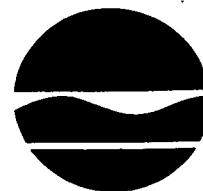


New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233 - 7010



John P. Cahill
Commissioner

MEMORANDUM

TO: Richard K. Randles, Director, Division of Management and Budget

FROM: Michael J. O'Toole, Jr., Director, Division of Environmental Remediation

SUBJECT: Final Approval for Amendment No. 3 to State Assistance Contract No. C093001 with Broome County (Colesville Landfill, Site No. 704010) - Operable Unit No. 01

DATE: APR - 1 1998

Type of Contract:

Title 3 "Municipal Hazardous Waste Cleanup"
Program Element 3; Remedial Design

Fund Name and Cost Center:

Funding Source: 1986 EQBA Bond Act
Cost Center: 677140 91

Contract Amount and Contract Period:

		<u>State Share</u>
Original Contract	127,400 x 0.75 =	\$ 95,550 (RI/FS)
Amendment No. 1	385,136 x 0.75 =	127,712 (RI/FS)
		161,140 (Design)
Amendment No. 1 Total		288,852
Amendment No. 2	4,626,240 x 0.75 =	3,469,680 (Construction)
		127,654 (Construction)
Amendment No. 2 Total		3,469,680
Amendment No. 3	50,000 x 0.75 =	37,500 (Design)
Total Contract		3,891,582

Contract Period: May 20, 1987 to December 31, 1998

GENERAL DISCUSSION AND JUSTIFICATION (BACKGROUND, PURPOSE, SCOPE OF WORK):

The purpose of Amendment No. 3 (\$37,500) is to cover the State share of additional remedial design costs incurred by Broome County when designing the landfill cap. Additional engineering design work was necessary to comply with federal wetlands requirements. The following discussion is provided for background information.

The Colesville Landfill is a former municipal landfill which is owned and was operated by Broome County and is listed on the National Priorities List (NPL). An Order on Consent, Index No. T010687, requires Broome County and the GAF Corporation to jointly develop and implement an inactive hazardous waste disposal site remedial program. The Order also provides that the Department shall reimburse Broome County for 75 percent of its share of the eligible costs of the remedial program. In a separate agreement, the County and GAF have agreed to share the costs of the remedial program fifty/fifty. A Remedial Investigation/ Feasibility Study (RI/FS) has been completed, and the Record of Decision (ROD) was signed by the United States Environmental Protection Agency (USEPA) on March 29, 1991.

The original grant amount (\$95,550) was based on an early estimate of RI/FS costs, and the actual RI/FS costs were considerably more. The RI/FS scope of work had to be considerably expanded in order to meet federal and state program requirements. Amendment No. 1 (\$288,852) was necessary to cover the State share of the actual RI/FS costs, and the anticipated remedial design costs (\$127,712 for RI/FS, \$161,140 design). Amendment No. 2 (\$3,469,680) was necessary to cover the State share of the Remedial Action Construction (\$3,342,026) and Construction Oversight (\$127,654). The Remedial Action Construction included regrading, fencing and a landfill cap.

The 1991 ROD also called for groundwater collection and treatment, but GAF and Broome County maintain that collection and treatment of groundwater at this Site will not be effective. They have requested that EPA amend the ROD to allow for natural attenuation of contaminated groundwater. GAF and Broome County are currently collecting data to support their contention that the collection and treatment of groundwater will not be effective.

ALTERNATIVE:

None. No other feasible method exists to accomplish this work with State personnel.

AFFIRMATIVE ACTION ISSUES:

MBE goals = 12 percent
WBE goals = 5 percent
EEO goals = 10 percent female, 10 percent minority

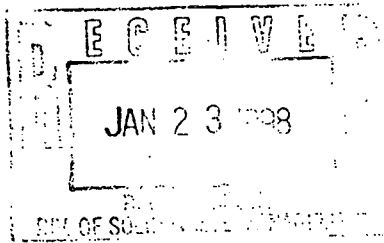
DEC ORGANIZATIONAL UNITS AND/OR GOVERNMENT AGENCIES INVOLVED:

Division of Environmental Remediation
New York State Department of Health
United States Environmental Protection Agency

DEC ATTORNEY AND POTENTIAL LEGAL ISSUES:

Contract Attorney - Meta Murray
Program Attorney - James Eckl

cc: Brenda Moulhem -BMWBE



CA 11-420-111

CONTRACT AMENDMENT NUMBER 3 TO
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
1986 ENVIRONMENTAL QUALITY BOND ACT
TITLE 3 INACTIVE HAZARDOUS WASTE DISPOSAL SITES
REMEDATION PROGRAM
STATE ASSISTANCE CONTRACT

=====

SITE NAME: Colesville Landfill
PROJECT NO.: 704010
MUNICIPALITY: Broome County
COUNTY: Broome

