

RESOLUTION NO. 2016-45

WHEREAS, the Township Council of the Township of Aberdeen is in need of professional engineering services associated with the Remedial Action – Conservation Lots at South River Metal Site; and

WHEREAS, Michael McClelland, CME Associates submitted a proposal on February 8, 2016 for aforementioned engineering services.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Aberdeen that the Mayor And Clerk are authorized to execute an agreement with CME Associates for a cost not to exceed the sum of \$309,011.00, in accordance with a proposal dated February 8, 2016, attached hereto and made part of this resolution.

This agreement is made without competitive bidding as a “professional service” under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)a(I).

BE IT FURTHER RESOLVED that this resolution is subject to the Township Manager’s certification of availability of Township of Aberdeen funds.

JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
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TIMOTHY W. GILLEN, PE, PP, CME
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TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP

February 8, 2016

Ms. Holly Reycraft, Township Manager
Township of Aberdeen
One Aberdeen Square
Aberdeen, New Jersey 07747

**Re: Proposal – LSRP Services
Remedial Action – Conservation Lot
Former South River Metal Products Site
Block 39, Lots 1.01, 1.02, & 1.03
Our File: PAB00501.13**

Dear Ms. Reycraft:

CME Associates (CME) is pleased to submit this proposal for Licensed Site Remediation Professional (LSRP) services related to the implementation of the "planned" remedial actions in the proposed conservation area of the former South River Metal Products site (Block 39 Lot 1.03). CME has been providing the Township with LSRP services for the site pursuant to the Administrative Requirements for the Remediation of Contaminated Sites (N.J.A.C. 7:26C).

BACKGROUND

On December 24, 2014, CME Associates submitted to the NJDEP a Remedial Action Workplan (RAWP), which was certified by Behram Turan, P. E., LSRP, as the LSRP of record. The Township of Aberdeen subsequently entered into a Redevelopment Agreement with RPM Development, LLC (Developer). For the purpose of site remediation activities, the site was considered to be subdivided into two (2) remedial areas:

- The Residential Lots; and
- The Conservation Lot.

The Developer will construct affordable and age-restricted housing which will provide a total of one-hundred and forty-five (145) units on the Residential Lot upon completion of the site remediation activities in accordance with the December 2014 RAWP and the November 25, 2015 RAWP Addendum. The Conservation Lot will be retained by the Township as a Conservation area. The Township is obligated to implement the proposed remedial actions for the entire site including both the Residential Lot and the Conservation Lot.

HDSRF Grant Application

In March 2015, in an effort to obtain funding assistance for the project, the Township submitted to the NJDEP an HDSRF Grant application for the "past" and "planned" Remedial Action (RA) activities for the entire Site. The total cost for the "past" and "planned" RA activities is estimated at **\$4,120,921** (\$3,690,034 for the planned RA + \$430,887 for the past RA cost).

It should be noted that costs associated with the remediation of the Residential Lot are eligible for 50% HDSRF Grant funds under the Affordable Housing category, while costs associated with the remediation of the Conservation Lot are eligible for 75% HDSRF Grant funds under the Recreation and Conservation category.



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HDSRF Grant Approval

In two separate letters dated April 30, 2015, the NJDEP - Office of Brownfield Reuse informed the Township that the Department made recommendations to the New Jersey Economic Development Authority (NJEDA) to obligate grants in the amount of **\$1,549,521** for the Residential Lot, and **\$766,408** for the Conservation Lot, respectively, totaling **\$2,315,930**. On June 24, 2015, the Township received two letters from NJEDA indicating that the funds for both Residential Lot (\$1,549,521) and Conservation Lot (\$766,408) have been approved.

"Past" RA Cost Reimbursement through the HDSRF Grant Approval

Prior to submitting the HDSRF Grant application, the Township conducted certain remedial actions and incurred "past" RA cost in the amount of **\$430,887**. The Township is eligible for the "past" RA cost in the amount of **\$235,760** and will be reimbursed for same upon submitting a request for payment of the past invoices.

"Planned" RA Cost Reimbursement through the HDSRF Grant Approval

The "Planned" remedial action activities will be implemented in accordance with the December 2014 RAWP and the November 25, 2015 RAW Addendum for all contaminated areas of concern on the site, in both the Residential and Conservation Lots. A restricted use remediation is proposed, with some contamination remaining on the site with appropriate engineering controls.

The total cost for the "planned" RA is estimated at **\$3,690,034** for both the Residential Lot and Conservation Lot as follows:

- \$2,749,422 for the Residential Lot, and
- \$940,612 for the Conservation Lot

The eligible "planned" RA cost in the HDSRF Grant is **\$2,080,170** as follows:

- \$1,374,711 for the Residential Lot, and
- \$705,459 for the Conservation Lot.

