

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

IN THE MATTER OF TAKING ACTION IN)
CONJUNCTION WITH THE COMMISSIONERS')
DAILY MEETING CALENDAR FOR MONDAY,)
JUNE 22, 2015 AT 9:30 AM OR AS SOON AS)
POSSIBLE THEREAFTER)

CLERK'S MINUTES
(Action Item – Weekly Calendar)

The above entitled matter having come before the Board of County Commissioners of Spokane County ("Board") on this 22nd day of June 2015, as provided for in the Board of County Commissioner's Daily Meeting Calendar under that item entitled:

"9:30 a.m. Strategic Planning Meeting

Marshall Farnell, CEO, possible executive session meetings on the following:

- Evaluate Qualifications of an Applicant for Public Employment or Review Performance of Public Employee (RCW 42.30.110(1)(g))

Miscellaneous Matters/Roundtable Discussion

Marshall Farnell, CEO, possible executive session meetings on the following:

- Acquisition/Lease of Real Estate (RCW 42.30.110(1)(b))
- Sale /Lease of Real Estate (RCW 42.30.110(1)(c))
- Labor Negotiations (RCW 42.30.140(4))
- Review Negotiations on the Performance of Publicly Bid Contracts (RCW 42.30.110(1)(d))

Jim Emacio, DPA - possible executive session meetings on the following:

- Enforcement Action or Pending/Potential Litigation (RCW 42.30.110(1)(i))"

and after discussion a motion was made by Commissioner O'Quinn, seconded by Commissioner French and unanimously passed 3-0 vote by the Board to:

MOTION:

Authorize the signing of an Access Agreement between the Washington State Department of Ecology and Spokane County, by the Chair, or a majority of the Board, at other than an open public meeting in its final form.

VOTE: Mielke – Aye; O'Quinn – Aye and French - Aye.

DATED this 22nd day of June 2015.



Ginna Vasquez

 Ginna Vasquez, Interim Clerk of the Board

ACCESS AGREEMENT
Between the
Washington State Department of Ecology
and
Spokane County

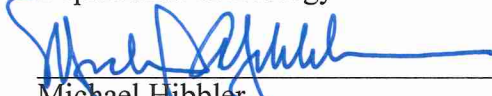
The Washington State Department of Ecology (Ecology) and Spokane County (collectively, "the Parties") agree to the following terms and conditions of this Access Agreement:

1. Ecology is responsible for the investigation and remediation of hazardous waste sites in Washington pursuant to the Model Toxics Control Act (MTCA). Chapter 70.105D RCW; Chapter 173-340 WAC.
2. Upon reasonable notice (unless an emergency prevents such notice), Ecology may exercise the power to enter upon any property to conduct investigations of a release of a hazardous substance, and to conduct remedial actions (including investigations) to remedy releases of hazardous substances. RCW 70.105D.030(1)(a) & (b); WAC 173-340-800.
3. Spokane County ("Property Owner") is the owner of real property located at Spokane County Assessor Parcel Numbers: 24213.9010, 24213.9016, 24213.9017, and 24282.9002 ("Property"). The Property is further delineated in the map attached as Figure 1.
4. The Property is known to be impacted by volatile organic compounds (VOCs) and various metals, including arsenic, cadmium, copper, lead, and mercury, from the Marshall Landfill. The Property also has the potential to be impacted by additional contaminants of concern such as petroleum, PCBs, dioxins and furans, cyanide, SVOCs, PAHs, pesticides, and herbicides from the Marshall Landfill.
5. The Marshall Landfill ("Marshall Landfill" or "Site") is a known hazardous waste site, generally located in Marshall, Washington. The Site is bounded by West Andrus Rd to the south, South Spotted Road to west, South Cheney-Spokane Road to the East, and a former County Landfill to the south. The Site is located in the NE quarter of Section 21, Township 24 North, Range 42 East, Willamette Meridian. Latitude 47.565 North and Longitude -117.499 West. Ecology identified the Marshall Landfill as an orphan site. This means that known PLPs are either financially unable, or unavailable, to conduct remedial actions in an adequate or timely manner at this Site.
6. By signing this Access Agreement, Property Owner grants full access rights to Ecology, and/or any authorized representative(s) of Ecology, for the purpose of investigating and remediating the release or threatened release of hazardous substances from the Marshall Landfill. This includes, but is not limited to, any monitoring and sampling necessary to assess the nature and extent of remaining contamination associated with the Marshall Landfill and any subsequent remediation determined to be necessary on the Property. Examples of such activities include rehabilitation or replacement of the existing groundwater monitoring wells, installation of new groundwater monitoring wells, collection of

- geotechnical data, and exploratory test pits. Ecology acknowledges that it will be funding the investigation work done under this Access Agreement.
7. Ecology acknowledges and understands that no warranty, either expressed or implied, is made by Property Owner as to the condition of the Property or any roads, buildings, gates, or other improvements located thereon and that dangerous conditions, risks and hazards both natural and man-made may exist on the Property.
 8. Ecology and/or any authorized representative(s) of Ecology shall receive authorization of the Property Owner prior to performing any remedial actions on the Property. Such authorization shall not be unreasonably withheld by Property Owner. Authorization must be confirmed by calling Spokane County Regional Solid Waste Manager Bill Wedlake, at telephone number (509) 477-7281 by email at wwedlake@spokanecounty.org, or by notifying the Spokane County Solid Waste Manager, or his delegate, in person at least 24 hours in advance of entry on the Property.
 9. In exercising its access privileges under this Agreement Ecology, and/or any authorized representative(s) of Ecology will take reasonable steps not to interfere with Property Owners operations, if any, on the Property.
 10. Upon completion of the investigation and remediation activities, Ecology will restore the Property as near as practicable to its condition immediately prior to the commencement of such activities.
 11. The granting of access right under the terms of the Agreement is not intended, nor should it be construed, as an admission of the liability of the part of the Property Owner for any hazardous substances discovered on the Property.
 12. Ecology, and/or any authorized representative(s) of Ecology shall comply with all applicable federal, state and local laws and regulations as well as safety measures in conjunction with its investigations and/or remediation activities on the Property
 13. The term of this Access Agreement shall be for the time period necessary for Ecology to complete all investigative and remedial actions involving the release or threatened release of hazardous substances from the Marshall Landfill at the Property that is impacted or is potentially impacted by the Site. Provided, further either party may terminate this Access Agreement for any reason whatsoever upon one year's advance written notice to the other party directed to the Parties representatives executing this Access Agreement.
 14. Each Party shall defend, protect, and hold harmless the other Parties from and against all claims (including, but not limited to, industrial claims under workers' compensation), suits, or actions arising from the negligent acts or omissions of its employees and/or authorized representatives while performing under the terms of this Access Agreement.
 15. The Parties may mutually amend this Access Agreement. Any amendments shall not be binding on any party unless such amendments are in writing and signed by an authorized representative of each party.

