

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorize City Manager to execute Addendum No. 4 to the Agreement with the City of Edmonds for Wastewater Treatment, Disposal, and Transport
DEPARTMENT:	Public Works
PRESENTED BY:	Randy Witt, Director
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

In 1988, the Ronald Wastewater District entered into an agreement with the City of Edmonds so that a portion of the District’s wastewater would be treated at the Edmonds Wastewater Treatment Plant (Edmonds WWTP). The City of Mountlake Terrace and the Olympic View Water and Sewer District are also parties to this 1988 Agreement. The Agreement had an original term of 30 years but has been amended on three (3) occasions, with expiration now occurring on February 17, 2022.

With the City’s assumption of Ronald, the City has assumed Ronald’s rights and responsibilities under this Agreement. Addendum No. 4 (Attachment A) would recognize the City’s assumption of Ronald and extend the Agreement for two more years. This time period allows Edmonds and the parties to monitor the new Department of Ecology Puget Sound Nutrient General Permit and determine impacts and physical or operational changes to the Edmonds WWTP and, if necessary, amendments to the Agreement due to the Nutrient General Permit.

RESOURCE/FINANCIAL IMPACT:

Approval of Addendum No. 4 will not require new resources or have a financial impact on the City. Any resources/financial impact on the City were already accounted for in the assumption of the Ronald Wastewater District.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute Addendum No. 4 to the Agreement with the City of Edmonds for Wastewater Treatment, Disposal and Transport.

Approved By: City Manager **DT** City Attorney **MK**

BACKGROUND

In 1988, the Ronald Wastewater District, the City of Mountlake Terrace, and the Olympic View Sewer and Water District enter into an agreement with the City of Edmonds for use of the Edmonds Wastewater Treatment Plant. This agreement addressed the allocation of costs that were being incurred by Edmonds to upgrade the WWTP under federal and state standards and an allocation of capacity for the treatment, disposal, and transport of wastewater at the Edmonds WWTP over a term of 30 years. Under this Agreement, Ronald's allocated share was 9.488% of the costs and capacity. The agreement has previously been amended on three (3) occasions and is scheduled to expire on February 17, 2022.

DISCUSSION

As part of the assumption process, the City assumed the rights and responsibilities of the existing contracts and agreements of the Ronald Wastewater District. Addendum No. 4 (Attachment A) includes language recognizing the assumption of Ronald by the City of Shoreline.

In addition to recognizing the City's assumption of Ronald, the term of the Agreement is being extending for two (2) additional years to address the new Department of Ecology Puget Sound Nutrient General Permit issued on December 1, 2021, and effective on January 1, 2022.

The Puget Sound Nutrient General Permit address discharges of excess nutrients — particularly nitrogen — to Puget Sound from domestic wastewater treatment plants (WWTPs) which are contributing to existing low oxygen levels in Puget Sound. The Clean Water Act and federal rules require WWTPs that contribute to water quality impairments by discharging excess nutrients to take action to prevent this pollution. The Nutrient General Permit applies to 58 domestic WWTPs discharging to marine and estuarine waters of Washington waters of the Salish Sea, including the Edmonds WWTP, and focuses only on controlling nutrients, working in conjunction with the Edmonds WWTPs' existing individual permit.

The two (2) year extension of the Agreement will allow for the monitoring of the Puget Sound Nutrient General Permit so as to determine impacts and physical or operational changes to the Edmonds WWTP to meet the requirements along with any amendments to the Agreement that may be necessary due to these changes. The new expiration date will be February 17, 2024.

