



**Contra  
Costa  
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: October 11, 2022

Subject: Consulting Services Agreement with ERM, West, Inc. Hookston

### **RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to execute a contract amendment between ERM-West, Inc., a California corporation (ERM), on the one hand and the County, the Hookston Group, and Union Pacific Railroad (UPRR), on the other, to extend the term of the contract from January 31, 2023 through June 30, 2023, and increase the payment limit by \$75,000 to \$285,233, to enable ERM to continue providing remediation and related environmental services at an approximately 8-acre site located at the intersection of Hookston Road and Bancroft Road in Pleasant Hill (the Hookston Site).

### **FISCAL IMPACT:**

In accordance with an existing settlement agreement between the County, the Hookston Group and UPRR, the costs incurred under the contract with ERM are borne as follows: 50% by UPRR, 25% by the Hookston Group and 25% by the County. The County portion has been designated as an enforceable obligation of the former redevelopment agency and is paid using Successor Agency funds.

### **BACKGROUND:**

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **10/11/2022** ☒ 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: October 11, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: Laura Cassell, Deputy

Contact: Maureen Toms (925)  
655-2895

cc:

The County, the Hookston Group and UPRR (together, the Hookston Parties) entered into a settlement agreement in 1997 to resolve a civil suit involving allegations of contamination of the soil, subsoil, surface water and groundwater on and emanating from the Hookston Site.

The Hookston Site is currently regulated under Regional Water Quality Control Board (RWQCB) Order No. R2-2007-0009, Adoption of Final Site Cleanup Requirements and Recission of Order Nos. R2-2003-0035 and R2-2004-0081, dated January 30, 2007 (the Order).

Under a contract between ERM and the Hookston Parties, ERM provides remediation and related environmental services at the Hookston Site. The contract consists of two parts. The first part is a Consultant Services Agreement. The second part consists of separate work authorizations, each reflecting work that is responsive to the Order and approved by the Hookston Parties. The amendment that is the subject of this board order will incorporate a second work authorization, dated September 21, 2022, into the contract. The activities authorized by the second work authorization include work related to the next phase of remediation of the Hookston Site.

Through ERM, the Hookston Parties will soon submit to the RWQCB a proposal for the next phase of remediation of the property. The proposal will include a revised feasibility study and a revised design and implementation plan. It is expected that the proposal will result in a new

### BACKGROUND: (CONT'D)

order being issued by the RWQCB. As part of its work under the amended contract, ERM will work closely with the RWQCB to ensure that the new order accurately describes the remediation plan being proposed by the Hookston Parties.

Once the specific remediation plan is approved and a new RWQCB order is issued, the contract with ERM will need to be amended again to incorporate the work required to carry out the new order and to increase the payment limit accordingly. Further amendment of the contract is estimated to occur in February or March 2023.

### CONSEQUENCE OF NEGATIVE ACTION:

If ERM is not allowed to carry out the work described in the second work authorization, the Hookston Parties, including the County, could be deemed by the RWQCB to be out of compliance with the Order.

### ATTACHMENTS

Letter Agreement #2