

2002-0296

INTRODUCED BY: ALBERT D. LAQUE, PARISH PRESIDENT  
(DEPARTMENT OF WASTEWATER)

RESOLUTION NO. 5039

A resolution authorizing the Parish President to execute a Cooperative Agreement with the United States Environmental Protection Agency for the St. Charles Inflow/Infiltration Reduction Program.

WHEREAS, The Environmental Protection Agency section of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002 (P.L. 107-73) included funding in the State and Tribal Assistance Grants (STAG) account for Special Water and Wastewater Infrastructure Projects; and,

WHEREAS, said Act included funding to address non-compliance issues regarding the Luling Oxidation Pond in the amount of \$873,000.00; and,

WHEREAS, the U.S. Environmental Protection Agency has prepared a Cooperative Agreement to provide said funding to the Parish; and,

WHEREAS, it is the desire of the Parish Council to authorize the Parish President to execute said Cooperative Agreement.

NOW, THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, do hereby authorize the Parish President to execute said Cooperative Agreement on behalf of the Parish of St. Charles.

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: RAMCHANDRAN, FAUCHEUX, HILAIRE, FABRE, ABADIE, AUTHEMENT, BLACK  
NAYS: NONE  
ABSENT: MARINO, MINNICH

And the resolution was declared adopted this 5th day of August, 2002, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: *Clayton Tucker*  
SECRETARY: *Barbara J. Jacob*  
DLVD/PARISH PRESIDENT: *8-6-02*  
APPROVED:  DISAPPROVED:

PARISH PRESIDENT: *Albert D. Laque*  
RETD/SECRETARY: *8-9-02*  
AT: *9:45 AM* RECD BY: *AGJ*



**U.S. ENVIRONMENTAL PROTECTION AGENCY**

**Cooperative Agreement**

ASSISTANCE ID NO.

PRG	DOC ID	AMEND#	DATE OF AWARD
XP	97603501	- 0	JUL 15 2002

TYPE OF ACTION	MAILING DATE
New	JUL 22 2002

PAYMENT METHOD: Reimbursement ACH#

Send Payment Request to: Grants Management Office (6MD-RX)

PAYEE: Parish of St. Charles  
PO Box 302  
Hahnville, LA 70057

RECIPIENT TYPE: County  
RECIPIENT: Parish of St. Charles  
15045 Highway 18, PO Box 302  
Hahnville, LA 70057  
EIN: 72-6001208

PROJECT MANAGER  
Greg Bush  
15045 Highway 18, PO Box 302  
Hahnville, LA 70057  
E-Mail: gbush@stcharlesgov.net  
Phone: 985-783-5102

EPA PROJECT OFFICER  
Gene Wossum  
Water Quality Protection Division, 6WQ-AP  
75202-2733  
E-Mail: Wossum Gene@epa.gov  
Phone: 214-665-7173

EPA GRANT SPECIALIST  
Jo Taylor  
Management Division, 6MD-RX  
E-Mail: Taylor.Jo@epa.gov  
Phone: 214-665-8499

PROJECT TITLE AND DESCRIPTION  
St. Charles Inflow/Infiltration Reduction Program

Update facilities plan and prepare environmental information document, inflow/infiltration program administration, flow monitoring and sewer system evaluation, engineering design and construction for the Lulling Pond improvements and sewer system evaluation for the Lulling collection system.

BUDGET PERIOD 07/25/2002 - 07/24/2004	PROJECT PERIOD 07/25/2002 - 07/24/2004	TOTAL BUDGET PERIOD COST \$1,587,273.00	TOTAL PROJECT PERIOD COST \$1,587,273.00
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NOTE: The Agreement must be completed in duplicate and the Original returned to the appropriate Grants Management Office listed below, 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, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers Assistance/Amendment to the Parish of St. Charles for 55.00 % of all approved costs incurred up to and not exceeding \$873,000 for the support of approved budget period effort described in application (including all application modifications) cited in the Project Title and Description above, signed 03/11/2002 included herein by reference.

ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)

ORGANIZATION / ADDRESS  
Management Division, 6MD-RX  
Fountain Place  
1445 Ross Avenue  
Dallas, TX 75202-2733

AWARD APPROVAL OFFICE

ORGANIZATION / ADDRESS  
U.S. EPA, Region 6

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

SIGNATURE OF AWARD OFFICIAL *Miguel I. Flores* | TYPED NAME AND TITLE  
Miguel I. Flores, Director

DATE JUL 15 2002

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 1, Subchapter B and of the provisions of this agreement (and all attachments), 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 *Albert D. Laque* | TYPED NAME AND TITLE  
Albert D. Laque, Parish President

DATE 8-9-02

# EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 873,000	\$ 873,000
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$ 714,273	\$ 714,273
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 1,587,273	\$ 1,587,273

Assistance Program (CFDA)  
66.606 - Surveys - Studies - Investigations - Spec

Statutory Authority  
Appropriations Act of 2002 (PL 107-73)

Regulatory Authority  
40 CFR PART 31

## Fiscal

Site Name	DCN	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	WB0006	02	E4	062KQGC	20301B	4183	-	-	873,000

## Budget Summary Page

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	\$1,300,000
7. Construction	\$287,273
8. Other	\$0
9. Total Direct Charges	\$1,587,273
10. Indirect Costs: % Base	\$0
11. Total (Share: Recipient <u>45.00</u> % Federal <u>55.00</u> %.)	\$1,587,273
12. Total Approved Assistance Amount	\$873,000
13. Program Income	\$0

## **Administrative Conditions**

This Assistance Agreement is awarded in accordance with the **Federal Grants and Cooperative Agreement Act of 1977**. Areas of substantial EPA involvement, beyond the normal exercise of performance evaluation and program review, have been detailed in specific output objectives which resulted from negotiation between EPA and the recipient. These areas are included in the application for this award and have become a part of this Agreement.

1. 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 1, 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 1, Subchapter B, INCLUDING BUT NOT LIMITED TO** the provisions of **40 CFR Parts 31, 32, 34, and 35**. This award may be reduced or terminated at such time the recipient fails to comply with the program objectives, grant award conditions, or Federal reporting requirements.
2. Recipient standards of administration, property management, procurement and financial management, as well as records and facilities of recipients, their contractors and subcontractors are subject to audit and inspection by the Comptroller General of the United States and the U.S. Environmental Protection Agency in accordance with Office of Management and Budget (OMB) Circulars A-87, A-102, A-110, A-133 and 40 CFR Part 31. The recipient's standards governing procurement will be in accordance with 40 CFR, Part 31.36 and OMB Circular A-102. The recipient shall maintain a financial management system which meets the requirements of 40 CFR Part 31.20.
3. In accordance with the requirements contained in Section 6002 of the Resources Conservation and Recovery Act (RCRA), 42 USC 6962, the recipient is required to purchase items containing recovered materials. These requirements apply when the recipient purchases more than \$10,000 each Fiscal Year of any item covered by the following procurement guidelines including: paper and paper products (40 CFR Part 250); lubricating oil containing re-refined oil (40 CFR Part 252); retread tires (40 CFR Part 253); building insulation products (40 CFR Part 248) and cement and concrete containing fly ash (40 CFR Part 249). EPA publication **PROCUREMENT GUIDELINES FOR GOVERNMENT AGENCIES** dated December, 1990 (EPA/530-SW-91-011) provides specific recommendations for the implementation of these requirements.
4. 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 EPA. This requirement does not apply to standard forms which are printed on recycled paper when available through the General Services Administration.
5. In accordance with **40 CFR Part 31.41**, the recipient shall submit an **annual Financial Status Report (FSR), Standard Form 269 or 269A, to:**

Grants Team (6MD-RX)  
U. S. Environmental Protection Agency, Region 6  
1445 Ross Avenue

Dallas, Texas 75202-2733

The final Financial Status Report (FSR) is due on or before 90 days after the end of the budget period. In accordance with Agency policy, all project expenditures reported by the recipient shall be deemed to include both the Federal and recipient share of the expenditures.

