

**PACS**  
**TRANSMITTAL FORM**

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**EASTON**

Local Government Unit

**NEW - 8/9/2010**

Issued

**CW-10-05**

PAC Number

Project: **Hydrogeologic Testing for CWMP**

Project No. **CWSRF-3387**

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**DRAFT FORM**

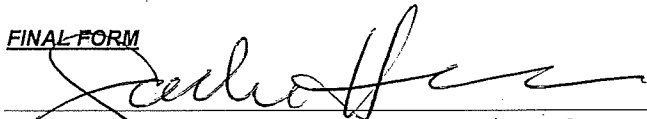


James McLaughlin, DEP DMS Reviewer Primary Contact - Telephone: 508-946-2784

ORIGINATOR

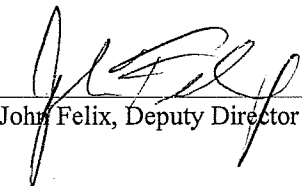
DATE: 8/26/10

**FINAL FORM**



Jack Hamm, DEP DMS Program Manager Primary Contact - Telephone: 617-292-5883

DATE: 8/26/10



John Felix, Deputy Director

DATE: 8/26/10

RETURN TO STEVEN J. MCCURDY FOR

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**STEVEN J. MCCURDY'S SIGNATURE**

MAILED: \_\_\_\_\_



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

DEVAL L. PATRICK  
Governor

TIMOTHY P. MURRAY  
Lieutenant Governor

IAN A. BOWLES  
Secretary

LAURIE BURT  
Commissioner

August 26, 2010

David Colton  
Town Administrator  
Town of Easton  
136 Elm Street  
North Easton, MA 02356

RE: Town of Easton  
CWMP and Hydrogeologic Testing  
CWSRF - 3387  
CW-10-05

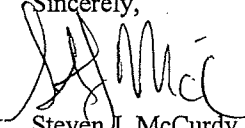
Dear Mr. Colton:

The Division of Municipal Services (DMS) is pleased to inform you that the Project Approval Certificate for the above-referenced project has been signed and forwarded to the Massachusetts Water Pollution Abatement Trust (the 'Trust'). The attached copy of your Project Approval Certificate allows you to proceed with your project without loss of potential eligibility in accordance with the provisions of 310 CMR 44.00, subject to the conditions of the certificate.

The Trust will now conduct an analysis of the financial information contained in your application. Loan commitments will then be made to you by the Trust, pending an affirmative vote from the Board of Trustees. The process of finalizing the actual loan agreements will begin once the commitments have been executed.

We look forward to working with you. Should any issues or questions arise, particularly as they relate to scheduling, please contact James McLaughlin of this office at 508-946-2784.

Sincerely,

  
Steven J. McCurdy  
Division Director

Attachment: Project Approval Certificate

cc: G. David Riedell, WPAT  
James McLaughlin, DEP SERO

Ecc: Vonnie M Reis, Woodward & Curran

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WATER POLLUTION ABATEMENT STATE REVOLVING FUND PROGRAM

## PROJECT APPROVAL CERTIFICATE

## A. PROJECT DESCRIPTION

1. Applicant: Town of Easton
2. Address: Department of Public Works 130 Center Street Easton MA 02356
3. Project Contact/Telephone: David Colton - Telephone: 508-230-0510
4. Reviewer: James McLaughlin - Telephone: 508-946-2784
5. Project Number / Description: CWSRF 3387 / Hydrogeologic Testing for CWMP

## B. APPROVED FUNDING

1. Eligible Costs approved for funding from the Calendar Year 2010 IUP: \$302,000.00
2. Financial Assistance: 2% Interest Loan

## C. CERTIFICATION

The Department of Environmental Protection (the "Department") hereby determines and certifies to the Massachusetts Water Pollution Abatement Trust (the "Trust") in accordance with M.G.L. c. 21, s.27A, M.G.L. c. 29C, (the "Enabling Act"), and 310 CMR 44.00 (the "Regulations") (with all capitalized terms not otherwise defined herein having the meaning given such terms in the Regulations) as follows:

1. This Project Approval Certificate (the "Certificate") is issued by the Department in accordance with M.G.L. c. 21, s. 27A, the Enabling Act, and the Regulations, for the Water Pollution Abatement Project (the "Project") of the Applicant (the "Applicant") described above. The Department has approved the Project and hereby certifies to the Trust the total Costs of the Project determined by the Department to be eligible for financial assistance pursuant to Sections 6 and 6A of the Enabling Act ("Eligible Costs"). The Department's eligibility determination in Exhibit A complies with the applicable provisions of the Regulations.

