



70335
e. Peterson
Tomch K.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY - REGION II

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

06 OCT 1995

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Agreement No. 1992373-95-0

Klara B. Sauer, Executive Director
Scenic Hudson, Inc.
9 Vassar Street
Poughkeepsie, New York 12601-3091

Subject: Technical Assistance Grant - Hudson River PCBs Site

Dear Ms. Sauer:

I am pleased to advise you of the approval of a Technical Assistance Grant to Scenic Hudson, Inc. This grant provides \$50,000 in Federal funds to enable the group to engage the services of one or more technical consultant(s) to assist the community in its evaluation of Superfund technical activities related to the Hudson River PCBs site. The project period for this agreement is October 1, 1995 through September 30, 1998.

Your attention is directed to the terms and conditions included in the agreement. The enclosed agreement is forwarded to you in triplicate. Please sign and date all copies, retain one for your files and return two to this office, Attn: Tierre A. Jeanné, Chief, Grants Administration Branch. Completed documents must be returned within three calendar weeks of receipt, or within any extension of time that may be granted by the U.S. Environmental Protection Agency.

We look forward to an early acceptance.

Sincerely yours,

Jeanne Fox
Regional Administrator

Enclosure

cc: Michael J. O'Toole, Jr., P.E.
New York State Department
of Environmental Conservation

10.6339

U.S. ENVIRONMENTAL PROTECTION AGENCY EPA ASSISTANCE AGREEMENT / AMENDMENT PART I - ASSISTANCE NOTIFICATION INFORMATION						1. ASSISTANCE ID NO. 1 992373-95-0		2. LOG NUMBER 02-1 -									
						3. DATE OF AWARD 29 SEP 1995		4. MAILING DATE 06 OCT 1995									
5. AGREEMENT TYPE Cooperative Agreement <input type="checkbox"/> Grant Agreement <input checked="" type="checkbox"/> Assistance Amendment <input type="checkbox"/>				6. PAYMENT METHOD <input type="checkbox"/> Advance <input checked="" type="checkbox"/> Reimbursement <input type="checkbox"/> ACH Number _____													
				Send Payment Request to: GRANTS ADMINISTRATION BRANCH				7. TYPE OF ACTION NEW PROJECT									
R E C I P I E N T O R G E P A C O N T A	8. RECIPIENT SCENIC HUDSON, INC. 9 VASSAR STREET POUGHKEEPSIE, NY 12601-3091					9. PAYEE SCENIC HUDSON, INC. 9 VASSAR STREET POUGHKEEPSIE, NY 12601-3091											
	EIN NO. 13-2898799		CONGRESSIONAL DISTRICT 19			10. RECIPIENT TYPE NON-PROFIT ORGANIZATION											
	11. PROJECT MANAGER AND TELEPHONE NO. JOSHUA CLELAND (914) 473-4440					12. CONSULTANT (WWT Construction Grants only) N/A											
	13. ISSUING OFFICE (CITY / STATE) US ENVIRONMENTAL PROTECTION AGENCY EPA REGION II GRANTS ADMINISTRATION BRANCH 290 BROADWAY, 27 FL. NEW YORK, NY 10007-1866					14. EPA PROJECT / STATE OFFICER AND TELEPHONE NO. C. PETERSEN PROJECT OFFICER (212) 637-4285 C. HEMINGTON GRANTS SPECIALIST (212) 637-3420											
15. EPA CONGRESSIONAL LIAISON & PHONE BARBARA BROOKS, (202) 260-5198			16. STATE APPL ID (Clearinghouse) COMPL 6/30/95		17. SCIENCE FIELD NA		18. PROJECT STEP (WWT Construction Grants Only) N/A										
19. STATUTORY AUTHORITY CERCLA: SEC. 117(e)			20. REGULATORY AUTHORITY 40 CFR PTS 30, 33, 35 SUBPT M			21. STEP 2 + 3 & STEP 3 (WWT Construction Grants Only) <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">a. Treatment Level</td> <td></td> </tr> <tr> <td>b. Project Type</td> <td>N/A</td> </tr> <tr> <td>c. Treatment Process</td> <td></td> </tr> <tr> <td>d. Sludge Design</td> <td></td> </tr> </table>				a. Treatment Level		b. Project Type	N/A	c. Treatment Process		d. Sludge Design	
a. Treatment Level																	
b. Project Type	N/A																
c. Treatment Process																	
d. Sludge Design																	
22. PROJECT TITLE AND DESCRIPTION HUDSON RIVER PCBs SITE TECHNICAL ASSISTANCE GRANT This Grant Agreement provides funds to assist Scenic Hudson, Inc. so that it can engage the services of one or more technical consultant(s) to assist the community in its evaluation of Superfund technical activities related to the Hudson River PCBs site.																	
23. PROJECT LOCATION (Areas Impacted by Project)																	
City / Place VARIOUS			County VARIOUS			State NY		Congressional District 22									
24. ASSISTANCE PROGRAM (CFDA Program No. & Title) 66.806: Superfund Technical Assistance Grants				25. PROJECT PERIOD 10/01/95 - 09/30/98			26. BUDGET PERIOD 10/01/95 - 09/30/98										
27. COMMUNITY POPULATION (WWT Construction Grants Only) N/A			28. TOTAL BUDGET PERIOD COST \$62,500			29. TOTAL PROJECT PERIOD COST \$62,500											
FUNDS		FORMER AWARD		THIS ACTION			AMENDED TOTAL										
30. EPA Amount This Action		\$0		\$50,000													
31. EPA In-Kind Amount		0		0													
32. Unexpended Prior Year Balance		0		0													
33. Other Federal Funds		0		0													
34. Recipient Contribution		0		12,500													
35. State Contribution		0		0													
36. Local Contribution		0		0													
Other Contribution		0		0													
Allowable Project Cost		\$0		\$62,500													
F I S C A L	Site Name		Document Control Number	FY	Approp.	Budget Organization	Program Element	Object Class	Site/Project	Cost Organization	Obligation / Deobligation						
	HUDSON RIVER PCBs		HE0399	95	5T	02H	TFA	41.85	0284Z		50,000						

