

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Avalon Triangle
101 North Broad Avenue
Wilmington, California 90744

Proponent:

Port of Los Angeles
Environmental Management Division
222 West 6th Street, Suite 1080
San Pedro, California 90731
Attn: Mr. Christopher Cannon

Docket No. HSA VCA 08/09-175

Amendment to Voluntary Cleanup
Agreement

Health and Safety Code
Section 25355.5(a)(1)(C)

I. INTRODUCTION

1.1 Purpose. The purpose of this Amendment to the Voluntary Cleanup Agreement (VCA), Docket Number HSA VCA 08/09-175, is to amend the Cost Estimate (Exhibit D) and Project Schedule (Exhibit E) for the Avalon Triangle project located at 101 North Broad Avenue, Wilmington, California 90744 (Site).

1.2 Amendment. This amendment is in accordance with Paragraph 17 of the Voluntary Cleanup Agreement.

1.3 Effective Date. The effective date of this Amendment is the date when this Amendment is fully executed.

1.4 Representative Authority. Each undersigned representative of the parties to this Agreement certifies that she or he is fully authorized to enter into the terms and conditions of this Agreement and to execute and legally bind the parties to this Agreement.

1.5 Counterparts. This Amendment may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one and the same document.

1.6 Payment. Paragraph 16.1 is replaced in its entirety to reflect an increase to the Agreement by \$130,309 to read:

“Proponent agrees to pay all costs incurred by DTSC in providing oversight pursuant to this Agreement, including review of the documents described in Exhibit C and associated documents, and oversight of field activities. An estimate of DTSC’s oversight costs is attached as Exhibit D. It is understood by the parties that Exhibit D is an estimate and cannot be relied upon as the final cost figure. As DTSC is aware that the Proponent can only fund up to \$317,309, DTSC will notify Proponent when the costs reach twenty-five percent of the total estimated costs so as not to exceed the original estimate. DTSC may provide an updated or revised cost estimate as the work progresses. DTSC will bill Proponent quarterly. Proponent agrees to make payment within 60 days of receipt of DTSC’s billing. Such billings will reflect any amounts that have been advanced to DTSC by Proponent.”

1.7 Term. This Amendment shall be in full force and effect until September 24, 2018, unless otherwise terminated in accordance with Paragraph 18.

Date: _____

Tedd Yargeau, Senior Scientist
Brownfields and Environmental Restoration Program
Department of Toxic Substances Control

THE CITY OF LOS ANGELES, by its
Board of Harbor Commissioners

By _____
Executive Director

Date: _____

Attest: _____

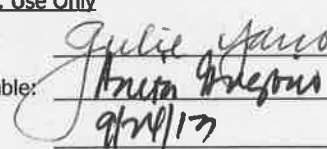
APPROVED AS TO FORM:
MICHAEL N. FEUER, City Attorney

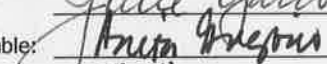
By: 
Kenneth Mattfeld, Deputy

Date: 9/25/13

| | | | |
|------------|-------|-----------|---------|
| Account# | 21995 | W.O. # | 78032 |
| Ctr/Div# | 7000 | Job Fac.# | 637-00 |
| Proj/Prog# | 000 | | |
| Budget FY: | | Amount: | |
| 2013-14 | | \$ | 50,000 |
| 2014-15 | | \$ | 40,000 |
| 2015-16 | | \$ | 10,000 |
| 2016-17 | | \$ | 10,000 |
| 2017-18 | | \$ | 10,000 |
| 2018-19 | | \$ | 10,309 |
| TOTAL | | \$ | 130,309 |

For Acct/Budget Div. Use Only

Verified by: 

Verified Funds Available: 

