

STATE OF COLORADO

John W. Hickenlooper, Governor
Christopher E. Urbina, MD, MPH
Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S. Laboratory Services Division
Denver, Colorado 80246-1530 8100 Lowry Blvd.
Phone (303) 692-2000 Denver, Colorado 80230-6928
Located in Glendale, Colorado (303) 692-3090

<http://www.cdphe.state.co.us>



Colorado Department
of Public Health
and Environment

Covenant Information:

Covenant ID **ICIGA00001**

Covenant Date 4/11/2014

Self Reporting

Media of Concern:

Surface Water:

Ground Water:

Air:

Soil:

Other:

Site Contact Information:

Owner Corp: City of Thornton

Contact Name: Mr. Jerry Dye

Contact Address: 9500 Civic Center Drive

Contact City: Thornton

Contact State: CO

Contact Zip: 80229

Contact Phone:

Contaminants of Concern:

tetrachloroethylene (PCE), trichloroethylene (TCE)

Property Restrictions:

- 1: No one, other than the City of Thornton may drill an new well and extract or use groundwater.
- 2: These restrictions are based on a city ordinance enacted in 2003 and applied as a control on this site via an interagency agreement with CDPHE.
- 3:
- 4:
- 5:

Site Information:

ID: COD098406937

Name: GIGANTIC CLEANERS

Address: 410 E 104TH AVE

City: THORTON

State: CO

Zip: 80233

Legal Description:

SEE INSTITUTIONAL CONTROL

GIGANTIC CLEANERS

104°59'0"W

104°58'45"W

Featured Institutional Control



39°53'15"N

39°53'15"N

105th

Pennsylvania

Pearl

Washington

Clarkson

104th

104th

ICIGA00001

Target Store Access

39°53'0"N

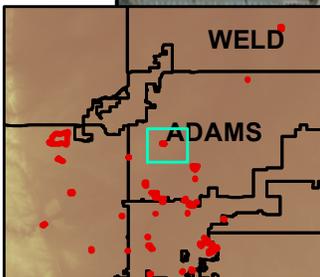
39°53'0"N

dens

Grant

Downing

102nd



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104°58'45"W

ICIGA00001

0

150

300

Meters



THE STATE OF COLORADO, DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

AND

THE CITY OF THORNTON, A COLORADO MUNICIPAL CORPORATION

INTERGOVERNMENTAL AGREEMENT FOR

OVERSIGHT AND ENFORCEMENT OF NON-TRIBUTARY AND TRIBUTARY GROUNDWATER USE

PROHIBITIONS FROM ORDINANCE #2759 AND THE THORNTON CITY CODE.

THIS INTERGOVERNMENTAL AGREEMENT ("IGA") is executed by the State of Colorado, acting through the Colorado Department of Public Health and Environment ("CDPHE"), whose address is 4300 Cherry Creek Drive South, Denver, CO 80246, and the City of Thornton, Adams County, State of Colorado, a Colorado Municipal Corporation, ("Thornton") whose address is 9500 Civic Center Drive, Thornton, CO 80229.

RECITALS:

- I. WHEREAS, in accordance with the authority provided in the Colorado Hazardous Waste Act, §25-15-301 *et seq.*, C.R.S., and its accompanying regulations, 6 C.C.R. 1007-2 §100.26, on May 9, 2011 CDPHE approved Thornton's Corrective Action Plan dated November 30, 2010 for the remediation of environmental contamination which originated from the Former Gigantic Cleaners #25, which was located formerly at 610 East 104th Avenue (the "Source Parcel").
- II. WHEREAS, Gigantic Cleaners #25 operated a dry cleaning facility on the Source Parcel until August 1997. Gigantic Cleaners #25 was registered as an Environmental Protection Agency (EPA) Hazardous Waste Generator, EPA ID # CO098406397, through February 2001.
- III. WHEREAS, the Corrective Action Plan calls for the remediation and monitoring of tetrachloroethylene (PCE) in soils and groundwater on the Source Parcel and two former adjacent parcels, located at 660 East 104th Avenue and 10301 Washington Street (the "Redevelopment Site") as shown in Attachment 1. Two removal actions eliminated the contaminated soil from the Source Parcel.
- IV. WHEREAS, the PCE levels in all wells are stable or declining evidencing the effectiveness of the source removal. Although the source removal appears to be effective, the PCE levels remain above the state groundwater standards. The current levels could result in a threat to human health and the environment.
- V. WHEREAS, Thornton City Code section 74-108, Connection to City Water and Sewer System Required, provides that developed or redeveloped properties within the city limits shall receive water and sewer service only from the city's water and sewer systems, not from groundwater

