

# 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**      RSNOT00007

**Covenant Date**      12/9/2013

**Self Reporting**     

### **Media of Concern:**

**Surface Water:**     

**Ground Water:**     

**Air:**     

**Soil:**     

**Other:**     

### Site Contact Information:

**Owner Corp:**      Coloevans, Inc., Mr. Bud Zimmerman

**Contact Name:**      Sandy Hecomovich

**Contact Address:**      333 S Monroe St #331

**Contact City:**      Denver

**Contact State:**      CO

**Contact Zip:**      80209

**Contact Phone:**      303-322-0075\602-625-8

## **Contaminants of Concern:**

Chlorinated solvents (PCE and daughter compounds).

## **Property Restrictions:**

- 1: Groundwater on the property shall not be removed by well or other means for any use
- 2: Injection or addition of water or any other liquid into the subsurface or groundwater is prohibited
- 3: Removal of greater than 1 cu yd of soil within the building footprint is prohibited unless done in accordance with the Materials Management Plan
- 4: Activity resulting in breaching or removing building foundation that results in uncovered soil exposed to outdoor elements for > 48 hours prohibited
- 5: The property shall not be used for residential purposes unless indoor air sampling shows no exceedance of the indoor air standard for PCE

## Site Information:

**ID:**      COD981542400

**Name:**      Master Clean / Coloevans

**Address:**      2130 S Colorado Blvd

**City:**      Denver

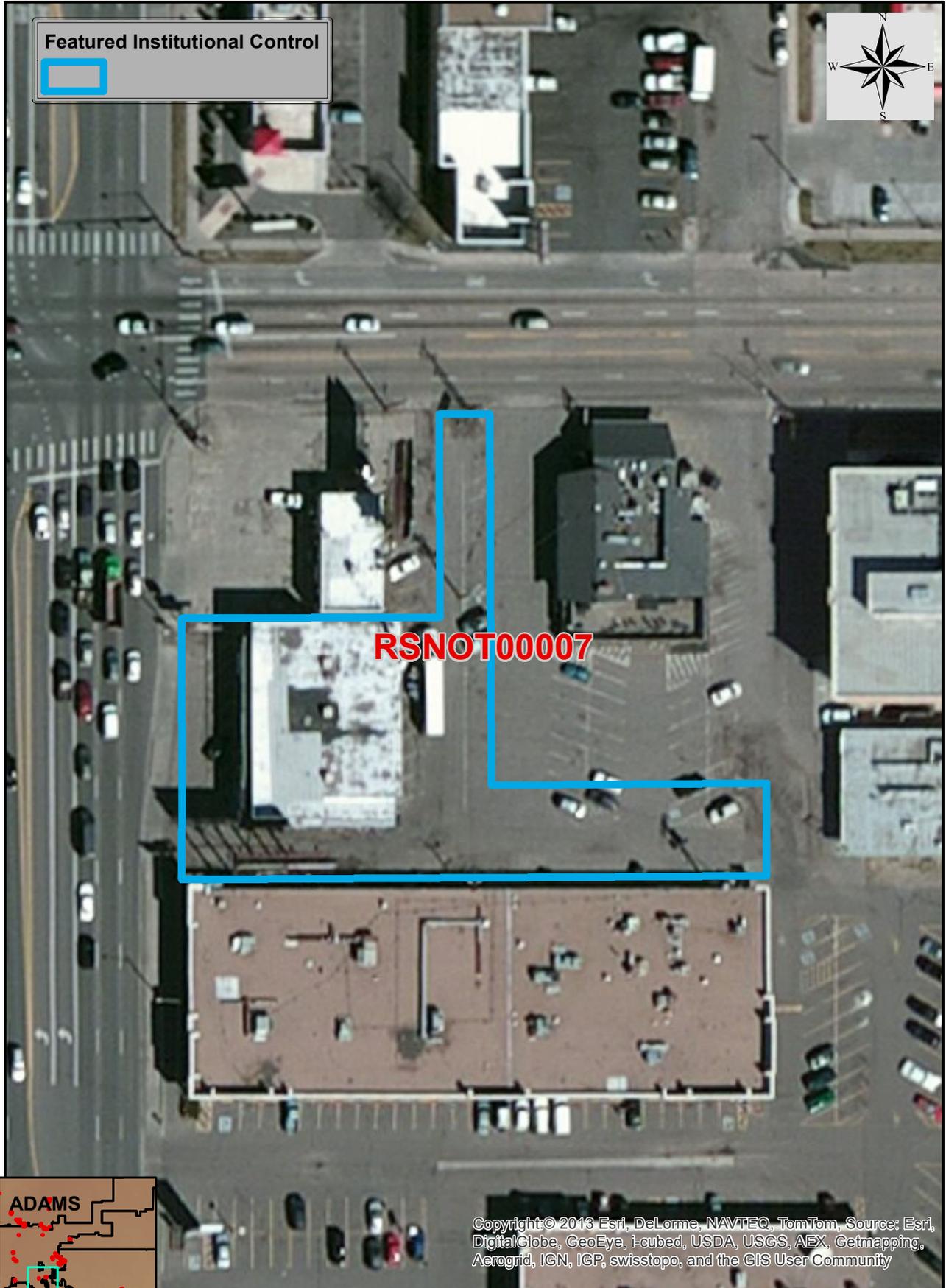
**State:**      CO

**Zip:**      80222

### **Legal Description:**

See Restrictive Notice

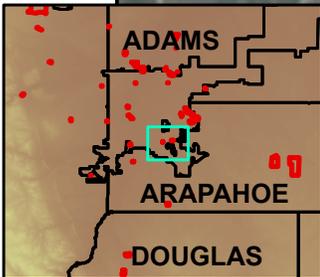
# MASTER CLEAN



Featured Institutional Control



**RSNOT00007**



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**RSNOT00007**

0 37.5 75 Meters





**This property is subject to a  
Notice of Environmental Use Restrictions  
imposed by the  
Colorado Department of Public Health and Environment  
pursuant to sections 25-15-320 and 321.5, C.R.S.**

**Notice of Environmental Use Restrictions**

WHEREAS, Mr. Bud Zimmerman and Coloevens, Inc. are the OWNER of certain property commonly referred to as Coloevens Property (Master Clean), located at 2130 S COLORADO BLVD, DENVER, COLORADO, more particularly described in Attachment A, attached hereto and incorporated herein by reference as though fully set forth (hereinafter referred to as "the Property"); and

WHEREAS, the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and the Environment ("the Department" or "CDPHE"), which is located at 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530, is authorized to issue Notices of Environmental Use Restrictions pursuant to § 25-15-320(4)(a) of the Colorado Hazardous Waste Act, § 25-15-101, *et seq.* 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530; and

WHEREAS, for purposes of indexing in the County Clerk and Recorder's office Grantor-Grantee index only, Bud Zimmerman and Coloevens, Inc. shall be considered the **Grantor**, and the Colorado Department of Public Health and Environment shall be considered the **Grantee**; nothing in the preceding clause shall be construed to create or transfer any right, title or interest in the Property; and

WHEREAS, pursuant to Compliance Order 06-04-20-0, the Property is the subject of enforcement and remedial action pursuant to the Colorado Hazardous Waste Regulations, 6 CCR 1007-3, Part 100, and the CDPHE-approved with modifications *Semi-Annual Ground Water Monitoring Report and Modified Corrective Action Plan*, dated June 23, 2010; and

WHEREAS, contaminants of concern remain on the Property above levels that are protective of unrestricted use of the Property;

