

AMENDMENT 01 TO THAT CERTAIN PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF JOHN DAY AND MAUL FOSTER AND ALONGI, INC.

This Amendment 01 to that certain Professional Services Agreement (this “Agreement”) made and entered into effective May 1, 2020 (the “Effective Date”) between City of John Day (“City”), an Oregon municipal corporation, whose address is 450 E Main Street, John Day, Oregon 97845, and Maul Foster and Alongi, Inc. (“Contractor”), a Washington corporation, whose address is 2001 NW 19th Avenue, Suite 200, Portland, OR 97209.

RECITALS:

A. City desires to amend the agreement with Contractor to perform certain environmental assessment services and related planning services based on the revised work plan for the former Oregon Pine property dated July 31, 2020 (Project No. 1874.02.01), as described in Exhibit A to this amendment.

B. Subject to the terms and conditions contained in this Amendment 01, Contractor will perform the additional Services as defined in Exhibit A for and on behalf of City.

AGREEMENT:

NOW, THEREFORE, in consideration of the parties’ mutual obligations contained in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby agree as follows:

1. Contractor Services.

1.1 Services; Standards. Subject to the terms and conditions contained in the Agreement, Contractor will perform the following additional services for and on behalf of City (collectively, the “Additional Services”): (a) those services set forth on the attached Exhibit A; (b) any other necessary or appropriate services customarily provided by Contractor in connection with its performance of those services set forth in Exhibit A; and (c) such other services requested by the city manager (or his or her designee) from time to time. Contractor will (w) consult with and advise City on all matters concerning the Services reasonably requested by City, (x) communicate all matters and information concerning the Services to the city manager (or his or her designee) and report directly to the city manager, (y) devote such time and attention to the performance of the Services as City and Contractor deem necessary or appropriate, and (z) perform the Services to the best of Contractor’s ability. Contractor acknowledges and agrees that City may cause or direct other persons or contractors to provide services for and on behalf of City that are the same or similar to the Services provided by Contractor under this Agreement.

1.2 Schedule of Services. The Additional Services will be completed expeditiously and in a timely manner. Services include: (1) field testing the week of August 24, 2020; (2) A draft report for the City of John Day and Business Oregon to review the week of October 5, 2020, assuming timely receipt of data from the analytical laboratory.

1.3 Conditions Precedent. Notwithstanding anything contained in this Amendment to the contrary, (a) City’s performance of its obligations under this Amendment is conditioned on Contractor’s performance of its obligations under this Amendment, including, without limitation, those Contractor obligations described in the original Agreement.

2. Compensation.

2.1 Additional Compensation. Subject to the terms and conditions contained in this Amendment and notwithstanding anything contained in the Agreement to the contrary, City will pay Contractor for Additional Services at the proposed price of \$7,689 based on the revised cost proposal shown in Table 1. Notwithstanding anything contained in this Amendment to the contrary, total compensation payable by City under the Agreement and this Amendment 01 for the performance of the Additional Services will not exceed \$72,589.

Task	Maul Foster & Alongi, Inc.			Subcontractors	Total
	Hours	Labor	Direct		
1 Prepare Work Plan	59	\$8,640	\$0	\$0	\$8,640
2 Complete Fieldwork	75	\$9,905	\$1,575	\$17,515	\$28,995
3 Analytical Work and QA/QC	16	\$1,900	\$360	\$7,119	\$9,379
4 Reporting	67	\$8,885	\$180	\$0	\$9,065
5 Wetland Delineation	4	\$640	\$0	\$15,870	\$16,510
				Total Estimated Cost	\$72,589

Table 1. Revised Cost Estimate for Oregon Pine Site Characterization

IN WITNESS WHEREOF, the undersigned have caused this Amendment 01 to the Agreement to be executed and made effective for all purposes as of the Effective Date.

CITY:
City of John Day,
an Oregon municipal corporation

CONTRACTOR:
Maul Foster and Alongi, Inc.
A Washington corporation

By: Nick Green
Its: City Manager

By:
Its:

Exhibit A

Additional Services

[Enclosed]

determinations from the DEQ, one in 2014 and one in 2018, for various impacted-soil issues associated with the sawmill. The DEQ also lists the Site as a current brownfield.

The Phase I/Phase II ESAs identified environmental concerns associated with former milling operations, including oil-stained soil in various locations throughout the Site. These concerns were associated with spilled transformer oil from electric transformers and leaking hydraulic systems from parked heavy machinery. Additionally, an area of red-stained soil potentially associated with stenciling the mill's logo with paint on bundles of lumber was identified.

