

GRANT AGREEMENT

BETWEEN

THE TIDES CENTER, CALIFORNIA  
1205 Pheasant Drive  
Suisun City, California, 94585

AND

THE U.S. DEPARTMENT OF TRANSPORTATION  
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION  
1200 New Jersey Avenue, SE, E22-229  
Washington, D.C. 20590-0001

CONCERNING

“Technical Assistance Grants Program”

Agreement No.: DTPH56-09-G-PHPT17

Total Amount of the Grant Agreement: \$50,000.00

Government Funds Obligated: \$50,000.00

PHMSA Line of Appropriation:  
5172A09DA0/2009/50D0204000/PSGRT03030/41050 \$50,000.00 PR# 956-09-6051

Authority: This agreement is entered into between the United States of America, represented by the U.S. Department of Transportation (DOT), Pipeline and Hazardous Materials Safety Administration (PHMSA), and The Tides Center, California, pursuant to and under the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006, Section 5, codified at 49 U.S.C. §60130, Technical Assistance Grants (TAG) Program.

THE TIDES CENTER, CALIFORNIA

U.S. DEPARTMENT OF TRANSPORTATION  
PIPELINE AND HAZARDOUS MATERIALS  
SAFETY ADMINISTRATION (PHMSA)

\_\_\_\_\_  
Signature

  
Signature **Warren D. Osterberg**  
Contracting Officer

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Date

SEP 18 2009

SEP 23 2009

\_\_\_\_\_  
Date

\_\_\_\_\_  
Effective Date

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**Article I. Award Information**

**Section 1.01 Grantee Information**

The Tides Center, California  
1205 Pheasant Drive  
Suisun City, California, 94585  
DUNS: 947910691  
EIN/TIN: 94-3213100

Primary Contact: Anthony Moscarelli, [archerone@comcast.net](mailto:archerone@comcast.net), (707) 427-8509

**Section 1.02 Awarding Agency Information**

U.S. Department of Transportation (US DOT)  
Pipeline and Hazardous Materials Safety Administration (PHMSA)  
Office of Contracts and Procurement (PHA-30)  
1200 New Jersey Avenue, SE  
Room E22-305  
Washington, D.C. 20590

Primary Contact: Maria Munoz, [maria.munoz@dot.gov](mailto:maria.munoz@dot.gov), (202) 366-5513

**Section 1.03 Basic Award Information**

Funding Opportunity Title: "Technical Assistance Grants (TAG) to Communities Program"  
Funding Opportunity Number: DTPH56-09-SN-0003  
CFDA Number: 20.721  
Award Type: Grant Agreement  
Award Number: DTPH56-09-G-PHPT17  
Project Title: Evaluation of older pipelines in a pipeline corridor with environmental and safety issues.  
Project Period: Twelve (12) months from the effective date of award.  
Grant Amount: \$50,000.00

**Article II. Background**

**Section 2.01 Background**

Experience shows that informed communities play a vital role in the safety and reliability of pipeline operations. The Technical Assistance Grants (TAG) program, first authorized in the Pipeline Safety Improvement Act of 2002 (Pub. L. 107-355, codified at 49 U.S.C. 60130), offers new opportunities to strengthen the depth and quality of public participation in pipeline safety matters. Section 9 of the Act, titled: "Pipeline Safety Information Grants to Communities" authorized the Secretary of Transportation to make grants to local communities and organizations for technical assistance relating to pipeline safety issues. The TAG program was then amended by Section 5 of the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006. However, FY 2009 is the first year in which PHMSA has received appropriations to fund the grant program.

These grants will provide funding to communities and groups of individuals for technical assistance in the form of engineering or other scientific analysis of pipeline safety issues and to help promote public participation in official proceedings. For purposes of grants eligibility, communities are defined as cities, towns, villages, counties, parishes, townships, and similar governmental subdivisions, or consortiums of such subdivisions. A nongovernmental group of individuals is

eligible for a grant under the TAG program if its members are affected or potentially affected individuals who are, or are willing to become, incorporated as a non-profit organization in the state where they are located.

