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June 28, 2021

Mr. Tim Howe, Director of Water/Wastewater
City of Seguin
P.O. Box 591
Seguin, Texas 78156-0591

RE: Geronimo Creek WWTP Expansion
Engineering Services Contract Amendment No. 3
Additional Environmental Services

Dear Mr. Howe:

This Contract Amendment No. 3 represents services for additional environmental work for the above-referenced project. These services are required due to:

1. Additional requirements from the Texas Historical Commission (THC) as a result of the initial submittal to THC (prepared by TRC), described as Tasks 1 and 3 below.

2. Permit application required by the US Army Corps of Engineers (USACE) for the force mains and fiber optic line extending through the USACE Reforestation area in East Starcke Park, described as Task 2 below.

3. Asbestos and Lead Surveys for the existing structures at both the Geronimo and Walnut Branch WWTP's that are scheduled for demolition. This is needed for the contractor in determining his bid costs for removal and handling of these materials, described in Task 4 below.

4. Migratory nesting bird field survey required by USFWS and TPWD, described in Task 5 below.

5. Permit applications required by the Texas General Land Office (GLO) for the two River crossings of the force mains and fiber optic lines, described as Task 6 below.

SCOPE OF WORK SUMMARY

Task 1: Natural and Cultural Field Surveys – Proposed Utility Lines

1. Natural Resources Field Surveys – This is required by the USACE to determine if the proposed project meets the general and regional conditions of the Section 404 Nationwide Permit (NWP) 58 and/or NWP 57.

2. Cultural Resources Field Survey – This is required by THC following TRC's initial desktop submittal.

   a. Antiquities Permit Application and Research Design;

b. Reporting and Schedule; and

c. Curation.

Task 2: USACE Section 408 Review – Proposed Utility Lines

1. USACE Section 408 Review Request - The proposed utility lines must be routed through an existing USACE Reforestation area (near Austin Street) and this permit application is required by USACE.

Task 3: Cultural Resources Field Surveys – Geronimo Creek WWTP Site

1. Cultural Resources Field Survey – This is required by THC following TRC's initial desktop submittal.
   a. Antiquities Permit Application and Research Design;
   b. Reporting and Schedule; and
   c. Curation.

Task 4: Asbestos and Lead Survey – Walnut Branch and Geronimo Creek WWTP Sites

1. Asbestos and Lead Survey
   a. Asbestos Containing Material (ACM); and
   b. Lead-Containing Paint (LCP).

Task 5: Migratory Nesting Bird Field Surveys – Proposed Utility Lines and Geronimo Creek WWTP

1. Field Survey – Required by USFWS and TPWD in order to comply with the Migratory Bird Treaty Act
2. Reporting

Task 6: Texas GLO Permit Application – Proposed Utility Lines River Crossings

1. Field Survey, Application Preparation and Submittal

DETAILED SCOPE OF WORK

Task 1: Natural and Cultural Field Surveys – Proposed Utility Lines

Natural Resources Field Surveys

Waters of the U.S. Delineation Survey

Based on the desktop data review, TRC biologists will conduct a field survey to determine the location and extent of any potential waters of the U.S., including wetlands, within the proposed project area. The survey will be performed in accordance with methods described in the 1987 Corps of Engineers Wetlands Delineation Manual (USACE 1987) and Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Great Plains Region (Version 2.0; USACE 2010). Vegetation, soils, and hydrology will be recorded for each wetland and non-wetland site on appropriate USACE field data forms, if needed. Data collection points, streams, wetlands, and/or water body boundaries will be surveyed using a sub-meter Global Positioning System (GPS) unit.

Habitat Assessment for Threatened and Endangered Species

Following the background data review, TRC biologists will conduct a survey concurrent with the waters of the U.S. delineation for T&E species habitat, vegetation communities, and other sensitive natural resources that may be present within or adjacent to the project area. TRC will identify predominant vegetation communities and address their abilities to provide habitat to support T&E species. Results of the on-site field investigation will be used in support of federal, state, or local permitting requirements and technical reports.