PART II - APPROVED BUDGET

SITE NAME: HUDSON PCB

ASSISTANCE IDENTIFICATION: 1 992373-95-0

Page 2 of 6

TABLE A - OBJECT CLASS CATEGORY (Non-construction)		TOTAL APPROVED ALLOWABLE BUDGET PERIOD COST
1. PERSONNEL		\$0
2. FRINGE BENEFITS		0
3. TRAVEL		0
4. EQUIPMENT		0
5. SUPPLIES		0
6. CONTRACTUAL		44,600
7. CONSTRUCTION		0
8. OTHER		17,900
9. TOTAL DIRECT CHARGES		\$62,500
10. INDIRECT COSTS: RATE % BASE		0
11. TOTAL (Share: Recipient <u>20.00</u> % Federal <u>80.00</u> %.)		\$62,500
12. TOTAL APPROVED ASSISTANCE AMOUNT		\$50,000

TABLE B - PROGRAM ELEMENT CLASSIFICATION (Non-construction)		
1. TECHNICAL ASSISTANCE		\$44,600
2. DISSEMINATION OF INFORMATION		5,400
3. ADMINISTRATION AND OTHER		12,500
4.		0
5. NOTE: ADMINISTRATION		0
6. ACTIVITIES ARE LIMITED TO		0
7. 20% OF TOTAL, INCLUDING		0
8. FEDERAL AND MATCHING SHARES,		0
9. PER 40 CFR 35.4085(2)(D)		0
10.		0
11.		0
12. TOTAL (Share: Recipient <u>20.00</u> % Federal <u>80.00</u> %.)		\$62,500
13. TOTAL APPROVED ASSISTANCE AMOUNT		\$50,000

