

AMENDMENT TO
INTERGOVERNMENTAL AGREEMENT
Newberg Landfill – Install and Monitor Soil Gas Probes

- A. This is Amendment No. 02 to Agreement No. 168-20 between the State of Oregon acting by and through its Department of Environmental Quality (“DEQ”) and Yamhill County (“County”), collectively “The Parties”, entered into on August 27, 2020, and amended on December 22, 2022 (“Agreement”).
- B. The Agreement is amended to add the **underlined bold** language and delete the language enclosed in [brackets and stricken] as follows:

DEQ DATA

Agreement Administrator: [~~Tim Spencer~~] **Ryan Lewis**
Phone: [~~503-229-5826~~] **503-915-4764**
Email: [~~spencer.tim@deq.state.or.us~~] **ryan.lewis@deq.oregon.gov**

- C. The Agreement is further amended to add the **underlined bold** language and delete the language enclosed in [brackets and stricken] as follows:

3. Effective Date and Duration

Unless earlier terminated or extended, this Agreement expires [~~December 31, 2023~~] **December 31, 2024**.

- D. The Agreement is further amended to add the **underlined bold** language and delete the language enclosed in [brackets and stricken] as follows:

EXHIBIT A

Phase 3 – Northeast (NE) Leachate Seep Corrective Action

Description: Clear existing brush that obscures the NE corner of Site and storm water drainage patterns in that area of Site. Then, inspect and evaluate options for mitigating the existing leachate seeps that flow into the adjacent wetland. [~~Corrective action may involve: re-grading the area, addition of thicker cover soil, re-contouring final surface grades, and re-constructing perimeter storm water ditches to restore efficient drainage.~~]

Phase 3, Task 1: Submit Work Plan

Description: The County shall submit a work plan to DEQ for approval to place approved soil (approved on 6/22/2021 by Tim Spencer, DEQ) currently stored on the site onto the leachate seepage area and a large erosion crack on the surface of the Newberg Landfill. The County shall re-submit revised reports to DEQ until DEQ approves.

Assumptions: A letter work plan will include information and rationale for soil application to the Northeast (NE) corner leachate seepage area as well a large crack on the Newberg Landfill surface. The County will not invoice DEQ for work on this task.

Deliverable: A letter work plan to DEQ.

Phase 3, Task 2: Soil Placement

Description: Upon DEQ’s approval of the work plan, the County shall move the reserve stored soil into place at the leachate seepage area in the NE corner as well as the large surface erosion crack in accordance with the work plan.

Assumptions: Installation of the soil will require 2-3 days to be placed. The County will utilize a contractor to have this task completed. This work will be completed during the dry season or during a weather appropriate period to limit the potential of damaging the existing cover and erosion occurrence.

Phase 3, Task 3: Seeding

Description: To prevent recently placed soil from eroding, the County shall seed the soil with a grass mixture and place silt fencing.

Assumptions: Placement of seed and silt fencing will require 1 day. The County will utilize in-house staff to complete this task and will provide the silt fencing. The County will invoice DEQ for the cost of the seed only.

Phase 3, Task 4: Barrier Installation

Description: To protect the recently seeded soil and to prevent motorized vehicles from trespassing onto the landfill, the County shall submit to DEQ a work plan detailing the placement and locations of concrete ecology blocks on the landfill site. Upon DEQ’s approval of the work plan, the County shall purchase concrete ecology blocks and set the blocks in place to close established entry points onto the landfill.

Assumptions: It will take 2-3 days to place the ecology blocks to their locations. The County will utilize a contractor to have this task completed.

Deliverable: A work plan sent to DEQ Agreement Administrator.

