

CC-C: CAPITAL CONSTRUCTION REQUEST FOR FY 2011-12

Project Title		Natural Resource Damages Restoration		State Controller Project No.		New		Name and Email of Preparer	
Project Year(s)		FY 2012 to 2014		Signature of Department or Institution Approval		<i>[Signature]</i>		Date: 7/15/10	
Agency or Institution		Department of Public Health and Environment		Signature CCHS Approval		NA		Date: NA	
Agency or Institution Priority Number		2_ of 3_		Signature OSPB Approval		<i>[Signature]</i>		Date: 8/11/10	
Revision?	Yes	No	Total Project Costs	Prior- Year Appropriation(s)	Current Request FY 2011-12	Year 2 Request	Year 3 Request	Year 4 Request	Year 5 Request
A. Land Acquisition									
(1)	Land /Building Acquisition		\$0	\$0	\$0	\$0	\$0	\$0	\$0
B. Professional Services									
(1)	Master Plan/PP		\$0	\$0	\$0	\$0	\$0	\$0	\$0
(2)	Site Surveys, Investigations, Reports		\$0	\$0	\$0	\$0	\$0	\$0	\$0
(3)	Architectural/Engineering/Basic Services		\$0	\$0	\$0	\$0	\$0	\$0	\$0
(4)	Code Review/Inspection		\$0	\$0	\$0	\$0	\$0	\$0	\$0
(5)	Construction		\$0	\$0	\$0	\$0	\$0	\$0	\$0
(6)	Advertisements		\$0	\$0	\$0	\$0	\$0	\$0	\$0
(7a)	Inflation for Professional Services		\$0	\$0	\$0	\$0	\$0	\$0	\$0
(7b)	Inflation Percentage Applied			0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
(8)	Other		\$0	\$0	\$0	\$0	\$0	\$0	\$0
(9)	Total Professional Services		\$0	\$0	\$0	\$0	\$0	\$0	\$0
C. Construction or Improvement									
(1)	Infrastructure		\$0	\$0	\$0	\$0	\$0	\$0	\$0
	(a) Service/Utilities		\$0	\$0	\$0	\$0	\$0	\$0	\$0
	(b) Site Improvements		\$12,656,315	\$0	\$12,656,315	\$0	\$0	\$0	\$0
(2)	Structure/Systems/Components								
	(a) New (GSF):		\$0	\$0	\$0	\$0	\$0	\$0	\$0
	New \$ /GSF								
	(b) Renovate GSF:		\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Renovate								
(3)	Other (Specify)		\$0	\$0	\$0	\$0	\$0	\$0	\$0
(4)	High Performance Certification Program		\$0	\$0	\$0	\$0	\$0	\$0	\$0
(5a)	Inflation for Construction		\$0	\$0	\$0	\$0	\$0	\$0	\$0
(5b)	Inflation Percentage Applied			0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
(6)	Total Construction Costs		\$12,656,315	\$0	\$12,656,315	\$0	\$0	\$0	\$0
D. Equipment and Furnishings									
(1)	Equipment		\$0	\$0	\$0	\$0	\$0	\$0	\$0
(2)	Furnishings		\$0	\$0	\$0	\$0	\$0	\$0	\$0
(3)	Communications		\$0	\$0	\$0	\$0	\$0	\$0	\$0
(4a)	Inflation on Equipment and Furnishings		\$0	\$0	\$0	\$0	\$0	\$0	\$0
(4b)	Inflation Percentage Applied			0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
(5)	Total Equipment and Furnishings Cost		\$0	\$0	\$0	\$0	\$0	\$0	\$0
E. Miscellaneous									
(1)	Art in Public Places =1% of Total Construction Costs		\$0	\$0	\$0	\$0	\$0	\$0	\$0
(2)	Building Maintenance Fund		\$0	\$0	\$0	\$0	\$0	\$0	\$0
(3)	Relocation Costs		\$0	\$0	\$0	\$0	\$0	\$0	\$0
(4)	Other Costs		\$0	\$0	\$0	\$0	\$0	\$0	\$0
(5)	Total Misc. Costs		\$0	\$0	\$0	\$0	\$0	\$0	\$0
F.	Total Project Costs		\$12,656,315	\$0	\$12,656,315	\$0	\$0	\$0	\$0
G. Project Contingency									
(1)	5% for New		\$0	\$0	\$0	\$0	\$0	\$0	\$0
(2)	10% for Renovation		\$0	\$0	\$0	\$0	\$0	\$0	\$0
(3)	Total Contingency		\$0	\$0	\$0	\$0	\$0	\$0	\$0
H.	Total Budget Request (F+G(3))		\$12,656,315	\$0	\$12,656,315	\$0	\$0	\$0	\$0
I. Source of Funds									
	CCF		\$0	\$0	\$0	\$0	\$0	\$0	\$0
	CF		\$12,656,315	\$0	\$12,656,315	\$0	\$0	\$0	\$0
	RF		\$0	\$0	\$0	\$0	\$0	\$0	\$0
	FF		\$0	\$0	\$0	\$0	\$0	\$0	\$0

