

Application for Federal Assistance
under CERCLA
State - EPA Cooperative Agreement

Callahan Mine, Brooksville, ME

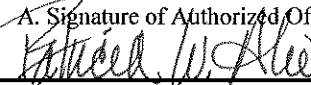
Submitted by:
State of Maine
Department of Environmental Protection

June 2012

**United States Environmental Protection Agency
Washington, DC 20460**

**Preaward Compliance Review Report for
All Applicants and Recipients Requesting EPA Financial Assistance**

Note: Read instructions on other side before completing form.

I. Applicant/Recipient (Name, Address, State, Zip Code). Maine Department of Environmental Protection 17 State House Station Augusta, Maine 04333	DUNS No. 809045586
II. Is the applicant currently receiving EPA assistance? Yes	
III. List all civil rights lawsuits and administrative complaints pending against the applicant/recipient that allege discrimination based on race, color, national origin, sex, age, or disability. (Do not include employment complaints not covered by 40 C.F.R. Parts 5 and 7. See instructions on reverse side.) None	
IV. List all civil rights lawsuits and administrative complaints decided against the applicant/recipient within the last year that allege discrimination based on race, color, national origin, sex, age, or disability and enclose a copy of all decisions. Please describe all corrective action taken. (Do not include employment complaints not covered by 40 C.F.R. Parts 5 and 7. See instructions on reverse side.) None	
V. List all civil rights compliance reviews of the applicant/recipient conducted by any agency within the last two years and enclose a copy of the review and any decisions, orders, or agreements based on the review. Please describe any corrective action taken. (40 C.F.R. § 7.80(c)(3))	
VI. Is the applicant requesting EPA assistance for new construction? If no, proceed to VII; if yes, answer (a) and/or (b) below. a. If the grant is for new construction, will all new facilities or alterations to existing facilities be designed and constructed to be readily accessible to and usable by persons with disabilities? If yes, proceed to VII; if no, proceed to VI(b). b. If the grant is for new construction and the new facilities or alterations to existing facilities will not be readily accessible to and usable by persons with disabilities, explain how a regulatory exception (40 C.F.R. § 7.70) applies.	
VII.* Does the applicant/recipient provide initial and continuing notice that it does not discriminate on the basis of race, color, national origin, sex, age, or disability in its programs or activities? (40 C.F.R. § 5.140 and § 7.95) a. Do the methods of notice accommodate those with impaired vision or hearing? b. Is the notice posted in a prominent place in the applicant's offices or facilities or, for education programs and activities, in appropriate periodicals and other written communications? c. Does the notice identify a designated civil rights coordinator? Yes	
VIII.* Does the applicant/recipient maintain demographic data on the race, color, national origin, sex, age, or handicap of the population it serves? (40 C.F.R. § 7.85(a)) Yes	
IX.* Does the applicant/recipient have a policy/procedure for providing access to services for persons with limited English proficiency? (40 C.F.R. Part 7, E.O. 13166) Yes	
X.* If the applicant/recipient is an education program or activity, or has 15 or more employees, has it designated an employee to coordinate its compliance with 40 C.F.R. Parts 5 and 7? Provide the name, title, position, mailing address, e-mail address, fax number, and telephone number of the designated coordinator. Yes Deb Phillips, Direct of Human Resources, 155 State House Station, Augusta, ME 04333-0155, deb.phillips@maine.gov , 207-287-4925	
XI* If the applicant/recipient is an education program or activity, or has 15 or more employees, has it adopted grievance procedures that assure the prompt and fair resolution of complaints that allege a violation of 40 C.F.R. Parts 5 and 7? Provide a legal citation or Internet address for, or a copy of, the procedures. Yes http://www.maine.gov/bhr/rules_policies/policy_manual/8_1.htm	
For the Applicant/Recipient	
I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law. I assure that I will fully comply with all applicable civil rights statutes and EPA regulations.	
A. Signature of Authorized Official 	B. Title of Authorized Official Commissioner
C. Date 5/17/2012	
For the U.S. Environmental Protection Agency	
I have reviewed the information provided by the applicant/recipient and hereby certify that the applicant/recipient has submitted all preaward compliance information required by 40 C.F.R. Parts 5 and 7; that based on the information submitted, this application satisfies the preaward provisions of 40 C.F.R. Parts 5 and 7; and that the applicant has given assurance that it will fully comply with all applicable civil rights statutes and EPA regulations.	

