



Legislation Details (With Text)

**File #:** ID 23-440      **Version:** 1      **Name:**

**Type:** Action Item      **Status:** Passed

**File created:** 3/9/2023      **In control:** City Council

**On agenda:** 3/30/2023      **Final action:** 3/30/2023

**Title:** Approve Second Amendment to the consultant services agreement with CDM Smith, Inc., to expand the scope of services and increase the contract amount by \$85,200 for to a total amount of \$745,650, for groundwater investigation and remedial action at the City of Fresno Sanitary Landfill (Council District 3)

**Sponsors:** Department of Public Utilities

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment 1 - Second Amendment to Agreement.pdf, 2. Attachment 2 - First Amendment.pdf, 3. Attachment 3 – Consultant Service Agreement with CDM Smith Inc.pdf

| Date      | Ver. | Action By    | Action  | Result |
|-----------|------|--------------|---------|--------|
| 3/30/2023 | 1    | City Council | ADOPTED | Pass   |

**REPORT TO THE CITY COUNCIL**

**FROM:** BROCK D. BUCHE, PE, PLS, Director  
Department of Public Utilities

**BY:** AHMAD ALKHAYYAT, PE, MBA, Assistant Director  
Department of Public Utilities - Solid Waste Management Division

**SUBJECT**

Approve Second Amendment to the consultant services agreement with CDM Smith, Inc., to expand the scope of services and increase the contract amount by \$85,200 for to a total amount of \$745,650, for groundwater investigation and remedial action at the City of Fresno Sanitary Landfill (Council District 3)

**RECOMMENDATION**

Staff recommends that the City Council approve the Second Amendment to the consultant services agreement (Agreement) with CDM Smith, Inc. (CDM), to expand the scope of services and increase the original contract amount of \$660,450 by \$85,200 for the total amount of \$745,650, for groundwater investigation and remedial action at the City of Fresno Sanitary Landfill (FSL), and authorize the Director of Public Utilities or designee to sign the Second Amendment on behalf of the City of Fresno.

**EXECUTIVE SUMMARY**

Ongoing investigative studies at the FSL require a second round of vapor intrusion sampling. The

intent is to evaluate whether there are seasonal variations of Volatile Organic Compounds (VOC) constituent concentrations and to assess the risk to human health in compliance with United States Environmental Protection Agency (EPA). On December 20, 2022, Council approved the First Amendment to Agreement, which covers the calendar year 2023 to perform monitoring program, system operations assistance, ongoing reporting required for the FSL and the ongoing groundwater remediation. The Second Amendment to the Agreement with CDM expands scope and fee to perform the second round of vapor intrusion sampling. Council approval of this Second Amendment should not be delayed. The due date required by EPA to complete this task is March 31, 2023.

## **BACKGROUND**

Since 1998 the City has undertaken ongoing cleanup of the FSL as required by its agreement with the EPA, with the goal of the FSL being removed from the National Priorities List (NPL). The cleanup entails operation and maintenance activities at the groundwater extraction and treatment facility, groundwater monitoring and reporting to EPA, and allocating adequate funds to finance groundwater remedial actions and maintenance of the FSL during the delisting process. The City is currently evaluating the final phase (Phase 3) which added additional monitoring and extraction wells to demonstrate enough pollutant removal for delisting of the FSL.

On June 26, 2000, the City began constructing a Landfill Cap and installing extraction and monitoring wells. The construction included a groundwater treatment facility and a landfill gas flare. Since that time, the City has monitored the groundwater plume using the monitoring wells in the area and wells installed on-site.

On September 29, 2011, Council approved an agreement with CDM for monitoring and testing the FSL for groundwater contaminants, specifically, VOC; and performance monitoring and reporting to EPA of the remediation system treating those contaminants. The agreement with its various extensions ended December 31, 2015.

On March 11, 2016, Council approved a four-year agreement with CDM in the amount of \$781,120 with three one-year extension options for monitoring and evaluation of the progress to remove the FSL from the NPL. Two of the three one-year extension options were exercised with the agreement expiring on December 31, 2021.

On February 1, 2022, Council awarded a consultant service agreement to CDM based on a uniquely qualified finding determination dated January 27, 2022, based on their experience, knowledge of the FSL, ongoing efforts toward groundwater monitoring, remedial action services and overall regrading and rehabilitation. This agreement allowed CDM to continue groundwater monitoring and remedial action services until December 31, 2022, and to finalize designs for the regrading and rehabilitation for the FSL. The cost for these efforts is \$429,850.

During the week of October 3, 2022, CDM conducted the first round of vapor intrusion investigation activities with EPA and their oversight consultant Aptim Environmental. Sampling results were submitted and reviewed by EPA and discussed during the technical and informational exchange meetings. Regulatory agency commented that a one-time data set may not be sufficient, seasonal variation should be considered thus requiring a second round of vapor intrusion sampling.

On December 15, 2022, Council approved the First Amendment and extended the Agreement to December 31, 2023. The Agreement includes Phase 1 design of the FSL regrading and rehabilitation

project. CDM is the engineer-of-record, and their involvement is essential during the construction phase of this project which should commence during the summer months of 2023. The First Amendment allows CDM to continue groundwater monitoring and remedial action services until December 31, 2023. The cost for these efforts is \$230,600. The First Amendment to Agreement covers the calendar year 2023 to perform the monitoring program, system operations assistance, ongoing reporting required for landfill, and the ongoing groundwater remediation.

Staff is recommending approval of this Second Amendment to Agreement with CDM to continue a second round of vapor intrusion sampling. The intent is to evaluate whether there are seasonal variations of VOC constituent concentrations in compliance with EPA requirements. The Second Amendment will allow CDM to perform the needed second round of sampling as required by the EPA. The cost for these efforts is \$85,200 adjusting the Agreement amount to \$745,650. City Attorney has reviewed this Second Amendment and approved to form.

## **ENVIRONMENTAL FINDINGS**

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378, the award of this consultant services agreement amendment does not qualify as a “project” for the purposes of CEQA.

## **LOCAL PREFERENCE**

Local preference does not apply to this action because this is an amendment to an existing agreement.

## **FISCAL IMPACT**

The cost of this Second Amendment to the Agreement with CDM will be funded equally by the Landfill Enterprise Fund and General Fund. The additional cost of \$85,200 is covered in the FY 2023 budget.

### **Attachments:**

Attachment 1 - Second Amendment

Attachment 2 - First Amendment

Attachment 3 - Consultant Services Agreement