



**Yamhill County**  
**Public Works Department**  
2060 NE Lafayette Avenue, McMinnville, OR 97128  
Ph. 503.434.7515 Fax 503.472.4068 E-mail: pubwork@co.yamhill.or.us

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**YAMHILL COUNTY BOARD OF COMMISSIONERS COVERSHEET**

**DATE:** September 16, 2021  
**TO:** Board of Commissioners  
**FROM:** Mark Lago, Public Works Director  
**RE:** Approve Engineering Quote to prepare the Yamhill County Mercury Total Maximum Daily Load (TMDL) Implementation Plan

**BACKGROUND:**

The Environmental Protection Agency (EPA) notified Oregon Department of Environmental Quality (DEQ) that the agency has established the Total Maximum Daily Load TMDL for Mercury in the Willamette Basin. Therefore, the State is to implement the standards. Yamhill County is in the Willamette Basin and is required under Oregon Administrative Rule (OAR) 340-42-080 to prepare a TMDL implementation plan. This plan is to be submitted to Oregon DEQ for review and approval by September 3, 2022.

Developing the Yamhill County TMDL plan for mercury is something that has to be contracted out due to its sensitivity, complexity, and timeline. In July 2021, Yamhill County Public Works asked three engineering firms for informal quotes to prepare this plan. The County received two informal quotes on July 26, 2021. The lowest responsible quote was Tetra Tech, from Portland, in the amount of \$70,060.

Oregon Revised Statutes (ORS) 279C.335(1)(d) states a public improvement contract shall be based on competitive bids EXCEPT for a public improvement that does not exceed \$100,000 made under competitive quotes in ORS 279C.412 and 279C.414.

Therefore, direct appointment can be made by the Board in this case without formal bids.

**STAFF RECOMMENDATION:**

Approve Tetra Tech's quote to prepare the Yamhill County Mercury TMDL Implementation Plan in the amount of \$70,060.

B.O. 21-383

**FISCAL IMPACT:**

\$70,060 is available in the Public Works budget and will come out of Fund 11 - Capital Professional Services

**ATTACHMENTS:**

Tetra Tech's proposal and quote  
Windsor Engineers proposal and quote  
Email from Brown and Caldwell

Accepted by Yamhill County  
Board of Commissioners on  
9/16/21 by Board Order  
# 21-383



## SCOPE OF WORK

**Scope of Work:** The scope of work will be for development of a Mercury TMDL implementation plan as defined by the DEQ Final Revised Willamette Basin Mercury TMDL and WQMP. The county does not have a MS4 permit. Based upon section 13.3.1.12 Counties and table 13-12 the following program elements are required:

- Pollution Prevention and Good Housekeeping for County Operations
- Public Education and Outreach
- Enforcement of Prohibited Pollutants
- Construction Site Runoff Control

**Items that are not contained in the scope of work include:**

- It is assumed that the strategies selected will be developed after the implementation plan has been approved. Items such as updating or adopting new ordinances, modifying design standards, putting in place new procedures are not included in this scope of work.
- Outreach to other stakeholders such as the public, developers and others.

**Items that the Yamhill County will provide:**

- Data pertaining to lands owned by the County.
- Existing strategies.
- Copies of plans, ordinances and standards.
- Participation in selection of strategies.
- Participation by appropriate staff including land use planners, engineering, operations.

**Schedule** - The work will begin September 1, 2021 and will be completed by September 1, 2022.

**Fee** - The proposed fee is \$70,060 as shown on the attached proposal.

### TASK 1 — PROJECT MANAGEMENT

- 1.1 Management** – Coordination of staff, project start-up, preparation of monthly billings with a cover letter providing a brief progress report.
- 1.2 Quality Assurance/Quality Control (QA/QC)** – Provide quality control reviews of deliverables that entails review by a senior engineer who is not involved with the work effort.
- 1.3 Coordination Meetings** – There will be a start-up meeting, draft plan review meeting and on-going coordination meetings Yamhill County and DEQ.