A. Signature of Authorized EPA Official See ** note on reverse side.	B. Title of Authorized EPA Official	C. Date
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EPA Form 4700-4 (Rev. 03/2008). Previous editions are obsolete.

Instructions for EPA FORM 4700-4 (Rev. 03/2008)

General

Recipients of Federal financial assistance from the U.S. Environmental Protection Agency must comply with the following statutes and regulations.

Title VI of the Civil Rights Acts of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Act goes on to explain that the statute shall not be construed to authorize action with respect to any employment practice of any employer, employment agency, or labor organization (except where the primary objective of the Federal financial assistance is to provide employment).

Section 13 of the 1972 Amendments to the Federal Water Pollution Control Act provides that no person in the United States shall on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the Federal Water Pollution Control Act, as amended. Employment discrimination on the basis of sex is prohibited in all such programs or activities.

Section 504 of the Rehabilitation Act of 1973 provides that no otherwise qualified individual with a disability in the United States shall solely by reason of disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Employment discrimination on the basis of disability is prohibited in all such programs or activities.

The Age Discrimination Act of 1975 provides that no person on the basis of age shall be excluded from participation under any program or activity receiving Federal financial assistance. Employment discrimination is not covered. Age discrimination in employment is prohibited by the Age Discrimination in Employment Act administered by the Equal Employment Opportunity Commission.

Title IX of the Education Amendments of 1972 provides that no person in the United States on the basis of sex shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Employment discrimination on the basis of sex is prohibited in all such education programs or activities. Note: an education program or activity is not limited to only those conducted by a formal institution.

40 C.F.R. Part 5 implements Title IX of the Education Amendments of 1972.

40 C.F.R. Part 7 implements Title VI of the Civil Rights Act of 1964, Section 13 of the 1972 Amendments to the Federal Water Pollution Control Act, and Section 504 of The Rehabilitation Act of 1973.

The Executive Order 13166 (E.O. 13166) entitled; "Improving Access to Services for Persons with Limited English Proficiency" requires Federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

Items

"Applicant" means any entity that files an application or unsolicited proposal or otherwise requests EPA assistance. 40 C.F.R. §§ 5.105, 7.25.

"Recipient" means any entity, other than applicant, which will actually receive EPA assistance. 40 C.F.R. §§ 5.105, 7.25.

"Civil rights lawsuits and administrative complaints" means any lawsuit or administrative complaint alleging discrimination on the basis of race, color, national origin, sex, age, or disability pending or decided against the applicant and/or entity which actually benefits from the grant, but excluding employment complaints not covered by 40 C.F.R. Parts 5 and 7. For example, if a city is the named applicant but the grant will actually benefit the Department of Sewage, civil rights lawsuits involving both the city and the Department of Sewage should be listed.

"Civil rights compliance review" means any review assessing the applicant's and/or recipient's compliance with laws prohibiting discrimination on the basis of race, color, national origin, sex, age, or disability.

Submit this form with the original and required copies of applications, requests for extensions, requests for increase of funds, etc. Updates of information are all that are required after the initial application submission.

If any item is not relevant to the project for which assistance is requested, write "NA" for "Not Applicable."

In the event applicant is uncertain about how to answer any questions, EPA program officials should be contacted for clarification.

* Questions VII – XI are for informational use only and will not affect an applicant's grant status. However, applicants should answer all questions on this form. (40 C.F.R. Parts 5 and 7).

** Note: Signature appears in the Approval Section of the EPA Comprehensive Administrative Review For Grants/Cooperative Agreements & Continuation/Supplemental Awards form.

Approval indicates, in the reviewer's opinion, questions I – VI of Form 4700-4 comply with the preaward administrative requirements for EPA assistance.