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1. SUMMARY INFORMATION	Complete Every Row in this Column
a. Agency or Institution Name:	Public Health and Environment
b. Project Name:	Natural Resource Damage Restoration
c. State Controller Project Number:	New Project
d. Project's Year (1, 2, etc.):	1
e. Date Sent to DHE:	N/A
f. Date Sent to OSPB:	7/13/10
g. Date Sent to CDC with copy to JBC:	9/1/2010
h. Date of Project's Most Recent Program Plan:	N/A
i. Date of Governing Board Approval (for institutions of higher education):	_____ or <input checked="" type="checkbox"/> Not an institution of higher education
j. Continuation Project (there is a corresponding project appropriated in prior year)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list project numbers here: # P9870 # _____ # _____
k. Request 6-month encumbrance waiver?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If yes, justify below) The six-month encumbrance rule does not apply. SB 08-037 changed the encumbrance requirement for the Superfund, Brownfields and Natural Resource Damage Programs from six months to eighteen months. (CRS 24-75-102 (1) (b) (I))
l. Anticipated Project Completion Date:	The projects funded by this appropriation will be complete by 6/30/14
m. Purpose Code	F. New Projects (1) Statutory Requirement Mandates
n. New construction or modification?	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modification
o. Facility Condition Index Score	__ N/A __ ASF __ N/A __ GSF
p. Total Square Footage	\$ N/A
q. Cost per Square Foot (using construction cost per section C of CC-C form and GSF)	\$

2. TYPE OF REQUEST	"X" All that Apply	Instructions
a. State-funded Project – Higher Education		Requires CDHE then OSPB approval before submission to CDC and JBC. Use CC-C Excel Form and CC-C Word form.
b. State-funded Project – Non Higher Education		Requires OSPB approval only before submission to CDC and JBC. Use CC-C Excel Form and CC-C Word form.
c. 100% Cash Funded Project for higher education institution participating in the Intercept Program		Requires CDHE approval only before submission to CDC. Use CC-C Excel Form and CC-C Word form.
d. Under 100% Cash-Funded Project – Higher Education		Requires CDHE then OSPB approval before submission to CDC and JBC. Use CC-C Excel Form and CC-C Word form.
e. Cash-Funded Project – Non Higher Education	X	Requires OSPB approval only before submission to CDC and JBC. Use CC-C Excel Form and CC-C Word form.
f. Federally Funded Project		Requires CDHE (if Higher Ed) then OSPB approval before submission to CDC and JBC. Use CC-C Excel Form and Word form.
g. IT Project		Use CC-IT Excel form and CC-C Word form. Non Higher Ed agencies must approve with OIT before submission to OSPB.

3. CRITERIA FOR FY 2011-12 PROJECT	“X” Applicable Item(s)	Describe How Criterion is Met for Marked Items
a. 100% Cash or Federally Funded Project	X	This request is 100% cash funded from the Natural Resource Damage Fund.
b. Priority #1 for department or #1-5 for DHS		
c. Meets Priority Criteria for Higher Education		
d. Project Originally in HJR 08-1042		
e. Continuation Project from FY 2010-11 CCF Appropriation		
f. Statutorily required COP payment for capital construction		
g. Project requires CDHE approval for program review but does not meet FY 11-12 criteria for submission to OSPB. This request does not have OSPB review.		