## **TASK 2 — DATA COLLECTION & INVENTORY**

- 2.1 **Land Use** – Review the Comprehensive Plan and ordinances for Yamhill County with regard to water quality, stormwater, riparian zones and water pollution control. Identify specific ordinances addressing erosion control, vegetation requirements, impervious surfaces, floodplains, septic systems and riparian areas. Review the Statewide Land Use Planning goals 5 and 6 with regard to County actions.
- 2.2 **Planning Efforts** – Identify if the County has participated in source water protection, drinking water protection, watershed management or other efforts.
- 2.3 **Identify Existing BMP** – Identify what the County is already doing with regard to: pollution control, public outreach and education, regional coordination, enforcement activities, and erosion control. This includes identifying storm water facilities that the County has such as UIC's, treatment, and detention.
- 2.4 **Land Ownership** – Identify all the lands that the County has ownership of including roads, parks, maintenance facilities and other lands.
- 2.5 **Pollutant Sources** – Identify the sources of the mercury.

## **TASK 3 — DEVELOP PLAN**

- 3.1 **Background and Implementation Plan Goals** – Describe the general intent of the implementation plan.
- 3.2 **Water Quality Assessment** – List the waterbodies that may be affected by runoff and list the TMDL's for the waterbodies. Describe the concerns with the pollutants.
- 3.3 **Management Strategies** – For each pollutant source identify the management strategy(s) and the timeline for implementation. This will be done for the four program elements identified for Counties.
- 3.4 **Performance Monitoring** - Develop a tracking matrix of the strategies that show each strategy, the timeline, status and effectiveness.
- 3.5 **Review and Reporting Requirements** – Description of the review and reporting requirements.
- 3.6 **Land Use Compliance** – Compare the proposed strategies with the current land use regulations, and show how the implementation plan is compliant.
- 3.7 **Additional Requirements** – Perform a fiscal evaluation to determine if additional resources are required to develop, implement and maintain the management strategies. Provide options for obtaining the resources required.
- 3.8 **Prepare Draft Plan** – Prepare a draft implementation plan for review by the County. Address comments and submit the draft plan to the DEQ for review.

## **TASK 4 — FINAL PLAN**

- 4.1 **Develop Final Plan** – Respond to DEQ comments with regard to the implementation plan. It is assumed that there will be an iterative process with DEQ and Yamhill County.



# Price Proposal

Revision Date:  
Jul 26, 2021

## Yamhill Co. Mercury TMDL Implementation Plan

Develop an implementation plan.

Submitted to: Yamhill County

Proj Area ->

### Labor Plan

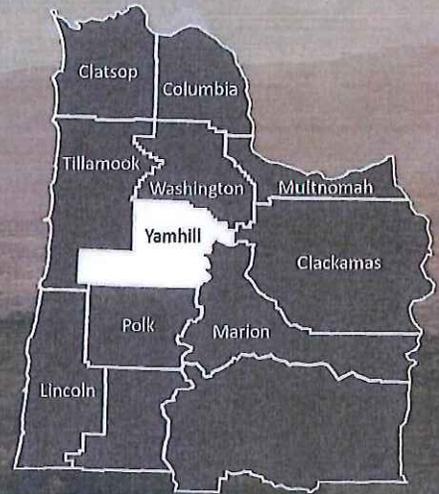
6 Resource

### Price Summary / Totals

Task Pricing Totals	70,060
Specify Add'l Fees on Setup	0
Technology Use Fee	
<b>Total Price</b>	<b>70,060</b>

