

ORDINANCE RECORD

VILLAGE OF NEWBURGH HEIGHTS, OHIO

ORDINANCE NO. 2022-36

INTRODUCED BY: Mayor Traore

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LETTER AGREEMENT WITH PARTNERS ENVIRONMENTAL, INC. FOR GROUNDWATER MONITORING SERVICES FOR BERT AVENUE LANDFILL POST CLOSURE MONITORING – YEAR 23, IN AN AMOUNT NOT TO EXCEED \$14,468.00, AND DECLARING AN EMERGENCY.

WHEREAS, prior to October 20, 2017, semi-annual groundwater monitoring of the Bert Avenue Landfill was required as specified in the Ground Water Detection Monitoring Plan prepared by Dames & Moore and dated August 1996, the Draft Addendum A – Revision to the Groundwater Detection Monitoring Plan prepared by Partners Environmental, Inc. dated April 4, 2014, and Addendum B – Revision to the Ground Water Detection Monitoring Plan prepared by Partners Environmental and dated April 30, 2015; and

WHEREAS, on October 20, 2017, the Director of the Ohio Environmental Protection Agency, at the Village's request, authorized the reduction of sampling and analysis to annually from semi-annually, for which annual sampling is to be conducted in the Spring in accordance with Ohio Administrative Code Rule 3745-27-10;

WHEREAS, the landfill has been closed since November 1998, and therefore it has been interpreted that this is the 23rd year of post-closure monitoring; and

WHEREAS, the parties acknowledge and understand that the monitoring will be paid for through the financial assurance bond posted by Chemtron, Inc., the former owner of the project and being held by the Ohio EPA, the beneficiary of the bond;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEWBURGH HEIGHTS, CUYAHOGA COUNTY, OHIO, at least two-thirds of all the members elected thereto concurring, that:

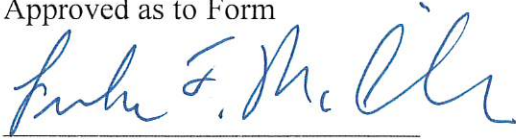
Section 1. The Village Council hereby authorizes the Mayor to enter into a Letter Agreement with Partner's Environmental, Inc. for Bert Avenue Landfill Post-Closure Groundwater Monitoring Services – Year 23 in an amount not to exceed \$14,468.00, as more fully described and on the terms and conditions and at the cost set forth in the Letter Agreement, a copy of which is set forth as Exhibit A and is incorporated herein by reference as if fully rewritten.

Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in such formal action occurred in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Village, so that Partners may perform the required groundwater monitoring service in the Spring of 2022 in compliance with the requirements of the Ohio Administrative Code; wherefore, this resolution shall be in full force and effect from and immediately after its adoption and approval by the Mayor.

PASSED: May 12, 2022

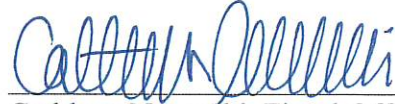
Approved as to Form



Solicitor



Gigi Traore, Mayor
Village of Newburgh Heights, Ohio



Cathleen Nagorski, Fiscal Officer
Village of Newburgh Heights, Ohio

1ST Reading: 5-3-2022
2ND Reading: 5-12-2022
3RD Reading: 5-12-2022



Environmental, Safety, Engineering & Surveying

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March 7, 2022

The Honorable Trevor Elkins
Mayor, Village of Newburgh Heights
4000 Washington Park Blvd.
Newburgh Heights, Ohio 44105

**RE: Proposal for Groundwater Monitoring Services
Year 23 of Post Closure Monitoring
Bert Avenue Landfill
Newburgh Heights, Ohio**

Dear Mayor Elkins:

Partners is pleased to submit this proposal to the Village of Newburgh Heights, Ohio, (Village) to provide Groundwater Monitoring Services for the Bert Avenue Landfill in Newburgh Heights, Ohio (Property). Prior to October 20, 2017, semi-annual groundwater monitoring was required as specified in the Ground Water Detection Monitoring Plan (Monitoring Plan) prepared by Dames & Moore and dated August 1996 (Appendix E of the Final Closure/Post-Closure Plan), the Draft *Addendum A – Revision to the Groundwater Detection Monitoring Plan* (Addendum A) prepared by Partners and dated April 4, 2014, and the *Addendum B – Revision to the Ground Water Detection Monitoring Plan* prepared by Partners and dated April 30, 2015.