TABLE C - PROGRAM ELEMENT CLASSIFICATION (Construction)		
1. ADMINISTRATION EXPENSE		
2. PRELIMINARY EXPENSE		
3. LAND STRUCTURES, RIGHT-OF-WAY		
4. ARCHITECTURAL ENGINEERING BASIC FEES		
5. OTHER ARCHITECTURAL ENGINEERING FEES		
6. PROJECT INSPECTION FEES		
7. LAND DEVELOPMENT		
8. RELOCATION EXPENSE		
9. RELOCATION PAYMENTS TO INDIVIDUALS AND BUSINESS		
10. DEMOLITION AND REMOVAL		
11. CONSTRUCTION AND PROJECT IMPROVEMENT		
12. EQUIPMENT		
13. MISCELLANEOUS		
14. TOTAL (Lines 1 thru 13)		
15. ESTIMATED INCOME (if applicable)		
16. NET PROJECT AMOUNT (Line 14 minus 15)		
17. LESS: INELIGIBLE EXCLUSIONS		
18. ADD: CONTINGENCIES		
19. TOTAL (Share: Recipient _____ % Federal _____ %.)		
20. TOTAL APPROVED ASSISTANCE AMOUNT		

a. GENERAL CONDITION

The recipient covenants and agrees that it will expeditiously initiate and timely complete the project work for which assistance has been awarded under this agreement, in accordance with all applicable provisions of 40 CFR Chapter I, Subchapter B. The recipient warrants, represents, and agrees that it, and all its contractors, employees and representatives, will comply with all applicable provisions of 40 CFR Chapter I, Subchapter B, INCLUDING BUT NOT LIMITED TO the provisions of 40 CFR 35 subpart M.

b. SPECIAL CONDITIONS

1. LIMITATION ON CHARGING COSTS

No costs incurred prior to the date of award of this agreement may be charged to this agreement. Costs incurred between the date of award and the date the recipient signs the agreement may be charged to the agreement only if such costs are included in the approved budget and the recipient accepts the agreement as offered. No environmental measurements may be taken as part of the work performed under this Grant Agreement. The purchase of equipment is not authorized under this Grant Agreement. Please note that any "Travel" approved under this Grant Agreement is limited to travel undertaken by the technical advisor hired under this agreement.

2. ANTI-LOBBYING

No portion of this award may be used for lobbying or propaganda purposes as prohibited by 18 U.S.C. Section 1913 or Section 607(a) of Public Law 96-74. In addition, the recipient shall comply with Section 1352 of P.L. 101-121 entitled "Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions."

3. USE OF RECYCLED PAPER

Pursuant to EPA Order 1000.25, dated January 24, 1990, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to the Agency. This requirement does not apply to reports which are prepared on forms supplied by EPA. This requirement applies even when the cost of recycled paper is higher than that of virgin paper.

4. UTILIZATION OF SMALL BUSINESSES IN RURAL AREAS (SBRAs)

In accordance with Section 129 of Public Law 100-590 (i.e., Small Business Act amendments) the recipient agrees and is required to utilize the following affirmative steps if a contract is awarded under this assistance agreement;

- a. placing SBRAs on solicitation lists;
- b. making sure that SBRAs are solicited whenever they are potential sources;
- c. dividing total requirements, when economically feasible, into small

10.6342

tasks or quantities to permit maximum participation by SBRAs;

- d. establishing delivery schedules, where the requirements of work will permit, which would encourage participation by SBRAs;
- e. using the services of the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce, as appropriate; and
- f. requiring the contractor to take the affirmative steps in subparagraphs a. through e. of this part if subcontracts are awarded.

5. DISADVANTAGED BUSINESS ENTERPRISE FAIR SHARE REQUIREMENTS

(a) Fair Share Condition

The recipient shall ensure to the fullest extent possible that at least 8% (Fair Share) of Federal funds awarded under this agreement for prime contracts or subcontracts for supplies, construction, equipment or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women and historically black colleges and universities ("DBEs").

The recipient agrees to include the 8% requirement in its bid documents and require all of its prime contractors to include the 8% requirement in their bid documents for subcontracts.

To ensure compliance with the "Fair Share" policy, the recipient also agrees to comply with the following six affirmative steps:

- (i) Placing qualified DBEs on solicitation lists;
- (ii) Assuring that DBEs are solicited whenever they are potential sources;
- (iii) Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation by DBEs;
- (iv) Establishing delivery schedules, where the requirements of work will permit, which encourage participation by DBEs;
- (v) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the U.S. Department of Commerce, as appropriate; and
- (vi) Requiring the prime contractor to take the affirmative steps listed in (i) through (v) above if subcontracts are awarded.

