

# FY 2013-14 Capital Construction Supplemental Request

## Public Health and Environment Superfund Sites Cleanup

### Motion:

Approve the supplemental request from the Department of Public Health and Environment to extend spending authority for the project to June 30, 2023, and expand the project's scope by merging the 2020 appropriation for the Superfund Site Cleanup, Colorado Smelter project into this project.

## GENERAL INFORMATION

2012-025

### 1. Which supplemental criterion does the request meet?

Technical

Capital construction projects listed in an annual appropriations bill are permitted to spend funds for three years. Spending authority for this project expired on June 30, 2020. The Department of Public Health and Environment (DPHE) is requesting an extension of spending authority for the project, explaining that, unlike standard capital construction projects, Superfund projects can last for many years to decades, and in some cases in perpetuity. The department further seeks to expand the project scope by merging the 2020 appropriation for the Superfund Site Cleanup, Colorado Smelter project into this project to consolidate all Superfund projects under one, ongoing line item.

### 2. Which projects will be restricted to fund the supplemental request?

None. The supplemental request is nonmonetary, as it combines appropriations and does not result in additional spending.

### 3. Has the request been approved by OSPB and CCHE?

Yes

## PRIOR APPROPRIATION AND SUPPLEMENTAL REQUEST INFORMATION

The appropriation to be amended was authorized in the following bill: SB 11-0209

<u>Fund Source</u>	<u>Prior Appropriations</u>	<u>Supplemental Request</u>	<u>Future Requests</u>	<u>Total Cost</u>
CF	\$7,115,922	\$3,507,544	\$0	\$10,623,466
FF	\$64,043,299	\$31,492,456	\$0	\$95,535,755
	\$71,159,221	\$35,000,000	\$0	\$106,159,221

## REASON FOR SUPPLEMENTAL REQUEST

The request extends spending authority for the project to June 30, 2023, and increases the project scope by merging the 2020 appropriation for the Superfund Site Cleanup, Colorado Smelter into this project, thus creating one line item for all Superfund projects. This project received its original appropriation in the 2011 Long Bill, was amended by supplemental appropriation in 2014 to increase its scope to include additional Superfund sites while also extending spending authority, and had its spending authority extended to June 30, 2020, in the 2017 Long Bill. DPHE explains that Superfund cleanup projects can take many years to decades to complete, and at some sites such as the Summitville, North Clear Creak, and Argo sites, the cleanup is in perpetuity. Prior to the creation of this project, the Long Bill contained multiple Superfund-related projects, creating confusion, poor reporting, and spending authority issues, according to the department. Stakeholders agreed to go forward with this project as a continuous line item, with the department requesting the addition of all new Superfund cleanup projects to this line item or seeking a

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spending authority extension as necessary. However, the department submitted the Superfund Site Cleanup, Colorado Smelter project as a stand-alone project, and it was booked as such in the 2020 Long Bill. DPHE says that, if spending authority is not extended for this project, funding will revert and the department will not be able to continue remedial work as approved by the federal Environmental Protection Agency. Further, the issues that arose due to multiple Superfund-related projects operating simultaneously will return.

The federal government provides up to 90 percent of funding for Superfund site cleanup. Senate Bill 85-109 created the Hazardous Substance Response Fund to provide the state's 10 percent share of site cleanup costs. The state is authorized to obtain federal funds to complete cleanup activities when no responsible party is willing or able to perform the necessary cleanup.

### **SUMMARY OF PROJECT**

The project finances projects that clean up sites on the federal National Priorities List, or Superfund list, as determined by the EPA. A site qualifies for listing when the EPA determines there is a release or threatened release of hazardous substances that may endanger public health, welfare, or the environment. The project, as originally submitted, funded continued remediation of the Central City/Clear Creek Superfund site, a drainage basin of approximately 400 square miles in Clear Creek and Gilpin counties affected by several defunct precious metals mines. Additional remediation sites have been subsequently added to the project.

### **QUESTIONS / OUTSTANDING ISSUES**

None.