

**RESOLUTION 2022-BBB**

**A RESOLUTION OF THE TOWN OF EATONVILLE, WASHINGTON,  
AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE  
INTERAGENCY AGREEMENT WITH THE STATE OF WASHINGTON,  
DEPARTMENT OF ECOLOGY**

**WHEREAS**, between 1950 and 1980, the Town of Eatonville (“Town”) leased property from Weyerhaeuser Company (“Weyerhaeuser”) for the purposes of operating a municipal landfill; and

**WHEREAS**, upon closure of the landfill, proper mitigation measures were not taken to clean up the municipal waste; and

**WHEREAS**, on August 9, 2021, the Town and Weyerhaeuser entered into Agreed Order DE 20072 with the Washington State Department of Ecology (“Ecology”) to provide remedial action at the site; and

**WHEREAS**, on August 23, 2021 the Town Council approved an Interagency Agreement (“IAA”) with Ecology for the purpose of funding and satisfying the requirements of the approved Agreed Order; and

**WHEREAS**, the Town and Ecology are requesting an amendment to the IAA, to include adding funding in the amount of \$35,000 and modifying Appendix A of the IAA; now, therefore,

**THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, WASHINGTON, HEREBY  
RESOLVES AS FOLLOWS:**

**THAT:** The Town Council approves, and the Mayor is authorized to execute, the Amended Interagency Agreement with the State of Washington, Department of Ecology, hereto attached as Exhibit A.

**PASSED** by the Town Council of Town of Eatonville and attested by the Town Clerk in authentication of such passage this 14<sup>th</sup> day of November 2022.

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David Baublits, Mayor

ATTEST:

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Miranda Doll, Town Clerk



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

## **AMENDMENT NO. 3**

TO

Contract NO. C2200079

BETWEEN THE

STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

AND

TOWN OF EATONVILLE

PROJECT TITLE: EATONVILLE LANDFILL

**PURPOSE:** To amend the Agreement between the state of Washington, Department of Ecology, hereinafter referred to as “ECOLOGY,” and Town of Eatonville, hereinafter referred to as “TOWN” or “CONTRACTOR.”

**WHEREAS,** TOWN and ECOLOGY request an amendment to the agreement, including adding funding in the amount of \$35,000.00, and modifying Appendix A (Statement of Work and Budget) by adding a sub-task 9 to Task 3 – Remedial Investigation, and revisions to both Task 4 Deliverables and Task 5 Deliverables.

IT IS MUTUALLY AGREED the Agreement is amended as follows:

- 1) The Scope of Work is amended to read as follows:

*A new sub-task (3.9) shall be added to Task 3 – Remedial Investigation as written below.*

*Task 4 and 5 Deliverables are being modified as written below.*

*Deleted text is indicated with strike thru (~~sample~~) and new text is indicated with underlined (sample).*

### **Sub-Task 3.9: Weight of Evidence Ecological Evaluation Approach**

The Terrestrial Ecological Evaluation (TEE) allows for a Weight of Evidence (WOE) approach to determining ecological risk screening values. The TEE will be performed/completed by a licensed ecologist led by GSI Water Solution Inc. with support from SLR who will provide a biologist for the field efforts. As part of the WOE, field efforts are required and are planned to be implemented in August 2022. The purpose of the WOE approach is to evaluate conditions in the wetland below the former

Eatonville Landfill in relation to other similar wetland settings in locations outside of high metals concentrations but within the general wetland area, including the following:

- Surface conditions,
- Vegetation conditions, and
- Soil moisture conditions.

The anticipated work has been detailed in a WOE memorandum developed for Washington Department of Ecology:

GSI, 2022. Former Eatonville Landfill - Work Plan for Terrestrial Ecological Evaluation Using a Weight of Evidence Ecological Evaluation Approach. From: Katie Lippard and Josh Bale, GSI Water Solutions, Inc.; To: Sam Meng, Washington Department of Ecology. August 31, 2022.

The scope of the WOE approach is composed of four (4) principal components:

1. Literature review to determine what levels of contaminant concentrations are currently considered to be protective based on comparison to other sites and studies.
  - a. The literature review consists of reviewing available Site data regarding metal concentrations and comparing to data collected by other government agencies (either inside or outside of State of Washington) through screening level research projects to evaluate for reasonable cleanup levels, including but not limited to:
    - i. U.S. Environmental Protection Agency (EPA) Soil Screening,
    - ii. Risk Assessment Information System (RAIS), and
    - iii. Oak Ridge National Laboratory.
  - b. This is a desktop exercise to be performed remotely.
2. Visual evaluation and documentation of existing Site vegetation to determine if there are negative impacts to elevated metals concentrations for the following elements:
  - a. Species composition,
  - b. Density, and
  - c. Condition.
3. Soil samples will be collected from the Site from strategic locations, including:
  - a. Five (5) locations with known concentrations of elevated metals, and
  - b. Five (5) locations un-impacted by metals for comparison
  - c. These samples will be sent to an Ecology approved laboratory for evaluation of soil biota (invertebrates) to allow for group identification and enumeration.
4. In summer of 2022, wildlife cameras will be set throughout the Site for one (1) month in strategic locations to document avian and mammalian wildlife behaviors and characteristics including but not limited to the following:
  - a. Abnormal walking or flying patterns,
  - b. Large lumps that may be indicative of contaminant exposure,
  - c. Deformities, and
  - d. Any other non-typical behaviors or characteristics the biologist notes.