"Burden Disclosure Statement"

EPA estimates public reporting burden for the preparation of this form to average 30 minutes per response. This estimate includes the time for reviewing instructions, gathering and maintaining the data needed and completing and reviewing the form. Send comments regarding the burden estimate, including suggestions for reducing this burden, to U.S. EPA, Attn: Collection Strategies Division (MC 2822T), Office of Information Collection, 1200 Pennsylvania Ave., NW, Washington, D.C. 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

The information on this form is required to enable the U.S. Environmental Protection Agency to determine whether applicants and prospective recipients are developing projects, programs and activities on a nondiscriminatory basis as required by the above statutes and regulations.

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):**

A & C

*** Other (Specify)**

*** 3. Date Received:**

4. Applicant Identifier:

ME

5a. Federal Entity Identifier:

*** 5b. Federal Award Identifier:**

V961740201

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*** a. Legal Name:**

State of Maine

*** b. Employer/Taxpayer Identification Number (EINTIN):**

01-6000001

*** c. Organizational DUNS:**

80-904-55-86

d. Address:

*** Street1:**

17 State House Station

Street2:

*** City:**

Augusta

County:

Kennebec

*** State:**

Maine

Province:

*** Country:**

USA: UNITED STATES

*** Zip / Postal Code:**

04333-0017

e. Organizational Unit:

Department Name:

Maine Department of Environmental Protection

Division Name:

Division of Remediation

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

Prefix:

Mr.

*** First Name:**

Naji

Middle Name:

N.

*** Last Name:**

Akladiss

Suffix:

Title:

Project Manager

Organizational Affiliation:

Maine Department of Environmental Protection

*** Telephone Number:**

(207) 287-7709

Fax Number:

(207) 287-7826

*** Email:**

naji.n.akladiss@maine.gov

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:**

United States Environmental Protection Agency

11. Catalog of Federal Domestic Assistance Number:

66.802

CFDA Title:

Superfund State, Political Subdivision, and Indian Tribe Site-Specific Cooperative Agreement

*** 12. Funding Opportunity Number:**

* Title:

13. Competition Identification Number:

Title:

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

Brooksville, Knox County, Maine

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

Callahan Mine Site State Superfund Cooperative Agreement: Cleanup of lead, arsenic, and thallium contamination in residential yards and PCB contamination in former Mine Operations Area through implementation of Operable Unit 1 of the Remedial Action for the Callahan Mine Superfund Site. Operable Unit 1 was authorized by the Record of Decision signed on September 30, 2009.

Attach supporting documents as specified in agency instructions.

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 \$2,250,000
* b. Applicant \$250,000
* c. State \$0
* d. Local \$0
* e. Other \$0
* f. Program Income \$0
* g. TOTAL \$2,500,000

*** 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.) Applicant Federal Debt Delinquency Explanation**

Yes No

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

SECTION A - BUDGET SUMMARY							
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) (2012)	NON-FEDERAL (F) (2013)	TOTAL (G)
1. CERCLA	66.802	\$	\$	\$	\$125,000.00	\$125,000	\$250,000.00
2.							
3.							
4.							
5.		\$	\$	\$	\$125,000.00	\$125,000	\$250,000.00
SECTION B - BUDGET CATEGORIES							
GRANT PROGRAM, FUNCTION OR ACTIVITY							
6. Object Class Categories	(1) Federal 2011	(2) State 2011	(3) Federal 2012	Federal 2013	(4) State 2012	State 2013	TOTAL (5)
a. Personnel					\$30,000	\$30,000	\$60,000
b. Fringe Benefits @ 55%					\$ 16,500	\$ 16,500	\$33,000
c. Travel					\$ 5000	\$ 5000	\$10,000
d. Equipment					\$ 1500	\$ 1500	\$3000
e. Supplies					\$ 2000	\$ 2000	\$4000
f. Contractual			\$1,125,000	\$1,125,000	\$ 52,000	\$ 52,000	\$2,354,000
g. Construction							
h. Other					\$787	\$787	\$1574
i. Total Direct Charges (sum of 6a-6h)			\$1,125,000	\$1,125,000	\$107,787	\$107,787	\$2,465,574
j. Indirect Charges @15.97%					\$ 17,231	\$ 17,231	\$34,426
k. Totals (sum of 6i and 6j)			\$1,125,000	1,125,000	\$125,000	\$125,000	\$2500,000
7. Program Income							