4. BRIEF SUMMARY OF FY 2011-12 CAPITAL PROJECT	Enter summary below, this column
<p>State exactly what is requested, why, for how much, over what period of time.</p>	<p>The Hazardous Materials and Waste Management Division is requesting capital construction spending authority in the amount of \$12,656,315 cash funds from the Natural Resource Damage Fund for several Natural Resource Damages (NRD) sites where settlements have been reached with potentially responsible parties and where the State, or State and Federal Trustees plan to implement restoration projects.</p> <p>The projects noted later in this document are the currently planned projects. However, there are several factors that impact the implementation of the projects, agreement from all parties as to a cleanup plan, etc. There may be some future adjustment to the actual projects that are completed, however if additional time or funding is necessary, the department will seek an additional appropriation. In addition, the department will ensure that the funds designated for a specific site are used only for that site and no other sites.</p>

5. CONTINUATION HISTORY	If this is a continuation project (a project with a former appropriation), complete the following table including all appropriations and expenditures. Include the bill numbers for each appropriation. If not a continuation project, mark here: <input checked="" type="checkbox"/> N/A				
	FY 2007-08 Appropriated	FY 2008-09 Appropriated	FY 2009-10 Appropriated	Spent to Date	FY 2010-11 Appropriated
Total Funds	\$0	\$0	\$0	\$0	\$0
General Fund	\$0	\$0	\$0	\$0	\$0
Cash Funds	\$0	\$0	\$0	\$0	\$0
Cash Funds Exempt / Reappropriated Funds	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0
Bill Number(s)					

6. OBJECTIVES	Enter summary below, this column
a. List key objectives of the entire project – big picture This row not applicable as this is a single year project: <input type="checkbox"/> N/A	The objective of this project is to restore, replace or acquire natural resources which have been damaged or lost due to the release of hazardous substances at various sites. The funds for this work have been acquired through settlements with responsible parties, and the funds must be used in the proximity of the sites where the natural resources damages occurred.
b. List key objectives of this year's specific request - detailed	The FY 2011-2012 request will provide the Department with authority to spend funds for NRD restoration projects from settlements at the Shattuck Chemical, Standard Mine, Summitville, Lowry Landfill and California Gulch Superfund sites. Potential projects will be identified by the Natural Resources Damages Trustees and selected based upon eligibility of the projects and input from the local communities.

7. ESTIMATED ENTIRE PROJECT TIMETABLE:			
Delineate how many years this project crosses from start to finish, describing what portion of the project each year will accomplish.			
Steps to be Completed	Start Date(s)	Completion Date(s)	Year
This project funds the restoration of natural resource damages at various sites that can take multiple years to complete. To date, several projects have been completed, others have been started, and still others are awaiting initiation.	2012	2014	1-3

8. FY 2011-12 SPECIFIC TIMETABLE:		
Delineate the steps that will be taken in FY 2011-12 to complete this project or this phase of the project.		
Steps to be Completed	Start Date(s)	Completion Date(s)
<ul style="list-style-type: none"> This project does not have a specific timetable. CDPHE is working with other State and Federal Trustees to develop and implement restoration projects at a number Superfund Program Natural Resource Damages sites. 		

9. IMPACT	Enter summary below, this column
a. Describe actual impact to program if this year's project is not funded	Not funding this request will mean that natural resources which have been lost in the vicinity of the contaminated sites will not be restored. The funds that have been received for this purpose will not be able to be spent because their use is mandated for this purpose by court settlements.
b. Describe how this project will affect State operating expenditures, including dollars and FTE for each project component.	The Department is not responsible for operating costs of these sites either during or after the remediation efforts have been completed. Funds are generally provided as grants to local governments/non profit entities to implement the restoration projects. The local government/non profit acts as a project sponsor and manages the fiscal and project management part of the implementation.
c. Describe consistency with Agency or Institutional Master Plan and 5-Year Capital Improvement Plan Schedule, explain variances	The Department does not have an agency master plan as the typical capital construction projects undertaken by this agency are not the typical "bricks and mortar" building projects. The projects are to clean up and remediate contaminated sites.

