

July 14, 2009

Anthony Scirocco, Commissioner
Department of Public Works
City of Saratoga Springs
5 Lake Avenue
Saratoga Springs, New York

Re: Modification to Engineering Agreement for Supplemental Services
Implementation of the Corrective Action Plan
City of Saratoga Springs Public Works Garage and Compost Facility
File: 539.020.001

Dear Commissioner Scirocco:

Barton & Loguidice, P.C., (B&L) hereby offers this modification to our original Agreement for Engineering Services, which was executed by the City Council on March 17, 2009 and subsequently signed by Commissioner Ivins (on behalf of Mayor Johnson) on March 20, 2009. The purpose of the modified agreement is to provide B&L with authorization to perform supplemental environmental engineering services at the Compost Facility and Public Works Garage in order to satisfy the requirements of the February 6, 2009 Consent Order entered into between the City of Saratoga Springs and New York State Department of Environmental Conservation (NYSDEC). Specifically, based upon the completion of the Scope of Services presented in our February 26, 2009 Proposal, B&L has identified specific corrective action items that must be implemented by the City at both the Compost Facility and the Public Works Garage in order to maintain compliance with applicable NYSDEC regulatory requirements. The corrective action items were developed by B&L based upon the initial preparation of a Corrective Action Plan (CAP) for each facility, and the subsequent performance of an in-depth Environmental Compliance Audit at each site. While the identification of specific corrective action items at each facility were included in our original Scope of Services, the engineering services required to modify current operational procedures and/or existing infrastructure in order to fully comply with the applicable NYSDEC regulations was not included.

To date, B&L has completed the following tasks that were included in our original Scope of Services:

- 1) Preparation of a Draft Corrective Action Plan dated April 6, 2009 that was sent to the NYSDEC for review and approval;
- 2) Preparation of an Environmental Benefit Project (EBP) Proposal dated April 6, 2009 that was submitted to the NYSDEC for review and approval;
- 3) Performance of separate Environmental Compliance Audits of the Compost Facility and Public Works Garage on June 3, 2009;
- 4) Preparation of individual Environmental Compliance Audit Reports (one for each facility) dated July 2009 that were submitted to the NYSDEC for review and approval;
- 5) Preparation of daily inspection logs and record-keeping forms for use at the Compost Facility.

In addition, B&L has performed the following supplemental services at the request of Commissioner Scirocco:





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- 1) B&L successfully petitioned the NYSDEC to allow the City to sell compost to City residents and private contractors;
- 2) B&L expanded the scope of the Environmental Compliance Audit performed at the Public Works Garage to include the inspection of RCRA Waste Handling and Management practices and Air Compliance;
- 3) B&L attended numerous meetings to discuss the findings of the Environmental Compliance Audits, and also accompanied Commissioner Scirocco on a site visit to the Compost Facility to field inspect material storage violations and operational deficiencies;
- 4) B&L corresponded with the NYSDEC regarding the handling of two (2) small petroleum spills that occurred at the Public Works Garage on June 4, 2009;
- 5) B&L is in the process of identifying a cost effective method by which to dispose of the "overs" pile at the Compost Facility; and
- 6) B&L has prepared a list of tasks and associated cost estimates for the design and implementation of two (2) training programs based on the NYSDEC's denial of the original EBP proposal. Specifically one training program focuses on the Operation and Management of a municipal Yard Waste Composting Facility, while the second training program focuses on the Operation and Maintenance of municipal Highway Garage Facility, specifically with respect to Petroleum Bulk Storage issues.

As previously noted, the engineering design services required to modify existing operational procedures and/or existing infrastructure in order to fully comply with the applicable NYSDEC regulations was not included in our original Scope of Services dated February 26, 2009. Therefore, in order to insure the successful completion and implementation of the specific action items listed in the Draft CAP for the Public Works Garage and Compost Facility, B&L will provide the City DPW staff with as-needed environmental engineering and consulting services throughout the completion of the project. Based on the specific violations observed by NYSDEC staff during their April 25, 2007 site inspection (as cited by Mr. Ben Conlon of the NYSDEC in his October 3, 2008 memo), B&L anticipates that the NYSDEC will require the City to satisfactorily address and implement the following proposed corrective action items. However, because the Department has yet to comment on the Draft CAP, it is possible that certain action items listed below will need to be modified and/or new action items added to the list.