wells or septic systems. Connection to Thornton's water or sewer system is required and service shall be mandatory for houses, buildings or other developed or redeveloped properties which are adjacent to Thornton's water system. Further, on February 25, 2003, Thornton approved Ordinance #2759 which enacted a citywide use restriction preventing future development of non-tributary groundwater extraction wells within the city limits and incorporated such restrictions as part of the Code of the City of Thornton. Section 74-108 and Ordinance #2759 will hereafter be referred to as "the Ordinances".

- VI. WHEREAS, the Ordinances address the restrictions and requirements imposed on the extraction of groundwater and drilling new wells.
- VII. WHEREAS, compliance with the Ordinances shall result in conditions at the real properties that are protective of human health and the environment; and
- VIII. WHEREAS, CDPHE and Thornton enter into this IGA pursuant to the authority in Colorado Revised Statute § 29-1-203 and § 25-15-320 for the purpose of receiving conditional closure from CDPHE on the Redevelopment Site, and enabling economic development on the Redevelopment Site in order to increase business opportunities and employment opportunities in Thornton and the State of Colorado.

NOW THEREFORE, CDPHE and the City of Thornton agree as follows:

1. The above recitals shall be incorporated into this IGA as if they were set forth below.
2. Thornton shall maintain the Ordinances, subject to its authority to repeal or amend, but then only in accordance with the requirement in 2.c. below.
 - a. Thornton shall give at least thirty (30) days written notice to CDPHE of any proposed amendment to or repeal of the Ordinances.
 - b. Upon receiving a building permit for the Property, Thornton shall provide a copy of the Ordinances to the property owner and the building permit applicant.
 - c. Any amendment or repeal of the Ordinances shall incorporate such requirements as the CDPHE may recommend to ensure continued protection of human health and the environment within the Redevelopment Site pursuant to Colorado Revised Statute 25-15-320(3)(b).
3. Thornton agrees not to drill for any groundwater beneath the area within this IGA boundary unless CDPHE provides prior written approval to Thornton.
4. As provided in C.R.S. 25-15-320(3)(b)(III), this IGA authorizes Thornton and CDPHE to enforce the Ordinances within the Redevelopment Site. CDPHE shall have the authority to file an action in Adams County district court seeking injunctive relief to require compliance with the Ordinances. Thornton shall not be required to perform additional remediation or create an environmental

covenant for the Source Parcel or the Redevelopment Site, unless the Ordinances are repealed or amended, or unless the IGA is terminated.

5. This IGA does not prevent or limit Thornton from enforcing its Regulations as it would in the normal course of business.
6. This IGA also does not prevent or limit Thornton from enforcing the Ordinances in any manner.
7. If CDPHE seeks to enforce the Ordinances to obtain injunctive relief from Adams County District Court, the Department shall inform the City in writing of its intended actions not less than 14 days in advance of any filing. The Department shall not seek any reimbursement of its costs from Thornton.
8. This IGA shall become effective on the date of execution by the last signatory party to this IGA.
9. This IGA may be amended by mutual consent of the parties at the same organizational level as those who sign this IGA, or terminated by either party providing the other 14 days written notice.