**Section 2.02 Statement of Purpose**

The U.S. Department of Transportation (DOT), through the Pipeline and Hazardous Materials Safety Administration (PHMSA), award grants to obtain funding for technical assistance in the form of engineering or other scientific analysis of pipeline safety issues affecting the local community.

**Section 2.03 Specific Objective(s) of the Agreement**

Evaluate safety of aging hazardous liquid and natural gas transmission pipelines in the pipeline corridor.

**Article III. Expected Program Outputs**

Under the terms of this agreement, the Grantee must demonstrate completion of the work through the actions it has specified in its Application.

- Evaluate safety of aging hazardous liquid and gas transmission pipeline in the pipeline corridor;
- Address the issue of transmission of pipelines and their lifespan in corrosive wetland soil; and
- Develop a pipeline safety plan that addresses issues of aging pipelines.

**Article IV. Deliverables**

The Tides Center, California must submit the following reports:

- Final Report; and
- Federal Financial Report.

Additional information about the reporting requirements is in Article X, Reports.

**Article V. Dissemination of Technical Findings**

The Grantee must make available any technical findings to the relevant operators in the Grantee's area and have open communication with local operators, local communities and other interested parties.

**Article VI. Delineation of Tasks/Deliverables**

**Section 6.01 Incorporation of Grantee Application**

The Grantee's application and Project Plan dated, **May 29, 2009** is incorporated by reference into this Agreement.

The Grantee is responsible for accomplishing the objectives, tasks and deliverables of this Grant Agreement, and performing the tasks and the deliverables outlined in the Grantee's Project Plan.

**Article VII. Agreement Officials**

Refer to the Award Terms and Conditions (Attachment 1), Section 1, for a detailed description of each official's responsibilities below.

**Agreement Officer (AO)**

Mr. Warren D. Osterberg  
U.S. Department of Transportation  
Pipeline and Hazardous Materials Safety Administration  
Office of Contracts and Procurement, PHA-30  
1200 New Jersey Avenue, SE, E22-103  
Washington, D.C. 20590  
Telephone: (202) 366-6942  
Fax: (202) 366-7974

E-mail: [Warren.Osterberg@dot.gov](mailto:Warren.Osterberg@dot.gov)

**Agreement Administrator (AA)**

Ms. Maria Munoz  
U.S. Department of Transportation  
Pipeline and Hazardous Materials Safety Administration  
Office of Contracts and Procurement, PHA-30  
1200 New Jersey Avenue, SE, E22-305  
Washington, D.C. 20590  
Telephone: (202) 366-5513  
Fax: (202) 366-7974

E-mail: [maria.munoz@dot.gov](mailto:maria.munoz@dot.gov)

**Agreement Officer's Technical Representative (AOTR)**

Mr. Sam Hall  
U.S. Department of Transportation  
Pipeline and Hazardous Materials Safety Administration  
Office of Pipeline Safety, PHP-20  
2180 Adventure Lane  
Maidens, VA 23102  
Telephone: (804) 556-4678  
Fax: (804) 556-3183

E-mail: [Sam.Hall@dot.gov](mailto:Sam.Hall@dot.gov)

**Principal Investigator (PI)**

Mr. Anthony Moscarelli  
1205 Pheasant Drive  
Suisun City, California, 94585  
Telephone: (707) 427-8509  
Fax:

E-mail: [archerone@comcast.net](mailto:archerone@comcast.net)

**Article VIII. Terms and Conditions**

The Grantee must comply with and spend funds consistent with all the terms and conditions of this award, including the Award Terms and Conditions in **Attachment 1** and any other terms and conditions spelled out in this document. Attachment 1, Award Terms and Conditions is incorporated into this Agreement.

**Article IX. Special Terms and Conditions**

**Section 9.01 Modifications**

Modifications to this Grant Agreement may be made only in writing, signed by both the Grantee and the Agreement Officer, and specifically referred to as a modification to this Grant Agreement.

**Section 9.02 Travel**

Any travel necessary to carry out the objectives of this agreement must use the most economical form of transportation available. All travel is to be scheduled sufficiently in advance, to the extent practicable, to take advantage of offered discount rates. Travel and Per Diem authorized under this agreement must be incurred in accordance with the Government Travel Regulations currently in effect. Current per diem rates are listed at: <http://www.gsa.gov/perdiem>.