6. The recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds, complies with the Hotel and Motel Fire Safety Act of 1990.
7. Under the Paperwork Reduction Act of 1980, Office of Management and Budget (OMB) clearance must be obtained prior to collecting information from 10 or more persons and will use EPA's name while collecting the information under this project. The term "person" means an individual, partnership, association, corporation, business, trust, or legal representative, an organized group of individuals, a State, territorial, or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision. The EPA Project Officer is responsible for requesting clearance from OMB.
8. In accordance with OMB Circular A-21, A-87, or A-22, as appropriate, the recipient agrees that it will not use project funds, including the Federal and non-Federal share, to engage in lobbying the Federal Government or in litigation against the United States. The recipient also agrees to provide the information mandated by EPA's annual appropriations acts for fiscal years 2000, 2001 and 2002 (PL 106-74, Section 426 and PL 106-377, Section 424 respectively) which require as follows: "A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law." The recipient may satisfy this certification requirement in any reasonable manner. The certification must be submitted to EPA after all grant funds have been expended."
9. In accordance with OMB Circular A-133, the recipient shall obtain a single audit if it expends \$300,000 or more a year in federal awards.
10. The Federal share of allowable expenditures chargeable to this Agreement will be financed by the **REIMBURSEMENT PAYMENT METHOD** in accordance with 40 CFR Part 31.21 or 30.22 as applicable. The recipient shall request payments on the enclosed Standard Form 270, Request for Advance or Reimbursement; or Standard Form 271, Outlay Report and Request for Reimbursement for Construction Programs. As the recipient incurs expenditures under this Agreement, the recipient may submit a request for payment monthly, but shall submit requests at least quarterly. These requests will report cumulative expenditures incurred under the Agreement. EPA will make payments for allowable expenditures at the ratio shown in the latest Agreement.
11. The recipient agrees to comply with the requirements of EPA's Program for Utilization of Small, Minority and Women's Business Enterprises in procurement under assistance agreements:
  - a. The recipient accepts the applicable FY 2002 Minority Business Enterprise

(MBE)/Women's Business Enterprise (WBE) "fair share" goals/objectives negotiated with EPA by the Louisiana Department of Environmental Quality as follows:

MBE: Services: 4.7%, Supplies: 2.6%, Equipment: 1.6%, Construction: 2..5%  
WBE: Services: 3.79%, Supplies: 4.76%, Equipment: 1.3%, Construction: 1.5%

b. (1) The recipient agrees to ensure, to the fullest extent possible, that at least the applicable "fair share" objectives of Federal funds for prime contracts or subcontracts for supplies, construction, equipment or services are made available to organization owned or controlled by socially and economically disadvantaged individuals, women and Historically Black Colleges and Universities.

(2) For assistance agreements related to research under the Clean Air Act Amendments of 1990, the recipient agrees to ensure, to the fullest extent possible, that at least the applicable "fair share" objectives of Federal funds 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, disabled Americans, Historically Black Colleges and Universities, Colleges and Universities having a student body in which 40% or more of the students are Hispanic, minority institutions having a minority student body of 50% or more, and private and voluntary organizations controlled by individuals who are socially and economically disadvantaged.

c. The recipient agrees to include in its bid documents the applicable "fair share" objectives and require all of its prime contractors to include in their bid documents for subcontracts the negotiated "fair share" percentages.

d. The recipient agrees to follow the six affirmative steps or positive efforts stated in 40 CFR, Section 30.44(b), 40 CFR Section 31.36(e), or 40 CFR Section 35.6580, as appropriate, and retain records documenting compliance.

c. The recipient agrees to submit an EPA form 5700-52A "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" beginning with the Federal fiscal year quarter the recipient receives the award and continuing until the project is completed. These reports must be submitted to the Regional MBE/WBE Coordinator within 30 days of the end of the Federal Fiscal quarter (January 30, April 30, July 30, and October 30). For assistance awards for continuing environmental programs and assistance awards with institutions of higher education, hospitals and other non-profit organizations, the recipient agrees to submit an EPA form 5700-52A to the Regional MBE/WBE Coordinator by October 30 of each year.

f. If race and/or gender neutral efforts prove inadequate to achieve a "fair share" objective, the recipient agrees to notify EPA in advance of any race and/or gender conscious action it plans to take to more closely achieve the "fair share" objectives.

