

VENTURA REGIONAL SANITATION DISTRICT

1001 PARTRIDGE DRIVE, SUITE 150 • VENTURA, CA 93003-0704



June 30, 2011

Ventura Regional Sanitation District
Board of Directors
Ventura, California

VRSD CONTRACT AMENDMENTS - RICHARD BALDWIN CONSULTING SERVICES

SUMMARY

The Ventura Regional Sanitation District (District) currently has two consulting contracts with Richard Baldwin. One contract (No. 10-030) is for support of a rule change being considered by the Ventura County Air Pollution Control District (VCAPCD) to add disposal of Municipal Solid Waste (MSW) as an essential public service. The second contract (No. 10-040) is for support to District staff in completing the final permit for the Biosolids/microturbine project including source emission testing. The second contract also allows for consulting services on odor issues related to the entire landfill operation. Staff is recommending the approval of both contracts as submitted. Contract No. 10-030-1 extends an existing contract time only from June 30, 2011 until June 30, 2012. Contract No. 10-040-1 extends this contract for one year until June 30, 2012, and adds \$20,000 to the contract for a total authorized amount of \$53,500.

BACKGROUND

Contract No. 10-030

The District has been engaged in evaluating the feasibility of waste-to-energy technologies for the last three to four years. Table 1 below summarizes all contracts issued since May 2008 to evaluate the feasibility of waste-to-energy (WTE) technologies. Waste-to-energy was evaluated during a District long range planning activity that identified this type of MSW disposal as a high potential alternative to replace land filling in the future. The Board directed staff to evaluate these technologies from a technological and permitting perspective. To accurately evaluate these technologies required the services of an air pollution expert to assess the emission data from prototype WTE processes in operation. The District selected Mr. Baldwin to perform these services based on his specific expertise in air pollution matters and his 20+ years as the prior Executive Officer of the VCAPCD. Mr. Baldwin was highly qualified to advise the District on potential permitting of such technologies.

The outcome of the three year investigation has led the District to promote a VCAPCD rule change to consider these WTE technologies as essential public services. Success in having this rule change will allow a public entity to access emission banks established

by VCAPCD, for emission offsets if necessary. Promoting this rule change will give the District an option to consider these types of technologies in the future.

Contract No. 10-030 was for District staff to promote the VCAPCD rule change to their essential public service rule. The rule is to add "Publicly owned municipal solid waste waste-to-energy facilities" to the essential public service list. A "Municipal Solid Waste Waste-To-Energy Facility" would be defined as follows: An operation that converts municipal solid waste into electricity or other useful forms of energy from waste that was generated from household and business in lieu of land filling the same waste.

Last fiscal year the District authorized a contract in the amount of \$25,000 to assist in recommending a draft report to VCAPCD for consideration by their board in the rule making process. This rule change was incorporated in their rule development plan for 2011. District staff is recommending the continued use of Mr. Baldwin's consulting services to promote the concept of waste-to-energy for VCAPCD to consider publicly owned municipal solid waste waste-to-energy facilities to be considered essential public services.

The contract extends the prior contract in the amount of \$25,000 from June 30, 2011 through June 30, 2012. The contract total dollar amount authorized last year was \$25,000 of which \$8,175 was expended. Staff is not seeking additional funds and does not expect the remaining \$16,825 to be exceeded in FY-12. Failure to continue to promote this rule consideration by VCAPCD may cause the rule to fail for lack of support and limit the consideration of these technologies for an unknown time into the future.

