

1-1-18 to  
12-31-18



Colorado Department  
of Public Health  
and Environment

State of Colorado

**Rocky Flats Legacy Management Agreement Grant**

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CY 2018 GRANT REQUEST

January – December 2018

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*Submitted to*

UNITED STATES DEPARTMENT OF ENERGY

*Submitted by*

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**  
HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530  
303-692-3358

December 2017

**ROCKY FLATS LEGACY MANAGEMENT AGREEMENT  
GRANT APPLICATION NARRATIVE  
CALENDAR YEAR 2018**

## **Summary**

**Site:** Rocky Flats Site, Colorado

**Application date:** December 7, 2017

**Grant term:** Calendar Year 2018, January 1 – December 31

**Type:** Grant amendment (not a new grant proposal)

**Grantor:** U.S. Department of Energy

**Applicant:** Colorado Department of Public Health and Environment

**Contact information:**

Rocky Flats Project Manager/Project Coordinator  
Corrective Action Unit, HMWMD  
Colorado Department of Public Health and Environment  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530

**Governing document:** Rocky Flats Legacy Management Agreement (RFLMA)

**Purpose:** Ensure that the environment and health and safety of Colorado's citizens are being protected through oversight by Colorado officials.

**Work summary:** State regulatory oversight of the Rocky Flats Site "Central Operable Unit," located in Jefferson County, Colorado; environmental data and report review; site visits/inspections; communication with stakeholders and other interested parties; and, record-keeping.

**Personnel for 2018 may include, but are not necessarily limited to:**

- Carl Spreng, Rocky Flats Project Manager/RFLMA Coordinator, CDPHE
- Lindsay Masters, Environmental Protection Specialist II, CDPHE
- Colorado Attorney General's Office attorneys, administrative and other support staff

**Budget request:** \$265,395

**Budget justification:** Ongoing state oversight of the Rocky Flats Site remedy, monitoring and sampling; terms of the RFLMA and party responsibilities and obligations; and, CDPHE succession planning and training.

## **Introduction**

The U.S. Department of Energy (DOE) Rocky Flats Site was closed by a Corrective Action Decision/Record of Decision (CAD/ROD) signed on September 29, 2006. Post-closure funding is provided to CDPHE by DOE pursuant to the terms of the RFLMA (2012).

The RFLMA is a joint Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) § 120 Federal Facility Agreement and Colorado Hazardous Waste Act (CHWA)/Resource Conservation and Recovery Act (RCRA) Consent Order between DOE, the U.S. Environmental Protection Agency (EPA), and CDPHE. RFLMA identifies CDPHE as the overall lead regulatory agency for the post-closure/Legacy Management (LM) period under CHWA/RCRA and expressly provides for the recovery of state costs. Per paragraph 73 of the RFLMA, CDPHE chooses to enter into a grant to provide for the payment of CDPHE's costs for calendar year 2018.

## **Organization**

Staff in the Hazardous Materials and Waste Management Division (HMWMD) conduct CDPHE activities required by the RFLMA, including arranging participation by other State entities (e.g., the Governor's Office and the Attorney General's Office). The RFLMA Coordinator/Project Manager for the State is located in the Corrective Action Unit of the Hazardous Waste Program. The HMWMD administrative staff performs most of the administrative duties.

## **Work Breakdown Structure**

The general activities to be performed by the State using this grant are necessary to demonstrate adherence to requirements contained in the CAD/ROD and in the RFLMA.

The RFLMA Oversight Activities Work Breakdown Structure (WBS) consolidates all LM oversight activities to be performed by CDPHE. These activities may include, but are not limited to:

1. Technical reviews of Rocky Flats Site environmental data, reports, and other documents;
2. Consultation with DOE and EPA;
3. Internal and external communications;
4. Independent collection and/or analysis of Rocky Flats Site samples;
5. Rocky Flats Site Central Operable Unit inspections/visits;
6. Other activities as necessary to provide regulatory oversight pursuant to the CAD/ROD, RFLMA, and CHWA/RCRA; and/or,
7. Professional education and training.

