

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

=====

<b>Meeting Date:</b>	<b>January 12, 2010</b>	<b>Consent [ ]</b>	<b>Regular [X]</b>
		<b>Public Hearing [ ]</b>	

**Submitted By:** Water Utilities Department  
**Submitted For:** Water Utilities Department

=====

**I. EXECUTIVE BRIEF**


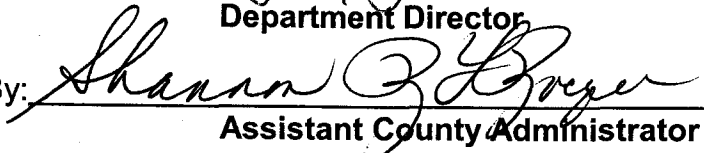
**Motion and Title:** Staff requests motion to ratify: the signature of the County Administrator on an Application for Federal Assistance (SF-424) as "Co-Applicant" with the Glades Utility Authority (GUA) for federal grant funding from the Department of Commerce, Economic Development Administration, at no cost to Palm Beach County. The Application has been signed and submitted due to time constraints.

**Summary:** On August 5, 2009, the Glades Utility Authority submitted an application to the Department of Commerce, Economic Development Administration (EDA) for funding, estimated to total \$5,320,000 that will be used to engineer and construct critical wastewater infrastructure improvements to the existing infrastructure system in Belle Glade and South Bay. The grant from the EDA in the amount of \$3,990,000 is planned to be matched with state and local grants received from the Florida Department of Environmental Protection (WUD 09-1127), the South Florida Water Management District (WUD 09-233), and Housing & Community Development, Community Development Block Grants (WUD 07-099, WUD 09-041, & WUD 09-040), in the amount of ~~\$1,330,000~~ of which all are approved. On November 13, 2009, the EDA informed the GUA that its grant application merited further consideration and requested additional information by December 21, 2009. The EDA asked for the County to be a co-applicant because of the extensive involvement by Palm Beach County in the creation of the GUA. Due to this time constraint the County Administrator has signed the Application. District 6 (MJ)

**Background and Justification:** Development of this project application has been coordinated with the Department of Economic Development and the Treasure Coast Regional Planning Council. The Glades Communities have struggled with water quality issues, inadequate sewer plants and systems, the lack of revenues and the inability to encourage business growth. This investment is intended to overcome many of the issues related to inflow and infiltration of the wastewater system to enhance regional productivity and innovation. This project is intended to enhance the area's economic base, providing necessary infrastructure those industries new to the Glades such as aerospace, pharmaceutical/medical, alternative energy and tourism need to establish operations. Five related industry companies have provided letters of commitment to the EDA on behalf of this application, documenting nearly \$50 Million in investment by each firm.

**Attachments:**

1. Letter of Further Consideration Merit
2. Application for Federal Assistance (SF 424) Form
3. Certification Regarding Lobbying Form
4. Construction Program Assurances Form
5. Applicant Certification Clause

Recommended By:		<u>1/4/10</u>
	<b>Department Director</b>	<b>Date</b>
Approved By:		<u>1/11/2010</u>
	<b>Assistant County Administrator</b>	<b>Date</b>

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (County)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match County	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
NET FISCAL IMPACT (Additional Revenues)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Budget Account No: Fund \_\_\_\_\_ Agency \_\_\_\_\_ Org. \_\_\_\_\_ Object \_\_\_\_\_

Is Item Included in Current Budget? Yes ☒ No

Reporting Category N/A

### B. Recommended Sources of Funds/Summary of Fiscal Impact:

This project has no cost impact on Palm Beach County. Funding match to be provided by related non-federal grant match funding.

C. Department Fiscal Review: Julia M. Vest

## III. REVIEW COMMENTS

### A. OFMB Fiscal and/or Contract Development and Control Comments:

Palm Beach County will have no Single Audit Reporting Requirements as a co-applicant of the grant award.  
Chris S. [Signature] 11/8/10 OFMB  
Drum L. Jacobowitz/et al 11/8/10 Contract and Development Control

### B. Legal Sufficiency:

[Signature] 1/11/10  
 Assistant County Attorney


This item complies with current County policies.

### C. Other Department Review:

\_\_\_\_\_  
 Department Director

This summary is not to be used as a basis for payment.