Cultural Resources Field Surveys

TRC completed an archival and historic desktop study and based on findings, additional archeological testing of the area of potential effects (APE) is required for the New Utility Lines. This archeological survey is proposed to fulfill the City of Seguin's (City) obligation under the Antiquities Code of Texas (Section 191.0525), as a subdivision of the state, and to ensure compliance under Section 106 of the National Historic Preservation Act of 1966, as amended. We propose the following to meet project requirements:

1. Antiquities Permit Application and Research Design;
2. Deep Testing and Shovel Testing Investigations, Reporting, and Schedule; and
3. Curation.

Task 2: USACE Section 408 Review Request – Proposed Utility Lines

A USACE Section 408 review is triggered when construction activities occur within the USACE's Civil Works Project Right-of-Way (ROW). The 408 review is necessary to determine the potential impacts of the proposed activities on the integrity of the Walnut Branch Stormwater Channel. The proposed location of the force mains and fiber optic cable is currently located within the Walnut Branch Reforestation Area in the City-owned Max Starcke Park and will require a 408 review by the USACE.

TRC will also prepare a 408 request to the USACE for its authorization regarding the installation of the proposed Project within the Walnut Branch Stormwater Improvement Area of Walnut Branch (a USACE Civil Works Project). The 408 request is submitted to

the USACE, with copies sent to the City. Once Section 408 authorization is received from the USACE, the City can move forward with construction of the Project.

Task 3: Cultural Resources Field Surveys - Geronimo Creek WWTP Site

TRC completed an archival and historic desktop study and based on the findings, additional archeological testing of the area of potential effects (APE) is required for Geronimo Creek WWTP Site. This archeological survey is proposed to fulfill the City of Seguin's (City) obligation under the Antiquities Code of Texas (Section 191.0525), as a subdivision of the state, and to ensure compliance under Section 106 of the National Historic Preservation Act of 1966, as amended. We propose the following to meet project requirements:

1. Antiquities Permit Application and Research Design;
2. Deep Testing and Shovel Testing Investigations, Reporting, and Schedule; and
3. Curation.

Task 4: Asbestos and Lead Survey – Walnut Branch and Geronimo Creek WWTP Sites

This Scope of Work includes limited environmental consulting services; including survey and bulk sampling of suspect asbestos-containing materials (ACMs) and lead-containing paints (LCPs) expected to be impacted during planned demolition and renovation activities at the two WWTP sites. Building materials selected for survey and sampling will be limited to materials expected to be impacted by the demolition and renovations. Survey and sampling of roofing and exterior materials are included in the proposed scope of services and pricing presented in this proposal.

Asbestos Containing Material (ACM)

TRC will conduct an Asbestos Survey. Regulated materials of concern include asbestos-containing materials (ACMs) and asbestos-containing building materials (ACBMs). Survey activities will be conducted in accordance with Occupational Safety and Health Administration (OSHA) regulations, 29 CFR 1926.1101, National Emissions Standards for Hazardous Air Pollutants (NESHAP), 40 CFR Part 61, asbestos compliance issues for demolition and renovation, and 40 CFR Part 763 Asbestos Hazard Emergency Response Act (AHERA) and Texas Asbestos Health Protection Rules (TAHPR).

Based on our understanding of the site, TRC understands that identification of ACMs and ACBMs within the facility will require select demolition activities of various components and systems so that qualified personnel can assess. TRC will conduct the asbestos survey of the structures and areas expected to be impacted by the planned renovation or demolition activities. This will include accessible interior and exterior building materials, equipment insulation, gaskets, packings, coatings, roof materials, and other suspect materials. The asbestos survey will be overseen by and under the direction of TRC's

Texas Department of State Health Services (TDSHS) and AHERA accredited asbestos building inspectors, with extensive knowledge and background in conducting industrial facility surveys. The asbestos sampling activities will be under the direction of a TDSHS Individual Asbestos Consultant.

For each structure and associated equipment unit, TRC will identify the suspect materials based on as-built drawings, prior reports, if any, and visual observations. TRC will obtain access to the materials as well as samples for laboratory analysis, assess the condition of materials and whether they are friable or non-friable, estimate the quantity of ACM and ACBM, prepare field drawings depicting locations of bulk samples and ACM/ACBM, and document this information.