Costs associated with program management, administration, and technical support, are included as a percentage of Personnel in the Budget, according to generally-accepted accounting practices,

which allocate management and administrative costs as follows:

- HMWMD uses the Department's Statistical Distribution System ("SDS") to allocate various management and administrative personal services overhead pools to a variety of federal and state funding sources. The SDS system, approved by the Department's federal cognizant agency, allocates these costs proportionally to funding sources based on the direct labor costs charged to those funding sources. Operating and equipment overhead costs are allocated manually in a similar manner.
- The Department uses cognizant-agency approved indirect cost rates to recover its Department-wide management and administrative costs. These rates pay for a wide range of costs, including Department executive management, financial services (accounting, budgeting and grants management), human resource management, information technology support, office space rental and other miscellaneous services.

### **Life Cycle Baseline**

The activities identified above under the WBS constitute the Life Cycle Baseline for CDPHE oversight of DOE's legacy management activities at Rocky Flats in CY 2018. The estimate of the workload is based on a percentage of full time equivalent (FTE) staff. Projected costs for CDPHE oversight activities for the WBS in CY 2018 are shown in the Funding Request section below. Taking the CY 2018 budget and determining a cost per FTE that includes both personnel and operating costs created the projected costs. This cost per FTE is then escalated at 5% per year to account for inflation. The cost projection for the WBS may increase or drop from year to year as the number of FTEs dedicated to the WBS changes.

Life Cycle Baseline assumptions are as follows:

1. The level of activity for CDPHE oversight is generally related to Rocky Flats site work activity, which is a function of the level of expenditures for LM activities.
2. The consultative and collaborative process envisioned in RFLMA provides for more effective problem solving between regulators and site managers, optimally resulting in more efficient decision-making. CDPHE will continue to have a public information and participation role throughout post-closure/LM.
3. Some unanticipated activities not provided for in the Life Cycle Baseline may be expected. Therefore, an appropriate level of flexibility must be present in the grant to allow for unanticipated activities.
4. CHWA/RCRA post-closure requirements are outlined in the RFLMA. Certain CHWA/RCRA fees are included in the Life Cycle Baseline.
5. Activities projected for out-years in the Life Cycle Baseline, the level of effort for these activities, and the costs for this effort are estimations only. Therefore the Life Cycle Baseline submitted as part of the annual funding request may have to be revised each year.

Funding is requested for the purpose of continuing to implement succession planning for the

eventual replacement of the CDPHE's RFLMA Coordinator assigned to the Rocky Flats site. As described in the CY 2017 grant narrative, this succession process will require a lengthy training and transition process, during which the new RFLMA Coordinator will become familiar with a variety of site issues:

- pertinent regulations and permits that govern the long-term operation and maintenance of post-closure activities;
- records and technical documents associated with this facility;
- data;
- ongoing activities and responsibilities, such as inspections, sampling, oversight, and grant activities;
- people and organizations who have some long-term interest in the site;
- public inquiries about the site;
- site history; and,
- various stakeholder concerns.

### **CY 2018 Funding Request**

Costs for the CY 2018 grant activities are described below and are summarized as follows:

Personnel	193,344
Travel	3,060
Contractual	1,950
Operating Expenses	1,150
Other (fees)	22,000
Indirect Charges	<u>43,891</u>
TOTAL	\$265,395

#### **Personnel**

- *Salaries* – \$150,376  
Salaries for non-contract staff funded under the grant are governed by the State pay system, and are consistent with those paid other personnel engaged in similar work. Individuals account for no more than 100% of their time on federal grants. Information technical support costs are now rolled into department indirect costs. Duties and responsibilities are described in the WBS section above. The WBS for CDPHE oversight activities will require 1.45 FTE for CY 2018.
- *Benefits* - \$42,968  
Standard, commonly recognized benefits are provided to all state employees on an equal basis per state personnel requirements. These include: group health, life, short-term disability, dental insurance, and a retirement plan. In addition, paid holidays, paid sick leave and paid vacation are provided.

