

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-156

Approving the EPA Assistance Grant Amendment Extension for the Clean-Up of 1949 SE Division

The Multnomah County Board of Commissioners Finds:

- a. On September 10, 2003 the county was awarded a Federal EPA Grant in the amount of \$200,000 with a County matching requirement of \$40,000 for a total of \$240,000 to clean up a certain tax foreclosed property, the former gas station at 1949 SE Division. The project period of the Grant was 1/01/2004 to 01/30/2006.
- b. The County entered into an intergovernmental agreement (IGA) with the City of Portland; to oversee the environmental clean up under the City's Brownfield's Program. The City contracted with Hahn and Associates to complete the environmental testing and clean-up.
- c. Due to numerous delays occurring before the actual clean-up could start and after additional contamination was discovered, an extension of the grant period was requested of the EPA and obtained to extend the project period to 1/30/2007 and the IGA was extended to 12/31/2006. The City has completed its work and there is presently \$50,000 remaining of grant funds because the original clean-up cost less than estimated.
- d. The County obtained an exemption from the public contracting rules to keep Hahn and Associates working on the project and entered into a contract with them for further testing and sampling work. Earlier this year, the EPA granted a second extension through 9/30/2007.
- e. To date, the additional testing completed at the neighboring property has not produced the expected results. The Oregon DEQ has directed more testing be done some of which may not take place until December of 2007.
- f. In light of these developments, the EPA has granted a third extension through June 30, 2008, a copy of the EPA Grant Third Amendment extension is attached identified as Exhibit A.
- g. The extension of the time period for the Assistance Grant from EPA provides the County and our contractor the necessary time to complete the additional testing DEQ is requiring on site with the ultimate goal to obtain a "No Further Action" letter from the DEQ.

The Multnomah County Board of Commissioners Resolves:

1. The Chair is authorized to execute the EPA Grant Third Amendment in substantially the form as the attached Exhibit A; extending the grant period until June 30, 2008.

ADOPTED this 27th day of September, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Ted Wheeler

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By: *Matthew O. Ryan*

Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Dept. of Community Services

EXHIBIT A

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 <p style="font-size: 1.2em; font-weight: bold; margin-top: 10px;">U.S. ENVIRONMENTAL PROTECTION AGENCY</p> <p style="font-weight: bold; margin-top: 10px;">Assistance Amendment</p>	ASSISTANCE ID NO.			DATE OF AWARD 08/22/2007
	PRG	DOC ID	AMEND#	
	BF - 97068501 - 3			MAILING DATE 08/22/2007
	TYPE OF ACTION No Cost Amendment			
PAYMENT METHOD:			ACH# X0234	
RECIPIENT TYPE: County		Send Payment Request to: Las Vegas Finance Center FAX # 702-798-2423		
RECIPIENT: Multnomah County Tax Title P.O. Box 2716 Portland, OR 97208 EIN: 93-6002309		PAYEE: Multnomah County Tax Title P.O. Box 2716 Portland, OR 97208		
PROJECT MANAGER		EPA PROJECT OFFICER		EPA GRANT SPECIALIST
Gary Thomas P.O. Box 2716 Portland, OR 97208 E-Mail: Phone: 503-988-3590		Mike Slater 811 SW 6th Ave., 3rd Floor, ECL-000 Portland, OR 97204 E-Mail: Slater.Mike@epa.gov Phone: 503-326-5872		Kathy Tsing-Choy Grants Administration Unit, OMP-145 E-Mail: Tsing-Choy.Kathy@epa.gov Phone: 206-553-4688
PROJECT TITLE AND EXPLANATION OF CHANGES				
BF-97068501-0 Multnomah County				
This amendment extends time to 06/30/2008 and revises/adds the Administrative Terms and Conditions.				
BUDGET PERIOD	PROJECT PERIOD	TOTAL BUDGET PERIOD COST	TOTAL PROJECT PERIOD COST	
01/01/2004 - 06/30/2008	01/01/2004 - 06/30/2008	\$240,000.00	\$240,000.00	
NOTICE OF AWARD				
Based on your application dated 07/08/2003, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$0. EPA agrees to cost-share <u>83.33%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$200,000. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.				
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS			ORGANIZATION / ADDRESS	
EPA Region 10 Mail Code: OMP-145 1200 Sixth Avenue Seattle, WA 98101			U.S. EPA, Region 10 Office of Environmental Cleanup 1200 Sixth Avenue Seattle, WA 98101	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY				
SIGNATURE OF AWARD OFFICIAL		TYPED NAME AND TITLE		DATE
Digital signature applied by EPA Award Official		Katherine Tsing-Choy, Grants Specialist		08/22/2007
AFFIRMATION OF AWARD				
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION				
SIGNATURE		TYPED NAME AND TITLE		DATE
		Ted Wheeler, Chair, Board of County Commissioners		