Phase 4 – Environmental Monitoring Plan (EMP) Update

Phase 4, Task 1, EMP Update

Description: The County shall submit an EMP update technical memorandum for the draft October 11, 2018, EMP to DEQ for review and approval. The approach to the EMP update effort is not to fully revise the draft 2018 EMP, but to develop a technical memorandum to attach to the draft 2018 EMP that presents a concise monitoring strategy and program for the Newberg Landfill. The County shall incorporate DEQ’s comments and re-submit the technical memorandum to DEQ until DEQ approves. Approval of the EMP update technical memorandum by DEQ does not constitute approval of the draft 2018 EMP.

Joint Assumptions: The technical memorandum will update the draft 2018 EMP by presenting a concise environmental monitoring and reporting program for the Newberg landfill . The technical memorandum will be created by Yamhill County consultant, Rick Malin of Parametrix. The County’s consultant will submit a preliminary draft of the technical memorandum to the County for review.

Deliverable: A final DEQ approved technical memorandum.

E. The Agreement is further amended by deleting Exhibit A, section III, and replacing it as follows:

III. Budget & Deliverables

The estimated cost to complete Phase 3 is [~~\$40,000-\$65,000~~] **\$8,280.**

The estimated cost to complete Phase 4 is \$7,450.

The County shall not exceed the estimated cost to complete Phases 3 and 4 unless approved in writing by DEQ.

Phase Number	Phase Name	Task Number	Deliverables	Task Total Cost
1	Gas Probe Installation	1	Inspection of proposed probe locations	\$1,553
		2	Work plan	\$1,381
		3A	Installation of landfill gas probes: Fence removed/pulled back	\$5,473
		3B	Installation of landfill gas probes: Fence reinstalled/put back and gate installation	\$11,425
		3C	Spreading of soil cuttings	\$1,500

		4	Field documentation of initial gas monitoring event	\$1,654
		5	Installation report	\$2,048
		5A	LGMP	\$2,906
		6	Project management: monthly invoices that include project status report and summary budget	\$1,153
		Total Phase 1		\$29,093
2	One (1) Year Gas Probe Monitoring	1	Field documentation of 1 st quarterly event after Phase 1 completion	\$1,273
		2	Field documentation of 2 nd quarterly event after Phase 1 completion	\$762
		3	Field documentation of 3 rd quarterly event after Phase 1 completion	\$1,273
		4	Field documentation of 4 th quarterly event after Phase 1 completion	\$762
		5	Monitoring results report	\$1,143
		6	Project management: monthly invoices that include project status report and summary budget	\$1,153
		Total Phase 2		\$6,366
[3]	[NE Leachate Seep Corrective Action]		[\$40,000-\$60,000]	
3	<u>NE Leachate Seep Corrective Action</u>	<u>1</u>	<u>Submit work plan</u>	=
		<u>2</u>	<u>Soil placement</u>	<u>\$2,640</u>
		<u>3</u>	<u>Seeding</u>	<u>\$300</u>
		<u>4</u>	<u>Barrier installation</u>	<u>\$5,340</u>
		<u>Total Phase 3</u>		<u>\$8,280</u>
4	<u>EMP Update</u>	<u>1</u>	<u>EMP update</u>	<u>\$7,450</u>
		<u>Total Phase 4</u>		<u>\$7,450</u>
Project Total			[\$75,459-\$95,459] <u>\$51,189</u>	

- F. Counterparts. This Amendment may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Amendment shall constitute an original.
- G. Except as expressly amended above, all other terms and conditions of original Agreement are still in full force and effect. County certifies that the representations, warranties and certifications contained in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment. This Amendment shall become effective on the date which every party has signed.

AGREED TO BY COUNTY: Absent 12/7/23
 Lindsay Berschauer, Chair Date

12/7/23
 Kit Johnston, Commissioner Date

12/7/23
 Mary Starrett, Commissioner Date

AGREED TO BY DEQ:  12/26/2023
Brian Boling (Dec 26, 2023 07:15 PST) Date
 Brian Boling, Central Services Administrator – DPO
 Brian Boling
41510-39377-688010
 Index/PCA/Project

Approved by the Yamhill County Board of
 Commissioners on 12/7/23
 via Board Order 23-439