On May 12, 2017, Partners, on behalf of the Village, requested a reduction of the sampling frequency and statistical analysis from semi-annually to annually. The request was made in accordance with Ohio Administrative Code (OAC) Rule 3745-27-10(D)(6), which allows an owner or operator to propose an alternative sampling and statistical analysis frequency provided that the alternative sampling and analysis is not less than annually. On October 20, 2017, the Director of the Ohio Environmental Protection Agency (Ohio EPA) authorized the reduction of sampling and analysis to annually from semi-annually, for which annual sampling is to be conducted in the spring in accordance with OAC Rule 3745-27-10 and the approved sampling and analysis plan (cited above).

The landfill has been closed since November 1998; therefore, it is interpreted that this proposal represents the 23rd year of Post Closure Monitoring. The following presents Partners' Scope of Work to perform one (1) year of post-closure annual groundwater monitoring.

Annual Groundwater Monitoring

Partners will perform an annual groundwater monitoring event in April of 2022 at the Property in general accordance with the Monitoring Plan, Addendum A, and Addendum B. This time was selected to avoid excessively cold or hot conditions, as such conditions can have an adverse effect on the sampling methods/results. The event will consist of the following tasks:

- Coordination – Partners will coordinate the sampling event with the Village. Partners will notify the Ohio EPA and CCHD approximately one (1) week prior to the event.
- Groundwater Level Measurement – Partners will use an electronic water level measuring device to measure the depth to groundwater in each monitoring well (seven [7] total). This data will be used to compile a groundwater elevation contour map that will be included in the Sampling Event Report. If well repairs are required, it is possible that a new survey of casing elevations will be required. If this condition is identified, Partners will prepare a separate proposal for such services.

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- Monitoring Well Purging – The monitoring wells (seven [7] total) will be purged for each sampling event in accordance with the Standard Operating Procedure (SOP) for Monitoring Well Purging contained in the Monitoring Plan, Addendum A, and Addendum B using Low-Flow Sampling techniques. Once the wells are purged, field measurements will be obtained for Specific Conductivity, pH, Turbidity and Temperature in accordance with the SOPs.
- Monitoring Well Sampling – The monitoring wells (seven [7] total) will be sampled using Low-Flow sampling techniques in accordance with the SOP for Sampling from Monitoring Wells contained in the Monitoring Plan, Addendum A, and Addendum B. Non-dedicated equipment will be decontaminated for sampling and/or purging in accordance with the SOP for decontamination procedures. As per the Monitoring Plan, Quality Assurance/Quality Control (QA/QC) samples will be collected during the sampling event. The QA/QC samples will consist of one (1) replicate sample and one (1) trip blank.
- Laboratory Analysis – As required by the Monitoring Plan, the samples (seven [7] total plus two [2] QA/QC samples) will be analyzed for the parameters listed in OAC 3745-27-10, Appendix I. The trip blank sample will only be analyzed for volatile organic compounds (VOCs). As required by the Monitoring Plan, the samples will be also be analyzed for Total Uranium, Gross Alpha, and Gross Beta. The Monitoring Plan calls for Radium-226 analyses, if the Gross Alpha results are above 5 picocuries per liter (pCi/L). If the concentration of Radium-226 exceeds 3.0 pCi/L, then the same or equivalent sample will be analyzed for Radium-228. *The costs for the Radium-226 and Radium-228 analyses are included in this proposal as an additional cost, which will only be charged if such samples are required.*
- Investigation-Derived Waste (IDW) Disposal – All IDW resulting from development and purging activities will be stored in Department of Transportation approved drums. Approximately one (1) 55-gallon drum of IDW water will be collected during the sampling event. The drum will be stored on-site and will be properly labeled. Characterization will be determined from the analyses conducted as part of the event. A proposal for additional characterization sampling will be provided, if required by the disposal facility. The drums will be properly disposed in accordance with the characterization results. For the purpose of this proposal, it is assumed that the drum contents will be classified as 'Contaminated, non-hazardous' and disposed in accordance with that classification. *A cost is provided, if additional drums, beyond the one (1) drum included in the scope of work, require disposal.*
- Reporting – Partners will prepare an Annual Groundwater Monitoring Report for the sampling event. The report will summarize the field activities conducted and present the laboratory analytical results. The report will also incorporate a statistical comparison of groundwater results from the annual event to the baseline groundwater parameters established from the four (4) quarterly groundwater events. The statistical comparison will be conducted using the Sanitas™ Statistical Software package, published by Sanitas Technologies, which incorporates methods recommended in U.S. EPA document, "Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities, Unified Guidance (UGD)," published in March 2009 and allows direct importing of analytical data.