**Article X. Reports**

**Section 10.01 Final Report**

At the end of the grant period, the Grantee must deliver a letter-type final report to the AOTR and the AA that describes the results of all activities undertaken as a result of this grant. The report to PHMSA must demonstrate completion of the work as outlined in the grant agreement.

This report must be submitted to the AOTR and the AA in electronic form via e-mail no later than 90 calendar days after the end of the period of performance.

**Section 10.02 Federal Financial Report**

At the end of the grant period, the Grantee must submit a Federal Financial Report, Standard Form 425 (SF-425), to report the status of all funds. In addition to the SF-425, the Grantee should provide the break down of costs for each object class category (Personnel, Fringe Benefits, Travel, Equipment, Supplies, Contractual, Other, and Indirect Charges).

This report must be submitted to the AA in electronic form via e-mail no later than 90 calendar days after the end of the period of performance.

**Article XI. Consideration and Payment**

**Section 11.01 Request for Advance/Reimbursement**

Subject to the requirements in 49 CFR 19 being met (refer to Award Terms and Conditions, Section 14, "Payments") payments will be made after receipt of "Request for Advance or Reimbursement," SF-270. Each request must be submitted in an original to the AA, one copy to the AOTR and one copy to the Payment Office listed below:

U.S. Department of Transportation  
Federal Aviation Administration, MMAC  
Financial Operations, AMZ-160  
P.O. Box 269039  
Oklahoma City, OK 73126-9039  
Attn: Ms. Margaret Gorman  
(405) 954-7468

**Section 11.02 Approved Project Proposal/Budget**

The Grantee's application dated, **May 29, 2009** and subsequent response providing additional information dated, **July 14, 2009** are incorporated by reference into this Agreement.

**Section 11.03 Payment of Advance/Reimbursement**

All Grantees must be registered in the Central Contractor Registration (CCR) to receive payments on their invoices. For information on how to register, visit [www.ccr.gov](http://www.ccr.gov).

See Attachment 1 "Award Terms and Conditions" for additional payment requirements.

**Article XII. Attachments**

Attachment 1 - DTPH56-09-G-PHPT17 - Award Terms and Conditions



**DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 60<sup>th</sup> AIR MOBILITY WING (AMC)**

23 January 2008

Colonel Steven J. Arquette  
Commander  
400 Brennan Circle  
Travis AFB CA 94535-5000

Mr. Carl Weimer  
Executive Director  
Pipeline Safety Trust  
1155 North State Street, Suite 609  
Bellingham, WA 98225

Dear Mr. Weimer,

We have received your letter dated January 14, 2008 in which you express concerns that Travis AFB has not provided pipeline information concerning a draft Environmental Impact Report (EIR) for a proposed Walmart Supercenter at the corner of Walters Road and State Route 12. In response, this letter addresses Travis AFB's compliance with federal pipeline safety regulations, proper pipeline operations and maintenance, as well as public knowledge of possible impacts of the proposed Walmart Supercenter project may have on our pipeline operations.

As a committed community partner in Solano County, we at Travis take public and environmental safety seriously. In that vein, frequent examinations of the pipeline are done by various means for operational integrity; this includes regular visual inspections along the entire surface area of the pipeline route. Our Integrated Contingency Plan (ICP) for Oil and Hazardous Substance Spill Response and Prevention includes planning and response procedures for responding to a pending or actual pipeline malfunction. We are aware of federal and state regulations governing pipeline training, operation, maintenance, inspection, public education and safety requirements. The U.S. Department of Transportation, Office of Pipeline Safety and Hazardous Materials Administration reviews and provides comments to our ICP, in accordance with their policy guidelines. The most recent review was completed on June 20, 2006.