IN WITNESS WHEREOF, the parties have executed this agreement on the date indicated for each respective signatory:

CITY OF THORNTON

By: Jayna Hunt, Acting

Jack Ethredge, City Manager and Utilities Director

12-20-13

DATE

ATTEST:



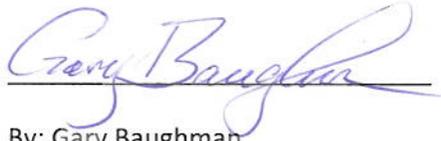
Nancy Vincent, City Clerk

APPROVED AS TO FORM:

Margaret Emerich

Margaret Emerich, City Attorney

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



By: Gary Baughman

1/8/14
DATE

Title: Director, Hazardous Materials Waste Management Division

Approved as to form:



Jennifer Robbins #34393*
Assistant Attorney General
Office of the Attorney General
Natural Resources and Environment Section
Attorney for the Department
1300 Broadway, 7th Floor
Denver, CO 80203
720-508-6257

12/26/13
DATE

*Counsel of Record

ATTACHMENT A

PROPERTY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF THORNTON, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE 6TH P.M., BEING MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "PLS 23516" AT THE NORTHEAST CORNER AND BY A 2-1/2" ALUMINUM CAP STAMPED "PLS 37447" AT THE EAST ONE-QUARTER CORNER, BEING ASSUMED TO BEAR N00°07'47"W AS REFERENCED TO THE ADAMS COUNTY CONTROL NETWORK.

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 15;

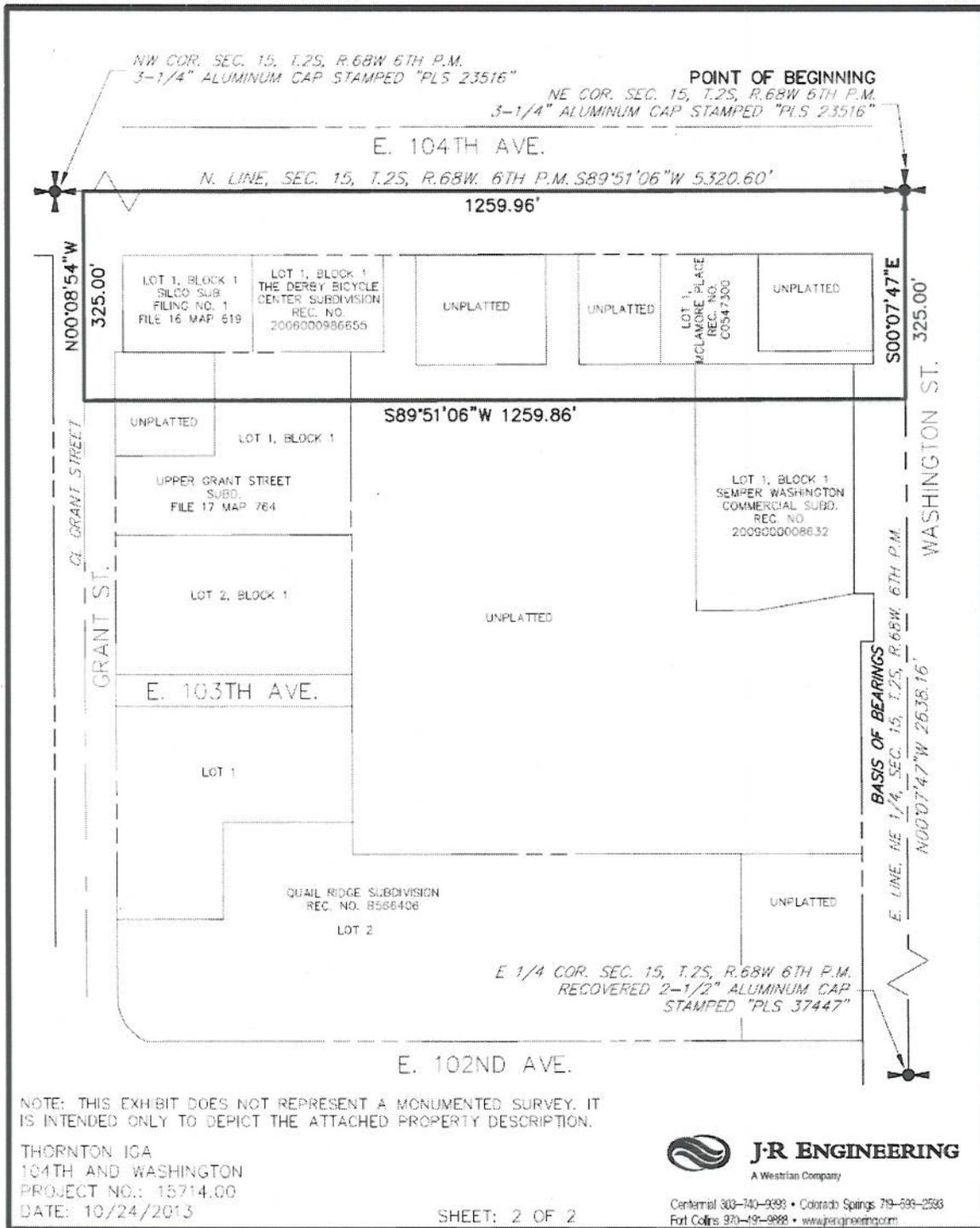
THENCE ON THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15, S00°07'47"E A DISTANCE OF 325.00 FEET;