## Exhibit D.

EDA CONSTRUCTION INVESTMENTS ADDITIONAL ASSURANCES	
As a duly authorized representative of the applicant, I further certify that the applicant:	
1.	Will operate and maintain the facility in accordance with at least the minimum standards as may be required or prescribed by applicable federal, State and local agencies for the maintenance and operation of such facilities.
2.	Will require the facility to be designed to comply with the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. 12101 <i>et seq.</i> ), the Architectural Barriers Act of 1968 (42 U.S.C. 4151 <i>et seq.</i> ) and the Accessibility Guidelines for Buildings and Facilities regulations, as amended (36 CFR part 1191), and will be responsible for conducting inspections to insure compliance with these requirements.
3.	For the two-year period beginning on the date EDA investment assistance is awarded, will refrain from employing, offering any office or employment to, or retaining for professional services any person who, on the date on which the investment assistance is awarded or within the one-year (1) period ending on that date, served as an officer, attorney, agent or employee of the Department of Commerce and occupied a position or engaged in activities that EDA determines involved discretion with respect to the award of investment assistance under PWEDA. See section 606 of PWEDA and 13 C.F.R. §302.10(b).
4.	Will have no facilities under ownership, lease or supervision to be utilized in this project that are listed or under consideration for listing on EPA's List of Violating Facilities.
5.	Will comply with Executive Order 12699, "Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction," which imposes requirements that federally-assisted facilities be designed and constructed in accordance with the most current local building codes determined by the awarding agency or by the Interagency Committee for Seismic Safety in Construction (ICSSC) and the most recent edition of the American National Standards Institute Standards A58, Minimum Design Loads for Buildings and Other Structures.
6.	Will observe and comply with federal procurement rules, as set forth in 15 CFR parts 14 or 24, as applicable, for award of any contracts for architectural engineering, grant administration services, or construction financed with EDA investment assistance.
7.	Understands that attorneys' or consultants' fees, whether direct or indirect, expended for securing or obtaining EDA investment assistance are not eligible costs. See 13 C.F.R. § 302.10(a).
8.	Understands that conflicts of interest or appearances of conflicts of interest are prohibited and may jeopardize this application, or result in the forfeiture of investment funds. A conflict of interest occurs, for example, where a representative, official, employee, architect, attorney, engineer or inspector of the applicant, or a representative or official of the Federal, State or local government, has a direct or indirect financial interest in the acquisition or furnishing of any materials, equipment or services to or in connection with the project. See 13 C.F.R. § 302.17.
9.	Will comply with the reporting requirements under the Government Performance and Results Act of 1993 (GPRA) for measuring and reporting project performance.
	County Administrator
SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
Palm Beach County Board of County Commissioners	12/16/09
APPLICANT ORGANIZATION	DATE

Attachment 2

OMB Number: 4040-0004  
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424		Version 02
<b>* 1. Type of Submission:</b> <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application		<b>* 2. Type of Application:</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision
<b>* If Revision, select appropriate letter(s):</b> _____ <b>* Other (Specify):</b> _____		
<b>* 3. Date Received:</b> Completed by Grants.gov upon submission.	<b>4. Applicant Identifier:</b> _____	
<b>5a. Federal Entity Identifier:</b> _____	<b>* 5b. Federal Award Identifier:</b> _____	
<b>State Use Only:</b>		
<b>6. Date Received by State:</b> _____	<b>7. State Application Identifier:</b> _____	
<b>8. APPLICANT INFORMATION:</b>		
<b>* a. Legal Name:</b> Palm Beach County Board of County Commissioners		
<b>* b. Employer/Taxpayer Identification Number (EIN/TIN):</b> 59-6000285	<b>* c. Organizational DUNS:</b> 078470431	
<b>d. Address:</b>		
<b>* Street1:</b> 301 North Olive Avenue		
<b>Street2:</b> _____		
<b>* City:</b> West Palm Beach		
<b>County:</b> _____		
<b>* State:</b> FL: Florida		
<b>Province:</b> _____		
<b>* Country:</b> USA: UNITED STATES		
<b>* Zip / Postal Code:</b> 33401		
<b>e. Organizational Unit:</b>		
<b>Department Name:</b> _____		<b>Division Name:</b> _____
<b>f. Name and contact information of person to be contacted on matters involving this application:</b>		
<b>Prefix:</b> Ms.	<b>* First Name:</b> Sylvia	
<b>Middle Name:</b> _____		
<b>* Last Name:</b> Sharps		
<b>Suffix:</b> _____		
<b>Title:</b> Contracts Grant Coordinator		
<b>Organizational Affiliation:</b> _____		
<b>* Telephone Number:</b> 561-493-6135		<b>Fax Number:</b> 561-493-6036
<b>* Email:</b> slsharps@pbwater.com		

