

FM-3-549



GRANT AGREEMENT

BETWEEN

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

AND

City of York, SC

This Agreement by and between the South Carolina Department of Health and Environmental Control (DHEC) and City of York, SC (Recipient) a municipality existing under the laws of South Carolina, is to provide for the distribution of funds **\$700,000** (the Funds) appropriated in **2022 Act 239, Part 1B, Proviso 118.19 (83) J040 (h)**.

The parties agree as follows:

A. STATEMENT OF PURPOSE:

The purpose of the Agreement is to provide funding to the York Water Filtration Plant Environmental Remediation Project. This Agreement furthers DHEC's statutory mission as authorized in South Carolina Code **Section 48-39-10 to 48-39-360** and serves the public purpose of **environmental protections and conservation**.

B. SCOPE OF SERVICES:

The Recipient shall utilize the funds for the activities and services (The York Water Filtration Plant Environmental Remediation Project), as outlined in the attached Earmarked Appropriations Disbursement Request Form (Exhibit 1) as completed with supporting documents, which will be incorporated into this Agreement upon acceptance and approval under Paragraph D.

C. TERM:

This Agreement shall be effective upon signature, calendar year **2022** and shall terminate on **June 30, 2023**. Recipient's obligations under this Agreement shall survive termination.

D. PAYMENT:

1. Recipient shall submit a written request for payment not to exceed **\$700,000** and shall include with the request the information on the attached Earmarked Appropriations Disbursement Request Form (Exhibit I), including the following as required by **Proviso 117.21 and DHEC:**

- a. An accounting of how the Funds will be spent (Planned Expenditure Summary),
- b. Goals to be accomplished, and
- c. Proposed measures to evaluate success in implementing and meeting the goals.

*(Per Proviso **117.21** no funds shall be released until the required plan of how the state funds will be spent and how the expenditures will provide a public benefit are filed with the agency.)*

2. Upon acceptance and approval by DHEC, the request for payment will be incorporated into and made a part of this Agreement.

3. Recipient must register with SCEIS as a vendor and provide vendor information on the request for payment.

4. If applicable the recipient shall provide proof that they are currently registered with the SC Secretary of State.

5. Payment is contingent on DHEC's receipt of Funds.

6. Upon receipt and review and approval of the Planned Expenditure Summary, Funds Budget, and financial statements, DHEC will transmit the funds to Recipient by check delivered to:

Seth Duncan, MPA  
10 N. Roosevelt St  
PO Box 500  
York, SC 29745

7. Source of Funds: State funds made available in the FY2023 Appropriations Act from Proviso 118.19 as a nonrecurring distribution per legislative direction, effective July 1, 2022. DHEC's Point of Contact for financial information regarding payments made under this Agreement:

Bruce C. Busbee, Director  
Budgets and Financial Planning  
SCDHEC  
2600 Bull Street  
Columbia, South Carolina, 29201

E. REPORTING REQUIREMENTS: AUDITS:

1. By **June 30, 2023**, Recipient shall submit to DHEC a report containing a detailed accounting of its use of the Funds, the services completed, and the outcome measures used to determine the success of the stated goals in sufficient detail for DHEC to determine Recipient's compliance with the Scope of Services set forth in Paragraph B above. See Exhibit (**Quarterly Expenditure Report**) an expected completion date by which it anticipates all funds will have been spent. Recipient shall also submit a final report with this information within 90 days after project completion or exhaustion of Funds.
2. Recipient shall submit to DHEC by **June 30, 2023**, a detailed statement explaining the nature and function of its organization as well as a detailed statement explaining the use that was made of the Funds (**using attached template(s)**).
3. Recipient will allow the State Auditor to audit or cause to be audited the Funds.