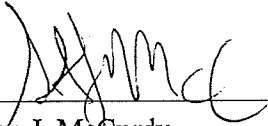
2. This Certificate and the Department's approval of the Project is conditioned upon; (i) the Applicant's compliance with the terms and conditions of the Applicant's certification contained in its Application for financial assistance; (ii) the Applicant's compliance with the Project schedule contained in Exhibit B and the Special Conditions contained in Exhibit C; (iii) the execution and delivery by the Applicant and the Department of a Project Regulatory Agreement for the Project (the "Project Regulatory Agreement") in form and substance satisfactory to the Department; and (iv) the Applicant's compliance with the executed Project Regulatory Agreement, as determined by the Department. The Project Regulatory Agreement shall be incorporated by reference in the Loan Agreement between the Trust and the Applicant, and failure by the Applicant to comply with the Project Regulatory Agreement shall constitute an event of default under the Loan Agreement.

3. The Project is included on the Department's Intended Use Plan Project Listing for the 2010 calendar year.

4. This Certificate is issued by the Department on the basis of information provided by the Applicant in its Application for financial assistance and the representations of the Applicant contained therein. The Applicant has agreed to promptly notify the Department of any material change in the information contained in the Application, which change may be grounds for modification or rescission of this Certificate. This Certificate is further subject to modification or rescission because of any change in law subsequent to the date of this Certificate and prior to the date any financial assistance is provided by the Trust in accordance with this Certificate.

5. The Department has determined that the Applicant has demonstrated adequate technical, financial, and managerial capability.

FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION



Date: 8/26/2010

Steven J. McCurdy  
Division Director

Exhibit A

ELIGIBILITY DETERMINATION

<u>ITEM</u>	<u>ELIGIBLE COST</u>	<u>INELIGIBLE COST</u>
Planning CWMP Phases III & IV	\$302,000.00	\$0.00
<b>Total:</b>	<b>\$302,000.00</b>	<b>\$0.00</b>

**Exhibit B**

**Exhibit C****SPECIAL CONDITIONS**

- (1) The Applicant shall ensure that any prime contracts or subcontracts for services, construction, goods or equipment for the Project contains the applicable M/WBE utilization goals: construction [MBE - 5.30%, WBE - 4.40%]; services [MBE - 4.65%, WBE - 16.03%]; goods [MBE - 7.89%, WBE - 14.82%]; and equipment [MBE - 2.48%, WBE - 7.51%]. The applicable M/WBE goals depend on the predominate character of the specific contract being procured by the Applicant, as determined by the Department. The Applicant shall ensure that all vendors submitting bids or proposals as prime contractors or subcontractors in response to Project-related procurements complete the Commonwealth of Massachusetts Vendor Information Form ("VIF"). The Applicant shall also be responsible for submitting the completed VIFs to the Department when it requests the Department's approval to award the contract.
- (2) The Applicant shall submit an executed copy of the contract for engineering services to the Department within sixty (60) days of the date of contract execution. The Applicant understands that no payments for the Project will be processed until such contract has been submitted to the Department.
- (3) Prior to receiving final payment for the Project, the Applicant shall certify to the Department that all work included in the Project Regulatory Agreement for the Project, as approved by the Department, has been completed and performed in accordance with the Project Regulatory Agreement.
- (4) The Applicant shall establish accounts for the Project which shall be maintained in accordance with generally accepted government accounting standards.
- (5) The Applicant understands and agrees that the Department's issuance of a Project Approval Certificate for this Project or entry into a Project Regulatory Agreement does not constitute the Department's sanction or approval of any changes or deviation from any applicable state regulatory or permit standards, criteria, or conditions, or from the terms or schedules of state enforcement actions or orders applicable to the Project.
- (6) The Applicant agrees to provide any Project information and documentation requested by the Department. The Applicant shall maintain all Project records for seven (7) years after the issuance of final payment or until any litigation, appeal, claim, or audit that is begun before the end of the seven (7) year period is completed or resolved, whichever is longer.
- (7) Any proposed change in Project-related contracts which substantially modifies the Project initially proposed shall be submitted to the Department for prior approval.
- (8) The Applicant's implementation of the Project, including the procurement of related contracts, shall comply with all applicable requirements of state and local laws, ordinances, by-laws, rules and regulations.