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 200,000	\$ 0	\$ 200,000
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 40,000	\$	\$ 40,000
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 240,000	\$ 0	\$ 240,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.818 - Brownfields Assessment and Cleanup Cooperative Agreements	CERCLA: Sec. 101(39) CERCLA: Sec. 104(k)(3)	40 CFR PART 31

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation

Budget Summary Page: Special Needs Housing for the Physically Disabled

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$16,750
2. Fringe Benefits	\$0
3. Travel	\$350
4. Equipment	\$0
5. Supplies	\$500
6. Contractual	\$218,400
7. Construction	\$0
8. Other	\$4,000
9. Total Direct Charges	\$240,000
10. Indirect Costs: % Base	\$0
11. Total (Share: Recipient <u>16.67</u> % Federal <u>83.33</u> %.)	\$240,000
12. Total Approved Assistance Amount	\$200,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$0
15. Total EPA Amount Awarded To Date	\$200,000

Administrative Conditions

Condition number 3 and 8 are REVISED:

3. Financial Status Report (FSR) and Federal Cash Transactions Reports

FINAL FSR

The Financial Status Report (FSR), Standard Form 269A (or Standard Form 269 if program income is generated), for this award is due to EPA no later than 90 days after the budget period expires.

For agreements with multiple budget activities, separate FSRs must be provided for each of the activities, sites, or budgets, as applicable.

FEDERAL CASH TRANSACTIONS REPORTS

The recipient will provide timely reporting of cash disbursements and balances through annual submission (within fifteen (15) working days following December 31 of any given calendar year) of a Federal Cash Transactions Report (SF-272).

The Final FSR and Federal Cash Transactions Reports may be faxed to (702) 798-2423 or mailed to:

US Environmental Protection Agency
Las Vegas Finance Center
P.O. Box 98515
Las Vegas, NV 89193-8515

For additional information, please contact Marge Pumphrey at (702) 798-2492 or email: Pumphrey.Margaret@epa.gov.

EPA may take enforcement actions in accordance with 40 CFR 30.62 or 40 CFR 31.43 if the recipient does not comply with this term and condition.

8. Lobbying and Litigation

ALL RECIPIENTS:

Pursuant to EPA's annual Appropriations Act, the chief executive officer of this recipient agency shall require that no grant funds have been used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. As mandated by this Act, the recipient agrees to provide certification to the award official via EPA Form 5700-53, *Lobbying and Litigation Certificate*, within 90 days after the end of project period.

Recipient shall abide by its respective OMB Circular (A-21, A-87, or A-122), which prohibits the use of federal grant funds for litigation against the United States. Any Part 30 recipient shall abide by its respective OMB Circular (A-21 or A-122), which prohibits the use of Federal grant funds to participate in various forms of lobbying or other political activities.

Certification (EPA Form 5700-53) must be submitted to the EPA Region 10, Grants Administration Unit, 1200 Sixth Avenue, OMP-145, Seattle, WA 98101.

Condition number 14 is ADDED:

14. Management Fees

Management fees or similar charges in excess of the direct costs and approved indirect rates are not allowable. The term "management fees or similar charges" refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs which are not allowable under this assistance agreement. Management fees or similar

charges may not be used to improve or expand the project funded under this agreement, except to the extent authorized as a direct cost of carrying out the scope of work.

All Other Administrative Conditions Remain the Same

Programmatic Conditions

All Programmatic Conditions Remain the Same

END OF ASSISTANCE AGREEMENT NO. BF-970685-01-3