### Pricing by Resource

Project Phases / Tasks	Schedule			Work Days Off	Work Days	Total Labor Hrs	Resource						Labor Rate Est. 0.00%	Labor	Subs	Travel	Mat'ls & Equip	ODCs	Task Pricing Totals
	From	Thru	Months				QA/QC (Gordon Munro)	PM-Senior Engineer (Matt Husley)	Engineer (Hunter Bennet-Daggett)	EIT (Mary Martin)	Technical editor (Dan Portman)	Admin (Becky Connelly)							
<b>Task 1 - Project Management</b>						<b>447</b>	<b>38</b>	<b>107</b>	<b>136</b>	<b>156</b>	<b>12</b>	<b>8</b>	<b>69,340</b>	<b>-</b>	<b>220</b>	<b>-</b>	<b>-</b>	<b>70,060</b>	
1.1 Management						42	8	22	8	-	-	4	8,336	-	220	-	-	8,556	
1.2 QA/QC						10	8	6	6	-	-	4	1,760	-	-	-	-	1,760	
1.3 Coordination meetings						8	8	16	8	-	-	-	4,656	-	220	-	-	4,876	
<b>Task 2 - Data Collection &amp; Inventory</b>						<b>127</b>	<b>8</b>	<b>17</b>	<b>30</b>	<b>72</b>	<b>-</b>	<b>-</b>	<b>17,696</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>17,696</b>	
2.1 Land Use						48	6	4	6	32	-	-	6,528	-	-	-	-	6,528	
2.2 Planning efforts						9	2	1	4	8	-	-	1,084	-	-	-	-	1,084	
2.3 Existing BMPs						38	2	4	16	16	-	-	5,360	-	-	-	-	5,360	
2.4 Land ownership						24	4	4	4	16	-	-	3,176	-	-	-	-	3,176	
2.5 Pollutant Sources						8	4	4	4	16	-	-	1,448	-	-	-	-	1,448	
<b>Task 3 - Develop Plan</b>						<b>214</b>	<b>14</b>	<b>52</b>	<b>72</b>	<b>68</b>	<b>6</b>	<b>2</b>	<b>33,368</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>33,368</b>	
3.1 Background & Goals						2	2	2	4	-	-	-	440	-	-	-	-	440	
3.2 Water Quality Assessment						4	12	24	24	32	-	-	568	-	-	-	-	568	
3.3 Management Strategies						92	8	8	8	32	-	-	15,024	-	-	-	-	15,024	
3.4 Performance Monitoring						16	4	4	4	16	-	-	2,896	-	-	-	-	2,896	
3.5 Review & Reporting						4	2	2	4	8	-	-	568	-	-	-	-	568	
3.6 Land Use Compatibility						12	4	4	4	16	-	-	1,784	-	-	-	-	1,784	
3.7 Additional Requirements						52	2	2	32	16	-	-	7,152	-	-	-	-	7,152	
3.8 Draft Plan						32	12	12	12	48	-	-	4,936	-	-	-	-	4,936	
<b>Task 4 - Final Plan</b>						<b>64</b>	<b>8</b>	<b>16</b>	<b>16</b>	<b>16</b>	<b>6</b>	<b>2</b>	<b>10,440</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>10,440</b>	
4.1 Develop Final Plan						64	8	16	16	16	6	2	10,440	-	-	-	-	10,440	
<b>Totals</b>						<b>447</b>	<b>38</b>	<b>107</b>	<b>136</b>	<b>156</b>	<b>12</b>	<b>8</b>	<b>69,340</b>	<b>-</b>	<b>220</b>	<b>-</b>	<b>-</b>	<b>70,060</b>	



Quote for Services  
Submitted to: Yamhill County Public Works  
July 26, 2021

## Yamhill County Mercury TMDL Implementation Plan

Making Engineering Fun!