THENCE ON A LINE BEING 325.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTH LINE OF THE SAID SECTION 15, S89°51'06"W A DISTANCE OF 1259.86 FEET, TO THE CENTERLINE OF GRANT STREET;

THENCE ON SAID CENTERLINE, N00°08'54"W A DISTANCE OF 325.00 FEET, TO A POINT ON THE NORTH LINE OF SAID SECTION 15 ALSO BEING A POINT ON THE NORTHERLY CITY LIMITS OF THE CITY OF THORNTON AS DESCRIBED IN THE ANNEXATION ORDINANCE #285 RECORDED IN BOOK 1430 AT PAGE 203 IN THE OFFICES OF THE ADAMS COUNTY CLERK AND RECORDER;

THENCE N89°51'06"E ON SAID NORTH LINE AND SAID NORTHERLY CITY LIMITS, A DISTANCE OF 1259.96 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 409,471 SQUARE FEET OR 9.4001 ACRE



NOTE: THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED PROPERTY DESCRIPTION.

THORNTON IGA
104TH AND WASHINGTON
PROJECT NO.: 15714.00
DATE: 10/24/2013

SHEET: 2 OF 2



Central 303-740-9998 • Colorado Springs 719-593-2533
Fort Collins 970-491-9888 • www.jr-engineering.com

STATE OF COLORADO

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Denver, Colorado 80246-1530
Phone (303) 692-2000
Located in Glendale, Colorado
www.colorado.gov/cdphe



Colorado Department
of Public Health
and Environment

April 11, 2014

Mr. Jerry Dye
Support Services Director
City of Thornton
9500 Civic Center Drive, Thornton, CO 80229

RE: CONDITIONAL CLOSURE REQUEST AND APPROVAL
Former Gigantic Cleaners #25
EPA ID No. COD098406937

Dear Mr. Dye,

The Hazardous Materials and Waste Management Division (the Division) of the Colorado Department of Public Health and Environment has reviewed the February 27, 2014 “Request for Conditional Closure” (“the Request”) for the Former Gigantic Cleaners #25 Site, also known as the 104th Avenue Redevelopment Project (the “Site”). The Request summarizes the years of effort the City of Thornton has put into characterizing, remediating and monitoring soil and ground water contamination attributable to the historic operation of a dry cleaner at this location; the contaminant being the dry cleaning solvent perchloroethylene (“PCE”).

The Request was prepared in accordance with the Division’s January 8, 2014 “Policy For Conditional Closure Of Low-Threat Sites With Residual Ground Water Contamination” and the associated guidance document of the same name (“the Policy”). The Policy describes the conditions that must be present before a determination that no further active remediation or monitoring are necessary at a site where ground water contamination in excess of the Colorado Ground Water Standards will remain for some time in the future.

