



**Contra
Costa
County**

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: June 20, 2017

Subject: Contract Amendment with Environmental Science Associates for Environmental Review of the Keller Canyon Landfill Land Use Permit Amendment

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to execute a contract amendment with Environmental Science Associates, Inc., to extend the term from June 30, 2017 through December 31, 2018 and increase the payment limit by \$130,983 to a new payment limit of \$402,588, to prepare an Environmental Impact Report for the Keller Canyon Landfill land use permit amendment.

FISCAL IMPACT:

There is no impact to the General Fund. The cost for preparing the EIR is charged to the project applicant (100% Land Use Permit fees).

BACKGROUND:

The Department of Conservation and Development (DCD) is the lead agency responsible for conducting the environmental review of the proposed Keller Canyon Landfill land use permit amendment. DCD determined that the proposed land use permit amendment ("Project") warrants preparation of a Subsequent EIR pursuant to the requirements of the California Environmental Quality Act (CEQA). DCD retained Environmental Science Associates, Inc. (ESA) to prepare the EIR for this Project. The existing contract will expire

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **06/20/2017** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: June 20, 2017

David Twa, County Administrator and Clerk of the Board of Supervisors

By: Rolanda Hartfield, Deputy

Contact: David Brockbank
(925) 674-7794

cc:

on June 30, 2017, however it is not possible for the work to be completed within the existing contract timeframe and payment limits due to: (1) the Applicant's request that work on the EIR be placed on hold pending completion of the recent land use permit review process and associated new and modified land use permit conditions of approval taking effect, (2) potential changes to the scope of the project being considered by the Applicant which, if formally proposed, may

BACKGROUND: (CONT'D)

necessitate circulation of a new Notice of Preparation, and (3) updated studies being necessary to confirm whether the project will potentially significantly impact certain environmental resources. ESA is best suited to complete the EIR for this project and therefore DCD is requesting authorization to amend the contract with ESA.

No further changes are proposed to be made to the existing modified indemnification provision of the General Conditions (paragraph 18) applicable to this contract. The contractor will continue to be required to indemnify the County.

CONSEQUENCE OF NEGATIVE ACTION:

DCD will be unable to complete the EIR for the Keller Canyon Landfill land use permit amendment that has been partially prepared by ESA. The land use permit amendment process would be delayed in order for DCD staff to prepare a new proposal to enlist a consultant to finish the EIR.