TABLE 1

Contract No.	Initial Date	Term	Authorized Expenditures	Expended
08-025	05/16/08	08/31/08	\$25,000	
Amendment No. 1	09/04/08	12/31/08	\$55,000	
Amendment No. 2		06/30/09	\$75,000	
Amendment No. 3		06/30/10	\$93,000	
Amendment No. 4	04/15/10	N/A	Added to scope due to rule change	
			SUBTOTAL EXPENDED	\$65,303

Contract No.	Initial Date	Term	Authorized Expenditures	Expended
10-030	09/02/10	06/30/11	\$25,000	\$8,175
			TOTAL EXPENDED	\$73,478

Contract No. 10-040

This contract is for the continued use of Mr. Baldwin's expertise on air emission control devices and air compliance regulations to assist the District in evaluating Fenton's approach to solving the non-compliance of the biosolids air emission control devices. In addition this contract will continue to utilize Mr. Baldwin to address ongoing odor concerns associated with the entire landfill area.

As the Board knows the District's biosolids project failed the emission source testing in June 2010. In addition to the emission testing failure, there was a sequence of equipment failures that would affect the ability to pass emission testing. Some of these equipment issues were engineering related and some were oversights by definition. A good example of this was the fouling of the condenser units. The specification called for a potable source of water which was supplied by the District's potable well. However, a water analysis was not performed and did not identify the water as a high mineral content that ultimately required the water supply to be softened. Scaling inside the condensers contributed to high temperature in the vapor to the air scrubbing unit that ultimately killed off the biological treatment causing a non-compliance air emission.

Mr. Baldwin's expertise for these services started via a purchase order issued by the General Manager in the amount of \$28,500 last September to evaluate and identify problems and potential solutions to bring the biosolids air emissions into compliance. At the same time Mr. Baldwin was asked to evaluate the odor complaints specifically targeting the biosolids project. This evaluation period lasted for three months, September-November 2010, with actual expenditures of \$24,140. On November 18, 2010 a contract was issued to Mr. Baldwin in the amount of \$33,500, through June 30, 2011, to continue addressing air emission non-compliance matters and continued odor complaints. To date the actual expended amount on this contract is \$14,220 through April 1, 2011. Staff does not expect significant billing for the remainder of the contract term due the repairs and downtime of the biosolids units. **The total expenditure for activities for addressing both biosolids emissions and odor complaints from September 2011 through June 30, 2011 is approximately \$38,360.**

If you have any questions please contact me at 805-658-4600 or email marklawler@vrsd.com.

FISCAL IMPACT

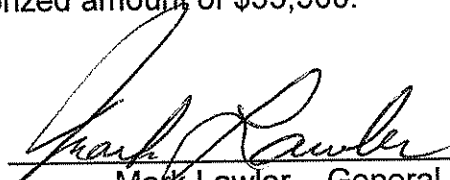
There is no fiscal impact. There are sufficient monies allocated in the operations budget to cover this activity.

RECOMMENDATIONS

It is recommended that the Board:

- a. Authorize the Chairman to sign Contract No. 10-030-1 with Richard Baldwin to extend the existing contract time only from June 30, 2011 until June 30, 2012, with no additional funds added to the contract; and
- b. Authorize the Chairman to sign Contract No. 10-040-1 with Richard Baldwin to extend the contract time period through June 30, 2012, and add an additional \$20,000 to the contract for a total authorized amount of \$53,500.

APPROVED FOR THE JULY 7, 2011 AGENDA



Mark Lawler – General Manager

CONTRACT NO. 10-030-1

**AMENDMENT NO. 1 TO CONTRACT NO. 10-030
AGREEMENT FOR CONSULTING SERVICES
BETWEEN
VENTURA REGIONAL SANITATION DISTRICT
AND
RICHARD BALDWIN**

THIS AGREEMENT is made and entered into this 7th day of July 2011 by and between the VENTURA REGIONAL SANITATION DISTRICT, a public agency formed pursuant to California Health & Safety Code Section 4700 et seq., hereinafter "DISTRICT," and RICHARD BALDWIN, hereinafter "CONSULTANT."

RECITALS

A. On the 2nd day of December 2010, a certain contract hereinafter referred to as Contract No. 10-030, was executed between DISTRICT and CONSULTANT for specialized services of a CONSULTANT to provide air emissions evaluation and mitigation analyses relating to thermal conversion and power generation alternatives.