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SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) applicant	(c) State (2012)	State (2013)	State	(d) Other Sources	(e) TOTALS
8. State Superfund Cooperative Agreement		\$125,000	\$125,000			\$250,000.00
9.						
10.						
11.						
12. TOTALS (sum of lines 8 and 11)		\$125,000	\$125,000			\$250,000.00

SECTION D - FORECASTED CASH NEEDS

13. Federal	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
2012			\$ 0	\$ 1,125,000	\$ 0
2013			1,125,000		
14. Non Federal (2012)				\$50,000	\$75,000
Non Federal 2013			\$50,000	\$50,000	\$25,000
15. TOTAL (sum of lines 13 and 14)			\$1,175,000	\$1,225,000	\$100,000

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	(b) First	(c) Second	(d) Third	(e) Fourth
16.	\$	\$	\$	\$
17.				
18.				
19.				
20. TOTALS (sum of lines 16 - 19)				

SECTION F - OTHER BUDGET INFORMATION
(Attach additional Sheets if Necessary)

21. Direct Charges:	22. Indirect Charges:
23. Remarks	

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.


As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color, or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616) relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42, U.S.C. § 3601 et seq.) as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) and other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-910) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant

to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of Authorized Certifying Official: 	Title: Commissioner
Applicant Organization: Maine Department of Environmental Protection	Date Submitted 5/17/2012

**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 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide 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. 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 government 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.
-

3. 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)

Brooksville, Hancock county, Maine



—

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.

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

NAME OF APPLICANT	PR/AWARD AND/OR PROJECT NAME
Maine Dept. of Environmental Protection EPA-State Cooperative Agreement under CERCLA 9/1/2010 to 12/31/2013	
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
Patricia W. Aho, Commissioner	
SIGNATURE	DATE
	

**COOPERATIVE AGREEMENTS WORK PLAN SUMMARY
OU 1 REMEDIAL ACTION
CALLAHAN MINE SUPERFUND SITE
2010-2012**

PRIOR COOPERATIVE AGREEMENT (\$3 MILLION)

This section describes early action at the site between 2010 and 2011 under the prior Cooperative Agreement.

Pre-excavation Characterization

In 2010 a pre-excavation characterization was completed to delineate the contaminants of concern above cleanup goals within the former Mine Operations Area and Residential Use Area.

Remedial Action Contract

A remedial construction contractor was selected through a competitive bid process. Charter environmental was selected to perform the construction portion of the contract and CES was selected as the quality assurance contractor.

Residential Use Area Remediation and Restoration

Charter Environmental began the remediation of five seasonal residences in the spring of 2011. Metal contaminated soil above cleanup goals was excavated from the five properties and transported to the tailings impoundment for stockpiling. Prior to and during the stockpiling, a stability analysis of the tailings impoundment was performed to evaluate the suitability of this area and to identify the optimal stockpiling location.

Restoration of the residential areas included the replacement of drinking water wells, subsurface wastewater systems, and the boat ramp at Lot E. The affected areas of the residential lots were restored and the driveways were repaired. Old Mine Road was replaced with asphalt pavement. The remediation and restoration of the residential areas were completed in the summer of 2011.

Former Mine Operations Area Remediation

Charter Environmental began the remediation of the former mine operations area during 2011. The remediation included the excavation of PCB contaminated soil along the western portion and the north eastern portion of the former mine operations area. To aid in the remediation of the former mine operations area, ore pad material was excavated and stockpiled at the tailings impoundment. This material was removed to prevent lead and arsenic from recontaminating the Mine Operation Area. Over 21,500 cy of soil and waste rock was excavated and stockpiled at the tailings impoundment. PCB impacted soils were excavated and stockpiled within designated areas of the former mine operations area in preparation for off-site transportation and disposal.