COUNCIL GOAL(S) ADDRESSED

Goal 2: Continue to deliver highly-valued public services through management of the City's infrastructure and stewardship of the natural environment

RESOURCE/FINANCIAL IMPACT

Approval of Addendum No. 4 will not require new resources or have a financial impact on the City. Any resources/financial impact on the City were already accounted for in the assumption of the Ronald Wastewater District.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute Addendum No. 4 to the Agreement with the City of Edmonds for Wastewater Treatment, Disposal and Transport

ATTACHMENTS

Attachment A - Addendum No. 4 to the Agreement with the City of Edmonds for Wastewater Treatment, Disposal and Transport

ADDENDUM NO. 4 TO AGREEMENT**Wastewater Treatment, Disposal and Transport**

WHEREAS, the City of Mountlake Terrace, Olympic View Water and Sewer District, and the Ronald Sewer District (the “Participants”) and the City of Edmonds (the “City”), (collectively the “Parties”), all municipal corporations of the State of Washington, entered into a Professional Services Agreement for Wastewater Treatment, Disposal, and Transport (“Agreement”), for a term of thirty (30) years, from May 17, 1988 to May 17, 2018; and

WHEREAS, in May 2017, the Parties entered into an Addendum to the Agreement to extend the term of the Agreement for two (2) years, through May 17, 2020, to allow time for issues between the Parties to be resolved; and

WHEREAS, in April 2020, the Parties entered into Addendum No. 2 to the Agreement to extend the term of the Agreement for an additional three (3) months, through August 17, 2020, to allow additional time for issues between the Parties to be resolved; and

WHEREAS, in August 2020, the Parties entered into Addendum No. 3 to the Agreement to extend the term of the Agreement for an additional eighteen (18) months, through February 17, 2022, to allow additional time for issues between the Parties to be resolved; and

WHEREAS, on April 30, 2021, pursuant to chapter 35.13A RCW, the City of Shoreline assumed full and complete management and control of the Ronald Wastewater District (formerly Ronald Sewer District); and

WHEREAS, the City of Mountlake Terrace, Olympic View Sewer and Water District, and the City of Edmonds recognize the City of Shoreline’s assumption and its acceptance of the contractual obligations previously agreed to by the Ronald Wastewater District and desire to amend the Agreement to reflect this assumption; and

WHEREAS, the Parties have agreed to further extend the term of the Agreement for an additional twenty-four (24) months, through February 17, 2024 allow additional time for issues between the Parties to be resolved;

WHEREAS, the Clean Water Act and federal rules require wastewater treatment plants that contribute to water quality impairments by discharging excess nutrients to take action to prevent this pollution. The Washington State Department of Ecology Puget Sound Nutrient General Permit, effective January 1, 2022, applies to the Edmonds WWTP since it discharges to marine and estuarine waters of Washington. Monitoring of the operations of the Edmonds WWTP is necessary to determine what capital or operational changes may be required to ensure compliance with the Puget Sound Nutrient General Permit.

NOW, THEREFORE, in consideration of the mutual benefits accruing, it is agreed by and among the Parties hereto as follows:

ADDENDUM NO. 4 TO AGREEMENT

Wastewater Treatment, Disposal and Transport

- 1. The Agreement of May 17, 1988, among the Parties, the term of which has been extended on three (3) previous occasions, is further amended in, but only in, the following respects:
 - A. By executing this Agreement, the City of Mountlake Terrace, Olympic View Water and Sewer District, and the City of Edmonds accept the City of Shoreline as a Participant and as a Party to the Agreement. All rights, responsibilities, and obligations of the Ronald Wastewater District, formerly the Ronald Sewer District, shall be the rights, responsibilities, and obligations of the City of Shoreline.
 - B. Term of Agreement: To extend this Agreement to February 17, 2024.

2. In all other respects, the underlying Agreement among the Parties and all extensions thereto, shall remain in full force and effect and unchanged.

DATED this _____ day of _____, 20__

CITY OF EDMONDS

Michael Nelson, Mayor

ATTEST/AUTHENTICATED:

Scott Passey, City Clerk

APPROVED AS TO FORM:

Office of the City Attorney

CITY OF MOUNTLAKE TERRACE

By: _____
Title: _____

ATTEST/AUTHENTICATED:

By: _____
Title: _____

APPROVED AS TO FORM:

By: _____
Title: _____

OLYMPIC VIEW WATER AND SEWER DISTRICT

By: _____
Title: _____

CITY OF SHORELINE

By: _____
Title: _____

ADDENDUM NO. 4 TO AGREEMENT
Wastewater Treatment, Disposal and Transport

ATTEST/AUTHENTICATED:

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Title: _____

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