

## AMENDMENT NO. 1

### AGREEMENT BETWEEN SNOHOMISH COUNTY, THE CITY OF EVERETT AND SILVER LAKE WATER DISTRICT

THIS AMENDMENT NO. 1 to that certain Agreement Between Snohomish County, the City of Everett and the Silver Lake Water District (the "Agreement") dated April 5, 1989, is made by and between Snohomish County (the "County"), the Silver Lake Water and Sewer District, formerly the Silver Lake Water District, (hereinafter referred to as the "District"), and the City of Everett ("Everett"), all of which are organized under the laws of the State of Washington.

#### RECITALS

WHEREAS, the existing agreement between the County, the District and Everett identifies a discharge point of leachate to the District's wastewater conveyance system; and

WHEREAS, development and improvements have occurred in and around the County's property; and

WHEREAS, the District has constructed and continues to construct additional wastewater facilities to serve this development; and

WHEREAS, the County continues to maintain a closed municipal solid waste sanitary landfill (Cathcart), a Vactor Decant Facility, and a Solid Waste Transfer Station, which is within the District Service Area, that collects and treats wastewater; and

WHEREAS, a new point of connection and discharge for the County's industrial treated wastewater has been established by mutual consent of the County, the District and Everett;

NOW THEREFORE, for and in consideration of the mutual benefits and promises set forth below, the parties agree to amend the Agreement as follows:

1. Section 2, DEFINITION OF TERMS, is hereby amended as follows:
  - A. "Agreement Area" shall mean that area generally described in Exhibit A - 1 attached hereto and incorporated herein by this reference.
  - I. "Leachate," "pretreated leachate," and "industrial waste water" shall mean the liquid waste, pretreated in accordance with the Industrial Pretreatment Program of Everett and Everett Pretreatment Permit Number 7701 as now or hereafter amended, that originates from the Vactor Decant Facility, Solid Waste Transfer Station, Leachate Pretreatment Facility, closed Cathcart Landfill or other County operated industrial facilities located in the Agreement Area as described in Exhibit A -1 attached hereto and incorporated herein by this reference.
  - O. "GPM" shall mean gallons per minute.

P. "Off-peak hours" shall mean the hours between 2200 and 0400.

2. Subsection A, of Section 3, PERMISSION FOR THE COUNTY TO DISCHARGE LEACHATE, CAPACITY REQUIREMENTS, is hereby amended as follows:

A. Subject to the terms of this agreement, District hereby agrees to allow County permission to discharge leachate from the County Leachate Facilities via a transmission line into District Sewer System in accordance with all terms set forth in this Agreement. The only point of connection to discharge leachate to District's Sewer System shall be as identified in Exhibit B-1 attached hereto and incorporated herein by this reference. Such discharge shall not exceed a rate of 100 GPM except that once the District's Snohomish Cascade Lift Station has been upgraded and is operational to service the County's Cathcart facilities and surrounding areas, such discharge may be at a rate of up to 400 GPM during off-peak hours. The maximum daily flow shall not exceed 144,000 GPD.

3. Subsection A, of Section 14, COUNTY/EVERETT SOLID WASTE PLANNING, is hereby amended as follows:

A. Pursuant to the Interlocal Agreement Between Snohomish County and Everett Regarding Solid Waste Management, dated November 5, 2003, joint planning and solid waste disposal system responsibilities are defined in compliance with Chapter 70.95 RCW and authorized by chapter 39.34 RCW to allow for interlocal cooperation for joint implementation of solid waste activities. (Refer to Exhibit C for a copy of the interlocal agreement.)

EXCEPT AS EXPRESSLY PROVIDED BY THIS AMENDMENT NO. 1, ALL OTHER TERMS AND CONDITIONS OF THE AGREEMENT AMONG THE PARTIES DATED APRIL 5, 1989 SHALL REMAIN IN FULL FORCE AND EFFECT.

Dated this 9<sup>th</sup> day of April, 2008.