In response, a total of 21.43 tons of transformer-oil-impacted soil was excavated and disposed of at the Crook County Landfill. Initial near-surface soil samples and post-excavation soil samples were analyzed for diesel-range Northwest Total Petroleum Hydrocarbons (NWTPH), polycyclic aromatic hydrocarbons (PAHs), and polychlorinated biphenyls (PCBs). The concentrations of diesel-range organics (2,200 milligrams per kilogram [mg/kg]) and PCB-1260 (0.6 mg/kg) remaining in place following the excavation exceed the risk-based concentrations (RBCs) for urban residential receptors for soil ingestion, dermal contact, and inhalation pathways. These RBCs are exceeded at one sample location at 4.5 feet beneath ground surface, below the depth that these receptors are likely to encounter.

A total of 11.09 tons of red-stained soil were excavated and disposed of at Finley Butte Landfill. Initial near-surface soil samples and post-excavation soil samples were analyzed for Resource Recovery and Conservation Act (RCRA) 8 metals. The concentrations of arsenic (1.0 mg/kg) remaining in place following the excavation exceed the RBCs for urban residential receptors for soil ingestion, dermal contact, and inhalation pathways in two of the three soil samples collected. Concentrations of arsenic in all soil samples were near the DEQ background metals concentration for arsenic (4.576 mg/kg) in the Blue Mountains physiographic province and thus likely represent background arsenic.

The five small oil-stained areas associated with heavy equipment were removed by excavation based on visual and olfactory indications of impacts. Approximately 1.5 cubic yards of soil were disposed of at the Crook County Landfill. The heavy equipment that likely caused the staining was removed prior to cleanup.

In the future, the Site will be incorporated into the City of John Day's Innovation Gateway, an approximately 80-acre amenity integrating community, technology, education, and commerce with a focus on rural innovation and value creation. Reuse at the former Oregon Pine portion of the Innovation Gateway envisions a public pavilion and event space, John Day River restoration and river access, office space, and public works offices and water treatment facility additions. Additional infrastructure improvements, creation of restored wetlands, and a water garden are also envisioned. This work plan takes into account these proposed amenities and improvements to facilitate understanding of subsurface conditions in the areas of known impacts at the Site as well as to assess soil in areas where soil removal may be needed to enable construction of the Innovation Gateway brownfield redevelopment project.

SCOPE OF WORK

Data Quality Objectives

Data collected under this work plan will be of acceptable quality to inform disposal options for soil/fill and will characterize soil for concentrations of petroleum products, metals, and hazardous substances related to former property uses. Additionally, potential HBMs will be assessed in buildings slated for reuse to inform handling, disposal, and/or abatement of hazardous materials that may be present in the buildings. These data will be screened to inform development decisions and to identify potential concerns for receptors (including public use) based on the proposed reuse described above (see Figure 3).

MFA anticipates needing two days to conduct sampling and oversight during the field investigation. Drilling work will be subcontracted with Holt Services, Inc., to provide rotosonic drilling capable of collecting soil and groundwater samples at the Site. Based on past subsurface work conducted at the Site (Yinger, 2018), soils are cobbly, gravely and sandy and groundwater is expected to be present approximately 10 feet below ground surface. The presence of cobbles and gravels indicate rotosonic drilling is potentially the only drilling application capable of collecting reconnaissance groundwater samples at the Site. Apex Laboratories and NVL Laboratories will be used to provide laboratory analytical testing results for samples obtained. For the purposes of estimating costs, the following assumptions have been made:

- Up to 20 samples for HBMs will be collected from the chipper shed and planer shed/lumber sorter buildings.
- Two borings will be completed in the northern portion of the Site along the future 7th Street extension to assess soil for reuse potential during construction of the transportation corridor (estimated collection of up to four soil samples; see Figure 4).
- Four boring locations will be completed within the central and southern portions of the Site to assess soil and groundwater conditions in the areas to understand public exposure and groundwater quality specifically in the areas where the cabin/hotel/convention center/restored wetland reuse are envisioned and to assess historical tanks that have not been assessed (estimated collection of up to eight soil samples and four groundwater samples; see Figure 4).
- The surface soil along the John Day River and southern portions of the Site will be sampled using an incremental sampling methodology (ISM) that divides the area into three decision units (DU). These DUs are identified on Figure 4. The collection of soil within each DU is designed to understand surface soil impacts associated with the envisioned reuses like a beach/event lawn/community garden/general public spaces/multi-use trail. A composite sample of approximately 30 aliquots collected from 0 to 6 inches below current ground surface will be collected from each DU. The soil from one DU will be sampled in triplicate for quality assurance (for a total of five soil samples for analyses).