[www.windsorengineers.com](http://www.windsorengineers.com)  
12009 NE 99th Street, Suite 1460  
Vancouver, Washington 98682



**WINDSOR**  
ENGINEERS



**WINDSOR  
ENGINEERS**

**Fee Proposal • 21137**

July 26, 2021

Mr. Mark Lago  
Public Works Director  
Yamhill County Public Works  
2060 NE Lafayette Avenue  
McMinnville, OR 97128

**Project: Yamhill County Mercury TMDL Implementation Plan**

Dear Mr. Lago

Windsor Engineers is excited to work with you and your team. We provide technical solutions through strength in communications, listening skills, responsiveness, and follow-through. We are pleased to provide you with this fee proposal based on the following:

- Request for Quote Email from Mark dated 07/14/2021
- Information from Oregon DEQ on Mercury TMDL Guidance
- Example TMDL Plans from Other Counties

We understand scope can change moving forward and we reserve the right to negotiate should it do so. You will find our understanding of the project and what we have based our fee on the following page.

**Why Windsor**

Before sharing our ideas for scope and our estimated costs, we'd like to let you know about Windsor Engineers!

Windsor provides an entirely different experience for our employees and for our clients as compared to most engineering firms in the industry. Some things that you can know and expect from Windsor:





- We are the right size of firm for Yamhill County. We have 40 people. We are nimble, hardworking, and responsive. The other firms invited to provide quotes have thousands of employees. Windsor does have key staff who have worked for large firms including all four names shown in this Quote, but we love being the right size firm to provide our clients with great experiences.
- We interface with DEQ Often. We have a good working relationship with state agencies. We work with DEQ regularly. Travis Tormanen is on an Oregon Health Authority committee. Windsor is a service provider for State Parks. We are familiar and have had direct interaction with DEQ on mercury TMDL issues.
- We strive to make engineering fun. While we are hardworking, we make it a point to only hire people that fit our culture of having the right attitude. The Windsor office front lobby wall says a lot about who we are. The picture on the prior page says it best!
- We are responsive! If you ask around about engineering client service levels in the area if it surprising how often people complain about engineers that don't communicate well or are slow in delivery and even slow in returning calls. Windsor is responsive. We keep our clients informed and we are deadline driven.
- We are experienced in engineering & construction. While Windsor has been in business only since 2018, we have rapidly grown to 40 staff members who collectively have a great deal of engineering experience AND the majority of our employees also have real world construction experience that they gained before joining Windsor. This helps us stay on the practical side of solutions and less "CYA" or bureaucratic in our approach.
- We have great references from local agencies. The Windsor team has performed work with the City of Cannon Beach, Oregon State Parks, City of Harrisburg, and City of Hood River as some recent examples of local work.

We would appreciate the opportunity to show you the Windsor difference!

## Project Approach

Windsor proposed to tackle the project as follows:

1. Quote for Services has been prepared and is enclosed.
2. Since the County does not have a Stormwater Management Plan, we would propose starting with a few stormwater master planning elements to generate key information that DEQ will want to see.
3. As many actual implementation measures that will cost money as possible will be deferred into the future.
4. The project will be made as efficient as possible by modeling efforts after TMDL permitting done by City of Newberg, Polk County, and Marion County. Windsor has example documents from each.
5. The focus will be on DEQ specific requirements such as a Matrix, Table 13-12 "Minimum Management Program Requirements", Table 13-13 "Management Strategies".
6. The DEQ Mercury TMDL document is attached. Also attached are qualifications of key people including Project Manager (Emily), Principal (Travis), Document Management (Susan), and Senior Advisor (Chuck).

## Cleaning Up the Willamette – Mercury Pollution

There are multiple fish consumption advisories issued for the Willamette Basin advising people of the health risks associated with consuming fish containing elevated levels of mercury. The goal of this effort is to restore the beneficial use of fish consumption to the Willamette Basin.