Travel

- *In-State Travel* - \$530  
Staff are reimbursed at a rate established by the State Legislature when required to use their personal vehicle for activities directly related to Rocky Flats program work.
- *Out-of-State Travel* - \$2,500  
Estimated cost based on two 1-person trips reimbursed at actual cost as allowed by State Fiscal Rules.

Contractual

- *Colorado Attorney General's Office* - \$0
- *Laboratory Analyses* - \$1,950  
Cost estimate is based on the number and type of samples expected to be collected and a current laboratory price list.

Operating Expenses - \$1,150

- All operating and/or consumable items, including general office supplies and supplies for computer use. Costs are based on estimated quantities required and vendor quote or most recent purchase cost.

Fees - \$22,000

- Annual Hazardous Waste activity fees and environmental covenant fees derived from regulation-based calculations.

Indirect - \$43,891

- CDPHE annually negotiates a rate agreement governing the recovery of indirect costs with its cognizant federal agency, the U.S. Department of Health and Human Services.

**CDPHE Rocky Flats Legacy Management**

Period: Jan. 1, 2018 thru Dec. 31, 2018

RD08

	Period A (6 months) Jan. 1, 2018 to Jun. 30, 2018				Period B (6 months) Jul 1, 2018 to Dec 31, 2018				TOTAL Jan. 1, 2018 to Dec 31, 2018			
<u>Personal Services</u>												
Job Title	FTE	Salary	Fringe	Total	FTE	Salary	Fringe	Total	FTE	Salary	Fringe	Total
Environ Protect Spec IV	0.00	\$0	\$0	\$0	0.00	\$0	\$0	\$0	0.10	\$0	\$0	\$0
Environ Protect Spec III	0.95	\$48,461	\$13,542	\$62,004	0.95	\$49,673	\$13,881	\$63,554	0.80	\$98,134	\$27,423	\$125,557
Environ Protect Spec II	0.50	\$16,833	\$5,171	\$22,004	0.50	\$17,254	\$5,301	\$22,554	0.80	\$34,087	\$10,472	\$44,559
General Professional	0.00	\$0	\$0	\$0	0.00	\$0	\$0	\$0	0.05	\$0	\$0	\$0
Mgmt. & Adm. Support (SDS)		\$8,965	\$2,505	\$11,471		\$9,189	\$2,568	\$11,757		\$18,155	\$5,073	\$23,228
Personal services subtotal	1.45	\$74,260	\$21,219	\$95,479	1.45	\$76,116	\$21,749	\$97,866	1.75	\$150,376	\$42,968	\$193,344
<u>Travel</u>												
Out-of-State: 3 days @ \$750.00 trips: 2				\$1,250				\$1,250				\$2,500
In-State: Personal vehicle reimbursement (1,000 mls @ \$.53/ml)				\$265				\$265				\$530
Parking Reimbursement				\$15				\$15				\$30
Travel subtotal				\$1,530				\$1,530				\$3,060
<u>Contract</u>												
Legal Services: Attorney General Office				\$0				\$0				\$0
0 hours @ \$95.05 an hour												
Lab Analyses (base samplings only): CDPHE Lab Division				\$975				\$975				\$1,950
Contract subtotal				\$975				\$975				\$1,950
<u>Operating</u>												
Other Miscellaneous (communication, training, supplies, etc.)				\$250				\$250				\$500
Office equipment (non-ADP) PC upgrade				\$150				\$150				\$300
Software Maintainance: ESRI, EQUIS				\$0				\$0				\$0
Medical Services: Annual staff physicals (1 @ \$350/staff)				\$350				\$0				\$350
Operating subtotal				\$750				\$400				\$1,150
<u>Other (fees)</u>												
Hazardous Waste Activity Fees (Indirect exempt)				\$10,500				\$10,500				\$21,000
Environmental Covenant Fee (Indirect exempt)				\$500				\$500				\$1,000
PAST DUE Hazardous Waste Activity Fees (Indirect exempt)				\$0				\$0				\$0
Other subtotal				\$11,000				\$11,000				\$22,000
Direct subtotal				109,734				111,771				221,504
<u>Indirect</u>												
On-Site (personal, travel, lab, operating)	22.0%	\$98,734		\$21,721	22.0%	\$100,771		\$22,170	22.0%	\$199,504		\$43,891
Flow-Thru (legal services)	1.4%	\$0		\$0	1.4%	\$0		\$0	1.4%	\$0		\$0
Indirect subtotal		\$98,734		\$21,721		\$100,771		\$22,170		\$199,504		\$43,891
TOTAL				\$131,455				\$133,940				\$265,395