"EVERETT"  
CITY OF EVERETT

By: Ray Stephenson  
Mayor

Attest:  
Sharon Marks  
City Clerk

Approved as to form only:

By: [Signature]  
Everett City Attorney, Interim

"COUNTY"  
SNOHOMISH COUNTY

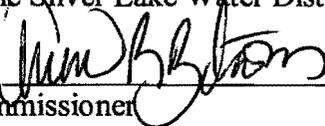
Approved as to form only:

By: \_\_\_\_\_  
Executive

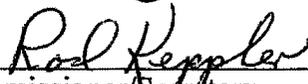
By: \_\_\_\_\_  
Deputy Prosecuting Attorney

"DISTRICT"  
SILVER LAKE WATER AND  
SEWER DISTRICT (Successor  
to the Silver Lake Water District)

Approved as to form:

By:  \_\_\_\_\_  
Commissioner

By: \_\_\_\_\_  
Attorney for Silver Lake Water and  
Sewer District

By:  \_\_\_\_\_  
Commissioner/Secretary

"COUNTY"  
SNOHOMISH COUNTY

Approved as to form only:

By: \_\_\_\_\_  
Executive

*[Signature]*  
4-10-08  
PETER B. CAMP  
Executive Director

By: \_\_\_\_\_  
Deputy Prosecuting Attorney

*[Signature]* Mark 3/18/08

"DISTRICT"  
SILVER LAKE WATER AND  
SEWER DISTRICT (Successor  
to the Silver Lake Water District)

Approved as to form:

By: \_\_\_\_\_  
Commissioner

By: \_\_\_\_\_  
Attorney for Silver Lake Water and  
Sewer District

By: \_\_\_\_\_  
Commissioner/Secretary

COUNCIL USE ONLY	
Approved:	<u>4-9-08</u>
Docfile:	<u>D-19</u>

**EXHIBIT A-1**  
**CATHCART SANITARY LANDFILL**  
**LEGAL DESCRIPTION**

(28053600200700) E1/2 SE1/4 NE1/4 SEC 35 & TH PTN W1/2 NW1/4 SEC 36 TWP 28 N, RGE 05 E, WM, SNOHOMISH COUNTY, WASHINGTON DAF: COM NW COR SD SEC 36 FR WH W1/4 SEC COR BEAR S01\*13'43"W 2627.50 FT; TH S01\*13'43"W ALG W SEC LN THOF 1033.72 FT TO N LN S 280.00 FT NW1/4 NW1/4 SEC 36 & TPB; TH CONT S01\*13'43"W ALG SD W SEC LN 280.03 FT TO NE COR SE1/4 NE1/4 SD SEC 35; TH N87\*39'43"W ALG N LN SD SE 1/4 NE1/4 661.14 FT TO W LN E1/2 SD SE1/4 NE1/4 TH S01\*13'54"W ALG SD W LN 1313.80 FT TO S LN SD SE1/4 NE1/4; TH S87\*39'59"E ALG SD S LN 661.20 FT TO E1/4 COR SD SEC 35; TH S88\*14'03"E ALG E-W CTR SEC LN SD SEC 36 DIST 1320.47 FT TO E LN W1/2 NW1/4 SD SEC; TH N01\*13'34"E ALG SD E LN 1542.37 FT TO N LN S 235.00 FT NW1/4 NW1/4 SD SEC TH N87\*57'23"W ALG SD N LN 607.40 FT TO E LN W 713.00 FT SD SEC 36; TH N01\*13'43"E ALG SD E LN 400.04 FT TO N LN S 635.00 FT SD NW1/4 NW1/4; TH N87\*57'23"W ALG SD N LN 284.45 FT; TH S44\*23'31"W 480.34 FT TO N LN S 280.00 FT SD NW1/4 NW1/4; TH N87\*57'23"W ALG SD N LN 100.00 FT TO W LN SD SEC 36 & TPB; AKA LOT 2 SNO CO BLA FN 05-118347 REC AFN 200510170215;

Together with:

TH PTN SW1/4 SEC 36 TWP 28 N, RGE 05 E, WM, SNOHOMISH COUNTY, WASHINGTON DAF: BEG W1/4 COR SD SEC 36; TH S01\*14'29"W ALG W LN SD SEC DIST 2632.03 FT TO SW SEC COR THOF; TH S88\*10'33"E ALG S LN SD SEC DIST 50.81 FT TO SLY MGN CATHCART WAY PER SNO CO R/W PLAN 132ND ST SE EXT DATED AUG 4 1999 SNO CO ENG SURV 3571 & BEG NON TANG 1000.00 FT RAD CRV L CTR OF WH BEAR N24\*13'04"W; TH NELY ALG SD MGN & CRV THRU C/A 11\*18'01" ARC DIST 197.23 FT TH CONT ALG SD SLY MGN FOL CRSE & DIST: TH S90\*00'00"E 273.55 FT; TH N73\*00'00"E 68.60 FT; TH N50\*00'00"E 85.55 FT; TH N00\*00'00"W 235.34 FT; TH N52\*26'32"E 68.57 FT TO BEG 950.00 FT RAD CRV TO R; TH NELY ALG SD MGN & CRV THRU C/A 38\*46'22" ARC DIST 642.88 FT; TH S88\*47'08"E 1304.84 FT TO WLY MGN ST HWY SR9; TH N04\*18'52"E ALG SD WLY MGN 102.42 FT; TH N01\*13'25"E ALG SD WLY MGN 515.34 FT TO N LN SE1/4 SW1/4 SD SEC 36; TH N88\*12'18"W ALG SD N LN 1255.15 FT TO NW COR SD SE1/4 SW1/4; TH N01\*13'57"E ALG E LN W1/2 SW1/4 SD SEC DIST 1316.69 FT TO N LN SD SW1/4 THOF; TH N88\*14'03"W ALG SD N LN 1320.47 FT TO TPB; AKA LOT 1 SNO CO BLA FN 05-118349 REC AFN 200510170216

Together with:

(28053500400100) TH PTN E1/2 SE1/4 SEC 35 TWP 28 N, RGE 05 E, WM, SNOHOMISH COUNTY, WASHINGTON LY N CATHCART WAY PER SNO CO R/W PLAN 132ND ST SE EXT DATED AUG 4 1999 SNO CO ENG SURV 3571 DAF: COM E1/4 SEC COR SD SEC 35 FR WH SE SEC COR THOF BEAR S01\*14'29"W 2632.03 FT; TH N87\*39'59"W ALG N LN SD SE1/4 879.53 FT TPB; TH S44\*52'05"E 272.05 FT; TH S01\*14'29"W PLW E LN SD SEC DIST 691.54 FT TH S45\*24'38"E 320.83 FT TO W LN E 450.00 FT SD SEC; TH S01\*14'29"W ALG SD W LN 1010.61 FT TO N LN S 535.00 FT SD SEC; TH N88\*24'09"W ALG SD N LN 150.00 FT TO W LN E 600.00 FT SD SEC ; TH S01\*14'29"W ALG SD W LN 428.01 FT TO NLY MGN SD CATHCART WAY; TH S88\*24'09"E ALG SD NLY MGN 436.14 FT TO BEG NON TANG 950.00 FT RAD CRV TO L CTR WH BEAR N05\*21'43"W TH NELY ALG SD MGN & CRV THRU C/A 10\*06'15" ARC DIST 167.53 FT TO E LN SD SEC 35; TH N01\*14'29"E ALG SD E SEC LN 2490.20 FT TO E1/4 SEC COR THOF; TH N87\*39'59"W ALG N LN SE1/4 SD SEC 879.53 FT TO TPB; AKA LOT 2 SNO CO BLA FN 05-118351 REC AFN 200510170217

Together with:

(28053500100600) TH PTN E1/2 W1/2 SE1/4 NE1/4 SEC 35 TWP 28 N, RGE 05 E, WM, SNOHOMISH COUNTY, WASHINGTON DAF: COM E1/4 SEC COR SD SEC 35 FR WH NE SEC COR THOF BEAR

N01\*13'43"E 2627.50 FT; TH N87\*39'59"W ALG S LN SD NE1/4 879.53 FT TO TPB; TH  
N44\*52'05"W 143.05 FT; TH N07\*36'51"E 667.00 FT TH N09\*50'57"E 556.99 FT TO N LN SD SE1/4  
NE1/4 TH S87\*39'43"E ALG SD N LN 163.78 FT TO E LN W1/2 SD SE1/4 NE1/4; TH S01\*13'54"W  
ALG SD E LN 1313.80 FT TO S LN SD NE1/4; TH N87\*39'59"W ALG SD S LN 218.33 FT TO TPB;  
AKA LOT 2 SNO CO BLA FN 05-118352 REC AFN 200510170218