The Request received for the Site provided adequate information to determine that the ten conditions listed in the Policy were met to the satisfaction of the Division. These conditions and the Division’s opinion of the adequacy of the supporting documentation contained within the request and our files are as follows:

1. The applicant demonstrated that the source area behind the former dry cleaner has been remediated to the extent practicable.

2. The applicant demonstrated that plume size is either stable or decreasing in all dimensions.
3. The applicant demonstrated that concentrations of contaminants in the plume are decreasing or predicted to decrease.
4. The applicant demonstrated that ground water will meet Water Quality Regulation No. 41 water quality standards within a reasonable period of time, predicted to occur as early as five or six years from this date.
5. The applicant demonstrated that contaminant concentration trends are not dependent on the continued operation and maintenance of active remediation systems or containment systems.
6. The applicant demonstrated that there are no existing or reasonably anticipated exposures above standards or screening levels through cross-media transfer including volatilization into buildings.
7. The applicant demonstrated that there are no uses of ground water down gradient of the site that would be threatened by the plume.
8. The applicant demonstrated that there is no discharge to surface water in excess of surface water standards.
9. The applicant demonstrated that there is no potential for the plume to cause an exceedence of a ground water quality standard in an adjacent aquifer.
10. The applicant demonstrated that an institutional control, in the form of an intergovernmental agreement approved by the City of Thornton on December 17, 2013, will restrict access to ground water at the site while the contaminants continue to attenuate and decline in concentration.

The City of Thornton has demonstrated to the Division that the low level contaminant concentrations beneath the Site do not pose a threat to human health and environment and continue to decline with time.. The Division grants the applicants request to conditionally close the Site pursuant to the attached Decision document. As a result of this approval, no further monitoring is required at the Site.

The Division recommends that some or all of the monitoring wells at the Site be preserved so that either the City of Thornton or the subsequent property owner can resample them in the future. If future data provided to the Division demonstrates that the concentration of PCE, and any degradation products, are below their respective State ground water standards, the Division will have the information it needs to grant a no further action determination, no longer requiring the use of the intergovernmental agreement to restrict access to ground water.

Page Three
Former Gigantic Cleaners #25
April 11, 2014

If you have any questions regarding this approval, please contact me at walter.avramenko@state.co.us or at 303-692-3362.

Sincerely,

Walter Avramenko, Unit Leader
Hazardous Waste Corrective Action Unit
Hazardous Waste Management Program

cc: Jeremy Musson, Pinyon Environmental
Jennifer Robbins, AGO
Carl Spreng, CDPHE

Attachments

Decision Document
Completed Conditional Closure Determination Checklist

DECISION

Having reviewed the February 27, 2014 Request for Conditional Closure ("the Request") and all documents contained within the files at the Colorado Department of Public Health and Environment's Hazardous Materials and Waste Management Division's ("the Division") Records Center and the intergovernmental agreement between the City of Thornton and the Division, I affirm the findings and conclusions contained within the Request and hereby approve the City of Thornton's request to conditionally close the Former Gigantic Cleaners #25 Site, aka 104th Avenue Redevelopment Project, including the proposal to discontinue monitoring low level ground water contamination. This determination will be recorded in the Division's database of sites for approved conditional closures. If the intergovernmental agreement is terminated by the City of Thornton prior to its receipt of a no further action determination from the Division, the Division, in its sole discretion, may revoke this conditional closure approval.

The Division's decision to approve the Request is based on its analysis of the site-specific characteristics and conditions for the Former Gigantic Cleaners #25 Site, aka 104th Avenue Redevelopment Project, that are not necessarily applicable to any other site. As every site is different, the Division's approval for conditional closure will be determined on a case-by-case basis. Regardless of the criteria listed on the policy checklist and the information provided by an applicant requesting a conditional closure determination, the Division retains complete discretion to decide if the site qualifies for no further active remediation, monitoring and/or site closure under the Conditional Closure Policy.

