

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (MOU), made by and between the **HUDSON VALLEY REGIONAL COUNCIL, INC.** (HVRC) a quasi-governmental non-profit corporation with offices at 105 Ann Street, #2, Newburgh, NY 12550 and [Municipality], a municipal corporation with its principal office at [Address].

1. BACKGROUND

The Mid-Hudson Region has:

- a high number of small municipal closed landfills and is an excellent candidate to implement a biofilter solution to reduce the emissions from these landfills;
- dozens of small communities that have completed GHG inventories and climate action plans and understand that closed landfill methane emissions are often hidden but prolific sources of greenhouse gas emissions and other pollutants;
- many municipalities that are committed to raising awareness of this issue and to helping reduce greenhouse gas emissions across the Region – supporting New York State’s Climate Leadership and Community Protection Act goals.

HVRC submitted an application as Lead Applicant to the Environmental Protection Agency’s (EPA) Climate Pollution Reduction Grant (hereinafter “CPRG Grant Program”) for Mid-Hudson Landfill Biofilters Project. The [Municipality] joined the CPRG Grant Program application as Project participant by signing a letter of commitment for the application. In November 2024, HVRC was awarded a grant of \$3.06 million from the US EPA CPRG Program for the implementation of the Mid-Hudson Landfill Biofilters Project.

2. GLOSSARY

- CPRG: The Climate Pollution Reduction Grant Program of the US Environmental Protection Agency provided \$5 billion in grants to states, local governments, tribes, and territories to develop and implement ambitious plans for reducing greenhouse gas emissions and other harmful air pollution. Authorized under Section 60114 of the Inflation Reduction Act, this two-phase program provided \$250 million for noncompetitive planning grants, and approximately \$4.6 billion for competitive implementation grants.
- Municipality: Refers to a participating member municipality that is part of the Project and signed a letter of commitment to the Project.
- Mid-Hudson Landfill Biofilters Project: The Mid-Hudson Landfill Biofilters Project (Project) refers to the project awarded \$3.06 million in funding from the US EPA CPRG Program to support the installation of biofilters to reduce fugitive methane emissions from closed landfills in the Mid-Hudson Valley Region of New York.
- Grant Funds: See Total Project Budget.
- HVRC: The Hudson Valley Regional Council, a regional planning organization, that provides technical assistance to municipal governments in the Mid-Hudson Region pertaining to economic development, sustainability, clean energy, and water quality.

- Lead Applicant: HVRC is the Lead Applicant in its application for the Mid-Hudson Landfill Biofilters Project to the CPRG Program. HVRC is responsible for administration of award funds to be used for implementation of the Project as well as reporting on progress to the EPA, with supporting documentation provided by the individual participating municipalities.
- Project Term: November 1, 2024 – October 31, 2029
- Total Project Budget: The Total Project Budget is comprised of Grant Funds allocated to HVRC for completion of individual landfill biofilter installations and for HVRC to manage the Project and support the municipalities.

3. GENERAL PROVISIONS

This MOU focuses on the proposed scope of work and Municipality responsibilities. It was drafted to ensure that the Municipalities and HVRC understand each other's roles and responsibilities and remain supportive and committed to the Mid-Hudson Landfill Biofilters Project. This MOU is in a format to meet all terms and conditions of the grant award. The Municipalities' signatures on the MOU affirms the understanding that certain EPA terms and conditions may be non-negotiable. HVRC will be accountable to the EPA and accepts full responsibility for effectively carrying out the full scope of work and the proper financial management of the grant.

4. PROJECT CONTENT

- HVRC as Lead Applicant was awarded a grant of \$3.06 million from the US EPA CPRG Program for the implementation of the Mid-Hudson Landfill Biofilters Project.
- The Total Project Budget is \$3.06 million, comprised of Grant Funds.
- Grant funds will be used to measure methane emissions and install biofilters on landfills.
- Optional components include completion of solar feasibility studies, investigation of battery storage solutions on landfills, and/or planting of native pollinator plants on the landfill's border. Pollinator plantings, if pursued, shall be planted outside of the capped area and as permitted by the New York State Department of Environmental Conservation (NYS DEC) and Municipality.

5. RESPONSIBILITIES

Obligations of HVRC:

During the Project Term, HVRC will have the following obligations:

- Manage contractual grant requirements as determined by the US EPA, including honoring any and all contractual agreements entered into with consultants under contract with HVRC for implementation of the Project.
- Measure on a monthly basis the methane and other landfill gas concentrations and velocity flowing from municipal landfill, utilizing equipment and methods approved by NYS DEC and US EPA.
- Calculate greenhouse gas emissions from municipal landfill.
- Sub-contract with consultants to design and build Project biofilters.
- Work with NYS DEC to ensure biofilters are approved for use on municipal landfill.
- Manage the solar feasibility and battery storage report deliverables, where applicable.
- Manage the planting of native pollinators, where applicable.