Date Approved: 9/24/13

EXHIBITS

D – COST ESTIMATE

E - SCHEDULE

EXHIBIT D

COST ESTIMATE WORKSHEET

VOLUNTARY CLEANUP AGREEMENT AMENDMENT

Project Name: Avalon Triangle, 101 North Broad Avenue, Wilmington, CA

| Title | VCP Coord. | Project Manager | | Supervisor | | Toxicology | Geology | Industria Hygiene | HQ CEQA | Public Particip | Legal | Clerical |
|--|---------------------|--------------------|--------|------------|-------|-----------------------|--------------|----------------------|------------|--------------------|------------------|----------|
| | Sr. HSS | HSS | HSE | HSSI | HSSE | Staff Toxicologist | Eng Geol. | Assoc IH | AEP | PPS | Staff Counsel | WPT |
| Classification Agreement Prep./Negotiation | 2 | | 2 | | | | | | | | | |
| Implement Completion of Second Phase Removal Action (Soil) | | | 68 | | 2 | | 40 | 2 | | | | |
| Removal Action Completion Report (Soil) | | | 32 | | | 8 | 54 | | | | | |
| Certification (soil) | | | 16 | | 2 | | 4 | | | | 2 | 1 |
| Public Participation (GW) | | | 24 | | 4 | 2 | 8 | | | 24 | | |
| CEQA (GW) | | | 24 | | 2 | 2 | 8 | | 8 | | 2 | 1 |
| Removal Action Workplan (GW) | | | 54 | | 2 | 4 | 56 | | | 8 | | 2 |
| Implement Removal Action (GW) | | | 24 | | 2 | 4 | 24 | 1 | | | | |
| Removal Action Completion Report (GW) | | | 40 | | 2 | 4 | 24 | | | | | |
| Certification (GW) | | | 16 | | 2 | | 4 | | | | 2 | 1 |
| Financial Assurance | | | 6 | | 1 | | | | | | 4 | 1 |
| Deed Restriction (Land Use Covenant) | | | 24 | | 1 | | 2 | | | | 12 | 2 |
| Operation & Maint (5 years, est.) | | | 40 | | 8 | | 80 | 2 | | | 4 | 4 |
| Total No. Hours/Class | 2 | 0 | 370 | 0 | 28 | 24 | 304 | 5 | 8 | 32 | 26 | 12 |
| Hourly Rate/Class | 141 | 123 | 163 | 141 | 192 | 166 | 164 | 141 | 121 | 115 | 168 | 65 |
| Cost/Class | 282 | 0 | 60,310 | 0 | 5,376 | 3,984 | 49,856 | 705 | 968 | 3,680 | 4,368 | 780 |
| Grand Total Cost | \$130,309.00 | | | | | | | | | | | |

EXHIBIT E

PROJECT SCHEDULE

| TASK | TIMELINE |
|---|--|
| Agreement Execution | October 2013 |
| Proponent to implement Completion of Second Phase Removal Action (RA) for soil. | As outlined in RAW |
| Proponent to submit Removal Action (RA) completion report | As outlined in RAW |
| DTSC to review and comment on RA completion report | Within 30 days after receipt of RA completion report |
| Proponent to submit revised RA completion report based on DTSC comments, if necessary | Within 30 days after receipt of DTSC comments |
| DTSC to review and approve final RA completion report for soil | Within 14 days after receipt of final RA completion report for soil |
| Certification for soil only | Within 14 days after approval of final RA completion report for soil |
| Proponent to submit RAW for groundwater | To Be Determined |
| Public Participation Activities | Concurrently, as determined by the project |
| DTSC to review and comment on RAW for groundwater | To Be Determined |
| Proponent to submit revised RAW for groundwater based on DTSC comments, if necessary | To Be Determined |
| DTSC to review and approve RAW for groundwater | To Be Determined |
| Proponent to implement RAW for groundwater | As outlined in RAW |
| Proponent to RA completion report for groundwater | As outlined in RAW |
| DTSC to review and comment on RA completion report | Within 30 days after receipt of RA completion report |
| Proponent to submit revised RA completion report based on DTSC comments, if necessary | Within 30 days after receipt of DTSC comments |
| DTSC to review and approve final RA completion report for groundwater | Within 14 days after receipt of final RA completion report |