The asbestos survey will be performed in accordance with federal, state, and local requirements for asbestos assessment. The quantity of samples necessary to test suspect materials will be determined while on site and will be performed according to AHERA, TAHPR and NESHAP guidelines. TRC anticipates up to 465 bulk sample layers will submitted to the laboratory at a standard turn-around time. This includes analysis of multi-layer materials (e.g., drywall and joint compound would create two lab-prep analyses from one sample collected in the field). TRC will consider each building being its own homogenous area.

Lead-Containing Paint (LCP)

TRC will conduct a lead-containing paint (LCP) survey in compliance with regulations set forth by OSHA for contractors and their employees working with lead.

The scope of work will include testing and assessment of painted and coated surfaces in and on all painted structures, and other components within the planned demolition and renovation projects. The TRC Team will conduct the sampling and identification of suspect LCP using the principles described in the Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing by HUD, Title X. The survey will utilize an x-ray fluorescence (XRF) spectrum analyzer to determine lead concentrations in paint in a non-destructive manner. The XRF spectrum analyzer is a direct-read instrument that will provide immediate results in the field. The analyzer will report lead content in milligrams per square centimeter (mg/cm^2) and does not have an inconclusive range. As such, no paint chip sampling with laboratory analysis is necessary. In cases where LCP is in damaged condition (e.g., flaking or peeling), TRC may collect and submit the paint chip samples for laboratory analysis of lead concentrations. No dust wipe or soil sampling for lead contamination is proposed.

Task 5: Migratory Nesting Bird Field Surveys

In compliance with the Migratory Bird Treaty Act (MBTA), a Migratory Bird Nest Survey is required when clearing of vegetation is unavoidable during the migratory bird nesting

season (March through August) to ensure that no nests with eggs or young will be disturbed by construction or operation of the project.

One TRC biologist will conduct a Migratory Bird Nest Survey according to U.S. Fish and Wildlife Service (USFWS) survey protocols. The survey will be conducted within 5 days prior to presence of construction clearing and grading crews within the proposed construction footprint. If construction crews do not start clearing activities within seven (7) days of the survey date, resurvey of the area will be required prior to construction activities, which would require a separate scope of work. Once clearing is complete in an area, the area will not require an additional survey.

TRC will prepare a brief memo no more than one (1) page summarizing the results of the Migratory Bird Nest Survey.

Task 6: Texas GLO Permit Application

Services include the preparation of two TxGLO permit applications for the two Guadalupe River crossings of the force mains and fiber optic line, consisting of typed easement applications for the proposed 30" force mains and fiber optic including all maps and easement documents as required by TxGLO for both river crossings. Services also include an As-Built Survey exhibit for each river crossing. The survey crew will perform one (1) site visit after construction completion of each river crossing to survey the installed force main marked by the contractor.

ASSUMPTIONS

The following assumptions provide the basis upon which TRC's proposed costs were developed for the project. Changes to these assumptions may result in request(s) for additional compensation from TRC.

Natural/Cultural Surveys and USACE Permit

- Cultural and Natural Resource surveys assumes six (6) field visits to complete the surveys.
- Where necessary, the City will be responsible for arranging property access prior to commencement of the field survey for properties not located within public right-of-way. TRC will not perform any field investigation on properties where access has not been granted.
- Based on a preliminary review of the current project information provided by project engineers, TRC anticipates that the proposed project will require a USACE Section 404 NWP 57 and/or NWP 58, but would not require a submittal of a PCN application to the USACE. If it is later determined that additional permitting or PCN is required, then TRC will prepare a separate PROPOSAL and cost estimate for

submittal to the City and subsequent approval prior to completing additional services.

