



Office of the City Manager

CONSENT CALENDAR  
May 14, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Terrance Davis, Director of Public Works

Subject: Contract No. 32300096 Amendment: SCS Engineers for Landfill Post-Closure Maintenance and Monitoring Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300096 with SCS Engineers for maintenance, monitoring, and compliance services related to the closed landfill, increasing the contract amount by \$1,530,000 for a total not to exceed amount of \$2,244,022.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this amendment of \$600,000 is available in FY 2024 in the Zero Waste Fund (601). An additional \$930,000 is subject to appropriation in FY 2025 from the Zero Waste Fund (601).

CURRENT SITUATION AND ITS EFFECTS

The City relies on the resources and expertise of qualified consultants to maintain the landfill gas collection and flare system at Cesar Chavez Park and to monitor surface and subsurface conditions at the landfill in compliance with regulatory agencies.

The current contract with SCS Engineers (SCS) for landfill post-closure maintenance, monitoring, and compliance services was authorized by the Council on September 20, 2022, by Resolution No. 70,532-N.S. This contract covers services for the period of January 1, 2023, to June 30, 2026, in an amount not to exceed \$714,022.

From January 1, 2023, to December 31, 2023, task orders for services have been authorized to SCS for approximately 98% of the total approved contract amount. The expedited contract spending was triggered by notices of violation issued by the Bay Area Quality Management District Board ("Air District") to the City; preparations for a variance request to the Air District for these violations; and a subsequent hearing with the Air District Hearing Board. Following hearings on January 23, 2024, and February 6, 2024, the Air District denied the City's variance request and issued an Abatement Order. The order mandates compliance actions and conditions beyond routine monitoring and maintenance activities, and these actions are estimated to require \$1,530,000 in additional funding over the next two years

In order to be compliant with the timeline included in the Abatement Order and the City's permit to operate the closed landfill, staff proposes amending the contract for SCS to increase expenditure authority. If this contract is not amended, the City cannot comply with mandatory regulations.

The services provided by the SCS contract support the Strategic Plan goal of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

### BACKGROUND

Cesar Chavez Park (previously known as North Waterfront Park) is located at the Berkeley Marina on the former ninety-acre Berkeley Landfill site. The Park has been open to the public for recreational use since 1991. The Bay Area Air Quality Management District ("Air District") issued the City of Berkeley an operations permit for a Landfill Post Closure Monitoring and Maintenance Program to monitor and maintain the landfill gas collection system, groundwater wells, leachate wells, and other surface and subsurface conditions in accordance with Air District, CalRecycle, and State Regional Water Quality Control Board regulations. Landfill post-closure compliance services will be required for forty to fifty years before the site can be permanently closed.

Beginning on November 22, 2021, the Air District issued a series of Notices of Violations ("NOVs") related to non-compliant operation of the landfill gas collection system. Due to these NOVs and the City's efforts to seek regular variance for the permitted landfill operations, a hearing with the Air District Hearing Board ("Hearing Board") was requested. Following the hearings, which were held on January 23, 2024, and February 6, 2024, the Hearing Board voted to deny the request for variance and issued an abatement order, which requires the City to take a series of compliance actions to bring the closed landfill to full compliance. Actions include but are not limited to the location of missing gas collection wells; additional monitoring, testing, and repairs of various elements of the gas collection system; planning and implementation of a drone survey to detect landfill gas leaks; and the development and implementation of a process to fingerprint landfill gas to facilitate tracing of any gas seeping offsite from the landfill area.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

To ensure public safety, the retention of SCS for ongoing landfill post-closure engineering services guarantees that any greenhouse gases naturally emitted from Cesar Chavez Park are properly captured and incinerated, preventing their release into the atmosphere. Additionally, SCS can offer the necessary expertise and resources to assess whether the landfill's gas emissions necessitate continuous flare operation.

### RATIONALE FOR RECOMMENDATION

The services requested are required to comply with the landfill post-closure operations permit and the recently issued Abatement Order. The City does not have the in-house expertise or resources to fulfill these obligations. If this contract is not amended, the City cannot comply with mandatory regulations and potentially impact public safety

ALTERNATIVE ACTIONS CONSIDERED

No alternative action was considered since compliance with the federal, state, and regional regulatory requirements is mandatory.

CONTACT PERSON

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Ronald A. Nevels, Manager of Engineering, Public Works, (510) 981-6439

Attachments:

1: Resolution – Amendment to Contract with SCS Engineers

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 32300096 AMENDMENT: SCS ENGINEERS FOR LANDFILL POST-CLOSURE MAINTENANCE AND MONITORING SERVICES

WHEREAS, the City is required to maintain the landfill gas collection and flare system at Cesar Chavez Park, as well as monitor surface and subsurface conditions at the closed landfill, in accordance with a post-closure permit issued by the Bay Area Air Quality Management District (“Air District”); and

WHEREAS, the City does not have the Staff resources or expertise to fulfill the obligations of the landfill post-closure permit and requires the services of qualified firms to fulfill these obligations; and

WHEREAS, on June 28, 2022, the City released a Request for Qualifications (Specification No. 22-11521-C) seeking firms to provide professional services for the landfill post-closure maintenance and monitoring project at Cesar Chave Park, and SCS Engineers was determined to be the best qualified consultant; and

WHEREAS, on September 20, 2022, with adoption of Resolution No. 70,532-N.S., the City Council authorized Contract No. 32300096 with SCS Engineers for landfill post closures maintenance and monitoring, in an amount not to exceed \$714,022 for the contract period of January 1, 2023, to June 30, 2026; and

WHEREAS, an Abatement Order was issued for the closed landfill by the Air District on February 16, 2024, which mandates compliance actions and conditions beyond routine monitoring and maintenance activities, and these actions are estimated to require \$1,530,000 of additional funding over the next two years; and

WHEREAS, \$600,000 is available in FY 2024 in Zero Waste Fund (601) and an additional \$930,000 is subject to appropriation from Zero Waste Fund (601) in FY 2025.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute an amendment to Contract No. 32300096 with SCS Engineers for continuing engineering, monitoring, maintenance, and compliance services for the closed landfill, increasing the amount by \$1,530,000 for a total amount not to exceed \$2,244,022. A record signature copy of said contract and any amendments will be on file in the Office of the City Clerk.