<b>Application for Federal Assistance SF-424</b>	<b>Version 02</b>
<b>9. Type of Applicant 1: Select Applicant Type:</b> <div style="border: 1px solid black; padding: 2px;">B: County Government</div> <b>Type of Applicant 2: Select Applicant Type:</b> <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div> <b>Type of Applicant 3: Select Applicant Type:</b> <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div> <b>* Other (specify):</b> <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>	
<b>* 10. Name of Federal Agency:</b> <div style="border: 1px solid black; padding: 2px;">Economic Development Administration</div>	
<b>11. Catalog of Federal Domestic Assistance Number:</b> <div style="border: 1px solid black; padding: 2px;">11.307</div> <b>CFDA Title:</b> <div style="border: 1px solid black; padding: 2px;">Economic Adjustment Assistance</div>	
<b>* 12. Funding Opportunity Number:</b> <div style="border: 1px solid black; padding: 2px;">EDA01092009DISASTERSUPPLEMENTAL2</div> <b>* Title:</b> <div style="border: 1px solid black; padding: 2px;">Second Supplemental Appropriations Disaster Relief Opportunity</div>	
<b>13. Competition Identification Number:</b> <div style="border: 1px solid black; padding: 2px;">03</div> <b>Title:</b> <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div>	
<b>14. Areas Affected by Project (Cities, Counties, States, etc.):</b> <div style="border: 1px solid black; padding: 2px;">The Cities of Belle Glade, Pahokee and South Bay and Palm Beach County.</div>	
<b>* 15. Descriptive Title of Applicant's Project:</b> <div style="border: 1px solid black; padding: 2px;">The Glades Utility Authority strategic regional infrastructure project.</div>	
Attach supporting documents as specified in agency instructions. <div style="display: flex; justify-content: space-around; margin-top: 5px;"><div style="border: 1px solid black; padding: 2px 5px;">Add Attachments</div><div style="border: 1px solid black; padding: 2px 5px;">Delete Attachments</div><div style="border: 1px solid black; padding: 2px 5px;">View Attachments</div></div>	

Application for Federal Assistance SF-424

Version 02

16. Congressional Districts Of:

\* a. Applicant

\* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

\* a. Start Date:

\* b. End Date:

18. Estimated Funding (\$):

* a. Federal	<input type="text" value="3,990,000.00"/>
* b. Applicant	<input type="text" value="1,330,000.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="5,320,000.00"/>

\* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?

- ☒ a. This application was made available to the State under the Executive Order 12372 Process for review on
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☐ c. Program is not covered by E.O. 12372.

\* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)

☐ Yes ☒ No

21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge, I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

☒ \*\* I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix:  \* First Name:

Middle Name:

\* Last Name:

Suffix:

\* Title:

\* Telephone Number:  Fax Number:

\* Email:

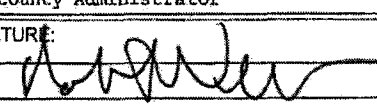
\* Signature of Authorized Representative:  \* Date Signed:

**Application for Federal Assistance SF-424**

**Version 02**

**\* Applicant Federal Debt Delinquency Explanation**

The following field should contain an explanation if the Applicant organization is delinquent on any Federal Debt. Maximum number of characters that can be entered is 4,000. Try and avoid extra spaces and carriage returns to maximize the availability of space.