- This scope of work does not include USACE mitigation planning and/or implementation costs. Should mitigation planning and/or implementation be required, then TRC will prepare a separate proposal for additional services and submit to the City for approval.
- The City will provide backhoe and operator to conduct the cultural resources field investigations.
- This proposal assumes no more than one archeological site will be encountered during the investigation. If additional sites are discovered during intensive archeological survey, a change order will be required to cover the recording of site with the Texas Archeological Research Laboratory.
- This proposal assumes no human remains will be encountered during investigations. If human remains are encountered, TRC will stop work and immediately notify the City. Any associated services for managing the discovery of human remains (e.g., agency notification, tasks related to adherence to the Texas Health and Safety Code [Title 8, Chapters 711–714] guidelines) will be submitted in a separate proposal for City approval.
- This proposal covers a prescribed level of effort through the THC consultation, intensive survey, and reporting. If after consultation the THC requires additional work in the form of additional survey, archeological monitoring, archeological testing, and/or data recovery then TRC will prepare a separate proposal for additional services and submit to the City for approval.
- No additional environmental services or studies (e.g., ASTM Phase I Environmental Site Assessment, T&E species-specific surveys, biological monitoring, etc.) beyond those already outlined in this proposal will be performed. Should additional environmental studies be required, TRC will prepare a separate proposal for additional services and submit to the City for approval.
- Based on a preliminary review of the current project information, TRC anticipates that the proposed project will have minimal impacts to sensitive natural resources. If it is determined after investigation that sensitive natural resources will be impacted by the proposed project, additional environmental services and fees may be required. If additional environmental services are required, then TRC will prepare a separate proposal for additional services and submit to the City for approval.
- For Task 2, services are not included for areas outside the force main route or for other projects or other reforestation areas.

Asbestos and Lead Paint Survey

- The cost for services provided herein include the analysis of up to 465 bulk ACM samples. Additional samples will be billed at $10.00 each.
- Asbestos and Lead surveys will be limited to building materials determined to be part of the demolition and renovation projects.
- Although attempts will be made to keep sampling discrete and damage minimal, minor damages to building materials and finishes will likely occur. TRC will not accept responsibility for damages, whether in the present or that which may occur later, stemming from our work proposed herein.
- Hidden and/or inaccessible materials may not be identified or sampled due to constraints created from construction. Destructive access or demolition of certain components of buildings may be required in order to identify and sample such materials. TRC assumes City does not desire such destructive investigation and therefore excludes such methods from our proposed scope of work identified above.
- Sample analysis by methods other than specified within this proposal are excluded but can be provided at additional cost if deemed appropriate and necessary.
- City will provide means for accessing inaccessible areas, as needed and if sampling is necessary in such areas (i.e. crawlspaces, roofs, ceiling plenum with fireproofing on structural steel members, etc.). TRC's proposal is limited to elevations accessible using a standard six-foot ladder.
- TRC's inspector is not a licensed building envelope/roofing contractor. As a result, TRC will provide temporary patches at sample locations using a standard sealant but will not be responsible for permanent patches or repairs at sample locations. Further, TRC will not be responsible for potential roof warranty or damages incurred (if any) arising from our sampling activities.
- TRC's survey methods do not include an evaluation of concealed crawlspaces, underground asbestos cement water or sewage piping, underground steam lines, or subsurface foundation damp-proofing that may be present at the sites unless City provides specific access to the materials.
- All results will be submitted to lab with standard turnaround times.

COST OF SERVICES

The cost for the services mentioned herein will be invoiced on a lump sum basis as follows:

Work Task Number (Per Above Description)	Cost (Lump Sum)
Task 1	$33,330.00
Task 2	$5,280.00
Task 3	$16,720.00
Task 4	$24,200.00
Task 5	$3,850.00
Task 6	$45,066.00(1)
Total:	**$128,446.00**

(1)Includes $8,700.00 for GLO application fees.

TRC's proposal accounts for the currently known effects of the COVID-19 pandemic, but TRC cannot predict any different effects or requirements, such as impacts due to future governmental orders, CDC guidelines, or extended duration of the COVID-19 pandemic. TRC reserves the right to obtain relief from schedule or deliverable requirements due to a force majeure event in the event of further impacts to the work due to COVID-19 and reserves the right to receive compensation for increased PPE, social distancing, or other requirements that impact TRC's costs.

Services will be provided in accordance with the Master Service Agreement (dated December 16, 2003) executed by the City and TRC. The original engineering services agreement was executed by the City of Seguin (City) and TRC Engineers, Inc. (TRC) on June 29, 2020, and all requirements set forth in that agreement and subsequent amendments are applicable. Fees for services quoted in this proposal are valid for a period of time not to exceed 60 days from the date of this letter.

If this proposal is acceptable, please execute below and return this proposal to TRC.

Thank you for this opportunity. If you have any questions regarding this proposal, please feel free to contact this office.

Sincerely,

Craig Bell

H. Craig Bell, P.E.
Austin CES Engineering Director

City of Seguin

6/28/21

Date

Date

TRC