=====

This CONTRACT AMENDMENT NUMBER 3 entered into the last day written by and between the New York State Department of Environmental Conservation (hereinafter "the Department"), acting for and on behalf of the State, and Broome County (hereinafter "the Municipality"), TO THE CONTRACT entered into on November 27, 1987, binds the parties as follows:

WITNESSETH

WHEREAS the parties hereto entered into a prior contract which was duly assigned Contract No. C093001 by the Comptroller of the State of New York; and

WHEREAS the parties desire to amend said contract; and

WHEREAS, the Department is authorized by Section 27-1313 and Article 52 of the New York State Environmental Conservation Law (hereinafter the "ECL") to enter into contracts on behalf of the State to provide State Assistance, as defined in Section 1 of this Contract.

Now, therefore, the parties agree that Contract Number C093001 is hereby revised as follows:

1) Delete Paragraph 2.a. and replace with the following:

2. State Assistance

a. The Commissioner agrees to reimburse the Municipality on a periodic basis for its costs in conducting the Remedial Investigation and Feasibility Study (hereinafter the "RI/FS") and the Remedial Design (hereinafter the "RD") and the Remedial Action Construction and Construction Oversight (hereinafter the "RA") undertaken as a part of the

Project as described in the Proposal. This amendment increases the contract amount by thirty seven thousand five hundred dollars (\$ 37,500.) for a total contract amount not to exceed three million eight hundred and ninety-one thousand five hundred eighty two dollars (\$ 3,891,582.), which amount has been determined by the Commissioner to be 75% of the estimated Eligible Cost of such project; provided that, such reimbursements shall not constitute State Assistance and shall be refundable by the Municipality to the Department where:

- i) the work undertaken and performed by the Municipality is not an Approved Activity,
- ii) all work necessary to implement and develop the inactive hazardous waste disposal site remedial program is not completed as approved by the Department,

unless a no-action remedial alternative is selected and approved by the Department following the RI/FS.

Upon completion of the RI/FS, the parties will execute an amendment to this Contract, if necessary and appropriate, for additional Approved Activities, to include appropriate remedial design and construction.

- 2) Schedule A, "Proposal" and Schedule B, "Payment Schedule" are amended by Schedules A3 and B3 dated November 17, 1997 which are attached hereto and hereby incorporated.
- 3) Add paragraph 2(g) to read as follows:

2. State Assistance

g. The Municipality agrees that the not to exceed costs as shown in paragraph 2(a) are an estimate. If the actual costs are lower, the parties agree to enter into an amendment to this State Assistance Contract to reduce this amount which represents 75% of the eligible costs. Upon request by the Department, the municipality agrees to execute and return the contract amendment to the Department within 90 days, which amendment will acknowledge such reduced amount and reduced budget encumbrance.

- 4) Delete Paragraph 14 and replace with the following:

14. Term and Effective Date: The term of this contract shall start on April 13, 1987. This Contract shall end on December 31, 1998.

- 5) This Contract Amendment will be effective upon arrival and filing by the State Comptroller in accordance with Section 112 of the State Finance Law.
- 6) Except as specifically modified herein, all terms and conditions of said prior Contract including any intervening amendments remain in full force and effect.

In witness whereof, the parties have signed this Contract on the date indicated opposite each signature. The signatory for the Department provides the following Agency Certification: "In addition to the acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this contract."

State of New York)
County of Broome) ss:

Approved as to form

Dated: 1/22/98

By: [Signature]
BROOME COUNTY
ATTORNEY'S OFFICE
MUNICIPALITY:
By: [Signature]
Jeffrey P. Kraham
COUNTY EXECUTIVE
(Title)

On this 22nd day of January, 1998, before me personally came Jeffrey P. Kraham to me known, who being duly sworn, did depose 1986 and say that (s)he is the County Executive of the County of Broome, the political subdivision or agency thereof described in and which executed the above instrument; that (s)he knows the seal of said political subdivision; that the seal affixed to said instrument is such seal; that it was so affixed by order, resolution or authority of County Legislature of said political subdivision and that (s)he signed his name by that authority.

PETER J. ROSEBOOM
Notary Public, State of New York
No. 01R05052837
Qualified in Broome County
Commission expires April 15, 1998

[Signature]
Notary Public

FOR DIVISION

By: [Signature]

Title: DIV DEPT

Dated: 3/3/98

Approved as to form:

By: [Signature]
APPROVED AS TO FORM
Attorney General

Date: APR 16 1998

11/17/97

FOR DEPARTMENT

By: [Signature]

Title: DIRECTOR OF MANAGEMENT & BUDGET

Date: 4/14/98

Approved:

[Signature]
By: [Signature]
State Comptroller

APR 29 1998

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
1986 ENVIRONMENTAL QUALITY BOND ACT
TITLE 3 INACTIVE HAZARDOUS WASTE DISPOSAL
SITE REMEDIATION PROGRAM
STATE ASSISTANCE GRANT CONTRACT

SCHEDULE A3: Program Narrative

State Assistance Contract Project #7-40-10

Municipality: Broome County (Colesville Landfill)

County: Broome

General Purpose:

The general purpose of this project is to undertake all activities necessary to complete the remedial program required by the Order on Consent (Index #T010687) signed between the State of New York Department of Environmental Conservation and Broome County.