One (1) draft annual sampling report will be submitted to the Village for review. Upon approval of the draft annual sampling report by the Village, Partners will submit one (1) FINAL copy of the annual sampling event report to the Village, Ohio EPA, and Cuyahoga County Health Department (CCHD).

Limitations

Partners assumes that full and unlimited access will be provided during normal daylight hours to perform the work. Partners assumes that the above scope of work can be conducted without utilizing the Ohio Department of Health's requirements associated with License's for Radioactive Materials.

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The above scope of work is based on information presented in the Monitoring Plan, Addendum A, and Addendum B.

This proposal does not present the costs associated with repairing any monitoring well or for redevelopment of the monitoring wells. If monitoring well repairs and/or redevelopment are needed, the cost estimate will be presented to the Village separately.

This proposal assumes that the recommended statistical methods for analysis of groundwater analytical data will be accepted by the Ohio EPA.

The Village acknowledges that our scope of work and costs are preliminary and subject to change based on comments or requests from the Ohio EPA and further understands that Notices of Violation (NOVs) may be still be received by the Village for our work. Costs for response to Ohio EPA comments are not included and would be charged in addition to the approved budget.

Costs for meetings with the Client or Ohio EPA are not included and would be billed in addition to the approved budget.

Additional sampling events or expanded analytical parameters could be necessary if reported results trigger a response due to statistical comparison. Costs for such additional activities are not included, but will be provided to the Client if such a condition occurs.

In the past, Partners has provided quarterly inspection services, but we understand that the Village will be conducting such activities themselves and no costs are included in this proposal for landfill inspections.

Fees

Partners is prepared to implement the above scope of work for the fees described below. These fees are based on a presumed allowable Ohio EPA inflation rate of 4.1%. The actual allowable inflation rate will be published in March 2022 and the Fees will be adjusted up or down accordingly. The fees are presented on a fixed fee and unit cost basis and will not be altered without your written prior approval. Our proposal is valid for 30 days. The following describes our costs for this project.

Fixed Fee

Annual Groundwater Sampling	\$ 8,952
Annual Report	\$ 5,516
TOTAL	\$ 14,468

Unit Costs

<i>IDW Disposal</i>	<i>\$365 per drum</i>
<i>Radium-226 Analysis</i>	<i>\$208 per sample</i>
<i>Radium-228 Analysis</i>	<i>\$208 per sample</i>
<i>Add-on to Report for Radium 226/228 Analysis</i>	<i>\$1,880 per report</i>

Partners understands that the monitoring will be paid for through the financial assurance bond posted by Chemtron, Inc., the owner of the project and being held by the Ohio EPA, the beneficiary of the bond. Partners will prepare invoices for the Village to submit to the financial assurance department of the Ohio EPA. A partial invoice will be submitted upon completion of the field activities and upon submittal of the draft sampling event report. We understand that payment will be made in a timely manner and that the Village will make a reasonable effort to support such timely payment. Partners will not be obligated to proceed with the project if timely payment is not received. Partners reserves the right to recover attorney's and other reasonable fees associated with the collection of past due balances.

March 7, 2022

Closing

We appreciate this opportunity to be of service and look forward to continued work on this project.

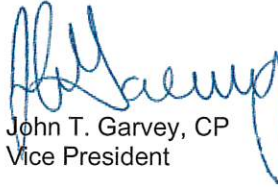
Please indicate your authorization to proceed by signing the Acceptance below and e-mailing or faxing it back to Partners.

Please contact our office if you have any questions or if we can be of further assistance.

Sincerely,
Partners



John A. Zampino, PG, CP
Associate Director



John T. Garvey, CP
Vice President

cc: Mr. Luke McConville, Nicola, Gudbranson & Cooper, LLC

Acceptance

I am authorized to enter into this agreement on behalf of _____
and accept this proposal in its entirety.

Agreed to this 17 day of April, 2022.

Agent For: Newburgh Heights

Signature: TREVOR ELKINS
TREVOR ELKINS (Apr 19, 2022 09:59 EDT)

Name: TREVOR ELKINS

Title: Mayor