WHEREAS, the purpose of this Notice of Environmental Use Restrictions (hereinafter, the "Restrictive Notice") is to ensure protection of human health and the environment by restricting access to soil and groundwater from the Property which remain on the Property above state standards.

WHEREAS, the Department is imposing this Restrictive Notice to subject the Property to certain covenants and restrictions as provided in Article 15 of Title 25, Colorado Revised Statutes, which covenants and restrictions shall burden the Property and bind the OWNER and all parties

now or subsequently having any right, title or interest in the Property, or any part thereof, and any persons using the land, as described herein, for the benefit of the Department and OWNER.

NOW, THEREFORE, the Department issues this Restrictive Notice pursuant to sections 25-15-320(4)(a)(II) and 321.5. The Property shall hereinafter be subject to the following requirements set forth in paragraphs 1 through 13, below, which shall be binding on the OWNER and all parties now or subsequently having any right, title or interest in the Property, or any part thereof, and any persons using the land, as described herein. As used in this Restrictive Notice, the term OWNER means the then current record owner of the Property and, if any, any other person or entity otherwise legally authorized to make decisions regarding the transfer of the Property or placement of encumbrances on the Property, other than by the exercise of eminent domain.

1. Use restrictions. The following uses are prohibited on the property:
  - a. Ground water on the property shall not be removed by well or other means for any use, including but not limited to domestic, agricultural, and/or commercial use. For the purpose of this restriction, "ground water" means subsurface waters in a zone of saturation that are or can be brought to the surface of the ground or to the surface waters through wells, springs, seeps or other discharge areas. This limitation shall not apply to construction related dewatering activities by a qualified environmental professional, obtaining ground water samples for analysis from existing monitoring wells located on the property and for potential installation of monitoring wells in the future for use solely to obtain ground water samples for analysis;
  - b. Any activity that will result in the injection or addition of water or any other liquid into the subsurface or ground water, including further efforts to treat contamination, unless that activity is being conducted in compliance with a Department-approved work plan.
  - c. Any activity resulting in the disturbance or removal of greater than 1 cubic yard of soil within the building footprint must be done in accordance with the Materials Management Plan, attached as Attachment B.
  - d. Any activity that generates excess soil from within the building footprint that cannot be returned to the original excavation, unless the excess soil is managed in accordance with the Materials Management Plan, attached as Attachment B.
  - e. Any activity that will result in the breaching or removal of the building foundation that results in the uncovered soil to be exposed to outdoor elements for more than 48 hours.
  - f. Unless indoor air sampling shows no exceedance of the indoor air standard for PCE, as reviewed and approved by the Department, the property shall not be used for residential purposes (i.e., single family housing, apartments, and mobile homes), and other sensitive uses involving subpopulations that are more susceptible to injury or illness from indoor air pollution such as children, elderly, and sick people (i.e., schools, daycare facilities, hospitals, and nursing homes).
2. Operation and Maintenance Requirements. OWNER shall complete the following activities on the property.

