



**CITY OF WESTLAKE, OHIO
ORDINANCE NO. 2015-103:**

**AN ORDINANCE AMENDING SECTION 2 OF
ORDINANCE NO. 2010-86 AS TO A CHANGE
ORDER FOR THE GROUNDWATER QUALITY
ASSESSMENT PLAN CONTRACT WITH EARTH
CONSULTING, LTD., AND DECLARING AN
EMERGENCY.**

WHEREAS, by and through Ordinance No. 2010-86 as amended by Ordinance No. 2013-74, Council authorized and directed the Mayor to enter into a Professional Services Contract with Earth Consulting, Ltd., for a groundwater quality assessment plan at the former sanitary landfill; and

WHEREAS, the Mayor and the Director of Public Service have recommended that the cost of the services authorized in Ordinance No. 2010-86 be amended to provide for a change order for the continued response to the Ohio EPA, pursuant to the July 10, 2015 Proposal of Earth Consulting, Ltd., attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WESTLAKE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1: That Section 2 of Ordinance No. 2010-86 be and the same is hereby amended and as amended shall read as follows:

Section 2: That the Director of Finance be and he hereby is authorized and directed to issue warrants to Earth Consulting, Ltd., in such amounts as approved by the Mayor at a cost not to exceed One Hundred Seventy-Seven Thousand Dollars and Zero Cents (\$177,000.00)."

Section 2: That any Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal

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action were in meetings open to the public in compliance with all legal requirements including Section 10, Article XI of the Charter of the City of Westlake and Section 121.22 of the Ohio Revised Code.

Section 4: That this legislation is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and for the further reason that it is immediately necessary to continue the ground water quality assessment plan for the former sanitary landfill, and further provided it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

Passed: 7/16/15

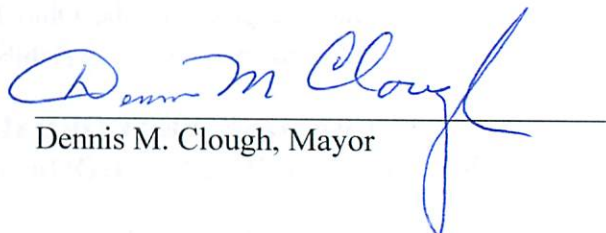


Michael P. Killeen
President of Council

Presented to Mayor: 7/17/15

Approved: 7/17/15

ATTEST:


Denise L. Rosenbaum, Clerk of Council
Dennis M. Clough, Mayor

I, Denise L. Rosenbaum, Clerk of Council of the City of Westlake do hereby certify that Ordinance/Resolution no. 2015-103 adopted 7/16/15 was duly posted on 7/17/15 and remained posted for a period of 15 days thereafter in not less than 2 of the most public places in the City as determined by the Charter of said City.

ORDINANCE NO. 2015-103 EXHIBIT "A"



Consulting, Ltd.

300 E 210th St.

Cleveland, Ohio 44123

216 410 3422

www.earthconsulting.org

July 10, 2015

Mr. Chris Stuhm
Deputy Director of Public Service
City of Westlake
27700 Hilliard Road
Westlake, OH 44145

Re: Update and Request for Change Order
Groundwater Assessment
Former Sanitary Landfill

Dear Mr. Stuhm:

This letter provides an update on the schedule and budget for the groundwater assessment program at the former landfill in the City of Westlake. As you are aware, as a result of the work completed to date, the Ohio EPA has indicated that a Groundwater Assessment report should now be prepared. This report is required when the OEPA feels that the nature and extent of any suspected contamination has been determined. Following the submission of the Groundwater Assessment report, the OEPA requires submission of a Corrective Measures Plan within 180 days. Thereafter, upon concurrence with the Corrective Measures Plan, the proposed corrective measures would be implemented.

The Groundwater Assessment report will summarize the work completed to date as part of the assessment activities. It will also include a thorough review of the analytical data collected as well groundwater flow characteristics. The conclusions of this report will summarize the results of these activities and suggest a possible remedial approach.

The Corrective Measures Plan will review in more detail the proposed remedies and based on that review, will recommend a remedy that is both cost-effective and protective of human health and the environment. At this time, it is likely that we will recommend a monitoring only remedial action.

After consultation with Mr. Eric VanHeyde at Mannik Smith Group, we are proposing the following schedule:

- Groundwater Assessment Report Submitted to OEPA by October 1, 2015
- Corrective Measures Plan Submitted to OEPA by December 30, 2015

Based on our experience, the OEPA will have comments on both reports which will have to be addressed. Given the review time required by the OEPA and the final approval process at the OEPA that the ultimate goal of the Corrective Measures Plan approval would likely come during the summer or fall of 2016.



We have review the existing budget for groundwater assessment activities. Based on that review, we anticipate that additional funds will need to be allocated to complete the assessment activities. As of today there is a balance of \$22,299.13 in contract 2010-86. The following charges are anticipated to be incurred between now and the time of completion:

- Statistics Plan updates \$2,000 (completed to be billed)
- Fall 2014 Groundwater sampling \$17,500 (field work completed)
- 2015 Groundwater sampling \$15,000
- 2016 Groundwater sampling The goal is to have the Corrective Measures Plan approved prior to the fall 2016 groundwater sampling event
- Groundwater Assessment Report \$10,000
- Corrective Measures Plan \$10,000

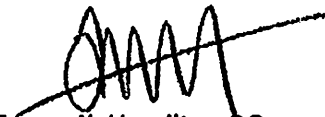
Based on these anticipated costs, the schedule described herein and the remaining budget, we are requesting a change order approval in the amount of \$33,000.



ECL appreciates the opportunity to be involved with this project. Please do not hesitate to contact the undersigned with any questions or comments.

Sincerely,

EARTH Consulting, Ltd.


Fraser K. Hamilton PG
Geologist



AUTHORIZATION TO PROCEED:

EARTH Consulting, Ltd. is authorized to proceed with the work outlined herein. Signature below acknowledges acceptance of the scope of work, budget and schedule.

Signature of authorized representative

Date

Name (printed)

Title

IN WITNESS WHEREFORE, we hereto set our hands this _____ day of _____, 2015.

SUPPLIER: EARTH CONSULTING, LTD
By:

CITY: CITY OF WESTLAKE
By:

Fraser K. Hamilton, President

Dennis M. Clough, Mayor

Approved as to form:

John D. Wheeler, Director of Law

I hereby certify that the amount of the payment of this contract has been lawfully appropriated for such purpose and in the treasury or in the process of collection to the credit of the appropriated fund free from any previous encumbrance.

Prashant Shah, Director of Finance