

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-092

Approving U.S. Environmental Protection Agency Assistance Amendment, Extending the Clean-up Grant for the Former Gas Station Property at 1949 SE Division to September 30, 2007

The Multnomah County Board of Commissioners Finds:

- a. On September 10, 2003 the county was awarded an 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 \$60,000 remaining of grant funds because the original clean-up cost less than estimated.
- d. There is also additional testing and sampling required to be completed at the site in connection with issues recently raised by an adjacent property owner. The remaining \$60,000 will be applied to this testing and sampling work. The County has sought and obtained an exemption from the public contracting rules to keep Hahn and Associates working on the project and is negotiating a services agreement with that contractor.
- e. The County requested that the EPA grant another extension of the project period. This is necessary as the testing requires drier conditions than have been experienced of late. The EPA has extended the performance period of the grant through 9/30/2007.
- f. Tax Title through the proposed contract with Hahn and Associates, expects 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 attached U.S. Environmental Protection Agency Assistance Amendment, Extending the Clean-up Grant for the Former Gas Station Property at 1949 SE Division to September 30, 2007.

ADOPTED this 10th day of May, 2007.




BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

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



U.S. ENVIRONMENTAL PROTECTION AGENCY

Assistance Amendment

ASSISTANCE ID NO.

PRG	DOC ID	AMEND#
BF -	97068501	- 2

DATE OF AWARD
04/17/2007

TYPE OF ACTION
No Cost Amendment

MAILING DATE
04/17/2007

PAYMENT METHOD:

ACH#

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

Gary Thomas
P.O. Box 2716
Portland, OR 97208
E-Mail:
Phone: 503-988-3590

EPA PROJECT OFFICER

Mike Slater
811 SW 6th Ave., 3rd Floor, ECL-000
Portland, OR 97204
E-Mail: Slater.Mike@epa.gov
Phone: 503-326-5872

EPA GRANT SPECIALIST

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 is to extend time to September 30, 2007, in order to complete additional surface engineering work for the final cleanup work.

BUDGET PERIOD

01/01/2004 - 09/30/2007

PROJECT PERIOD

01/01/2004 - 09/30/2007

TOTAL BUDGET PERIOD COST

\$240,000.00

TOTAL PROJECT PERIOD COST

\$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 83.33% 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)

ORGANIZATION / ADDRESS

EPA Region 10
Mail Code: OMP-145
1200 Sixth Avenue
Seattle, WA 98101

AWARD APPROVAL OFFICE

ORGANIZATION / ADDRESS

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

Digital signature applied by EPA Award Official

TYPED NAME AND TITLE

Katherine Tsing-Choy, Grants Specialist

DATE

04/17/2007

AFFIRMATION OF AWARD

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

SIGNATURE

TYPED NAME AND TITLE

Ted Wheeler, Chair, Board of County Commissioners

DATE

04/17/2007

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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

[illegible]

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 1, 3, and 5 are REVISED:

1. Payment Information

All recipients must be enrolled to receive funds electronically via the EPA-EFT Payment Process. This electronic funds transfer process was initiated by EPA in response to the Debt Collection Improvement Act of 1996, P.L. 104-134 that requires all federal payments be made via Direct Deposit/Electronic Funds Transfer(DD/EFT). By signing the assistance agreement you are agreeing to receive payment electronically.

In order to receive payments electronically, the ACH Vendor/ Miscellaneous Payment Enrollment Form (SF3881) must be completed and faxed to Marge Pumphrey at (702) 798-2423.

After reviewing and processing the SF3881, the Las Vegas Finance Center (LVFC) will send you a letter assigning you an EFT Control Number, an EPA-EFT Recipient's Manual, and the necessary forms for requesting funds and reporting purposes.

If you need further assistance regarding enrollment, please contact Marge Pumphrey at (702) 798-2492 or by e-mail to: pumphrey.margaret@epa.gov.

Any recipient currently using the Automated Standard Application for Payments (ASAP) system with another government agency should contact Marge Pumphrey at (702) 798-2492 or e-mail to: pumphrey.margaret@epa.gov.

Under any of the above payment mechanisms, recipients may request/draw down advances for their immediate cash needs, provided the recipient meets the requirements of 40 CFR 30.22(b) or 40 CFR 31.21(c), as applicable. Additionally, recipients must liquidate all obligations incurred within 90 calendar days of the project period end date. Therefore, recipients must submit the final request for payment, and refund to EPA any balance of unobligated cash advanced within 90 calendar days after the end of the project period.

3. Financial Status Reports (FSRs) and Federal Cash Transactions Reports

INTERIM FSR

If the budget period is longer than one year, or if the agreement is revised to extend the budget period beyond one year, the recipient must submit an annual FSR within 90 days after the end of each anniversary of the agreement. **The interim report may be faxed to (206) 553-4957 or mailed to:**

US Environmental Protection Agency
Grants Administration Unit
1200 Sixth Avenue, OMP-145
Seattle, WA 98101

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

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.

FEDERAL CASH TRANSACTIONS REPORTS

The recipient will provide timely reporting of cash disbursements and balances through semi-annual submission (within fifteen (15) days after June 30 and December 31 of each 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.

5. Hotel-Motel Fire Safety Act

Pursuant to 40 CFR 30.18, if applicable, and 15 USC 2225a, the recipient agrees to ensure that all space for conferences, meetings, conventions, or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended). Recipients may search the Hotel-Motel National Master List at <http://www.usfa.dhs.gov/applications/hotel> to see if a property is in compliance (FEMA ID is currently not required), or to find other information about the Act.

Condition number 13 is ADDED:

13. Drug-Free Workplace Certification for all EPA Recipients

The recipient organization of this EPA assistance agreement must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 40 CFR 36.200 - 36.230. Additionally, in accordance with these regulations, the recipient organization must identify all known workplaces under its federal awards, and keep this information on file during the performance of the award.

Those recipients who are individuals must comply with the drug-free provisions set forth in Title 40 CFR 36.300.

The consequences for violating this condition are detailed under Title 40 CFR 36.510. Recipients can access the Code of Federal Regulations (CFR) Title 40 Part 36 at http://www.access.gpo.gov/nara/cfr/waisidx_06/40cfr36_06.html.

All Other Administrative Conditions Remain the Same

Programmatic Conditions

All Programmatic Conditions Remain the Same

END OF ASSISTANCE AGREEMENT NO. BF-970685-01-2