During this excavation, supplementary sampling within the former mine operations area identified PCB impacted soils beyond those identified in the remedial investigation. Extensive sampling and some additional excavation was conducted in these areas during

2011, but excavation had to be halted in the winter of 2011. Further sampling in the spring of 2012 has delineated the vertical and horizontal extent of all remaining PCB impacted areas at the site. The results of the characterization were used to determine the extent of the final excavation limits and to estimate volumes of PCB contaminated soil above the cleanup goals. Soil samples collected during the spring 2012 sampling investigation were also retained for waste characterization profiling.

Approximately 6460 tons of <50 ppm PCB material was transported to Norridgewock, Maine for disposal at the Crossroads Special Waste Landfill. Approximately 2896 tons of >50 ppm PCB material was transported to New York for disposal at the Model City Hazardous Waste landfill.

CURRENT COOPERATIVE AGREEMENT (\$2.5 MILLION) for 2012-2013

This section describes the work that will be done under this cooperative agreement amendment.

Former Mine Operations Area Remediation and Restoration

In 2012 remediation of the former mine operations area will continue with the excavation of >50 ppm PCB contaminated soils. The >50 ppm PCB contaminated soils estimated to be 1137 tons will be transported to New York for disposal at the Model City landfill. Waste characterization profiling will be submitted to the disposal facility for review and approval.

Depending on the final cost to remove the above soil, the <50 ppm PCB contaminated soils will be either excavated and transported to Norridgewock, Maine for disposal at Crossroads Landfill or remain in place for now.. Contaminated soil that needs to be relocated to facilitate storm water control and provide clean roadway may need to be stockpiled. Subject to budget constraints, every effort will be made to transport to an off-site disposal facility those soils with > 10 ppm PCBs., estimated to be 1694 tons, . Any PCB contaminated soil stockpiled at the site will be covered with a geosynthetic cover system that is approved by DEP and EPA.

Once the PCB contaminated soil above cleanup goals are removed, the Mine Operations Area will be restored. Substantial grading will be required to handle surface runoff and comply with sediment and erosion control best management practices. If PCB contaminated soil remains at the site, over the winter the DEP, EPA and DOT will evaluate remaining contamination and develop remedial options in consultation with the public. During the 2013 field season the DEP and EPA will address the remaining OU-1 contamination on site in accordance with ROD.

SITE HISTORY AND DESCRIPTION OF THE REMEDY

Callahan Mine Superfund Site
Brooksville, Hancock County, Maine
MED980524128
Site ID No: 0101028

The Callahan Mine Superfund Site ("Site") is located in the village of Brooksville, Maine. The former Callahan Mine was an open-pit, inertial zinc/copper mine. The 120-acre Callahan Mine site includes the former industrial operations area, a series of waste rock piles, and a tailings impoundment; Goose Pond, which includes Dyer Cove, the submerged former Mine Pit, Stink Cove, and the wetlands within Goose Pond; Goose Cove; and the Residential Use Area. The waste rock piles and operational areas are for the most part un-vegetated and barren. In addition to the four seasonal homes on Old Mine Lane in the Residential Use Area of the Site, private residences and seasonal homes are located adjacent to the former Callahan Mine property on Goose Falls Road and Cape Rosier Road. The Holbrook Island Sanctuary State Park is immediately east of the Site.

In 1964, the mine property was brought to the attention of Callahan Mining Corporation (Callahan). Historical tunnel mining at the Site had proved uneconomical but Callahan's thought an open-pit mining operation would be profitable so Callahan acquired the shoreline property. In order to operate an open-pit mine, a portion of which was within the limits of Goose Pond, from 1968 to 1972, Callahan obtained a variety of government leases, legislation, and permits.