F. PREVENTING AND REPORTING FRAUD, WASTE AND ABUSE:

1. DHEC has procedures and policies concerning the prevention and reporting of fraud, waste, and abuse (FWA) in agency-funded programs, including but not limited to those funded by federal grants such as Medicaid. No agency employee, agent, or Recipient shall direct, participate in, approve, or tolerate any violation of federal or State laws regarding FWA in government programs.
2. Federal law prohibits any person or company from knowingly submitting false or fraudulent claims or statements to a federally funded program, including false claims for payment or conspiracy to get such a claim approved or paid. The False Claims Act, 31 U.S.C. §3729-3733, and other "whistleblower" statutes include remedies for employees who are retaliated against in their employment for reporting violations of the Act or for reporting fraud, waste, abuse, or violations of law in connection with federal contracts or grants, or danger to public health or safety. Under State law, persons may be criminally prosecuted for false claims made for health care benefits, for Medicaid fraud, for insurance fraud, or for using a computer in a fraud scheme or to obtain money or services by false representations.
3. If Recipient or Recipient's agents or employees have reason to suspect FWA in DHEC programs, this information should be reported in confidence to DHEC. A report may be made by writing to the Office of Internal Audits, DHEC, 2600 Bull Street, Columbia, SC 29201; or by calling the DHEC Fraud, Waste and Abuse Hotline at 803-896-0650 or toll-free at 1-866-206-5202. Recipient is required to inform Recipient's employees of the existence of DHEC's policy prohibiting FWA and the procedures for reporting FWA to the agency. Recipient must also inform recipient's employees, in writing, of their rights and remedies under 41 U.S.C. §4712 concerning reporting FWA or violations of law in connection with federal contracts or grants, or danger to public health or safety, in the predominant native language of the workforce.

- G. **USE OF FUNDS:** Recipient will not use, expend, or allow use or expenditure of the Funds for any purpose not authorized in and consistent with this Agreement. Unexpended funds distributed pursuant to this Agreement may be carried forward to succeeding fiscal years and expended for the same purposes. Recipient shall continue the reporting and monitoring required under this Agreement until all Funds are spent.
- H. **RETURN OF FUNDS:** The State of South Carolina reserves the right to all remedies available to it under law for the enforcement of this Agreement including but not limited to the right to demand repayment of any Funds that remain unused at completion of the project or that were used for purposes not authorized in this Agreement.
- I. **NON-DISCRIMINATION:** Recipient represents and agrees that it does not and will not practice discrimination, or use the Funds for purposes which discriminate, against persons by virtue of race, religion, color, sex, age, national origin, disability, veteran status, pregnancy, gender identity, sexual orientation, or any other basis prohibited by law.
- J. **RECORDKEEPING:** Recipient shall create and maintain adequate records to document all matters covered by this Agreement. Recipient shall retain all such records for six (6) years or other longer period required by law after termination, cancellation, or expiration of the Agreement or after final expenditure of Funds, whichever is later, and make records available for inspection, copying, and audit by DHEC or other authorized agent of the State. If any litigation, claim, or audit has begun but is not completed or if audit findings have not been resolved at the end of the retention period, the records shall be retained until all litigation, claims, or audit findings involving the Funds have been resolved.
- K. **REVISIONS OF LAW:** The provisions of the Agreement are subject to revision of state or federal statutes and regulations and requirements governing (name of grant, etc.).
- L. **PUBLIC INFORMATION:** All information relating to distribution and use of the Funds, including all reports and documentation submitted to DHEC under this Agreement, is subject to public disclosure under the South Carolina Freedom of Information Act and may be published on DHEC's internet web site.
- M. **ATTACHMENTS:** Attachments to this Agreement are incorporated into and made part of this Agreement.

SOUTH CAROLINA DEPARTMENT OF  
HEALTH AND ENVIRONMENTAL CONTROL

RECIPIENT NAME

BY: Bruce C. Busbee  
Bruce C. Busbee

BY: Seth Duncan  
Seth Duncan  
City Manager

Director of Budgets and Financial  
Planning

DATE: 11/9/2022

DATE: 10-21-2022

MAILING ADDRESS:

SC DHEC - Office of Budgets and Financial  
Planning  
2600 Bull Street  
Columbia, SC 29201  
Phone: 803-898-3388  
Fax: 803-253-7637

MAILING ADDRESS:

City of York  
P.O. Box 500  
York, SC 29745

Phone: (803) 684-2341

Fax: (803) 684-1705

Email: sduncan@yorksc.gov

REMITTANCE ADDRESS: (if applicable)