### Basin Wide Activities:

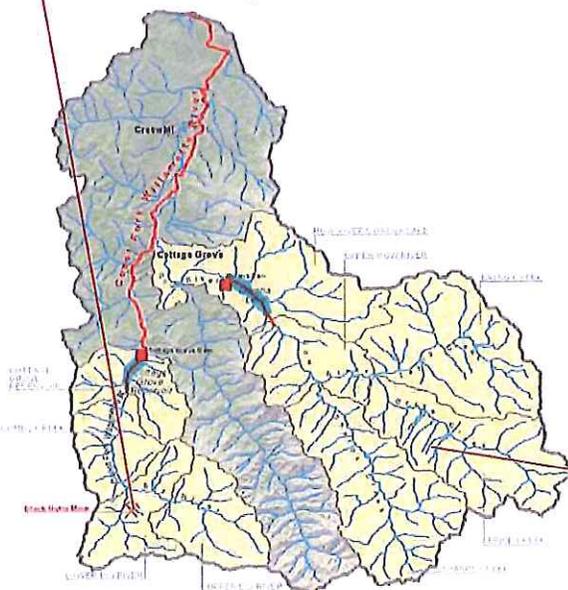
- DEQ will require selected domestic and industrial point sources to monitor for mercury and to develop mercury minimization plans.
- DEQ is collaborating with partners to promote the recycling of mercury-containing products such as dental amalgam, fluorescent lights, and thermometers.
- DEQ is working with a range of management agencies in the Basin on mercury implementation activities for non-point sources.

Stormwater permits will help reduce soil erosion and runoff that can carry mercury and other pollutants to rivers and streams.

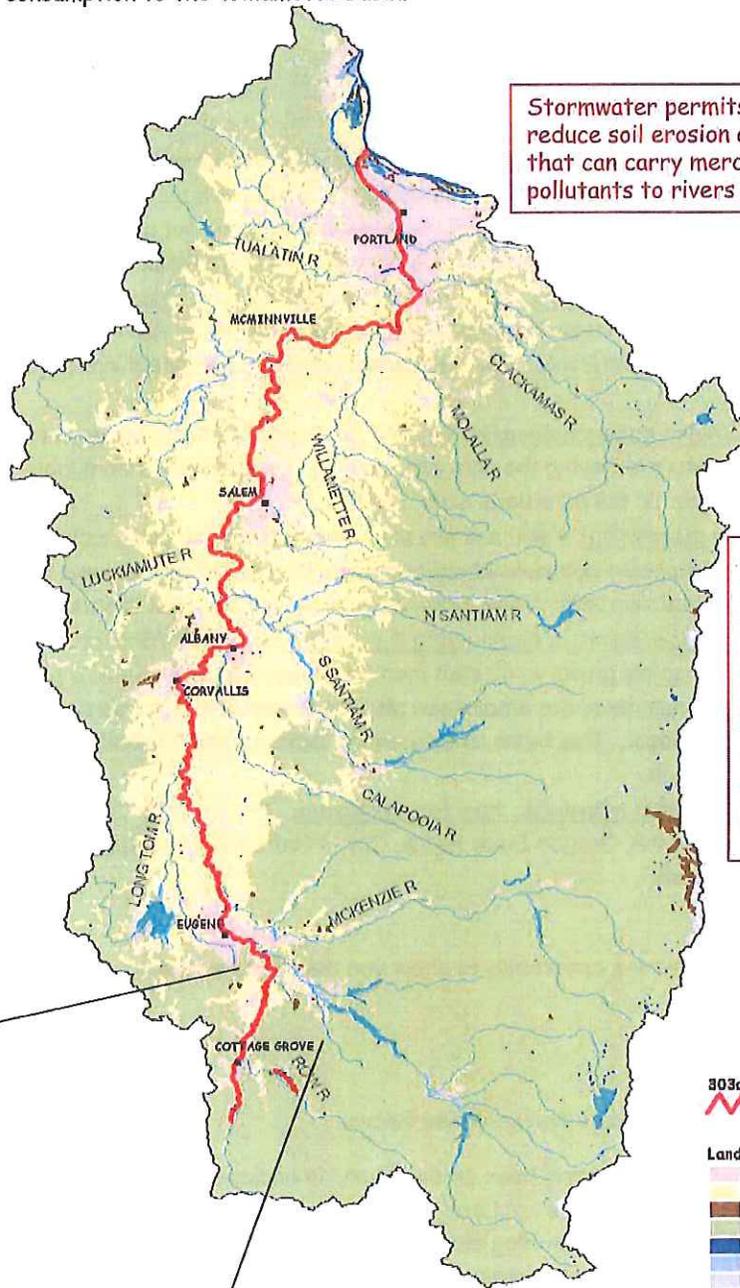
Use mercury monitoring information to evaluate effectiveness and update the mercury TMDL by 2011.