10. JUSTIFICATION	Enter summary below, this column
Fully justify and defend this request. This will be the most lengthy section of the request. Include all necessary detail and specific scope of work. Describe how much space is needed, what types of rooms or equipment are included in the request and why, and illustrate where on campus the project will be executed. Explain what is wrong with the current situation and why a new or different building or capital expenditure is needed. Focus more on why the current facilities are insufficient, less on why the current programs are driving change.	<p>This project is not a "typical" Capital Construction project in that the Department is not building new facilities or renovating old ones. Instead, the Department focuses on identifying sites where court ordered Natural Resource Damage awards have been received, assessments of damages have been done and restoration work is ready to begin.</p> <p>The General Assembly established the Natural Resource Damage Fund through CRS 25-16-104.7 for the purpose of receiving funds through court ordered settlements with responsible parties for sites in the State where natural resources had been damaged. The State's Natural Resource Trustees (the Executive Directors of the Departments of Public Health and Environment and Natural Resources, and the Attorney General) determine which projects will be funded with the goal of restoring, replacing or acquiring natural resources from the various projects for which the settlements were received. The statute requires that the use of funds be consistent with any legal judgment regarding a recovery to the fund.</p> <p>Although specific projects have not been selected for all sites, they might include such things as: stream bank and habitat restoration, groundwater cleanup or construction of wetlands.</p> <p>Restoration projects for Natural Resource Damage (NRD) sites are generally selected and implemented using the following process: 1) Convene stakeholders group of Trustee agencies and local representatives, 2) Identify and define projects to restore injured natural resources, 3) Obtain Trustee approval, 4) Solicit project sponsors to champion and implement projects, and 5) Implement projects with oversight by Trustee agencies.</p> <p>For the California Gulch and Summitville site, the process has progressed to a point that projects have been selected and are ready to be</p>

	<p>implemented. The stakeholders have selected 11 projects for the California Gulch Site and three projects for the Summitville Site. Restoration projects for these sites fall into the following general categories: 1) Stream Restoration, 2) Water Quality Improvements, 3) Habitat protection/enhancement 3) Mined Land Reclamation, 4) Resource restoration, and 5) Monitoring.</p> <p>Additional projects for these sites have been identified and may be implemented if funds remain after the current projects have been completed.</p> <p>For the Shattuck, Lowry, and Standard Metals site, the restoration process is still in preliminary phases. The Trustees will be working with local representatives to develop stakeholder's groups to begin the project planning and solicitation process. Probable project activities at these sites will fall into the categories listed above.</p>
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11. CALCULATIONS	Describe how the numbers on the CC-C Excel form were calculated; describe in this column, FY 2011-12 only. Out years will be requested separately												
Assumptions and calculations for land purchase													
Assumptions and calculations for professional services													
Assumptions and calculations for construction													
Provide list of equipment and furnishings to total on CC-C Excel form													
Art in public places: describe what portions of project apply and calculation used. The calculation should apply only to State funds (see SB 10-94)													
Discuss all inflation assumptions, as delineated on the CC-C form, by year and by component (professional services, construction or improvement, and equipment and furnishings)													
Discuss HPCP cost assumptions													
Other	<p>Cost projections for California Gulch were taken from the April 2010 Restoration Plan and Environmental Assessment for the Upper Arkansas River; For Summitville, costs were derived from the July 2005 Alamosa River Watershed Restoration Master Plan; for other sites, cost projections are based on settlement amounts outlined in the respective consent decrees.</p> <table style="margin-left: 20px;"> <tr> <td>California Gulch</td> <td style="text-align: right;">\$6,027,000</td> </tr> <tr> <td>Summitville</td> <td style="text-align: right;">\$3,246,000</td> </tr> <tr> <td>Shattuck</td> <td style="text-align: right;">\$1,557,315</td> </tr> <tr> <td>Lowry Landfill</td> <td style="text-align: right;">\$1,100,000</td> </tr> <tr> <td>Standard Metals</td> <td style="text-align: right;">\$ 726,000</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$12,656,315</td> </tr> </table>	California Gulch	\$6,027,000	Summitville	\$3,246,000	Shattuck	\$1,557,315	Lowry Landfill	\$1,100,000	Standard Metals	\$ 726,000	Total	\$12,656,315
California Gulch	\$6,027,000												
Summitville	\$3,246,000												
Shattuck	\$1,557,315												
Lowry Landfill	\$1,100,000												
Standard Metals	\$ 726,000												
Total	\$12,656,315												
Other													
Other													