HBM Survey

MFA will provide an accredited building inspector, consistent with the Asbestos Hazard Emergency Response Act to collect bulk building material samples in compliance with the Toxic Substance Control Act Title II/40 Code of Federal Regulations (CFR) 763. MFA will coordinate with the City of John Day to support HBM survey activities in the chipper shed and planer shed/lumber sorter buildings (see Figures 2 and 4). No sampling is known to have been conducted on these structures. MFA will collect samples of building materials suspected to be asbestos-containing materials (ACMs). MFA will assess painted surfaces in buildings at the Site with a portable x-ray fluorescence (XRF) device to understand the presence of lead-based paint (LBP).

Additionally, MFA will collect up to 5 percent of samples analyzed with the portable XRF and submit them to an analytical testing laboratory for quality assurance. Potential ACM and LBP samples will be collected using industry-standard techniques which typically involve cutting or removing pieces of building material to support laboratory analysis. Samples will be tracked under standard chain of custody procedures. MFA assumes destructive sampling will be conducted as part of this survey and sample areas will not be patched. Based on the large size of the buildings, some building materials identified as being potential ACM or LBP may not be able to be sampled but will be cataloged during field activities.

ACM samples will be submitted to a testing laboratory compliant with the National Voluntary Laboratory Accreditation Program per 40 CFR 763 Subpart F, Appendix A for polarized light microscopy analysis by U.S. Environmental Protection Agency (EPA) Method 600/R-93-116. LBP samples will be analyzed by EPA Method 3050B/7420. Samples will be submitted on a normal turnaround time basis. Typical laboratory turnaround times are two weeks.

Soil and Groundwater Assessment

This scope of work includes advancement of six borings to assess soil and groundwater conditions at the Site, and collection of three surface soil ISM composite samples to assess surface soil conditions. MFA will coordinate with subcontractors, including the subsurface utility locator, drilling contractor, and analytical laboratories. Prior to field activities, selected drilling locations will be checked for subsurface utilities by public (i.e., Underground Utility Notification Center) and private utility locators.

MFA assumes that groundwater will be encountered at less than 20 feet below ground surface at boring locations at the Site, and up to 12 soil samples will be collected from borings for laboratory analysis during the investigation. Additionally, up to four groundwater samples will be collected for laboratory analysis.

Samples selected for analysis will be based on field screening and evidence of contamination. Select soil and groundwater collected from borings and surface samples will initially be submitted for analysis for hydrocarbon identification by NWTPH-HCID and RCRA 8 metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver). Depending on the analytical results of the samples,

followup analyses for volatile organic compounds by EPA Method 8260, gasoline-range hydrocarbons by method NWTPH-Gx, diesel-range hydrocarbons by method NWTPH-Dx, PCBs by EPA Method 8082A, and/or PAHs by EPA Method 8270 may be needed. Samples will be submitted on a normal turnaround time basis. Typical laboratory turnaround times are two weeks.

Analytical results will be tabulated and screened to DEQ RBCs that best fit the proposed reuse of each area at the Site. Analytical results will be reviewed and validated to inform suitability for data reliance.

Reporting

Two summary reports will be generated, describing the findings of the HBM survey and the findings of the soil/groundwater investigation. The summary reports will be provided in electronic format and will describe field sampling procedures and summarize data results. The HBM survey report may be used to communicate abatement needs to a licensed abatement contractor.

SCHEDULE

MFA anticipates completion of the field testing the week of August 24, 2020. A draft report for the City of John Day and Business Oregon to review will be provided the week of October 5, 2020, assuming timely receipt of data from the analytical laboratory.

REFERENCES

Yinger. 2017. Phase I environmental site assessment. Oregon Pine. Lot 300 in Section 22 of T.13.S., R.31.3., John Day, OR 97845. Prepared for Nicholas Green, City Manager, City of John Day, Oregon. Prepared by Mark Yinger Associates, Mt. Hood, Oregon. May 11.

Yinger. 2018. Phase II environmental site assessment and cleanup at former Oregon Pine mill site. John Day, OR. Prepared for Nick Green, City Manager, City of John Day, Oregon. Prepared by Mark Yinger Associates, Mt. Hood, Oregon. January 4.