Funding Mechanisms for the Planned RA

The Remediation Agreement will set forth the funding mechanisms for the "planned" RA cost. We understand that the Developer will contribute funds in the amount of \$1,500,000 towards the site remediation cost. In summary, the total available remediation fund for the "planned" RA is in the amount of **\$3,580,170** (\$2,080,170 eligible HDSRF Grant + \$1,500,000 Developer contribution).

Based on the estimated "planned" RA cost of **\$3,690,034** and the available funds of **\$3,580,170** at this time, additional funds in the amount of **\$109,864** are required to be supplemented by the Township.

SCOPE OF SERVICES

The scope and cost of LSRP services is based in part on the HDSRF Grant Application for Remedial Action funding dated March 2015. The below scope of services includes tasks related to soil and groundwater remediation in Conservation Lot based on an assumed duration for remediation activities. If the actual duration of remediation activities is extended for reasons beyond the control of CME, a supplemental authorization, which is not included in this proposal, may be required.



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Task 1: Remedial Action LSRP Services – Conservation Area

RPM Development will retain a contractor to remediate contaminated soils in the conservation area in accordance with the December 2014 RAWP and the November 25, 2015 RAWP Addendum. As the LSRP for the site, CME will direct, oversee, and document the remediation. This task includes LSRP services related to soil remediation in the Conservation Lot, including the following activities:

- 1.1 LSRP Oversight and Coordination: The LSRP will coordinate with the developer and remedial contractor to implement the remedial activities in accordance with the RAWP, the Technical Requirements for Site Remediation (N.J.A.C. 7:26E), applicable NJDEP guidance, and permit conditions. CME will update the remedial plans as needed based on changing field conditions, review all contractor invoices and track all remedial quantities, and submit payment applications to the NJDEP HDSRF Program.
- 1.2 Field Observation: CME will coordinate with the remedial contractor's field personnel to ensure that the work is completed in accordance with the RAW and applicable permit conditions. A representative of CME will be onsite to observe and document all field activities, and will direct the contractor as needed. Soils will be screened for contamination using a photo-ionization detector (PID) and an X-Ray Fluorescence (XRF) scanner. For the purpose of this cost proposal and in accordance with the HDSRF application amount, it is assumed that the remedial field work in the Conservation Lot will be completed in 30 standard work days.
- 1.3 Confirmatory Soil Sampling: CME will collect post-remedial soil samples to evaluate and document the effectiveness of the remediation in accordance with NJDEP guidance. Samples will generally be submitted to a State Certified Laboratory for analysis with standard 1-week turnaround time (TAT) for preliminary results. If an expedited TAT is required, the laboratory will apply a surcharge to the analysis costs, which is not included in this cost proposal. The sampling schedule including number of samples and analytical tests are specified in the Remedial Action Workplan (December 2014), the November 25, 2015 RAWP Addendum, and the March 2015 HDSRF Application. Sample locations will be recorded using handheld GPS equipment.
- 1.4 Remedial Action Report (RAR) - Soils: At the completion of the soil remedial action for the Conservation Lot, a remedial action report for soils will be prepared pursuant to N.J.A.C. 7:26E-5.7.
- 1.5 Receptor Evaluation: At the completion of the remedial action for the Conservation Area, the receptor evaluation for the site will be updated pursuant to N.J.A.C. 7:26E-1.12.
- 1.6 Remedial Action Permit - Soils: At the completion of the remedial action for the Conservation Area and filing of a deed notice in accordance with N.J.A.C. 7:26C-7.2, an application for a Remedial Action Permit for Soils in the Conservation Lot will be prepared and submitted to the NJDEP pursuant to N.J.A.C. 7:26C-7.5.
- 1.7 Response Action Outcome (RAO): Following receipt of the Remedial Action Permit for Soils, the LSRP will issue a RAO for the Conservation Lot. Depending on the actual scheduling of the remedial activities, the LSRP may issue AOC specific RAOs prior to issuance of a final RAO for the Conservation Lot.



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Task 2: Groundwater Remediation – Conservation Area

Following completion of the soil remediation and site restoration, CME will implement groundwater remedial activities in accordance with the December 2014 RAWP. The groundwater remedial action will include the following activities:

