AMENDMENT NO. 1
TO AGREEMENT NO. TCPRA-2015-EverPW-00012
BETWEEN
THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY
AND
CITY OF EVERETT

PURPOSE: To amend the above-referenced agreement (AGREEMENT) between the state of Washington Department of Ecology (ECOLOGY) and CITY OF EVERETT (RECIPIENT) for the Everett Landfill Tire Fire (PROJECT).

The purpose of this amendment is to change the expiration date of the agreement from June 30, 2017 to June 30, 2019. The scope of work in the agreement and all other terms and conditions remain the same.

IT IS MUTUALLY AGREED that the AGREEMENT is amended as follows:

Expiration Date:
Original: 06/30/2017 Amended: 06/30/2019

CHANGES TO THE BUDGET

Funding Distribution EG160040

Funding Title: Everett Landfill Tire Fire - Oversight
Funding Type: Grant
Funding Effective Date: 01/01/2015
Funding Expiration Date: 06/30/2019
Funding Source:

| Title: Local Toxics Control Act (LTCA) |
| Type: State |
| Funding Source %: 100% |
| Description: Remedial action grants and loans are provided to local governments in Washington State to facilitate the cleanup of publicly owned lands contaminated with hazardous substances. Grants or Loans offered include those for initial investigations, site hazard assessments, independent cleanups, cleanups conducted under order or consent decree, safe drinking water actions, areawide groundwater investigations, and integrated |
planning activities. The remedial action grant and loan program was created by the Model Toxics Control Act (MTCA), Chapter 70.105D RCW. MTCA directed Ecology to adopt rules for grant and loan issuance and performance. Those rules are in Chapter 173-322A WAC, Remedial Action Grants and Loans. Funds for remedial action grants and loans come from a tax on hazardous substances. MTCA directs 44% of the tax revenue into the Local Toxics Control Account (LTCA). Each biennium, the Legislature appropriates a portion of the funds in LTCA for remedial action grants and loans.

Approved Indirect Costs Rate: Approved Rate Negotiated Between ECOLOGY and RECIPIENT: 25%
Recipient Match %: 50%
InKind Interlocal Allowed: No
InKind Other Allowed: No
Is this Funding Distribution used to match a federal grant? No

<table>
<thead>
<tr>
<th>Everett Landfill Tire Fire - Oversight</th>
<th>Task Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENGINEERING DESIGN OF ENVIRONMENTAL CONTROLS J005</td>
<td>$ 450,000.00</td>
</tr>
<tr>
<td>OPERATIONS &amp; MAINT OF LANDFILL GAS SYSTEM J007</td>
<td>$ 100,000.00</td>
</tr>
<tr>
<td>GRANT AND PROJECT ADMINISTRATION J008</td>
<td>$ 16,508.00</td>
</tr>
<tr>
<td>FS - SAMPLING AND ANALYSIS PLAN REVISIONS J004</td>
<td>$ 60,000.00</td>
</tr>
</tbody>
</table>

Total: $ 626,508.00
### Funding Distribution Summary

#### Recipient / Ecology Share

<table>
<thead>
<tr>
<th>Funding Distribution Name</th>
<th>Recipient Match %</th>
<th>Recipient Share</th>
<th>Ecology Share</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Everett Landfill Tire Fire -</td>
<td>50 %</td>
<td>$313,254.00</td>
<td>$313,254.00</td>
<td>$626,508.00</td>
</tr>
<tr>
<td>Oversight</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$313,254.00</strong></td>
<td><strong>$313,254.00</strong></td>
<td><strong>$626,508.00</strong></td>
</tr>
</tbody>
</table>

Version 10/30/2015
AUTHORIZING SIGNATURES

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

The signatories to this Amendment represent that they have the authority to execute this Amendment and bind their respective organizations to this Amendment.

This amendment will be effective 05/01/2017.

IN WITNESS WHEREOF: the parties hereto, having read this Amendment in its entirety, including all attachments, do agree in each and every particular and have thus set their hands hereunto.

Washington State
Department of Ecology

By: Jim Pendowski
Toxics Cleanup
Program Manager

Date: 4/22/17

CITY OF EVERETT

By: Richard Tarry
Engineering Services Manager

Date: 4-26-17

Ray Stephanson
Mayor

Date: 6-15-2017

James D. Iles
City Attorney

Date: 6/13/12

ATTEST: City Clerk

Version 10/30/2015
Sharon Fuller

City Clerk

Date

Template Approved to Form by
Attorney General's Office

Version 10/30/2015
PROJECT TITLE:
Amendment No. 1 to the State of Washington Department of Ecology Remedial Action Grant Agreement

COUNCIL BILL #
Originating Department: Public Works
Contact Person: Mark Sadler
Phone Number: 425-257-8967
FOR AGENDA OF: June 7, 2017

Initialed by:
Department Head: CAA
Council President: 

<table>
<thead>
<tr>
<th>Location</th>
<th>Preceding Action</th>
<th>Attachments</th>
<th>Department(s) Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Everett Landfill and Riverfront Development</td>
<td>State of Washington Department of Ecology Remedial Action Grant Agreement</td>
<td>Agreement</td>
<td>Public Works, Legal</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Amount Budgeted</th>
<th>0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditure Required</td>
<td>0</td>
</tr>
<tr>
<td>Budget Remaining</td>
<td>0</td>
</tr>
<tr>
<td>Additional Required</td>
<td>0</td>
</tr>
</tbody>
</table>

DETAILED SUMMARY STATEMENT:

The State of Washington Department of Ecology (DOE) has approved a total grant amount of $626,598 to be evenly split between the DOE and the City. The grant provides for tasks to continue the cleanup and monitoring of the Everett Landfill cleanup site, and for oversight of the developer compliance and environmental protection requirements of the site’s Consent Decree.

This amendment extends the funding expiration date of the grant from June 30, 2017 to June 30, 2019.

RECOMMENDATION (Exact action requested of Council):

Authorize the Mayor to sign the Amendment No. 1 to the Remedial Grant Agreement with the State of Washington Department of Ecology extending the funding expiration date of the grant to June 30, 2019.