Callahan began pre-construction activities at the mine in 1965. Dam construction to drain Goose Pond was completed in 1966, and an ore processing facility was completed. Open-pit mining operations commenced on February 17, 1968. When the pit reached a depth of approximately 100 feet, mining operations were interrupted when approximately 225,000 tons of mud flowed into the pit from Stink Cove leaving a 33-foot thick layer of organic silt covering some excavation equipment. Callahan spent six months removing silt and disposing it at Waste Rock Pile-1 (WRP-1). When mining operations ceased in 1972, the mine consisted of a roughly circular open pit approximately 600 feet in diameter and 320 feet deep.

The Site was finalized on the NPL on September 5, 2002. EPA began the RI/FS at the Site in 2004. In 2005, EPA signed an Administrative Order by Consent (AOC) to allow the State of Maine to complete the RI/FS. The Maine Department of Transportation ("Maine DOT") was identified by the State as the State entity to implement the requirements of the AOC to complete the RI/FS. Maine DOT retained MACTEC Engineering and Consulting, Inc. (MACTEC) for the performance of the RI/FS. The AOC remains in effect until the RI/FS for the final operable unit (expected to be for OU2) is complete at the Site.

EPA signed a Record of Decision (ROD) for Operable Unit 1 of the Callahan Mine Superfund Site on September 30, 2009. The ROD created two Operable Units. Operable Unit 1,

as specified in the September 30, 2009 Operable Unit 1 Record of Decision (“OU1 ROD”) targets the following threats to human health and the environment:

- Soil and waste contaminated with PCBs;
- Soil and waste that represent the most significant threat to surface water, sediments, and groundwater (Ore Pad, Mine Operations Area, Waste Rock Pile 3, and Tailing Impoundment);
- Areas of sediment that were shown to be acutely toxic and represent a food chain threat (Southern Goose Pond and adjacent salt marsh); and
- Soil and waste contaminated with lead and arsenic in areas with current residential use.

The selected remedy for Operable Unit 1 includes the following major components:

- Pre-design investigations and studies;
- Tailings Impoundment Cover System with stabilization measures
- Development of an on-site quarry to supply material for the Tailings Impoundment Cover System;
- Installation of drainage to dewater the Tailings Impoundment and treatment of the discharge
- Excavation and subaqueous disposal of WRP-3, Ore Pad, and Mine Operations Area source material in the confined aquatic disposal (“CAD”) cell in the former mine pit;
- Excavation of soil containing arsenic and lead exceeding site-specific cleanup levels in the Residential Use Area of the Site and subaqueous disposal in the CAD cell;
- Excavation and off-site disposal of soil contaminated with polychlorinated biphenyls (“PCBs”) exceeding site-specific PCB cleanup levels identified in Table 57 of the OU1 ROD;
- Excavation and off-site disposal of petroleum-contaminated soil commingled with CERCLA waste;
- Dredging of Goose Pond and salt marsh sediment exceeding site-specific sediment cleanup levels and disposal in the CAD cell ;
- Establishment of institutional controls to protect the components of the remedy;
 - Mitigation, restoration, and compensation for wetland impacts,
- Installation of monitoring wells (if warranted);
- Long-term operation maintenance and monitoring; and
- Five-year reviews.

After the OU1 ROD was issued, EPA further divided the work covered by the OU1 ROD into two components:

- “New” Operable Unit 1 (hereinafter “OU1”) shall include the activities associated with the excavation and on-site disposal of lead, arsenic, and thallium contamination in the Residential Use Area and the excavation and off-site disposal of the PCBs and commingled petroleum contamination in the Mine Operations Area; and

- Operable Unit 3 (“OU3”) shall include all other components of the “old” OU1, as discussed in the OU1 ROD.

As a result, the OU1 ROD now covers the work to be performed under both OU1 and OU3.