12. The recipient also agrees and is required to utilize the six affirmative steps if a contract is awarded under this agreement relative to small businesses in rural areas (SBRAs) in compliance with Section 129 of Public Law 100-50, 40 CFR Section 30.44(b) and 40 CFR Section 31.36(e).

13. EPA may take corrective action under 40 CFR Parts 30, 31, and 35, as appropriate, if the recipient fails to comply with the MBE/WBE terms and conditions.

### **Programmatic Conditions**

1. Quarterly reports including expenditures by category to date are required. Reports should be submitted to the EPA Project Officer.

2. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all recipients receiving Federal funds including, but not limited to State and local governments shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

3. There are no known historical or archaeological site in the areas of proposed construction under the agreement. If any sites are discovered during construction, work will cease in that area and the recipient shall notify EPA of the discovery. EPA shall then proceed in accordance with the Advisory Council on Historic Preservation's regulatory provisions in 36 CFR Part 800.

4. Should either endangered or threatened plant or animal species be discovered during construction, work will cease in that area and the recipient shall notify EPA of the discovery. EPA shall then proceed in accordance with the Endangered Species Act of 1973, as amended.

5. Executed site certificate(s) shall be submitted to the EPA Project Officer, as evidence that sites, easements and rights-of-way have been acquired.

6. An environmental review must be conducted by the Environmental Protection Agency (EPA), in accordance with 40 CFR Part 6, Subparts A-D and generally as described in Subpart E prior to any grant assisted construction. Such environmental review may result in issuance of a Categorical Exclusion (CE), a Finding of No Significant Impact (FNSI), or the need to prepare an Environmental Impact statement (EIS). In most cases the grant recipient will prepare an Environmental Information Document (EID) to be submitted to the agency concurrently with the facilities planning documents that will lead to the preparation of an Environmental Assessment and issuance of a Finding of No Significant Impact by EPA.

- Early in project development, it may be possible to conclude that a Categorical Exclusion is warranted, or alternatively that, because of the significant environmental impacts resulting from the proposed project, an Environmental Impact Statement should be prepared by EPA.

- Where it appears that a Categorical Exclusion is possible, a request for the exclusion with adequate written justification should be presented to EPA at the earliest possible date. A Categorical Exclusion from a substantive environmental review is intended to apply to projects that are small scale, minor, and routine. Such projects may include replacement, minor rehabilitation, minor expansion, or minor upgrading of facilities, that should not result in increasing the overall design capacity of the treatment works, nor the pipe size of interceptors or collection sewers. Where a categorical exclusion is granted by EPA, an EID need not be prepared by the grant recipient. However if it is later found that conditions exist that require the



preparation of an Environmental Assessment and Finding of No significant Impact or Environmental Impact Statement, the categorical exclusion will be revoked by EPA, and the grant recipient will be required to furnish an Environmental Information Document.

- Where an Environmental Impact Statement appears necessary, the EPA should be contacted promptly.

7. The recipient agrees to submit proposed and existing procurement actions, including subcontracts, that will use EPA assistance for review as soon as available. All procurement actions must comply with the provisions of 40 CFR Part 31.

8. This award is subject to EPA, Office of Wastewater Management, policy guidance dated April 15, 2002, and attached hereto as Attachment A.

9. The Region 6 "Supplemental Conditions for Federally Assisted Water and Wastewater Treatment Facilities" attached hereto as Attachment B, must be included in all construction contract bidding documents, and shall control where a conflict arises with other contract provisions. Certain provisions also pertain to professional services contracts, and these provisions must be applied as appropriate.