this matter. Work may include preparation of figures, evaluation of language, or development of pumping rate evaluations. This task will be performed on an as-needed basis (cost estimate assumes 60 hours).
- As-Needed Site Services – The cost includes funds for tasks that cannot specifically be identified at this time. The City will formally request that CDM perform these tasks prior to initiating work. The budget assumes a sum of \$15,000 for this as-

needed services task. These currently undefined tasks may include, but are not limited to, the following:

- Develop an estimate of future costs associated with GTP operations under various operational scenarios.
- Collect supplemental samples from the groundwater monitoring wells or the GTP.
- Respond to requests for information from the USEPA, or other regulatory agencies involved in oversight of the FSL.

Task 4 – Performance Monitoring Program Reporting

This task will consist of data compilation, data evaluation, and reporting associated with the Annual Performance Monitoring Program Report. An annual report will be prepared for submittal to USEPA in July 2009 (documentation of sampling activities performed during July and October 2008 and January and April 2009). The annual reports will be consistent in content and format with the initial annual performance monitoring report, dated July 2008. Report preparation will include:

- Compilation of quarterly monitoring data (field and analytical laboratory data) and groundwater treatment plant operational data.
- Preparation of data summary tables and graphics. Data summary tables shall include groundwater extraction well operational data, groundwater treatment unit performance monitoring data, VOC mass removal, groundwater level measurements, head differential measurements (well clusters), VOC analytical data, inorganic constituent data, and quality control data. Graphics shall include groundwater level contours for each monitoring round, concentration contours for selected VOC constituents, and VOC concentration trend plots.
- Preparation of draft annual data summary report with data interpretation for review by City staff. Incorporate revisions from City staff and prepare final report for submittal to the USEPA.

Based on the proposed modifications to the Performance Monitoring Program (approved by USEPA during 2007), we will also prepare an interim transmittal of monitoring data to USEPA during January 2009. The data transfer will reflect analytical data collected during the July and October monitoring rounds and will consist of data summary tables.

Task 5 – Project Reports

Task 5 activities will include preparation of a comment/response document to USEPA technical review comments on various project submittals and preparation of the Phase 2 Groundwater Remedial Action Evaluation Report (Phase 2 Evaluation Report).

- Response to USEPA Technical Review – This task includes developing comment/response documents in response to technical review comments provided by USEPA on project submittals. The cost assumes a total of 60 labor hours during the period January through December 2009 for preparing formal responses to USEPA technical review comments. This effort is estimated at 60 hours.
- Phase 2 Evaluation Report – Effort on this subtask will include groundwater modeling. The objective of the report will be to assess effectiveness of the Phase 2 Groundwater Remedial Action (RA). Based on analysis performed as part of the Phase 1 evaluation, recommendations will be made to refine the existing Phase 1 extraction and treatment system or to proceed to the next phase of groundwater remedial action. This report will be organized similarly to the *Final Phase 1 Groundwater Remedial Action Evaluation Report #2*, dated March 15, 2007. The performance assessment will be based on the Capture Zone Analysis Guidance available from USEPA. Elements to be included in the report will include:
 - Groundwater Treatment Plant Performance
 - Extraction System Effectiveness
 - Performance Monitoring Data Analysis
 - Capture Zone Analysis Modeling
 - Uncertainty Evaluation

As part of the budget for this task, CDM will perform supplemental groundwater modeling, as requested by USEPA as part of their technical review comments. The groundwater modeling analyses have been undertaken to evaluate the degree of hydraulic control along the western perimeter of the landfill in each of the aquifer zones and to assess the influence of the other hydraulic influences in the vicinity of the FSL.

- Remedial Action Report – This report will serve to document the Phase 2 Groundwater Remedial Action construction. The report will be organized consistent with the *Interim Remedial Action Report*, dated May 16, 2003, which had been prepared following completion of the Phase 1 Groundwater Remedial Action. The report will be prepared in accordance with EPA OSWWER Directive 9320.1-09A. This report will consist of multiple volumes, which will include the following elements:
 - Well Boring Logs.
 - As-Built Drawings.
 - Compliance Testing QA/QC Records (from functional acceptance testing and performance testing).

Task 6 –Project Management/Project Meetings

This task includes project management activities during the year contract period 2008/2009, including staff oversight, preparation of monthly project schedule updates, preparation of quarterly project status reports, budget management, and coordination with City staff on budget and scope of work development. The cost estimate reflects participation in 4 project status meetings to be held during the period January through December 2009. The cost estimate assumes that CDM staff from the CDM Denver, Colorado office will participate in 1 project status meeting, with travel and per diem expenses included in the cost estimate.

Schedule

The scope of work and budget presented above reflects project duration from January through December 2009.

Cost Estimate

The cost for the work described above is \$260,000. A cost breakdown is provided on Table 1, *Year 3 (2009) Cost Estimate, Fresno Sanitary Landfill (Operable Unit 2), Groundwater Remedial Action*. This cost estimate constitutes the budget for Year 3 of the 3-year agreement between the City and CDM.

Table 1
Year 3 (2009) Cost Estimate
Fresno Sanitary Landfill (Operable Unit 2)
Groundwater Remedial Action

Task Description		Budget
Task 1	Groundwater Extraction System Upgrade Start-up/Performance Testing	\$12,000 \$12,000
Task 2	Groundwater Monitoring Program Quarter 1 -- 2009 (January) Quarter 2 -- 2009 (April) Quarter 3 -- 2009 (July) Quarter 4 -- 2009 (October) Ongoing Monitoring Program Assessment	\$17,000 \$1,500 \$6,500 \$1,500 \$1,500 \$6,000
Task 3	Groundwater Remedial Action Operations Assistance Operations Assistance -- through December 2009 Annual Evaluation of Well Performance Well Rehabilitation Activities (includes brief memorandum) Monitoring Program Optimization Institutional Controls/Restrictive Covenants (as-needed services) As-Needed Site Activities	\$76,000 \$14,000 \$6,000 \$25,000 \$6,000 \$10,000 \$15,000
Task 4	Performance Monitoring Program Reporting Annual Report (submittal date: July 2009) Regulatory Data Transfer	\$31,000 \$25,000 \$6,000
Task 5	Project Reports Phase 2 Evaluation Report Groundwater Modeling (associated with Phase 2 Evaluation Report) Remedial Action Report Respond to USEPA comments	\$86,000 \$36,000 \$25,000 \$15,000 \$10,000
Task 6	Project Management/Project Meetings Project Management -- through December 2009 Project Meetings -- through December 2009	\$38,000 \$26,000 \$12,000
TOTALS		\$260,000