- 2.1 **Monitoring Well Abandonment:** The December 2014 RAWP specifies the abandonment of existing monitoring wells in the proposed Conservation Area to facilitate the remedial action and site redevelopment. CME Associates will retain a New Jersey licensed well driller to properly seal and decommission the wells in accordance with N.J.A.C. 7:9D. It is anticipated that this work will be completed prior to commencement of the general remediation activities.
- 2.2 **Well Installations:** Following substantial completion of the residential development, a licensed well driller will be retained to install new monitoring wells in accordance with N.J.A.C. 7:9D as specified for the groundwater monitoring program outlined in the December 2014 RAWP.
- 2.3 **Quarterly Monitoring:** Following installation of the new wells, quarterly groundwater sampling will commence in accordance with the monitoring program specified in the December 2014 RAWP. This proposal includes eight (8) quarters of sampling to evaluate Monitored Natural Attenuation (MNA) in accordance with NJDEP guidance. Groundwater sampling will be conducted using low-flow methodology.
- 2.4 **Remedial Action Report (RAR) – Groundwater:** Following completion of the quarterly groundwater sampling, the monitoring data will be evaluated and a remedial action report for groundwater will be prepared pursuant to N.J.A.C. 7:26E-5.7 and applicable NJDEP Technical Guidance. The RAR will be prepared for site-wide groundwater including both the residential and conservation areas.
- 2.5 **Remedial Action Permit – Groundwater:** Following completion of the quarterly groundwater sampling to evaluate MNA, and assuming MNA is determined to be a suitable remedy, an application for a Remedial Action Permit for Groundwater will be prepared and submitted to the NJDEP pursuant to N.J.A.C. 7:26C-7.5. The RAP will apply to site-wide groundwater including both the residential and conservation areas.
- 2.6 **Receptor Evaluation:** At the completion of the groundwater remedial action, the receptor evaluation for the site will be updated pursuant to N.J.A.C. 7:26E-1.12 & 1.14.
- 2.7 **Response Action Outcome (RAO) – Groundwater:** Following receipt of a Remedial Action Permit for Groundwater, the LSRP will issue a RAO for groundwater. The RAO will be issued for site-wide groundwater including both the residential and conservation areas.

BUDGET

The cost to complete the Scope of Services specified above is **\$309,011** as follows:



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Task	Cost
Task 1: Remedial Action LSRP Services – Conservation Area	\$190,194
Task 2: Groundwater Remediation – Conservation Area	\$118,817
Total	\$309,011

In accordance with the NJEDA requirements for the HDSRF grant, the proposal has been revised to include the full scope and cost of LSRP activities from oversight of the soil remediation through issuance of the Response Action Outcome (RAO). The scope of services thus includes preparation of a remedial action report, receptor evaluation, remedial action permit application, and RAO, as well as groundwater remediation and monitoring as specified in the approved Remedial Action Workplan. The proposed budget for all tasks is consistent with the cost estimate prepared for the HDSRF grant application.

LIMITATIONS

The Scope of Services is limited to the tasks defined above. Remediation and permit fees are not included in this cost proposal and it is assumed that the Township will directly pay all applicable fees. It is assumed that all waste classification sampling for material disposal purposes will be conducted by the remedial contractor. CME will conduct the confirmatory soil sampling as indicated in the Scope of Services. Note that field oversight of the soil remediation is based on an assumed duration for the remedial activities. If the duration of the remedial activities is extended for reasons beyond the control of CME, or if additional laboratory costs are incurred due to extension of the remedial work or expedited turnaround times, additional budget, which is not included in this proposal, may be required. The Scope of Services does not include activities or services directly related to construction.

SPECIAL CONDITIONS FOR LSRP SERVICES

- The enactment of the Site Remediation Reform Act (SRRA; N.J.S.A. 58:10C-1 et seq) on May 7, 2009, and the adoption of the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS; N.J.A.C. 7:26C) on November 4, 2009 require that all new remediation cases follow the provisions of SRRA. A key requirement of these rules is that a Licensed Site Remediation Professional (LSRP) must oversee all new remediation cases.
- The ARRCS requires the person responsible for conducting a remediation to notify the NJDEP of any confirmed discharges of contaminants or condition of Immediate Environmental Concern ("IEC"). Please note that being an LSRP, as a State licensed professional, I will thus have the obligation to report any such conditions to the NJDEP without obtaining any prior approval from the client.
- LSRP will provide the required services in accordance with SRRA and has the obligation to submit, maintain and preserve the relevant documents.
- LSRP is not responsible for client's failure to disclose relevant information, perform SRRA obligations, fund remediation, and follow LSRP's recommended actions. Client's failure to perform these obligations may result in fines/penalties by the NJDEP.
- The issuance of RAO by LSRP is not a guarantee or warranty that the site is free of contamination, or that it will be accepted by the NJDEP.



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- NJDEP may audit the RAO within three (3) years after the date the LSRP filed the RAO with the NJDEP. LSRP is not responsible for additional requirements imposed by NJDEP after review/audit, except to the extent they arise out of LSRP's negligence.

We look forward to working with the Township on this important project. Should you have any questions regarding this matter, please do not hesitate to contact this office.

Very truly yours,

A large, stylized handwritten signature in black ink, appearing to read 'William J. W. O'Connell'.

William J. W. O'Connell, P.E., P.P., C.M.E.
Township Engineer's Office

cc: Angela Morin, CFO, Aberdeen Township
Behram Turan, PE, LSRP – CME Associates