16. The Access Agreement between the Parties contains all terms and conditions agreed upon by and between the parties. No other understandings, verbal or otherwise, regarding the subject matter of this Agreement shall be enforceable on any of the Parties.
17. This Access Agreement may be executed in counterparts, each of which when so executed and delivered, shall be an original, but such counterparts shall constitute one and the same.

Department of Ecology



Michael Hibbler
Section Manager, Eastern Region Toxics Cleanup Program
Department of Ecology

Date: 13 July 2015

Spokane County

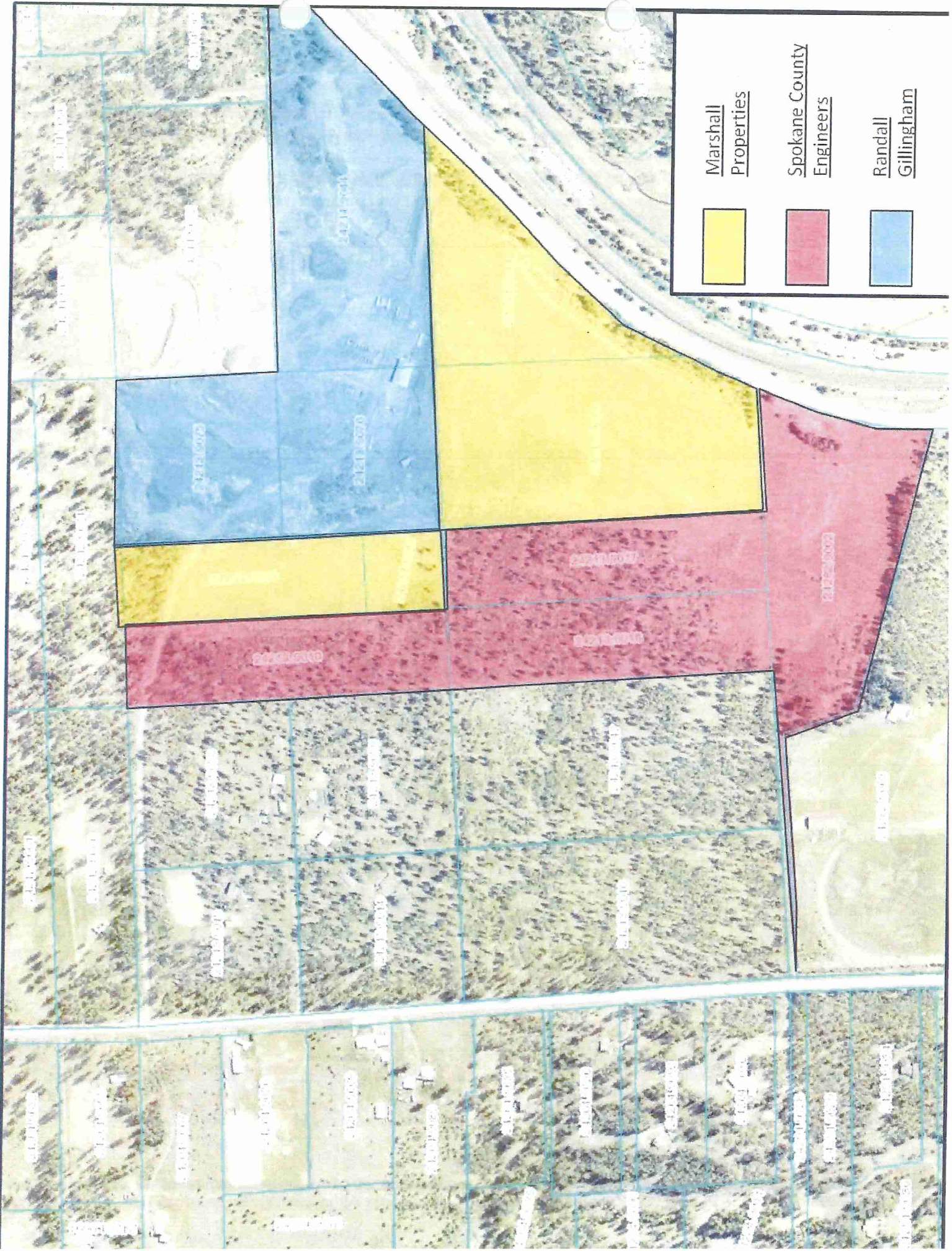


Todd Mielke, Chairman
Board of County Commissioners

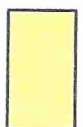
Date: 7/7/2015

(Resolution 15-0508)

FIGURE 1 to follow on next page.



Marshall Properties



Spokane County Engineers



Randall Gillingham