**Sub-Task 3.9 Deliverables (to be incorporated into the Remedial Investigation/Feasibility Study (RI/FS) report):**

1. Field forms,
2. Evaluation location figure,
3. Photos
4. Summary report that includes the results of the four (4) components of the TEE WOE approach.

**Task 4 Deliverables (to be incorporated into the deliverables for Task 5 – Feasibility Study):**

1. Ecology Review Draft Remedial Investigation Report, including:
  - a. Any archaeological findings,
  - b. Daily field logs,
  - c. Analytical reports, and
  - d. Figures and tables.
  - e. This deliverable is due for ECOLOGY review ninety (90) calendar days following completion of remedial investigation activities and will include all of the deliverables outlined above for all sub-tasks of task 3.
  - f. ECOLOGY will provide their comments to this version of the Ecology Review Draft Remedial Investigation Report within forty-five (45) calendar days following receipt.
2. Public Review Ready Draft Remedial Investigation Report, including all of the elements as outlined in #1 above and ECOLOGY's comments on the draft version is due for ECOLOGY review sixty (60) calendar days following submittal of ECOLOGY's comments on #1 above.

Note: The Public Review Ready Draft Remedial Investigation and Feasibility Study Reports will go out for public comment for thirty-days (30) minimum. The Agreed Order does not provide a schedule on when the public comment period should start. ECOLOGY will provide a response to comments received during the public comment period, if any provided. ECOLOGY will approve the Public Review Ready Draft Remedial Investigation and Feasibility Study document. The Agreed Order does not provide a schedule for approving the Public Review Ready Draft Remedial Investigation and Feasibility Study document.

**Task 5 Deliverables:**

1. Ecology Review Draft Feasibility Study Report, including:
  - a. Ecology Review Draft Remedial Investigation Report, including all items outlined under Task 4 Deliverables.
  - b. Technology screening and evaluation,
  - c. Proposal of cleanup action alternatives,
  - d. A disproportionate cost analysis, and
  - e. Presentation of a preferred cleanup action.
  - f. This deliverable is due to ECOLOGY for review one-hundred twenty (120) calendar days following ECOLOGY's approval of the Public Review Ready Draft Remedial Investigation Report.
  - g. ECOLOGY will provide their comments to the Ecology Review Draft Feasibility Study Report within forty-five (45) calendar days following receipt.
2. Public Review Ready Draft Feasibility Study Report, including:
  - a. The Public Review Ready Draft Remedial Investigation Report, and
  - b. All of the elements as outlined in #1 above and ECOLOGY's comments on the draft version is due for ECOLOGY review sixty (60) calendar days following submittal of ECOLOGY's comments on #1 above.

Note: The Public Review Ready Draft Remedial Investigation and Feasibility Study Reports will go out for public comment for thirty-days (30) minimum. The Agreed Order does not provide a schedule on when the public comment period should start. ECOLOGY will provide a response to comments received during the public comment period, if any provided. ECOLOGY will approve the Public Review Ready Draft Remedial Investigation and Feasibility Study document. The Agreed Order does not provide a schedule for approving the Public Review Ready Draft Remedial Investigation and Feasibility Study document.

2) The Budget is amended to read as follows:

The total compensation is increased by \$35,000.00, from \$357,000.00 to \$392,000.00.

Please see budget modifications indicated by deleted text being strike thru (~~sample~~) and new text is indicated being underlined (sample).

**Budget:**

Task	Description	Amount
1	Prepare a Remedial Investigation Work Plan	20,200.00
2	Site Reconnaissance	3,500.00
3	Remedial Investigation	<del>127,200.00</del> <u>\$162,200.00</u>
4	Remedial Investigation Report	92,800.00
5	Feasibility Study and Report	79,200.00
6	Preliminary Draft Cleanup Action Plan	34,100.00
	<b>Total Project Cost</b>	<del>357,000.00</del> <u>\$392,000.00</u>

**Overall Budget Table Note:** Task budgets may be moved between tasks without formal amendment.

All other terms and conditions of the original Agreement including any other amendments remain in full force and effect, except as expressly provided by this Amendment.

This Amendment is signed by persons who represent that they have the authority to execute this Amendment and bind their respective organizations to this Amendment.

This Amendment is effective on the Ecology signature date.

IN WITNESS WHEREOF, the parties below, having read this Amendment in its entirety, including any attachments, do agree in each and every particular as indicated by their below signatures.

**State of Washington  
Department of Ecology**

**Town of Eatonville**

By:

By:

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Heather R. Bartlett

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Deputy Director

\_\_\_\_\_  
Title