(b) Reporting Requirement

10.6343

The recipient shall submit a quarterly SF-334 "MBE/WBE Utilization", to the EPA Grants Officer beginning with the Federal fiscal year quarter the recipient awards its first contract and continuing until all contracts and subcontracts have been reported. These reports must be submitted to the EPA Grants Officer within 30 days of the end of the Federal fiscal quarter (January 30, April 30, July 30, and October 30).

6. PROCUREMENT

The recipient will follow the requirements of 40 CFR Part 35 Subpart M and allow EPA preaward review of proposed procurement actions that will use EPA assistance. Prior to undertaking procurement actions funded by this agreement, the recipient shall submit to EPA for review and approval a "Procurement Action Plan," describing specifically how the requirements of 40 CFR Part 35 Subpart M are to be met. Prior to awarding or amending any contract over \$1,000, the recipient shall submit the contract to the EPA Grants Office for review and approval.

7. PAYMENT

The approved method of payment for this grant is the Reimbursement method. Payment requests are to be submitted on Form SF-270 ("Request for Advance or Reimbursement") on a quarterly basis. Payment requests for costs incurred greater than \$500 may be submitted monthly. The recipient may request payment only for costs which are due and payable and are included in the approved budget.

EPA will reimburse the recipient for 80% of the costs shown on the payment request (i.e., the Federal share). Therefore, each payment request must include the recipient's share. Recipient shares in excess of the required 20% will be applied toward future payment requests. Documentation for amounts requested must be provided with each request for reimbursement, including copies of bills from the technical advisor, along with a description of services rendered, time spent, and charges. Documentation for any in-kind contributions must include copies of timesheets for volunteers, supplies provided and their cost, usage of office space and its cost, etc.

SPECIAL CONDITIONS (continued)

PART IV

NOTE: The Agreement must be completed in duplicate and the Original returned to the Grants Administration Division for Headquarters awards and to the appropriate Grants Administration Office for State and local awards within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA.

Receipt of a written refusal or failure to return the properly executed document within the prescribed time, may result in the withdrawal of the offer by the Agency. Any change to the Agreement by the recipient subsequent to the document being signed by the EPA Award Official, which the Award Official determines to materially alter the Agreement, shall void the Agreement.

OFFER AND ACCEPTANCE

The United States of America, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers assistance/amendment to the SCENIC HUDSON, INC. for 80.00 % of all approved costs incurred up to and not exceeding \$ 50,000 for the support of approved budget period effort described in application (including all application modifications) cited in Item 22 of this Agreement

HUDSON RIVER PCBs SITE TECH. ASST dtd 6/23 rev 8/25/95, included herein by reference.
DATE AND TITLE

ISSUING OFFICE (Grants Administration Office)

ORGANIZATION / ADDRESS

EPA REGION II
GRANTS ADMINISTRATION BRANCH
290 BROADWAY, 27 FL.
NEW YORK, NY 10007-1866

AWARD APPROVAL OFFICE

ORGANIZATION / ADDRESS

REGIONAL ADMINISTRATOR OFFICE
US EPA, REGION II
290 BROADWAY
NEW YORK, NY 10007-1866

THE UNITED STATES OF AMERICA BY THE U.S ENVIRONMENTAL PROTECTION AGENCY

SIGNATURE OF AWARD OFFICIAL

TYPED NAME AND TITLE

JEANNE M. FOX

DATE

REGIONAL ADMINISTRATOR

9/25/95

This agreement is subject to applicable U.S. Environmental Protection Agency statutory provisions and assistance regulations. In accepting this award or amendment and any payments made pursuant thereto, (1) the undersigned represents that he is duly authorized to act on behalf of the recipient organization, and (2) the recipient agrees (a) that the award is subject to the applicable provisions of 40 CFR Chapter I, Subchapter B and of the provisions of this agreement (Parts I thru IV), and (b) that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by EPA to have been overpaid will be refunded or credited in full to EPA.

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

SIGNATURE

TYPED NAME AND TITLE

KLARA B. SAUER

DATE

EXECUTIVE DIRECTOR