- 1- Teresa Steel - 720-250-1396 Tue
- 2- Diane - 2146 Nov. 1st week 11-2 shot 2 hours
- 3- 12/7 3:49 pm

Sent to DOE  
Friday 12/8/17

OMB Number: 4040-0004

Expiration Date: 8/31/2016

**Application for Federal Assistance SF-424**

\* 1. Type of Submission:

- ☐ Preapplication  
☒ Application  
☐ Changed/Corrected Application

\* 2. Type of Application:

- ☐ New  
☒ Continuation  
☐ Revision

\* If Revision, select appropriate letter(s):

\* Other (Specify):

\* 3. Date Received:

12/07/2015

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

.

**State Use Only:**

6. Date Received by State: 12/07/2016

7. State Application Identifier: FAAA FEEA RD15

**8. APPLICANT INFORMATION:**

\* a. Legal Name: Colorado Department of Public Health and Environment

\* b. Employer/Taxpayer Identification Number (EIN/TIN):

84-0644739

\* c. Organizational DUNS:

8782088260000

**d. Address:**

\* Street1: 4300 Cherry Creek Drive South

Street2: HMWMD - B2

\* City: Denver

County/Parish: Denver

\* State: CO: Colorado

Province:

\* Country: USA: UNITED STATES

\* Zip / Postal Code: 80246-1530

**e. Organizational Unit:**

Department Name:

Public Health & Environment

Division Name:

Hazardous Materials Waste Mgmt

**f. Name and contact information of person to be contacted on matters involving this application:**

Prefix: \* First Name: Carl

Middle Name:

\* Last Name: Spreng

Suffix:

Title: Program Manager

Organizational Affiliation:

\* Telephone Number: 303-692-3358

Fax Number:

\* Email: carl.spreng@state.co.us

## Application for Federal Assistance SF-424

### \* 9. Type of Applicant 1: Select Applicant Type:

A: State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\* Other (specify):

### \* 10. Name of Federal Agency:

Department of Energy

### 11. Catalog of Federal Domestic Assistance Number:

81.092

CFDA Title:

Environmenatl Restoration

### \* 12. Funding Opportunity Number:

\* Title:

### 13. Competition Identification Number:

Title:

### 14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

### \* 15. Descriptive Title of Applicant's Project:

Rocky Flats Legacy Management Agreement - Legacy Management Grant

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

**Application for Federal Assistance SF-424****16. Congressional Districts Of:**\* a. Applicant \* b. Program/Project 

Attach an additional list of Program/Project Congressional Districts if needed.