TAX/EMPLOYER ID# 57-6001131

TYPE OF ENTITY (check one):

- Corporation  
 LLC  
 Partnership  
 Nonprofit organization  
 Government agency or political subdivision

- specify State if not SC:

City of York

- Other Governmental body (specify)  
\_\_\_\_\_  
 Individual/sole proprietor  
 Other (specify)  
\_\_\_\_\_

If a corporation or LLC:

State of incorporation/organization:  
\_\_\_\_\_

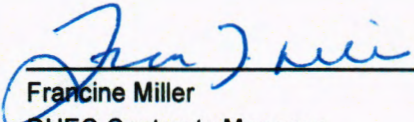
Registered agent and address in South Carolina

\_\_\_\_\_  
\_\_\_\_\_

SCDLLR or other license#

\_\_\_\_\_  
\_\_\_\_\_

THIS AGREEMENT IS NOT OFFICIAL AND  
BINDING UNTIL SIGNED BY THE DHEC  
CONTRACTS MANAGER

  
\_\_\_\_\_  
Francine Miller  
DHEC Contracts Manager

DATE: 11-14-22



**State of South Carolina Request for Contribution Distribution**

This form is designed to collect the information required by South Carolina in accordance with Proviso 117.21 of the appropriations act of 2022 and Executive Order 2022-19. This form must be submitted to the state agency that is providing the contribution for the designated organization. The state agency providing the contribution should use this form to collect information from the designated organization. The information must be collected from the designated organization before the funds can be disbursed.

**Contribution Information**

<b>Amount:</b>	<b>State Agency Providing the Contribution:</b>	<b>Purpose:</b>
1040 - Department of Health and Environmental Control	York Water Filtration Plant Remediation	
<b>Co-Sponsor/Informal Status:</b>		
<b>Entity Name:</b> City of York	<b>Contact Name:</b> Barbara DeRiny	
<b>Address:</b> 10 N. Congress St.	<b>Position/Title:</b> Finance Director	
<b>City/State/Zip:</b> York, SC 29745	<b>Telephone:</b> 803-684-2341	
<b>Website:</b> www.yorksc.gov	<b>Email:</b> bderiny@yorksc.gov	
<b>Tax ID#:</b> 57-6001131		
<b>Entity Type:</b> Municipality		

**Please explain how these funds will be used to serve the public good:**

Description	Amount	Explanation
York Water Filtration Plant Environmental Remediation	\$700,000.00	Environmental remediation and demolition of old water plant
<b>Grand Total:</b>	<b>\$700,000.00</b>	

**Please explain how these funds will be used to serve the public good:**

The City is seeking state assistance for environmental remediation and demolition efforts at the shuttered York Water Filtration Plant. The plant produced potable water for the City and surrounding areas for more than 50 years. The plant is located just outside the downtown and has become an eyesore for the community since its decommissioning several years ago. Before the City is able to demolish the building a full environmental review and remediation efforts must take place.


This is a high priority for the City of York as the site continues to devalue adjacent homes and sits on a primary state highway near the center of town. These remediation efforts are part of a larger redevelopment initiative of the area that has become a blight near the center of the City.


Organization Certifications

- 1) Organization hereby gives assurance that no person shall, upon the grounds of race, creed, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity for which this organization is responsible.
- 2) Organization certifies that it will provide quarterly spending reports to the Agency Providing Contribution listed above.
- 3) Organization certifies that it will provide an accounting at the end of the fiscal year to the Agency Providing Contribution listed above.
- 4) Organization certifies that it will allow the State Auditor to audit or cause to be audited the contributed funds.

  
Organization Signature

  
Title

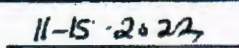
  
Printed Name


  
Date

Certification of State Agency Providing Contribution

- 1) State Agency certifies that the planned expenditure aligns with the Agency's mission and/or the purpose specified in the appropriations act of 2022.
- 2) State Agency certifies that the Organization has set forth a public purpose to be served through receipt of the expenditure.
- 3) State Agency certifies that it will make distributions directly to the organization.
- 4) State Agency certifies that it will provide the quarterly spending reports and accounting received from the organization to the Senate Finance Committee, House Ways and Means Committee, and the Executive Budget Office by June 30, 2023.
- 5) State Agency certifies that it will publish on their website any and all reports, accountings, forms, updates, communications, or other materials required by Proviso 117.21 of the appropriations act of 2022.
- 6) State Agency will certify to the Office of the Governor that it has complied with the requirements of Executive Order 2022-19 by June 30, 2023.

