DEP Form Contract 7C-K-460
Revised 8/6/02

DEP GRANT AGREEMENT
ENVIRONMENTAL STEWARDSHIP AND WATERSHED PROTECTION GRANT PROGRAM

This Grant Agreement is entered into, by and between **Mehoopany Creek Watershed Association, Inc., P.O. Box 73, Mehoopany, PA 18629-0073,** a Watershed Group, ("Grantee") and the Commonwealth of Pennsylvania, Department of Environmental Protection, Grants Center, P.O. Box 8776, Harrisburg, PA 17105-8776 ("Department" or "DEP").

WITNESSETH:

WHEREAS, Grantee has submitted a grant application for the **Phase 3A Windy Valley Construction** project ("Project") and DEP has approved the application; and

WHEREAS, DEP is authorized to enter into this grant pursuant to Section 6105(b) of the Environmental Stewardship and Watershed Protection Act (27 Pa.C.S. 6101 et seq.);

NOW, THEREFORE, the Grantee and DEP, in consideration of the foregoing and intending to be legally bound hereby, agree as follows:

1. MAXIMUM GRANT DOLLAR AMOUNT- DEP grants to Grantee the amount not to exceed **$661,860**.

2. GRANT TERM - This Grant Agreement shall not be a legally binding agreement until this Agreement is fully executed by the Commonwealth. The term of this Grant Agreement shall commence on the date this Agreement is fully executed by the Commonwealth, and shall terminate three (3) years from the later to occur of (a) the Project completion date (as defined below) or (b) the date of final payment.

3. PERIOD OF PERFORMANCE - Upon full execution of this Agreement, Project work (a) may, at the discretion of the Department, be reimbursed from **February 3, 2012** through the date of full execution and (b) shall be paid for from the date of full execution through **June 30, 2014** (the "Project completion date"). All Project work under this Agreement shall be completed no later than the Project completion date.

4. STANDARD COMMONWEALTH ATTACHMENTS- Grantee shall comply with the terms and conditions applicable to "Contractor" in the following standard Commonwealth attachments, each attached hereto and made a part hereof:

Attachment A – Provisions for Commonwealth Contracts
Attachment B – Nondiscrimination/Sexual Harassment Clause

5. DEP GENERAL CONDITIONS - Grantee shall perform Project work in accordance with the following general conditions attached hereto and made a part hereof. For the purposes of this attachment, "Grantee" and "Contractor" are synonymous:

Attachment C – DEP General Conditions

6. SCOPE OF WORK; BUDGET - Grantee shall perform Project work in accordance with the Project Scope of Work set forth in Attachment D. Grantee shall incur expenses under this agreement and DEP shall pay Grantee for Project work in accordance with the Budget included in Attachment D and in accordance with the Special Conditions (Attachment E) described in Paragraph 7 below. Attachment D is attached hereto and made a part hereof:

Attachment D – Project Scope of Work and Budget

7. SPECIAL CONDITIONS - Grantee shall perform Project work in accordance with the following grant program-specific special conditions attached hereto and made a part hereof:

Attachment E – Special Conditions

Signature sheet for Corporations, Higher Education and Non-profit Organizations

IN WITNESS WHEREOF, the parties hereto have signed and sealed these presents.

ATTEST/WITNESS:

Secretary / Treasurer / Assistant Secretary / Assistant Treasurer (circle correct)

Mehoopany Creek Watershed Association, Inc.:

President / Vice President (circle correct)

207565

WITNESS:

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Kelly Jean Heffner
Deputy Secretary for
Water Management

APPROVED AS TO LEGALITY AND FORM:

Chief/Assistant Counsel
Department of Environmental Protection

N/R
Office of General Counsel

PRE-APPROVED
Office of Attorney General

I hereby approve this agreement and certify that
funds in the amount of **$661,860**
are available under the Appropriation Symbol:

2307911000 3533709000 3537089000 6600800

Robert T Crouse 4/26/12 Document Number: 4100059610

Comptroller Date