April 11, 2014
Date



Walter Avramenko, Unit Leader
Hazardous Waste Corrective Action Unit
Hazardous Waste Management Program

HAZARDOUS MATERIALS & WASTE MANAGEMENT DIVISION

CONDITIONAL CLOSURE DETERMINATION CHECKLIST

Site Name and/or EPA ID#: Former Gigantic Cleaners #25 Site
aka 104th Avenue Redevelopment Project
EPA ID No. COD098406937
Site Owner: City of Thornton
Site Operator/type of use: City of Thornton, commercial development
Site Address: 630 East 104th Avenue, Thornton CO

For sites with contamination in ground water at concentrations in excess of either the Colorado ground water standards or health-based remediation goals approved by the division in the absence of a ground water standard, the division has the discretion to determine whether no further monitoring and/or no further active remediation are necessary. However, at a minimum, all of the following conditions must be met before the division will make such a determination:

- 1. The source area has been remediated to the extent practicable.
- 2. The plume size is either stable or decreasing in all dimensions.
- 3. The concentrations of contaminants in the plume are either decreasing or predicted to decrease.
- 4. The ground water will meet Water Quality Regulation No. 41 water quality standards within a reasonable period of time.
- 5. Contaminant concentration trends are not dependent on the continued operation and maintenance of active remediation systems or containment systems.
- 6. There are no existing or reasonably anticipated exposures above standards or screening levels through cross-media transfer including volatilization into buildings.
- 7. There are no uses of ground water down gradient of the site that would be threatened by the plume.
- 8. There is no discharge to surface water in excess of surface water standards¹.
- 9. There is no potential for the plume to cause an exceedence of a ground water quality standard in an adjacent aquifer.
- 10. For sites that have satisfied all of the above conditions, the division will require either implementation of an institutional control in compliance with C.R.S. §§25-15-317 – 327 or alternate concentration limits in compliance with 6 C.C.R. §264.94(b).²
 - Date of institutional control: December 17, 2013, or
 - Date alternate concentration limit established _____
 - Public notice provisions have been satisfied: See comment below

Comments:

On December 17, 2013 the City of Thornton approved an intergovernmental agreement allowing the Division to enforce the City's ordinance that bans drilling wells within city limits at the former Gigantic Cleaners site.

The parcel in question is vacant, with no remaining structures standing. The City of Thornton is fully aware of the condition of the property, as is the developer who is also aware of the intergovernmental agreement.

Project Manager: Carl Spring Date: April 11, 2014
Supervisor: Walter Cune Date: April 11, 2014

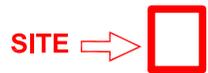
¹ Discharges to surface water are regulated under the federal Clean Water Act and Colorado Water Quality Control Act.

² Institutional controls in compliance with C.R.S. §§ 25-15-317 – 327, including environmental covenants and restrictive notices, are not required for conditional closure determinations on Voluntary Cleanup Program sites. C.R.S. §25-15-101(4.5)(a-h) identifies which environmental remediation projects require an institutional control if unrestricted use cannot be achieved. Failure to comply with the existing and proposed uses identified in the application effectively voids the Voluntary Cleanup Program's determination that the approved remedy is protective.



LEGEND

USGS 7.5' Topographic Map
 Eastlake, CO 1965 (1994)
 Commerce City, CO 1965 (1994)



Corporate Headquarters
 9100 West Jewell Avenue, Suite 200 Lakewood, CO 80232
 TEL 303 980 5200 FAX 303 980 0089
 www.pinyon-env.com

SITE LOCATION
 104th Redevelopment
 410 East 104th Avenue
 Thornton, Colorado

Site Location: NE 1/4, NE 1/4, Section 15, Township 2S, Range 68W, 6th Principal Meridian

Drawn By: MF

Figure 1

Z:\PROJECTS\ 10867301 104th Redevelopment\2100\2013\Figures\Figures July 2013\Figure1.dwg

Job No. 1/08-673-01.2100

Reviewed By: SLF

Date: July 8, 2013