FORM CD-511 (REV 1-05)	U.S. DEPARTMENT OF COMMERCE
<b>CERTIFICATION REGARDING LOBBYING</b>	
<p>Applicants should also review the instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 15 CFR Part 28, 'New Restrictions on Lobbying.' The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Commerce determines to award the covered transaction, grant, or cooperative agreement.</p>	
<p><b>LOBBYING</b></p> <p>As required by Section 1352, Title 31 of the U.S. Code, and implemented at 15 CFR Part 28, for persons entering into a grant, cooperative agreement or contract over \$100,000 or a loan or loan guarantee over \$150,000 as defined at 15 CFR Part 28, Sections 28.105 and 28.110, the applicant certifies that to the best of his or her knowledge and belief, that:</p> <p>(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.</p> <p>(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, 'Disclosure Form to Report Lobbying,' in accordance with its instructions.</p> <p>(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.</p> <p>This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure occurring on or before October 23, 1996, and of not less than \$11,000 and not more than \$110,000 for each such failure occurring after October 23, 1996.</p>	<p><b>Statement for Loan Guarantees and Loan Insurance</b></p> <p>The undersigned states, to the best of his or her knowledge and belief, that:</p> <p>In any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, 'Disclosure Form to Report Lobbying,' in accordance with its instructions.</p> <p>Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure occurring on or before October 23, 1996, and of not less than \$11,000 and not more than \$110,000 for each such failure occurring after October 23, 1996.</p>
<p>As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above applicable certification.</p>	
<p><b>* NAME OF APPLICANT</b></p> <div style="border: 1px solid black; padding: 2px;">Palm Beach County Board of County Commissioners</div>	
<p><b>* AWARD NUMBER</b></p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<p><b>* PROJECT NAME</b></p> <div style="border: 1px solid black; padding: 2px;">The Glades Utility Authority infrastructure project.</div>
<p>Prefix: <div style="border: 1px solid black; padding: 2px;">Mr.</div>      * First Name: <div style="border: 1px solid black; padding: 2px;">Robert</div>      Middle Name: <div style="border: 1px solid black; width: 150px; height: 20px;"></div></p>	
<p>* Last Name: <div style="border: 1px solid black; padding: 2px;">Weisman</div>      Suffix: <div style="border: 1px solid black; width: 50px; height: 20px;"></div></p>	
<p>* Title: <div style="border: 1px solid black; padding: 2px;">County Administrator</div></p>	
<p><b>* SIGNATURE:</b></p> <div style="border: 1px solid black; padding: 5px;"></div>	<p><b>* DATE:</b></p> <div style="border: 1px solid black; padding: 5px;">12/16/09</div>



## Attachment 4

### ASSURANCES - CONSTRUCTION PROGRAMS

OMB Approval No. 4040-0009  
Expiration Date 07/30/2010

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.


**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

* SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	* TITLE County Administrator
* APPLICANT ORGANIZATION Palm Beach County Board of County Commissioners	* DATE SUBMITTED 12/16/09

APPLICANT CERTIFICATION CLAUSE

The applicant represents and certifies that it has used due diligence to determine that the description of the project site described herein is accurate with respect to the presence or absence of contamination from toxic and hazardous substances. The term "site" includes the entire scope of the project, including future phases of the project and all areas where construction will occur.

1. Is the site currently, or has it in the past 50 years, been used for any of the following operations or activities:

a. Generation of hazardous substances or waste?

☐ Yes ☒ No

b. Treatment, storage (temporary or permanent), or disposal of solid or hazardous substances or waste?

☐ Yes ☒ No

c. Storage of petroleum products?

☐ Yes ☒ No

d. Used/waste oil storage or reclamation units?

☐ Yes ☒ No

e. Research or testing laboratory?

☐ Yes ☒ No

f. Ordnance research, testing, production, or storage?

☐ Yes ☒ No

g. Chemical manufacturing or storage?

☐ Yes ☒ No

h. Military weapons or ammunition training or testing?

☐ Yes ☒ No

i. Iron works/foundry?

☐ Yes ☒ No

j. Railroad yard?

☐ Yes ☒ No

k. Industrial or manufacturing operation?

☐ Yes ☒ No

If any of the above operations ever occurred at the site, and if appropriate cleanup or other mitigation actions were performed in accordance with the local, State, and federal laws, please attach documentation of these actions.

2. Do wells draw water from an underlying aquifer to provide the local domestic water supply?

☐ Yes ☒ No

3. Has a federal, State, or local regulatory authority ever conducted an environmental assessment, environmental impact statement, or a preliminary assessment/site inspection, or similar environmental surveyor inspection report at the site? If yes, please attach copies of these reports or results.

☐ Yes ☒ No

4. Have any environmental or OSHA citations or notices of violation been issued to a facility at the site? If yes, please attach copies.

☐ Yes ☒ No

**While no environmental or OSHA citations or notices of violation have ever occurred on the proposed project site, the adjacent South Bay Waste Water Treatment Plant (WWTP)**

5. Have any unauthorized releases of hazardous substances occurred at any facility at the site which resulted in notification of the EDA's National Response Center?

☐ Yes ☒ No

6. Is any material containing asbestos located at the site? If yes, please attach information concerning State and federal regulatory compliance.

☐ Yes ☒ No

7. Is there any equipment (electrical transformers, etc.) containing polychlorinated biphenyls (PCB) on the site? If yes, please attach a description of the equipment.

☐ Yes ☒ No

8. Are there underground storage tanks on the site? If yes, please attach a detailed description, including the number of underground storage tanks on the site, whether the tanks have been inspected (or removed) and the results of such inspections.