Operable Unit 2 (“OU2”) will address all other areas and media at the Site where risks to human health or the environment are present that are not addressed by OU1. In addition to the OU1 Remedial Action described in the OU1 ROD, an Early Action will also be implemented for OU2. The OU2 Early Action will address the future potential threat from ingestion of groundwater and direct contact with contaminated soil/waste within the former Callahan Mine property portion of the Site. A current State ban on the harvesting of clams, oysters, and mussels in Goose Pond and Goose Cove will be incorporated into the OU2 remedy as part of the OU2 Early Action until such time as any risks to human health from consumption of these species is assessed through the OU2 ROD. The OU2 Early Action includes the implementation of land use restrictions on the former Callahan Mine property portion of the Site to:

- Prevent the installation of water supply wells; and
- Prevent residential development.

The remaining components of OU2 will address Site-wide groundwater and soil contamination, as well as the potential risks posed from the consumption of clams, oysters, and mussels. OU2 will also evaluate whether the contamination of two adjacent water supply wells is related to the Site. OU2 will also evaluate the success of OU1 and OU3 to determine whether any additional actions are necessary to address any remaining risks posed by surface water and sediment after implementation of the OU1 remedy. The OU1 Remedial Investigation Report, including the Human Health Risk Assessment (“HHRA”) and Baseline Ecological Risk Assessment (“BERA”), evaluated the entire study area for OU1, OU3 and OU2. A supplemental Remedial Investigation Report and revised HHRA and BERA reports may be developed for OU2 if the information collected prior to the completion of the OU2 RI/FS suggests that such a revision is necessary.

In 2009 an AOC was signed between the DEP, DOT, and EPA that designated the DEP to conduct the environmental oversight and DOT to act as the PRP for the State. The DOT is responsible for the remedial investigation and design work. In 2010 the DEP entered into a prior \$3M cooperative agreement for OU-1 that addressed contaminated residential soils and PCB contamination in the Mine Operation Area. However PCB contamination was much more widespread than anticipated so funding was insufficient to fully carry out the remedy for OU-1. The current cooperative agreement is for the purposes of removing the remaining PCB contaminated soils.

Callahan Mine - 2012 Activities

Activity	Estimated costs		
	On-site	T&D	
2012 > 50 PPM excavation and disposal			
Residential punch list items	\$25,000.00		
Work plan development	\$10,000.00		
Mobilize contractor	\$90,000.00		
Site prep activities	\$100,000.00		
Excavate PCB > 50 ppm	\$32,000.00		
EPA mobile lab confirmation	\$5,000.00		
TCLP sampling	\$30,000.00	\$10,000.00	
Contractor prepares for T&D			
Excavate > 10 ppm and < 50 ppm	\$80,000.00		
T & D for > 50 ppm		\$320,000.00	
T & D for > 10 < 50 ppm		\$130,000.00	
Loading for T & D	\$36,000.00		
Drainage swale at tailings impoundment	\$10,000.00		
Site restoration -grading - partial	\$25,000.00		
Site restoration - planting and seeding - 4 acres	\$65,340.00		
Misc	\$5,000.00		
Inspection - partial			
Demobilization	\$12,000.00		
	\$525,340.00		
Site QA and oversight	\$100,023.64		
	\$625,363.64	\$460,000.00	\$1,085,363.64
Other miscellaneous costs:			
Administrative tracking - Prime Contractor			\$51,000.00
			\$51,000.00
Subtotal FY 12			\$1,136,363.64
		10% contingency	\$113,636.36
		Total with contingenc	\$1,250,000.00
EPA Share		EPA Share	\$1,125,000.00
Maine DEP Share - inkind services contributed towards total		Maine DEP Share	\$125,000.00
			\$1,250,000.00