General Scope:

The general scope of work to be accomplished under this State Assistance Contract is divided into the three stages required by the Title 3 State Assistance application guidance.

Stage I: Remedial Investigation and Feasibility Study (RI / FS)

The RI/FS involved all tasks necessary to determine the site conditions, the environmental impact of the site, and utilize this data to develop the appropriate remedial actions. Specific tasks included: site characterization, risk assessment development of alternatives, screening of alternatives, detailed analysis of alternatives, remedy selection, data validation, citizen participation.

Stage II: Remedial Design (RD)

The scope of the RD activities will include pre-design field work, all engineering designs, plans, specifications and contract documents necessary to implement the selected remedial action as defined by the RI/FS Record of Decision.

Stage III: Remedial Action Construction and Construction Oversight (RA)

The scope of RA activities will include all those activities necessary to construct and implement the selected remedial action.

General Cost estimates:

The total cost of Stage I RI/FS was \$701,470. The total estimated cost of Stage II RD is \$593,278. The total estimated cost of Stage III RA is \$10,963,040.

Stage I: RI/FS

Original Estimated RI/FS Cost	\$ 254,800
Original Estimated GAF Corporation Contribution	\$ 127,400
Balance Eligible for Grant	\$ 127,400
Original Grant Amount	\$ 95,550
Actual Total RI/FS Cost	\$ 701,470
GAF Corporation Contribution	\$ 350,735
Balance	\$ 350,735
Portion of Balance Eligible	\$ 297,682
X 75% (Total RI/FS Grant Amount)	\$ 223,262
Less Original Grant	\$ 95,550
RI/FS Portion of Amendment No. 1	\$ 127,712

Stage II: RD

Estimated Total Cost	\$ 593,278
Estimated GAF Corp. Contribution	\$ 296,639
Balance	\$ 296,639
Portion of Balance Eligible	\$ 264,853
X 75% (RD Portion of Amendment No. 1 & Amendment No. 2)	\$ 198,640

Stage III: RA

Estimated Total Cost	\$10,963,040
Estimated GAF Corp. Contribution	\$ 5,481,520
Balance	\$ 5,481,520
Portion of Balance Eligible	\$ 4,626,240
X 75% (Construction)	\$ 3,342,026
(Construction Oversight)	\$ 127,654
Amendment No. 2 - Stage III Total	\$ 3,469,680

Total Contract Costs

Original Contract Total (RI/FS)	\$ 95,550
Amendment No. 1 Total (RI/FS and RD portion)	\$ 288,852
Amendment No. 2 Total (RA)	\$ 3,469,680
Amendment No. 3 (RD)	\$ 37,500
New Contract Total	\$ 3,891,582

Stage:

Time:

Dates:

Stage I

47 months

May 1987 - March 1991

Stage II

88 months

April 1991 - July 1998

Stage III

49 months

November 1994 - December 1998

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
1986 ENVIRONMENTAL QUALITY BOND ACT
TITLE 3 INACTIVE HAZARDOUS WASTE DISPOSAL
SITE REMEDIATION PROGRAM
STATE ASSISTANCE GRANT CONTRACT

SCHEDULE B3: PAYMENT SCHEDULE

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State Assistance Contract Project #: 7-04-010

Municipality: Broome County (Colesville Landfill)

County: Broome
=====

Requests for payment will be submitted on a quarterly basis (every three months). An initial payment request may be made upon notification of approval and filing of this Contract by the Office of State Comptroller, to reimburse eligible costs accumulated between the date of execution of this Contract. Initial payment requests for Stages II and III may be submitted at the end of the quarter in which the State Assistance Contract Amendments are executed. Reimbursement will never exceed the total Contract amount.

A Five percent (5%) retainage will be withheld from all payment requests until the completion of the State in which the work task was completed and accepted. Retainages will be released when the following milestones are met:

Milestone:

Retainage Release:

Stage I:

Approval of Final RI/FS Report
(including responsiveness summary)

Release of Stage I Retainage

Stage II:

Approval of Final Design Specifications,
Plans and Bid Documents

Release of Stage II Retainage

Stage III:

Final DEC inspection and
approval of As-Built drawings

Release of Stage III Retainage

File on eDOCs ☒ Yes _____ No _____
Site Name Colesville
Site No. 70400
County Breanne
Town Colesville
Foillable ☒ Yes _____ No _____
File Name 1998-04-01 - Amendment No 3 State Assistant contract
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