Implement erosion control measures to reduce the erosion of native mercury-containing soils from agricultural, urban and forested lands.

Continue cleanup work at Black Butte Mine.



Assess the contribution of mercury from the Bohemia Mining District.



303d Listed Streams - Mercury

- Land Use / Land Cover
- Urban
  - Agriculture
  - Rangeland
  - Forest
  - Water
  - Wetland
  - Barren

### Willamette Fish Consumption Advisory:

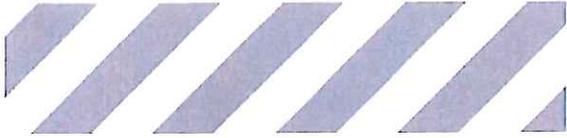
- Children under 6 should eat no more than one 4-ounce meal every two months.
- Women of childbearing-age should eat no more than one 8-ounce meal every month.
- Healthy adults should eat no more than one 8-ounce meal every two weeks.
- All persons should reduce or avoid eating fatty parts of fish.
- Removing the skin and all fat, eggs and internal organs can reduce exposure.



## Professional Fees

Windsor Engineers has provided a quote per below. The project could be developed either as a fixed fee or as a time and materials with a not-to-exceed based upon Windsor hourly billing rates as shown on the following page.

Tasks	\$ Fee
Project Initiation (background, kickoff meeting, work plan)	\$4,000
Development of Stormwater Management Plan Outline including list of known information, data gaps, and future needs.	\$8,000
Preparation of Key Stormwater Documents that provide a baseline of information to better enable the TMLD Plan to Meet DEQ Requirements <ul style="list-style-type: none"> <li>• Mapping of Stormwater Basins</li> <li>• Summary of Existing Storm Plans Within the County (i.e., municipalities)</li> <li>• Stormwater O&amp;M Plan for the County – summary / high-level with plan for potential future enhancements</li> <li>• Best Management Practices – Summary including a plan</li> <li>• for future implementation</li> <li>• Review of compliance with 1200-C and 1200-Z stormwater requirements as related to the County</li> <li>• The above items will be integrated with the Outline and become the start of a Stormwater Management Plan</li> </ul>	\$15,000
Develop Minimum Management Requirements (table 13-12 per Willamette Basin Mercury TMDL and WQMP) <ol style="list-style-type: none"> <li>1. Pollution Prevention &amp; Good Housekeeping</li> <li>2. Public Education and Outreach</li> <li>3. Enforcement of Prohibited Pollutants</li> </ol>	\$17,000
Management Strategies (per DEQ table 13-13) <ul style="list-style-type: none"> <li>- Includes Roads, Riparian Buffers, and Onsite Stormwater Management</li> </ul>	\$17,000
Preparation of Mercury TMDL Plan / TMDL Matrix / Cover Letter / Reports	\$15,000
County and DEQ Coordination and Meetings	\$6,000
<b>Total Baseline Fee</b>	<b>\$82,000</b>
<u>Optional Items</u> (The items listed below are not directly part of Implementation Plan, but they must be completed by September 2022 which is same time as the Implementation Plan:	
Cost analysis and estimation as well as public involvement for 5-year implementation plan	\$10,000
Assess existing programs and BMPs underway for sediment and mercury reduction	\$5,000



## **TEAM EXPERIENCE**

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**Travis Tormanen, PE**  
PRINCIPAL | CLIENT SERVICE