Callahan Mine - 2013

Activity	Estimated costs	
	On-site	
Mobilize contractor	\$88,000.00	
Site prep activities	\$100,000.00	
Create stockpile area for < 50 ppm	\$40,000.00	
Excavate < 50 ppm	\$120,000.00	
Install cover over < 50 ppm stockpile	\$200,000.00	
Site restoration -grading	\$75,000.00	
Site restoration - planting and seeding	\$91,476.00	
Misc	\$170,000.00	
Final Inspection	\$3,000.00	
Demobilization	\$12,000.00	
	\$899,476.00	
Site QA and oversight	\$98,887.64	
	\$998,363.64	\$998,363.64
Other miscellaneous costs:		
Administrative tracking - Prime Contractor		\$78,000.00
Final Report		\$40,000.00
As Built surveys		\$10,000.00
Water quality sampling		\$10,000.00
	Sub-total	\$138,000.00
Total estimate to complete OUI		\$1,136,363.64
	10% contingency	\$113,636.36
	Total with contingency	\$1,250,000.00
EPA Share	EPA share	\$1,125,000.00
Maine DEP Share - inkind services contributed towards total	Maine DEP Share	\$125,000.00
	FY 2013 total	\$1,250,000.0
	FY 2012 Total	\$1,250,000.0
	Total cost to complete	\$2,500,000.0
	EPA Share	\$2,250,000.0
	Maine DEP Share	\$250,000.0
		\$2,500,000.0

Intergovernmental Approval

Pending



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 WASHINGTON, D.C. 20460
OMB CIRCULAR A-87 COGNIZANT AGENCY
NEGOTIATION AGREEMENT

State of Maine
 Department of Environmental
 Protection
 Augusta, ME

Date: February 8, 2012

Filing Ref: April 22, 2011

The indirect cost rates contained herein are for use on grants and contracts with the Federal Government to which Office of Management and Budget Circular A-87 applies, subject to the limitations contained in the Circular and in Section II, A below.

SECTION I: RATES

<u>Type</u>	<u>Effective Period</u>		<u>Rate</u>	<u>Base</u>
	<u>From</u>	<u>To</u>		
Fixed	7/1/2012	6/30/2013	15.97%	(a)

Basis for Application

(a) Total direct costs less grants, flow through funds, land, building, and equipment.

Treatment of Fringe Benefits: Fringe benefits applicable to direct salaries and wages are treated as direct costs.

SECTION II: GENERAL

A. **LIMITATIONS:** The rates in this Agreement are subject to any statutory and administrative limitations and apply to a given grant, contract or other agreement only to the extent that funds are available. Acceptance of the rates is subject to the following conditions: (1) Only costs incurred by the department/agency or allocated to the department/agency by an approved cost allocation plan were included in the indirect cost pool as finally accepted; such costs are legal obligations of the department/agency and are allowable under governing cost principles; (2) The same costs that have been treated as indirect costs have not been claimed as direct costs; (3) Similar types of costs have been accorded consistent accounting treatment; and (4) The information provided by the department/agency which was used to establish the rates is not later found to be materially incomplete or inaccurate by the Federal Government. In such situations the rate(s) would be subject to renegotiation at the discretion of the Federal Government.

B. CHANGES. The fixed rate contained in this agreement is based on the organizational structure and the accounting system in effect at the time the proposal was submitted. Changes in the organizational structure or changes in the method of accounting for costs which affect the amount of reimbursement resulting from use of the rate in this agreement, require the prior approval of the authorized representative of the responsible negotiation agency. Failure to obtain such approval may result in subsequent audit disallowances.

C. THE FIXED RATE contained in this agreement is based on an estimate of the cost which will be incurred during the period for which the rate applies. When the actual costs for such a period have been determined, an adjustment will be made in the negotiation following such determination to compensate for the difference between the cost used to establish the fixed rate and that which would have been used were the actual costs known at the time.

D. NOTIFICATION TO FEDERAL AGENCIES: Copies of this document may be provided to other Federal agencies as a means of notifying them of the agreement contained herein.

E. SPECIAL REMARKS: This rate does not apply to Brownsfield grants, large Hazardous Waste Superfund contracts and to Section 319(h) non-point source grants to sub-recipients.

ACCEPTANCE

By the State Agency:

By the Federal Agency:

Patricia W. Aho
(Signature)

Jacqueline Smith
(Signature)

Patricia Aho
(Name)

Jacqueline Smith, Rate Negotiator
Financial Analysis and
Oversight Service Center
U.S. Environmental
Protection Agency
February 8, 2012

Commissioner
(Title)

Maine DEP
(Agency)

2/21/2012
(Date)

Negotiated by: Jacqueline Smith
Telephone: (202) 564-5055