  
Agency Head Signature

  
Date

  
Printed Name





November 8, 2022

City of York  
PO Box 500  
York, SC 29745

**RE: York Water Filtration Plant Environmental Remediation Project**

Dear Seth Duncan,

The South Carolina Department of Health and Environmental Control has received your request for the distribution of funds for the York Water Filtration Plant Environmental Remediation Project through the 2022 Act 239, Part 1B, Proviso 118.19 (83) J040 (j).

To date, we have not received any permit applications related to this project. To ensure that your project meets the requirements set forth in our statutes and regulations, we encourage you to contact Kristy Ellenberg, to schedule a pre-project permit application meeting. Her contact information is below:

**Kristy Ellenberg**  
Director, Collaborative Partnerships & Strategic Initiatives  
[ellenbke@dhec.sc.gov](mailto:ellenbke@dhec.sc.gov)  
803-898-8161

Sincerely,

A handwritten signature in black ink, appearing to read 'Rebecca Spoles', is written over the name in the signature block.

Rebecca Spoles  
Environmental Affairs Liaison  
SC Department of Health and Environmental Control  
[sprolemr@dhec.sc.gov](mailto:sprolemr@dhec.sc.gov)  
803-394-0465



June 3, 2022

Honorable Henry McMaster  
Governor of South Carolina  
South Carolina State House  
1100 Gervais Street, Columbia, SC 29201

RE: Earmark Disclosure Information – City of York

Dear Governor McMaster,

As requested in your letter of May 16, 2022 sent to the Members of the General Assembly, the City of York is providing the following information as related to appropriations made by Representative Tommy Pope specifically for the City of York.

In our request to Rep. Pope, the City has made a concentrated effort to seek assistance that will address specific critical infrastructure needs that effect residents and businesses throughout our area. The City of York has responsibly utilized state, federal and local resources over the past few years to address many community needs including replacing aging water lines, revitalizing community parks, and addressing other critical needs. However, more is needed as our community continues to struggle with the burden of costly infrastructure upgrades and an uncertain economic future in the wake of the global pandemic.

As you will find below, all of the projects are vital to the continued growth and development of the City and western York County. Like many parts of South Carolina, we are both rapidly growing, facing steep challenges from inflation, and are plagued by rapidly aging infrastructure. Through partnerships with our state delegation we can create win-win opportunities and provide maximum value to South Carolina taxpayers.

I greatly appreciate your time, attention, and effort in this endeavor, and thank you for your leadership and commitment to the people of South Carolina.

Respectfully,

A handwritten signature in black ink, appearing to read "Seth Duncan".

Seth Duncan  
City Manager

Enclosure



## CITY OF YORK

### Information Requested

Today's Date June 3, 2022  
Sponsor Rep. Tommy Pope  
Recipient Type Local Governments  
W-9 Form Provided below  
Point of Contact Seth Duncan  
City Manager  
Address P.O. Box 500  
York, SC 29745  
Phone 803-684-2341  
Email [sduncan@yorksc.gov](mailto:sduncan@yorksc.gov)  
Website [www.yorksc.gov](http://www.yorksc.gov)