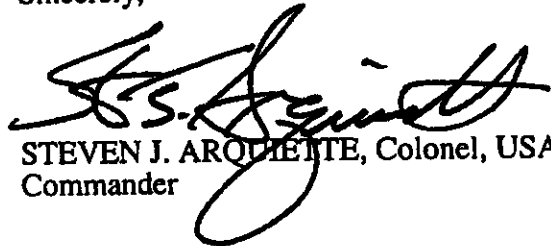
A thorough review of the draft and final EIRs for the Walmart Project has been accomplished which screened for potential conflicts with our mission and more specifically to ensure our continued ability to safely access, operate and maintain our pipeline. We are aware, for instance, of the requirements of California Government Code Section 51014.6. That statute provides that no person, other than the pipeline operator, shall build or permit building a structure or improvement within a pipeline easement or permit or build, erect or create a structure, fence, wall or obstruction adjacent to any pipeline easement that would prevent complete and unimpaired surface access to the easement. One would trust that local planning officials and the proposed developer are likewise aware of the requirements. That said, our reviews indicate the project, as depicted in the EIRs, should not interfere with the safe operations of our pipeline.



If the project is finally approved, we will, as usual, ask the local permitting authorities to ensure that the project's actual construction plans are submitted to us for review and comment prior to initial construction steps commencing. We will work closely with Suisun City and the developer to ensure the project's construction activities and the daily operations of the Walmart store do not impede the continued safe operation of the pipeline.

We appreciate your focus on public safety and wish you continued success with this important aspect of community planning. If you have any questions, please contact our Travis AFB community planner, Sara Underwood, at (707) 424-0872.

Sincerely,



STEVEN J. ARQUETTE, Colonel, USAF  
Commander

Attachment:  
Pipeline Safety Trust letter

cc:  
Suisun City Planning Department  
Solano County Department of Resource Management

22 Jan 04

Freedom of Information Act Office  
60 CS/SCXER (FOIA)  
560 Hickam Avenue  
Travis AFB CA 94535-2735

Mr. Patrick Sweeney  
McNamara, Dodge, Ney, Beatty, Slattery & Pfalzer LLP  
639 Kentucky Street, First Floor  
Fairfield CA 94533-5530  
Fax (707) 427-0268

Dear Mr. Sweeney

We are responding to your 8 January 2004 Freedom of Information Act (FOIA) letter which submitted justification for waiver of fees to process your request for the following records:

- a. Any and all documents relating to the handling of similarly situated vehicles owned by active duty personnel, reserve personnel, and retirees – vehicles that were removed and/or impounded for violation of California Vehicle Code Section 22669 (Abandonment) from the parking lot adjacent to the passenger terminal, Travis AFB CA 94533 - between 13 September 1998 and the present time.
- b. Any and all documents prepared in consideration of your client's claim number 03169. This includes staff summary sheets, letters, memos, e-mails, or other correspondence contained in the claim file which refer to and/or name your client, Paul Couch.

DOD 5400.7, Freedom of Information Act Program Regulation, authorizes waiver of FOIA fees when providing the responsive information "is likely to contribute significantly to public understanding of the operations or activities of the Department of Defense (DOD) is not primarily in the commercial interest of the requester." Determining if a requester qualifies for a fee waiver "in the public interest" requires an evaluation of several factors. Those factors include the subject of the request, the informative value of disclosure, the significance disclosure will have on public understanding of DOD operations or activities, and the requester's commercial interest in disclosure.

We carefully considered your waiver request in light of applicable rules for waiving processing fees. We determined that disclosure of the requested records are not likely to contribute significantly to public understanding of DOD operations or activities. Disclosure will

most likely benefit only a small segment of the public. We note that you did not articulate your or your group's qualifications in researching, disseminating the information, or plans for making the information public. You simply indicate you will disseminate the information. Courts have previously addressed general assertions of this type and they do not support waiver of fees in these instances. Under such circumstances, we cannot waive processing fees for your request.

We will categorize you and place you in the "All Other" category (of which we previously notified you) for processing your FOIA request. This entitles you to the first 2 hours of search time and the first 100 pages reproduced free of charge.

To appeal our denial of your fee waiver request, address your letter to the Secretary of the Air Force at the above address within 60 days from the date of this letter. Include your reasons for reconsideration and attach a copy of this letter.

We will hold your request in abeyance pending receipt of your willingness to pay fees as outlined above. You may contact me at (707) 424-5668, or fax (707) 424-4877.

Sincerely

LUCILLE M. LAMPMAN  
Freedom of Information Act Officer