



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** January 18, 2022  
**TO:** Christine Daniel, Executive Director  
**FROM:** Andrea Visveshwara, Interim General Counsel  
**SUBJECT:** Resolution Of The City Council Of The City Of Emeryville As Successor Agency To The Emeryville Redevelopment Agency Authorizing the Executive Director To Enter Into A Third Amendment to the Professional Services Contract with EKI Environment and Water, Increasing The Contract Amount By \$100,000 To An Amount Not To Exceed \$957,000 For Implementation of The Groundwater Monitoring Program Required Pursuant To The Environmental Risk Management Plan For The South Bayfront Project (Bay Street Project – Site A) And Extending The Term To June 30, 2023

### RECOMMENDATION

Staff recommends the Successor Agency to the Emeryville Redevelopment Agency (“Successor Agency”) approve the above-entitled resolution authorizing the Executive Director to enter into a Third Amendment to the Professional Services Contract (“PSC”) with EKI Environment & Water, Inc. (“EKI”) for an amount not to exceed \$100,000, for the ROPS 22-23 period, to provide environmental engineering services at the South Bayfront Project (Bay Street Project Site A), as required by the Environmental Risk Management Plan for the site, for a total contract amount of \$957,000.

### BACKGROUND

In 1999, the California Environmental Protection Agency, Department of Toxic Substances Control (DTSC), approved the final Remedial Action Plan (RAP) prepared by the Emeryville Redevelopment Agency (Agency) for that portion of the South Bayfront Project site comprised of properties known as McKinley, Sepulveda, Elementis, Portions or Shellmound I and II, and the old Shellmound Street right-of-way. Subsequent to the approval of the final RAP, the Agency prepared an Environmental Risk Management Plan (RMP) for the South Bayfront Project site described above, as well as for the property known as the Warburton (Myers Drum) site, consistent with the requirements of the final RAP. The RMP was approved by the Department of Toxic Substances Control (DTSC) on July 26, 2000. The approved final RAP and RMP required the implementation of a multi-year groundwater and surface water monitoring program (the "RMP Monitoring Program") on the area now known as the "Bay Street Project

The RMP Monitoring Program approved by DTSC required the installation of 17 groundwater monitoring wells located both north and south of Temescal Creek,

two temporary groundwater monitoring wells, surveying of all sampling locations, quarterly sampling at all well locations, and preparation and submittal of a quarterly monitoring report of the sampling results. The Emeryville Redevelopment Agency approved a professional services agreement between the Agency and the firm of Eler & Kalinowski, Inc. (now known as EKI Environment & Water) effective as of March 31, 2003, in an amount not to exceed \$165,000.00, to provide the services required by the RMP Monitoring Program. That contract was amended on April 20, 2004, and again on October 4, 2011, resulting in a total not to exceed amount of \$857,000. The 2011 amendment also extended the term of the Contract to December 31, 2022.

## **DISCUSSION**

Since the last contract amendment for this project in 2011, redevelopment agencies were dissolved by the state in 2012. Funding for continuing enforceable obligations of former redevelopment agencies is now subject to the oversight of the state Department of Finance (DOF) through the annual Recognized Obligation Payment Schedule (ROPS) process. The DTSC continues to require groundwater monitoring for Site A consistent with the RMP described above. Accordingly, as the current contract will expire in December 2022, this report recommends an amendment to the contract to extend the term through June 2023, aligning with the 2022-2023 ROPS cycle. EKI proposes to undertake the following tasks on Site A as part of this contract amendment.

### **Task 1 – Conduct Annual Groundwater Monitoring**

This task includes budget for groundwater monitoring on an annual basis in accordance with the DTSC-approved RMP. Specific tasks include pre- and post- field preparation, water level monitoring, coordinating water level monitoring schedules with Arcadis such that Site A groundwater monitoring level measurements occurs at approximately the same time as Site B, Myers Drum, and Sherwin Williams wells, and collecting and analyzing groundwater and water samples for VOCs, arsenic, total sulfide, and management of investigation derived waste.

### **Task 2 – Prepare Annual Groundwater Monitoring Reports**

This task includes budget for preparing one annual groundwater monitoring report. The report will include: (1) background information including Site geology and hydrogeology and a description of the Site A groundwater well network, (2) sampling methods and procedures used during the groundwater monitoring event, (3) a summary of the results of the annual groundwater monitoring event, and (4) conclusions and recommendations. A draft report will be submitted for review by the Successor Agency. After receipt of any comments, a draft report will be submitted to the DTSC for review. After receipt of any comments from DTSC, a final report will be submitted to the DTSC.

### **Task 3 – General Environmental Project Management Services**

This task includes project management services and ongoing technical and legal support services

## **FISCAL IMPACT**

EKI has proposed a budget of \$100,000 for the above activities during the ROPS 22-23 period. This EKI PSC amendment will be funded in part from ROPS 22-23, which is subject to approval by the Oversight Board and the DOF.

**STAFF COMMUNICATION WITH THE PUBLIC** None.

## **CONCLUSION**

Staff recommends the Successor Agency approve the Third Amendment to the PSC with EKI for environmental engineering services at South Bayfront Site A for the period of July 1, 2022 – June 30, 2023, and subject to approval of this item on ROPS 22-23 by the Oversight Board and DOF.

**PREPARED BY:** Andrea Visveshwara, Interim General Counsel

**APPROVED AND FORWARDED TO THE  
CITY COUNCIL OF THE CITY OF EMERYVILLE AS SUCCESSOR AGENCY TO THE  
EMERYVILLE REDEVELOPMENT AGENCY:**



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Christine Daniel, Executive Director

## **ATTACHMENTS**

- PSC 2<sup>nd</sup> Amendment
- Draft Resolution
  - Exhibit A – Third Amendment to PSC with EKI & EKI Proposal dated 17 December 2021