### Special Funding Requests Sponsored by Rep. Tommy Pope

PROJECT	FUNDING REQUEST
<p><b>York Upper and Lower Reservoir Dam Remediation</b> The City of York is seeking assistance for remediation efforts on the Upper and Lower Reservoir Dams at Lake Carolyn. These reservoirs up until 2019 served as holding reservoirs for the City for the production of potable water. In October 2019, the City shuttered its 90 plus year old water treatment facility and now purchases all of its water from the City of Rock Hill. SC DHEC recently assessed the conditions and integrity of the dams and found that remediation was necessary. With this funding assistance the City will remediate tree and shrub growth that is threatening the integrity of the dams and will remediate the primary spillway.</p> <p>This is a high priority for the City of York as the reservoirs continue to hold water and are adjacent to homes and a primary state highway near the center of town. These remediation efforts are part of a larger redevelopment initiative of the site that has become a blight near the center of the City.</p> <p><b>Total Project Budget: \$400,000</b> (\$200k City of York; \$200k State of SC)</p>	<b>\$200,000</b>
<p><b>York Elevated Storage Tank</b> The City of York is seeking assistance for the remediation of an elevated storage tank at Ratchford Road. The storage tank has been in service to the City and surrounding businesses for more than 25 years and is need of restoration, painting, sterilization, and more. The Ratchford Road elevated storage tank is one of three storage tanks in the City</p>	<b>\$400,000</b>



<p>limits that helps provide potable water to more than 8,500 residents, and hundreds of businesses. This tank is the oldest of three and is in need of extensive remediation. The failure or loss of this tank would be devastating for the City and thus is a high priority.</p> <p><b>Total Project Budget: \$600,000</b> (\$200k City of York; \$400k State of SC)</p>	
<p><b>York Water Filtration Plant Environmental Remediation</b>          The City is seeking state assistance for environmental remediation and demolition efforts at the shuttered York Water Filtration Plant. The plant produced potable water for the City and surrounding areas for more than 90 years. The plant is located just outside the downtown and has become an eyesore for the community since its decommissioning several years ago. Before the City is able to demolish the building a full environmental review and remediation efforts must take place.</p> <p>This is a high priority for the City of York as the site continues to devalue adjacent homes and sits on a primary state highway near the center of town. These remediation efforts are part of a larger redevelopment initiative of the site that has become a blight near the center of the City.</p> <p><b>Estimated Total Budget: \$1,500,000</b> (\$800k City of York; \$700K State of SC)</p>	<p><b>\$700,000</b></p>
<p><b>York Fishing Creek Waste Water Treatment Plant Upgrades</b>          The City of York is seeking assistance in completing upgrades to the Fishing Creek Waste Water Treatment Plant. The City has operated a waste water treatment plant at Fishing Creek for more than 30 years and much of the original equipment has reach end of life or near end of life status. Earlier this year, the City contracted with Davis &amp; Floyd to conduct a Preliminary Engineering Report (PER) to identify a plan of action to replace many of the worn out apparatuses and expand certain equipment to handle a greater flow capacity. Currently, the City is planning to replace two clarifiers and pumps, influent mechanical bar screen, and remove solids from the equalization basin. These activities will allow the City to gain new life from the plant and help ensure operations well into the future as the City and region continue to see growth.</p> <p>This is one of the highest priorities for the City of York as the waste water treatment plant is the only one of its kind and size in western York County. These remediation efforts will insure continued function and operation of the facility and will enhance opportunities for additional economic development in central and western York County.</p> <p><b>Estimated Total Budget: \$3,000,000</b> (\$1.5 million City of York; \$1.5 million State)</p>	<p><b>\$1,500,000</b></p>
<p><b>York Water Line Replacement</b>          The City of York is seeking assistance to replace two primary water lines in the City that provide potable water to residents, businesses and government facilities. The center part of the City has some of the oldest water lines in some of the most historical parts of the City. With these funds, the City desires to replace water lines on Liberty Street</p>	<p><b>\$1,500,000</b></p>



(HWY 5) and on Jefferson Street. These lines are more than 80 years old and are in need of constant repair. Liberty Street has disintegrated so rapidly here recently that just as soon as crews are able to make repairs on one section, another section breaks just yards away. By replacing these lines, the City will not only end the constant maintenance of the lines, but will also provide a stable platform to move water from one side of the City to the other where rapid growth is occurring.

This is one of the highest priorities for the City of York as these two lines account for more than half of all water breaks in the City. Replacing these two primary lines will ensure continued function and operation, and delivery of potable water to residents, businesses and government institutions.

**Estimated Total Budget: \$5,000,000** (\$3.5 million City; \$1.5 million State)