**17. Proposed Project:**\* a. Start Date: \* b. End Date: **18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="265,395.00"/>
* b. Applicant	<input type="text" value="0.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="265,395.00"/>

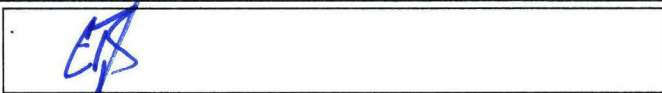
**\* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**☐ a. This application was made available to the State under the Executive Order 12372 Process for review on ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.☒ c. Program is not covered by E.O. 12372.**\* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

☒ \*\* I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**Prefix:  \* First Name: Middle Name: \* Last Name: Suffix: \* Title: \* Telephone Number: Fax Number: \* Email: \* Signature of Authorized Representative: \* Date Signed:

**Budget Information - Non Construction Programs**

OMB Approval No. 0348-0044

<b>Section A - Budget Summary</b>						
Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Rocky Flats Legacy Management Agreement - Legacy Management Grant				\$265,395		\$265,395
						\$0
						\$0
						\$0
Totals		\$0	\$0	\$265,395	\$0	\$265,395

<b>Section B - Budget Categories</b>					
6. Object Class Categories	Grant Program, Function or Activity				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	\$150,376				\$150,376
b. Fringe Benefits	\$42,968				\$42,968
c. OIT	\$0				\$0
c. Travel	\$3,060				\$3,060
e. Supplies- <b>Operating</b>	\$1,150				\$1,150
f. Contractual - <b>Legal and Lab</b>	\$1,950				\$1,950
g. Construction	\$0				\$0
h. Other - <b>DOE Fees</b>	\$22,000				\$22,000
i. Total Direct Charges (sum of 6a-6h)	\$221,504	\$0	\$0	\$0	\$221,504
j. Indirect Charges	\$43,891				\$43,891
k. <b>Totals</b> (sum of 6i-6j)	\$265,395	\$0	\$0	\$0	\$265,395
7. Program Income					\$0

Section C - Non-Federal Resources				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) Totals
8.				\$0
9.				\$0
10.				\$0
11.				\$0
12. Total (sum of lines 8 - 11)	\$0	\$0	\$0	\$0

Section D - Forecasted Cash Needs					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th quarter
13. Federal	*	\$66,349	\$66,349	\$66,349	\$66,349
14. Non-Federal	\$0				
15. Total (sum of lines 13 and 14)	\$0	\$66,349	\$66,349	\$66,349	\$66,349

Section E - Budget Estimates of Federal Funds Needed for Balance of the Project				
(a) Grant Program	Future Funding Periods (Years)			
	(b) First (CY2014)	(c) Second (CY2015)	(d) Third (CY2016)	(e) Fourth (CY2017)
16. Rocky Flats Legacy Management Agreement - Legacy Management Grant	\$265,395			
17.				
18.				
19.				
20. Total (sum of lines 16-19)	\$265,395			

Section F - Other Budget Information	
21. Direct Charges \$221,504	22. Indirect Charges \$43,891
23. Remarks	

**U.S. DEPARTMENT OF ENERGY**

**FINANCIAL ASSISTANCE**

**CERTIFICATIONS AND ASSURANCES**

**FOR USE WITH SF 424**

Applicant: Colorado Department of Public Health and Environment

Solicitation No.: DE-FG01-08LM00137

*The following certifications and assurances must be completed and submitted with each application for financial assistance. The name of the person responsible for making the certifications and assurances must be typed in the signature block on the forms.*

*Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug Free Workplace Requirements*

*DOE F 1600.5, Assurance of Compliance Nondiscrimination in Federally Assisted Programs*

**CERTIFICATIONS REGARDING LOBBYING;  
DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS;  
AND DRUG FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 10 CFR Part 601 "New Restrictions on Lobbying," 10 CFR Part 606 "Governmentwide Debarment and Suspension (Nonprocurement)" and 10 CFR Part 607 "Governmentwide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Energy determines to award the covered transaction, grant, or cooperative agreement.

**1. LOBBYING**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**2. ADDITIONAL LOBBYING REPRESENTATION**

Applicant organizations which are described in section 501(c)(4) of the Internal Revenue Code of 1986 and engage in lobbying activities after December 31, 1995, are not eligible for the receipt of Federal funds constituting an award, grant, or loan.

As set forth in section 3 of the Lobbying Disclosure Act of 1995 as amended, (2 U.S.C. 1602), lobbying activities are defined broadly to include, among other things, contacts on behalf of an organization with specified employees of the Executive Branch and Congress with regard to Federal legislative, regulatory, and program administrative matters.