☐ Yes ☒ No

9. Has the site been tested for radon? If yes, please attach results.

☐ Yes ☒ No

10. Have there been or are there now any environmental investigations by federal, State or local government agencies that could affect the site in question? If yes, please attach available information.

☐ Yes ☒ No

The applicant acknowledges that this certification regarding hazardous substances and/or waste is a material representation of fact upon which EDA relies when making and executing an award. EDA reserves the right to terminate any award made in conjunction with the representations contained herein if, at any time during the useful life of the project, EDA becomes aware of the presence of hazardous materials or waste at the site, or that hazardous materials or waste have been inappropriately handled thereon. Further, if it is determined at any time that the presence of hazardous materials or waste, or handling thereof, has been misrepresented, EDA may pursue other available legal remedies against the applicant.

Applicant Name Palm Beach County

Name and title of applicant's authorized representative Robert Weisman, P.E.

Signature of applicant's authorized representative \_\_\_\_\_

Date signed \_\_\_\_\_

### APPLICANT CERTIFICATION CLAUSE

The applicant represents and certifies that it has used due diligence to determine that the description of the project site described herein is accurate with respect to the presence or absence of contamination from toxic and hazardous substances. The term "site" includes the entire scope of the project, including future phases of the project and all areas where construction will occur.

1. Is the site currently, or has it in the past 50 years, been used for any of the following operations or activities:

a. Generation of hazardous substances or waste?

☐ Yes ☒ No

b. Treatment, storage (temporary or permanent), or disposal of solid or hazardous substances or waste?

☐ Yes ☒ No

c. Storage of petroleum products?

☐ Yes ☒ No

d. Used/waste oil storage or reclamation units?

☐ Yes ☒ No

e. Research or testing laboratory?

☐ Yes ☒ No

f. Ordnance research, testing, production, or storage?

☐ Yes ☒ No

g. Chemical manufacturing or storage?

☐ Yes ☒ No

h. Military weapons or ammunition training or testing?

☐ Yes ☒ No

i. Iron works/foundry?

☐ Yes ☒ No

j. Railroad yard?

☐ Yes ☒ No

k. Industrial or manufacturing operation?

☐ Yes ☒ No

If any of the above operations ever occurred at the site, and if appropriate cleanup or other mitigation actions were performed in accordance with the local, State, and federal laws, please attach documentation of these actions.

2. Do wells draw water from an underlying aquifer to provide the local domestic water supply?

☐ Yes ☒ No

3. Has a federal, State, or local regulatory authority ever conducted an environmental assessment, environmental impact statement, or a preliminary assessment/site inspection, or similar environmental surveyor inspection report at the site? If yes, please attach copies of these reports or results.

☐ Yes ☒ No

4. Have any environmental or OSHA citations or notices of violation been issued to a facility at the site? If yes, please attach copies.

☐ Yes ☒ No

**While no environmental or OSHA citations or notices of violation have ever occurred on the proposed project site, the adjacent South Bay Waste Water Treatment Plant (WWTP)**

5. Have any unauthorized releases of hazardous substances occurred at any facility at the site which resulted in notification of the EDA's National Response Center?

☐ Yes ☒ No

6. Is any material containing asbestos located at the site? If yes, please attach information concerning State and federal regulatory compliance.

☐ Yes ☒ No

7. Is there any equipment (electrical transformers, etc.) containing polychlorinated biphenyls (PCB) on the site? If yes, please attach a description of the equipment.

☐ Yes ☒ No

8. Are there underground storage tanks on the site? If yes, please attach a detailed description, including the number of underground storage tanks on the site, whether the tanks have been inspected (or removed) and the results of such inspections.

☐ Yes ☒ No

9. Has the site been tested for radon? If yes, please attach results.

☐ Yes ☒ No

10. Have there been or are there now any environmental investigations by federal, State or local government agencies that could affect the site in question? If yes, please attach available information.

☐ Yes ☒ No

The applicant acknowledges that this certification regarding hazardous substances and/or waste is a material representation of fact upon which EDA relies when making and executing an award. EDA reserves the right to terminate any award made in conjunction with the representations contained herein if, at any time during the useful life of the project, EDA becomes aware of the presence of hazardous materials or waste at the site, or that hazardous materials or waste have been inappropriately handled thereon. Further, if it is determined at any time that the presence of hazardous materials or waste, or handling thereof, has been misrepresented, EDA may pursue other available legal remedies against the applicant.

Applicant Name Palm Beach County

Name and title of applicant's authorized representative Robert Weisman, P.E.

Signature of applicant's authorized representative 

Date signed 12/17/09