12. CASH FUND PROJECTION					
Does request include cash funds?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If no, proceed to question #13)				
If the project is being financed, describe the terms of the bond, including the length of the bond, the expected interest rate, when the agency plans to go to market, and the expected average annual payment.	<input checked="" type="checkbox"/> N/A				
Cash Fund Sources Lists <i>(list all separately; projected balances must account for other obligations)</i>	Actual FY 2009-10 Cash Fund Balance	Current Fund Balance FY 2009-10	Projected FY 2010-11 End Cash Fund Balance	Projected End Cash Fund Balance FY 2011-12	Projected End Cash Fund Balance FY 2012-13
a. Fund Number: <u>127</u>					
Cash Funds	\$29,629,893	\$39,378,121	\$39,200,000	\$33,500,000	\$27,000,000
Describe how revenue accrues to the fund	Revenue to the fund comes from court awarded settlements for Natural Resource Damages at specific sites and any interest accrued on the balance in the fund. Earned interest is allocated to specific sites based on percentages of fund balance.				
Describe other obligations and encumbrances to the fund	This fund is obligated for the restoration costs for natural resource damages costs at sites where court ordered awards have been received. Any obligation of funds for restoration projects must be approved by the Natural Resource Damages Trustees.				

13. RELATED PROJECTS		<u>Delineate capital construction and controlled maintenance projects for this department, DHS Office, or higher education institution appropriated since FY 2007-08. 100% cash funded projects for higher education do not need to be listed.</u>		
Year	Project #	Item	CCF Cost	Pending Underway, or Requested
2007-08	P9870	Natural Resource Damage Restoration	\$5,342,000	Underway
2007-08	P0170	Contaminated Sites Redevelopment (Brownfields)	\$250,000	Complete
2008-09	P0170	Contaminated Sites Redevelopment (Brownfields)	\$250,000	Underway
2009-10	P0170	Contaminated Sites Redevelopment (Brownfields)	\$250,000	Underway
2009-10	P9870	Natural Resource Damage Restoration	\$18,500,000	Underway
2009-10	M0919	Reconfigure Emergency Power System	\$184,089	Underway
2009-10	P0918	Cleanup Projects, ARRA of 2009	\$22,550,000	Underway
2010-11	P8069	Superfund Cleanup – Clear Creek	\$14,785,000	Underway
2010-11	P8069	Superfund Cleanup – Various Sites	\$27,000,000	Underway

14. PROGRAM PLAN	
Describe any changes to this project on the Program Plan, Master Plan, or Five Year Plan since its submission to the Capital Development Committee	<input checked="" type="checkbox"/> No changes <input type="checkbox"/> Changes are described below The department does not have a Program Plan, master Plan or Five Year plan as the typical capital construction projects undertaken by this agency are not the typical “bricks and mortar” building projects. Natural Resource Damage projects are to restore or replace natural resources at impacted sites where awards or settlements have been received.

15. ADDITIONAL INFORMATION

Provide any additional information to best justify the request.

The potential project sites identified for funding consideration under this request are:

California Gulch	\$6,027,000
Summitville	\$3,246,000
Shattuck	\$1,557,315
Lowry Landfill	\$1,100,000
Standard Metals	\$ 726,000

Total requested dollars for all sites is \$12,656,315