Check the appropriate block:

The applicant is an organization described in section 501(c)(4) of the Internal Revenue Code of 1986? ☐ Yes ☒ No

If you checked "Yes" above, check the appropriate block:

The applicant represents that after December 31, 1995 it ☐ has ☐ has not engaged in any lobbying activities as defined in the Lobbying Disclosure Act of 1995, as amended.

**3. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
  - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
  - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust

statutes or commission of embezzlement, theft, forgery, bribery; falsification or destruction of records, making false statements, or receiving stolen property;

- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

#### **4. DRUG-FREE WORKPLACE**

This certification is required by the Drug-Free Workplace Act of 1988 (Pub.L. 100-690, Title V, Subtitle D) and is implemented through additions to the Debarment and Suspension regulations, published in the Federal Register on January 31, 1989, and May 25, 1990.

##### ***ALTERNATE I (GRANTEES OTHER THAN INDIVIDUALS)***

- (1) The grantee certifies that it will or will continue to provide a drug-free workplace by:
- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
  - (b) Establishing an ongoing drug-free awareness program to inform employees about:
    - (1) The dangers of drug abuse in the workplace;
    - (2) The grantee's policy of maintaining a drug-free workplace;
    - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
    - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
  - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
  - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
    - (1) Abide by the terms of the statement; and
    - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace not later than five calendar days after such conviction;
  - (e) Notifying the agency, in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
  - (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
    - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
    - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency;
  - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a),(b),(c),(d),(e), and (f).

- (2) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance: (Street address, city, county, state, zip code)

**Rocky Flats Environmental Technology Site**  
**Golden, Colorado**

☐ Check if there are workplaces on file that are not identified here.

**ALTERNATE II (GRANTEES WHO ARE INDIVIDUALS)**

- (1) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant.
- (2) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

**5. SIGNATURE**

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

Name of Applicant: **Colorado Department of Public Health and Environment**

Printed Name and Title of

Authorized Representative: **Chuck Bayard, Chief Financial Officer**

  
SIGNATURE

  
DATE

U.S. Department of Energy  
Assurance of Compliance

**Nondiscrimination in Federally Assisted Programs**

**OMB Burden Disclosure Statement**

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Office of Information Resources Management Policy, Plans, and Oversight, Records Management Division, HR-422 - GTN, Paperwork Reduction Project (1900-0400), U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585; and to the Office of Management and Budget (OMB), Paperwork Reduction Project (1900-0400), Washington, DC 20503.

(Hereinafter called the "Applicant")

HEREBY AGREES to comply with Title VI of the Civil Rights Act of 1964 (Pub. L.88-352), Section 16 of the Federal Energy Administration Act of 1974 (Pub.L.93-275), Section 401 of the Energy Reorganization Act of 1974 (Pub.L.93-438), Title IX of the Education Amendments of 1972, as amended (Pub.L.92-318, Pub.L.93-568, and Pub.L.94-482), Section 504 of the Rehabilitation Act of 1973 (Pub.L.93-112), the Age Discrimination Act of 1975 (Pub.L.94-135), Title VIII of the Civil Rights Act of 1968 (Pub.L.90-284), the Department of Energy Organization Act of 1977 (Pub.L.95-91), and the Energy Conservation and Production Act of 1976, as amended (Pub.L.94-385) and Title 10, Code of Federal Regulations, Part 1040. In accordance with the above laws and regulations issued pursuant thereto, the Applicant agrees to assure that no person in the United States shall, on the ground of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity in which the Applicant receives Federal assistance from the Department of Energy.