- 1) Development and implementation of revised daily operational procedures at the Compost Facility in order to comply with 6 NYCRR Part 360-5 Regulations;
- 2) Development and implementation of a Compost Facility Training Program for DPW staff;
- 3) Preliminary development of a public awareness and outreach program regarding the types of yard waste that may be disposed of at the Compost Facility;
- 4) Performance of a limit of waste investigation of the two unauthorized waste areas at the Compost Facility;
- 5) Preparation and implementation of a Remedial Action Plan that addresses the findings of the above referenced limit of waste investigations;





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- 6) Development and implementation of a revised Mining Reclamation Plan to address the formerly closed sand and gravel mine at the Compost Facility;
- 7) Preparation of a State Pollutant Discharge Elimination System (SPDES) Permit Operations and Maintenance Manual that describes the procedures to be followed in the collection of quarterly surface water samples from the two storm water retention basins;
- 8) Preparation of a Spill Prevention Control and Countermeasure (SPCC) Plan for use at the DPW Garage in the event of a future (if any) petroleum spills;
- 9) Development and implementation of a training program to educate DPW staff on the proper clean-up and reporting of future (if any) petroleum spills at the DPW Garage;
- 10) Develop a Standard Operating and Maintenance Procedure to address routine operation and maintenance of the recently installed oil/water separator system;
- 11) Provide necessary engineering design and site remediation services (if required) to address the two petroleum spills that were reported to the NYSDEC on June 4, 2009 and June 5, 2009, respectively.

FEE FOR SERVICES

B&L proposes to provide the Supplemental Scope of Services outlined above in accordance with our actual time and expense applied to the project based on our 2009 Schedule A Billing Rates (copy attached). Based upon our current understanding and knowledge of the daily operational procedures and site conditions at both the Public Works Garage and Compost Facility, B&L has developed a preliminary budget estimate to complete the above described Scope of Services. The preliminary budget estimate for the completion of the above described tasks is \$57,925.00. A per task breakdown of the preliminary budget estimate is presented below:

1. Revised Operational Procedures - Compost Facility:	\$ 6,875.00
2. Training Program for DPW Staff – Compost Facility:	\$ 4,000.00
3. Preliminary Development of a Public Awareness Program:	\$ 1,810.00
4. Limit of Waste Investigation (Two separate areas):	\$ 5,165.00
5. Unauthorized Waste Remedial Action Plan:	\$ 4,850.00
6. Revised Mining Reclamation Plan:	\$ 3,285.00
7. SPDES Permit O&M Manual – Compost Facility:	\$ 2,815.00
8. SPCC Plan – DPW Garage:	\$ 4,695.00
9. Training Program for DPW Staff – DPW Garage:	\$ 5,715.00
10. Operation & Maintenance SOP – Oil/Water Separator System:	\$ 2,325.00
11. Investigate/Remediate Two Recent Oil Spills - DPW Garage:	\$10,150.00
12. Meetings with City Council, NYSDEC, Legal Counsel, etc.:	<u>\$ 6,240.00</u>

Preliminary Budget Estimate: \$57,925.00

All subcontracted services will be invoiced at cost plus ten percent (10%). If our attendance at additional site visits and/or meetings is required, or additional services are requested beyond the





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Supplemental Services described herein, those services will be based on a time and expense basis in accordance with our scheduled rates.

If this proposal for Supplemental Services meets with your approval, please authorize below and return one original agreement to us for our records. We look forward to being of continued service to the City of Saratoga Springs on this project. Please feel free to contact Stephen Le Fevre at (518) 218-1801 if you have any questions regarding this proposal.

Very truly yours,
 BARTON & LOGUIDICE, P.C.

Scott D. Nostrand, P.E.
 Sr. Vice President

Stephen B. Le Fevre, P.G., C.P.G.
 Managing Hydrogeologist

SBL/ojf

AUTHORIZATION

Barton & Loguidice, P.C., is hereby authorized to provide the Supplemental Services described herein in accordance with the terms and conditions described in the Agreement for Engineering Services executed on March 20, 2009 between the City of Saratoga Springs and Barton & Loguidice, P.C. for this project.

Signature

OCTOBER 13, 2009
 Date

PER COUNCIL APP. 10/6/09



Agreement Addendum One Between City of Saratoga Springs, NY and Barton & Loguidice, P.C.

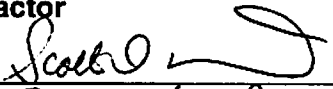
This Addendum, between **Barton & Loguidice**, with offices at **2 Corporate Plaza, 264 Washington Ave Extension, Albany, NY 12203** ("Contractor") and the **City of Saratoga Springs** ("City"), 474 Broadway, Saratoga Springs, NY 12866 entered into between the above referenced parties on the effective date of **September 1, 2009** is hereby added to the original Agreement of March 16, 2009.

Services Provided: Contractor will provide professional services as described in the engineering proposal titled **"Modification to Engineering Agreement for Supplemental Services Implementation of the Corrective Action Plan City of Saratoga Springs Public Works Garage and Compost Facility"** dated July 14, 2009 for a total of \$57,925, a copy of which is hereto attached. The Contractor represents that the company providing this service is qualified to perform the type and scope of work to be done.


All other terms and conditions of the original Agreement remain the same.

The parties, having agreed to the terms and the recitals set forth herein, and in relying thereon, herein sign this Agreement.

Contractor

By: 
Title: Senior Vice President
Date: 10-2-09

City

By: 
Title: MAYOR
Date: October 9, 2009

Per city council approval 10/6/09