B. DISTRICT and CONSULTANT have agreed that additions to the original scope of work, time and compensation are necessary to complete the work and can be accomplished by amending Contract No. 10-030 accordingly.

AMENDMENT

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements set forth, it is agreed the aforesaid Contract No. 10-030, a copy of which is attached as Exhibit "I" and incorporated herein by reference, shall remain in full force and effect, except as otherwise hereinafter provided.

The parties agree the following language shall replace the original provisions of Article 2: Term of Contract:

"Unless otherwise earlier terminated, this Agreement shall continue in force until the services specified herein have been fully performed. Upon execution of this Agreement by both parties, CONSULTANT shall diligently pursue work to assure completion on a timely basis. Unless otherwise extended in writing by both parties, this contract shall automatically terminate on June 30, 2012."

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

APPROVED AS TO FORM: ARNOLD, BLEUEL
LaROCHELLE, MATHEWS, & ZIRBEL, LLP

VENTURA REGIONAL SANITATION
DISTRICT

By _____
MARK A. ZIRBEL
Legal Counsel for DISTRICT

By _____
JAMES L. MONAHAN, Chairman
Board of Directors

ATTEST:

By _____
JOSIE GUZMAN, Clerk of the Board

By _____
RICHARD BALDWIN

CONTRACT NO. 10-040-1

**AMENDMENT NO. 1 TO CONTRACT NO. 10-040
AGREEMENT FOR CONSULTING SERVICES
BETWEEN
VENTURA REGIONAL SANITATION DISTRICT
AND
RICHARD BALDWIN**

THIS AGREEMENT is made and entered into this 7th day of July 2011 by and between the VENTURA REGIONAL SANITATION DISTRICT, a public agency formed pursuant to California Health & Safety Code Section 4700 et seq., hereinafter "DISTRICT," and RICHARD BALDWIN, hereinafter "CONSULTANT."

RECITALS

A. On the 18th day of November 2010, a certain contract hereinafter referred to as Contract No. 10-040, was executed between DISTRICT and CONSULTANT for specialized services of a CONSULTANT to provide source emissions evaluation, assistance in obtaining final permit from the Ventura Air Pollution Control District and address odor complaints regarding landfill/Biosolids operations.

B. DISTRICT and CONSULTANT have agreed that additions to the original scope of work, time and compensation are necessary to complete the work and can be accomplished by amending Contract No. 10-040 accordingly.

AMENDMENT

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements set forth, it is agreed the aforesaid Contract No. 10-040, a copy of which is attached as Exhibit "I" and incorporated herein by reference, shall remain in full force and effect, except as otherwise hereinafter provided.

The parties agree the following language shall replace the original provisions of Article 2: Term of Contract:

"Unless otherwise earlier terminated, this Agreement shall continue in force until the services specified herein have been fully performed. Upon execution of this Agreement by both parties, CONSULTANT shall diligently pursue work to assure completion on a timely basis. Unless otherwise extended in writing by both parties, this contract shall automatically terminate on June 30, 2012."

The parties agree the following language shall replace the original provisions of Article 5: Payment of Fees to Consultant:

"B. Total fees to be paid by DISTRICT to CONSULTANT for CONSULTANT's services described herein shall be increased by \$20,000.00 and shall not exceed \$53,500.00 without written amendment hereto."

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

APPROVED AS TO FORM: ARNOLD, BLEUEL
LaROCHELLE, MATHEWS, & ZIRBEL, LLP

VENTURA REGIONAL SANITATION
DISTRICT

By _____
MARK A. ZIRBEL
Legal Counsel for DISTRICT

By _____
JAMES L. MONAHAN, Chairman
Board of Directors

ATTEST:

By _____
JOSIE GUZMAN, Clerk of the Board

By _____
RICHARD BALDWIN