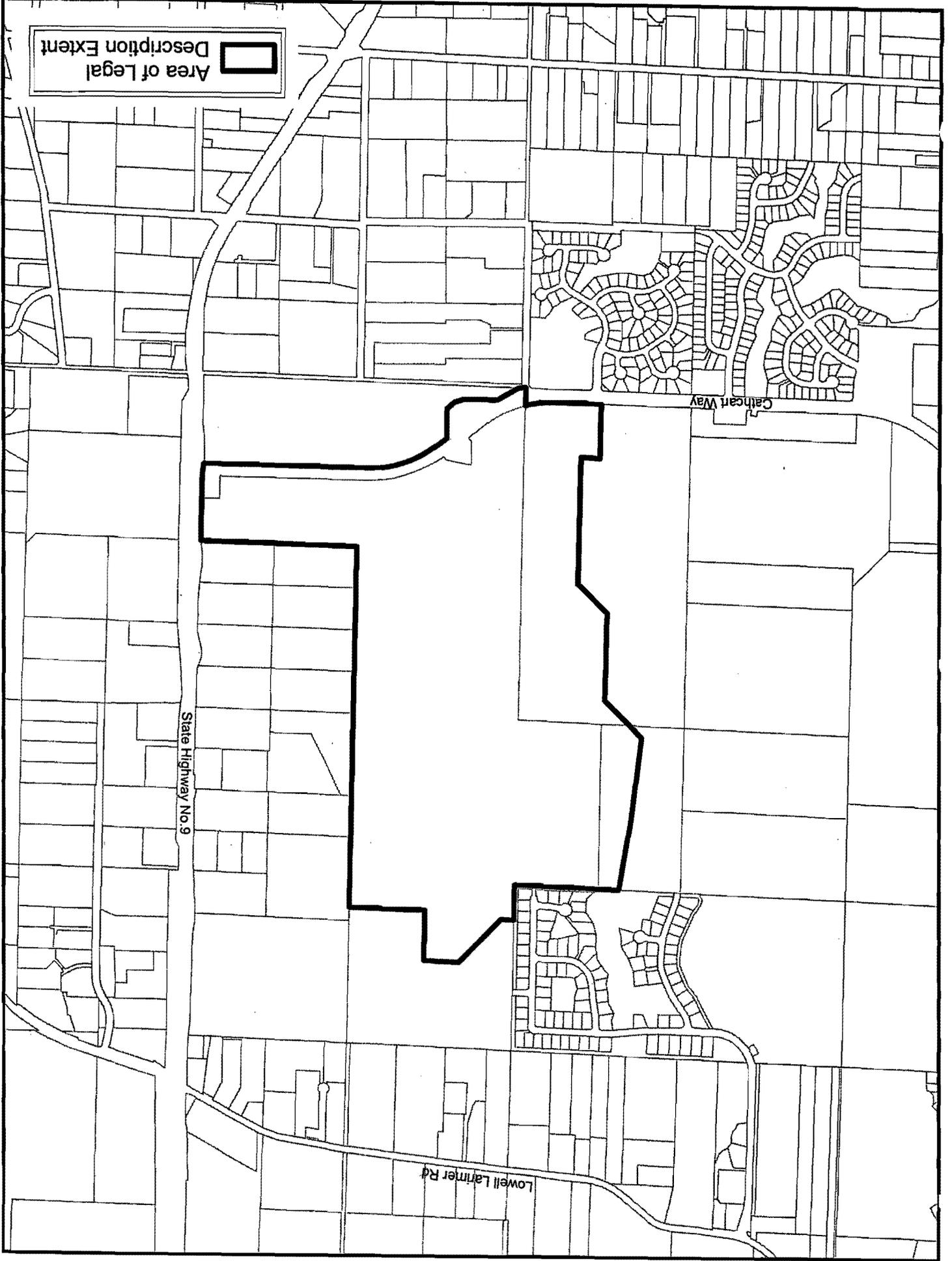


EXHIBIT A-1

# EXHIBIT B-1