**Applicability and Period of Obligation**

In the case of any service, financial aid, covered employment, equipment, property, or structure provided, leased, or improved with Federal assistance extended to the Applicant by the Department of Energy, this assurance obligates the Applicant for the period during which Federal assistance is extended. In the case of any transfer of such service, financial aid, equipment, property, or structure, this assurance obligates the transferee for the period during which Federal assistance is extended. If any personal property is so provided, this assurance obligates the Applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance obligates the Applicant for the period during which the Federal assistance is extended to the Applicant by the Department of Energy.

**Employment Practices**

Where a primary objective of the Federal assistance is to provide employment or where the Applicant's employment practices affect the delivery of services in programs or activities resulting from Federal assistance extended by the Department, the Applicant agrees not to discriminate on the ground of race, color, national origin, sex, age, or disability, in its employment practices. Such employment practices may include, but are not limited to, recruitment advertising, hiring, layoff or termination, promotion, demotion, transfer, rates of pay, training and participation in upward mobility programs; or other forms of compensation and use of facilities.

**Subrecipient Assurance**

The Applicant shall require any individual, organization, or other entity with whom it subcontracts, subgrants, or subleases for the purpose of providing any service, financial aid, equipment, property, or structure to comply with laws cited above. To this end, the subrecipient shall be required to sign a written assurance form, however, the obligation or both recipient and subrecipient to ensure compliance is not relieved by the collection or submission of written assurance forms.

**Data Collection and Access to Records**

The Applicant agrees to compile and maintain information pertaining to programs or activities developed as a result of the Applicant's receipt of Federal assistance from the Department of Energy. Such information shall include, but is not limited to, the following: (1) the manner in which services are or will be provided and related data necessary for determining whether any persons are or will be denied such services on the basis of prohibited discrimination; (2) the population eligible to be served by race, color, national origin, sex, age, and disability; (3) data regarding covered employment including use or planned use of bilingual public contact employees serving beneficiaries of the program where necessary to permit effective participation by beneficiaries unable to speak or understand English; (4) the location of existing or proposed facilities connected with the program and related information adequate for determining whether the location has or will have the effect of unnecessarily denying access to any person on the basis of prohibited discrimination; (5) the present or proposed membership by race, color, national origin, sex, age, and disability, in any planning or advisory body which is an integral part of the program; and (6) any additional written data determined by the Department of Energy to be relevant to its obligation to assure compliance by recipients with laws cited in the first paragraph of this assurance.

The Applicant agrees to submit requested data to the Department of Energy regarding programs and activities developed by the Applicant from the use of Federal assistance funds extended by the Department of Energy, Facilities of the Applicant (including the physical plants, building, or other structures) and all records, books, accounts, and other sources of information pertinent to the Applicant's compliance with the civil rights laws shall be made available for inspection during normal business hours on request of an officer or employee of the Department of Energy specifically authorized to make such inspections. Instructions in this regard will be provided by the Director, Office of Civil Rights, U.S. Department of Energy.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts (excluding procurement contracts), property, discounts or other Federal assistance extended after the date hereto, to the Applicants by the Department of Energy, including installment payments on account after such data of application for Federal assistance which are approved before such date. The Applicant recognizes and agrees that such Federal assistance will be extended in reliance upon the representation and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, the successors, transferees, and assignees, as well as the person(s) whose signature appears below and who are authorized to sign this assurance on behalf of the Applicant.

### Applicant Certification

The Applicant certifies that it has complied, or that, within 90 days of the date of the grant, it will comply with all applicable requirements of 10 C.F.R. § 1040.5 (a copy will be furnished to the Applicant upon written request to DOE).

Designated Responsible Employee

Carl Spreng

Name and Title (Printed to Typed)

303-692-3358

Telephone Number

Signature

Date

Colorado Department of Public Health and Environment

Applicant's Name

(303) 692 - 3326

Telephone Number

4300 Cherry Creek Drive South

Address:

12-7-17

Date

Denver, Colorado 80246

Authorized Official:  
President, Chief Executive Officer  
or Authorized Designee

Chuck Bayard, Chief Financial Officer

Name and Title (Printed to Typed)

303) 692 - 2015

Telephone Number

Signature

Date