- Restore the landfill vents to their original function at the conclusion of the Project, if the Municipality chooses to discontinue use of the biofilters.

Obligations of Municipality:

Each Municipality agrees to undertake the following actions in support of the HVRC Landfill Biofilter Project:

A. Site Access Authorization

The Municipality shall provide HVRC staff and/or its authorized consultants with regular access, anticipated to be monthly, to the municipal landfill site for the purpose of implementing, monitoring, maintaining, and, as applicable, decommissioning the Project. Access shall be coordinated in advance and conducted in a manner that complies with all applicable health, safety, and security protocols in effect at the site.

B. Biofilter Installation Approval

The Municipality shall permit the installation of biofilters on the closed landfill site in accordance with a site plan or schematic officially approved by the Municipality. The total number of biofilters shall not exceed the number of active landfill gas (LFG) vents identified as emitting methane during baseline monitoring. All biofilter designs shall be reviewed and certified by a New York State-licensed engineer and shall be submitted to NYS DEC for approval as a formal amendment to the Post-Closure Maintenance and Monitoring Manual (PCMMM) prior to implementation.

C. Authorization of Infrastructure Modifications

The Municipality authorizes HVRC staff and/or its designated consultants to perform reasonable modifications to existing LFG venting infrastructure as necessary to accommodate the passive redirection of gas flow through installed biofilters.

D. Community Education and Engagement

In coordination with HVRC and the New Jersey Institute of Technology (NJIT), the Municipality agrees to assist in the planning and promotion of at least one public education event. The purpose of this event is to provide residents and/or municipal staff with information regarding closed landfill operations, landfill gas management practices, and the environmental role of biofilter systems.

E. Post-Project Maintenance Coordination

Prior to the conclusion of the Project Term, the Municipality shall engage in discussions with HVRC and/or its consultants regarding the feasibility of assuming responsibility for the continued maintenance of installed biofilters. Anticipated post-Project maintenance activities may include, but are not limited to:

- Periodic replenishment (approximately every five years) of organic biofilter media (e.g., mulch or compost);
- Routine repair or replacement of structural elements, as needed, including wooden containment units and flexible gas conveyance tubing or piping.

6. OPTIONAL PROJECT COMPONENTS (IF SELECTED BY MUNICIPALITY)

— The Municipality of [Municipality] agrees to participate in having a solar feasibility study completed for its landfill. The study may reveal that the benefits of solar energy production can be

brought to the Municipality closed landfill, but in no way obligates the implementation of any solar project.

— The Municipality of __[Municipality]__ agrees to allow native pollinator plantings installed on the perimeter of its landfill outside of the capped area. These plantings are intended to enhance climate resilience and support local ecosystem health. The specific planting areas and design will be developed in collaboration with a municipal representative, who may also partner with HVRC to assist with planting and care during the first year. Ongoing, long-term maintenance is not expected to be necessary.

7. INSURANCE REQUIREMENTS

HVRC shall ensure that all staff and consultants engaged in the implementation of the Mid-Hudson Landfill Biofilters Project maintain appropriate insurance coverage throughout the duration of the Project Term. At a minimum, such coverage shall include:

- Commercial General Liability Insurance with limits of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate;
- Workers' Compensation Insurance in compliance with New York State law;
- Professional Liability (Errors and Omissions) Insurance for consultants, with limits of not less than \$1,000,000 per claim and \$2,000,000 aggregate;
- Automobile Liability Insurance (if applicable), with a combined single limit of not less than \$1,000,000 per accident for bodily injury and property damage.

HVRC shall provide certificates of insurance upon request by the Municipality. HVRC shall be responsible for ensuring that all subcontractors and consultants maintain equivalent coverage.

8. AMENDMENTS

This MOU may only be amended, modified, or supplemented by a written document signed by authorized representatives of both HVRC and the Municipality. Verbal agreements, emails, or other informal communications shall not be considered valid amendments to this MOU.

IN WITNESS WHEREAS, the parties hereto have executed this Memorandum of Understanding as of the dates written below.

For the Municipality:

Municipality: _____

Name: _____

Title: _____

Signature: _____

Date: _____

For the Hudson Valley Regional Council, Inc. (HVRC):

Carla Castillo

Executive Director

Hudson Valley Regional Council, Inc.

Signature: _____

Date: _____