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### HIGHLIGHTS

- Majority of clients served are both 'municipal' and in Oregon
- Serves on state Department of Health advisory board
- Providing water quality/stormwater consulting currently for Cannon Beach and Hood River
- Familiar with the DEQ requirements for this project and projects like this



**Emily Stephens, PE**  
PROJECT MANAGER

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### HIGHLIGHTS

- Background as public and private engineering employee
- Project management experience
- Background with public process and public policy making including ordinance development
- Extensive stormwater planning experience including MS4 and non-MS4 systems



## **TEAM EXPERIENCE**

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**Chuck McDonald, PE**  
SENIOR ADVISOR

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### HIGHLIGHTS

- Former public engineering employee for over 20 years at local and state levels
- Experienced with road department issues
- Stormwater expertise
- Supervises the Windsor civil infrastructure team



**Susan Kohnle**  
DOCUMENT CREATIONS + DEQ LIASON

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### HIGHLIGHTS

- Over 25 years in the municipal engineering business in Oregon
- Extensive experience with highly public processes and documents
- Word and Power Point technical expert
- Highly organized at document management and version control



We look forward to working with Yamhill County and supporting your needs.

Thank you for the opportunity!

**Windsor Engineers**

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Travis Tormanen, PE  
Partner



**WINDSOR  
ENGINEERS**

## Hourly Rate Sheet

**Windsor Engineers**  
**2021 Standard Hourly Bill Rates**

### Engineering Services

Classification	Rate/Hr
Senior Principal	\$250
Principal	\$220
Senior Manager	\$200
Senior Water Resources Manager	\$185
Senior Engineer	\$175
Staff Engineer	\$145
Junior Engineer/EIT	\$110
Admin/Intern/Technician	\$80

Rev. 3/2021

- Windsor Engineers does not charge extra for communications charge nor associated project costs.
- Mileage will be charged at IRS approved rates.
- Subconsultants / Project expenses will be reimbursed at cost plus ten percent.
- Rates are valid through December 31, 2021.

**Mark Lago**

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**From:** [REDACTED] BrwnCald.com>  
**Sent:** Tuesday, July 20, 2021 4:32 PM  
**To:** Mark Lago  
**Subject:** RE: Need a QUOTE: Yamhill County Mercury TMDL Implementation Plan

[This email originated outside of Yamhill County]

Hi Mark,

Thank you so much for sending us this request for quote. I was out of the office last week when this came through and am just seeing it now. Unfortunately, while we feel we are highly qualified for, and also very interested in this type of work - our current project commitments and summer schedules have made it so that we would not be able to provide you with the quality response we would want to provide within this timeframe. We very much appreciate the outreach to Brown and Caldwell, and we hope you will think of us again for future opportunities. Please let us know if you have questions or need further information.

Thanks again,

[REDACTED]

-----Original Message-----

From: Mark Lago <lagom@co.yamhill.or.us>  
Sent: Wednesday, July 14, 2021 2:09 PM  
To: [REDACTED] WindsorEngineers.com> [REDACTED] tetrattech.com; [REDACTED] BrwnCald.com>  
Subject: Need a QUOTE: Yamhill County Mercury TMDL Implementation Plan

Good Afternoon,

Yamhill County is required to prepare a Mercury TMDL implementation plan by September 3, 2022 (see attached DEQ TMDL Itr). I have been able to be part of several zoom meetings put on by DEQ explaining what is needed and required for the plan. After watching these presentations Yamhill County has determined that we need to contract this work out to a professional in this type of field.

I have attached the section of the final revised Willamette basin TMDL that is for Counties (see attached section 13.1.12) which I think is what Yamhill County will have to follow for the development of the plan. Also, Yamhill County is not a MS4.

Yamhill County is asking for a quote from each of you by July 26, 2021 to develop a Mercury TMDL plan for us to submit to DEQ on or before September 3, 2022. Once I have the quotes, I will be looking at a direct-a-point approach to get a firm on board ASAP.

Please let me know if you have any questions.

Thank you