- a. OWNER shall conduct ground water monitoring on the Property in accordance with the procedures outlined in the June 23, 2010, *Semi-Annual Groundwater Monitoring Data & CAP Revision*, as modified by the Department in a letter dated November 19, 2012, attached as Attachment C. In summary, groundwater wells MMW-1, MMW-2, MMW-3, MMW-4, MMW-6, BHMW-3, BHMW-6, and PVFGS-2 shall be sampled and reported annually as required in the Department's November 19, 2012 letter.
3. Modifications. This Restrictive Notice runs with the land and is perpetual, unless modified or terminated pursuant to this paragraph. OWNER may request that the Department approve a modification or termination of the Restrictive Notice in accordance with section 25-15-321.5, C.R.S. The request shall contain information showing that the proposed modification or termination shall, if implemented, ensure protection of human health and the environment. The Department shall review any submitted information, and may request additional information. If the Department determines that the proposal to modify or terminate the Restrictive Notice will ensure protection of human health and the environment, it shall approve the proposal. No modification or termination of this Restrictive Notice shall be effective unless the Department has approved such modification or termination in writing. Information to support a request for modification or termination may include one or more of the following:
    - a. a proposal to perform additional remedial work;
    - b. new information regarding the risks posed by the residual contamination;
    - c. information demonstrating that residual contamination has diminished;
    - d. information demonstrating that the proposed modification would not adversely impact the remedy and is protective of human health and the environment; and
    - e. other appropriate supporting information.
  4. Conveyances. OWNER shall notify the Department at least fifteen (15) days in advance of the closing on any proposed sale or other conveyance of any interest in any or all of the Property. Thirty (30) days after any conveyance, OWNER shall provide the Department with a copy of the recorded deed transferring any interest in any or all of the Property and provide the name, mailing address and telephone number of the new OWNER. If the entire interest is not conveyed, OWNER shall provide an improvement survey plat that shows the property being conveyed.
  5. Notice to Lessees. OWNER agrees to incorporate either in full or by reference the restrictions of this Restrictive Notice in any leases, licenses, or other instruments granting a right to use the Property.
  6. Notification for proposed construction and land use. OWNER shall notify the Department simultaneously when submitting any application to a local government for a building permit or change in land use.
  7. Inspections. The Department shall have the right of entry to the Property at reasonable times with prior notice for the purpose of determining compliance with the terms of this

Restrictive Notice. Nothing in this Restrictive Notice shall impair any other authority the Department may otherwise have to enter and inspect the Property.

- 8. Third Party Beneficiary. The OWNER of the Property is a third party beneficiary with the right to enforce the provisions of this Covenant as provided in § 25-15-322, C.R.S.
- 9. No Liability The Department does not acquire any liability under State law by virtue of accepting this Restrictive Notice.
- 10. Enforcement. The Department may enforce the terms of this Restrictive Notice pursuant to §25-15-322. C.R.S.
- 11. Owner's Compliance Certification OWNER shall execute and return a certification form provided by the Department, on an annual basis, detailing OWNER's compliance, and any lack of compliance, with the terms of this Restrictive Notice.
- 12. Recording. Grantee shall cause this Restrictive Notice to be duly recorded in the real property records for Denver County.
- 13. Notices Any document or communication required under this Restrictive Notice shall be sent or directed to:

Charles Adams  
 Colorado Department of Public Health and the Environment / HMWMD  
 4300 Cherry Creek Drive South  
 Denver, Colorado 80246-1530

Bud Zimmerman  
 Coloevans, Inc.  
 5727 Green Oaks Drive  
 Greenwood Village, CO 80121-1336

This Notice of Environmental Use Restrictions is issued by the Colorado Department of Public Health and Environment this 9<sup>th</sup> day of December, 2013.

By: Gary W. Baughman  
 Gary Baughman, Division Director

STATE OF COLORADO        )  
   ) ss:  
 COUNTY OF DENVER        )

The foregoing instrument was acknowledged before me this 9 day of DECEMBER, 2013 by GARY W. BAUGHMAN on behalf of the Colorado Department of Public Health and Environment.

My commission expires:  
OCT 21, 2015

Claudia M. Ferris  
 Notary Public  
 Address  
4300 Cherry Creek Dr So  
Denver, CO 80246

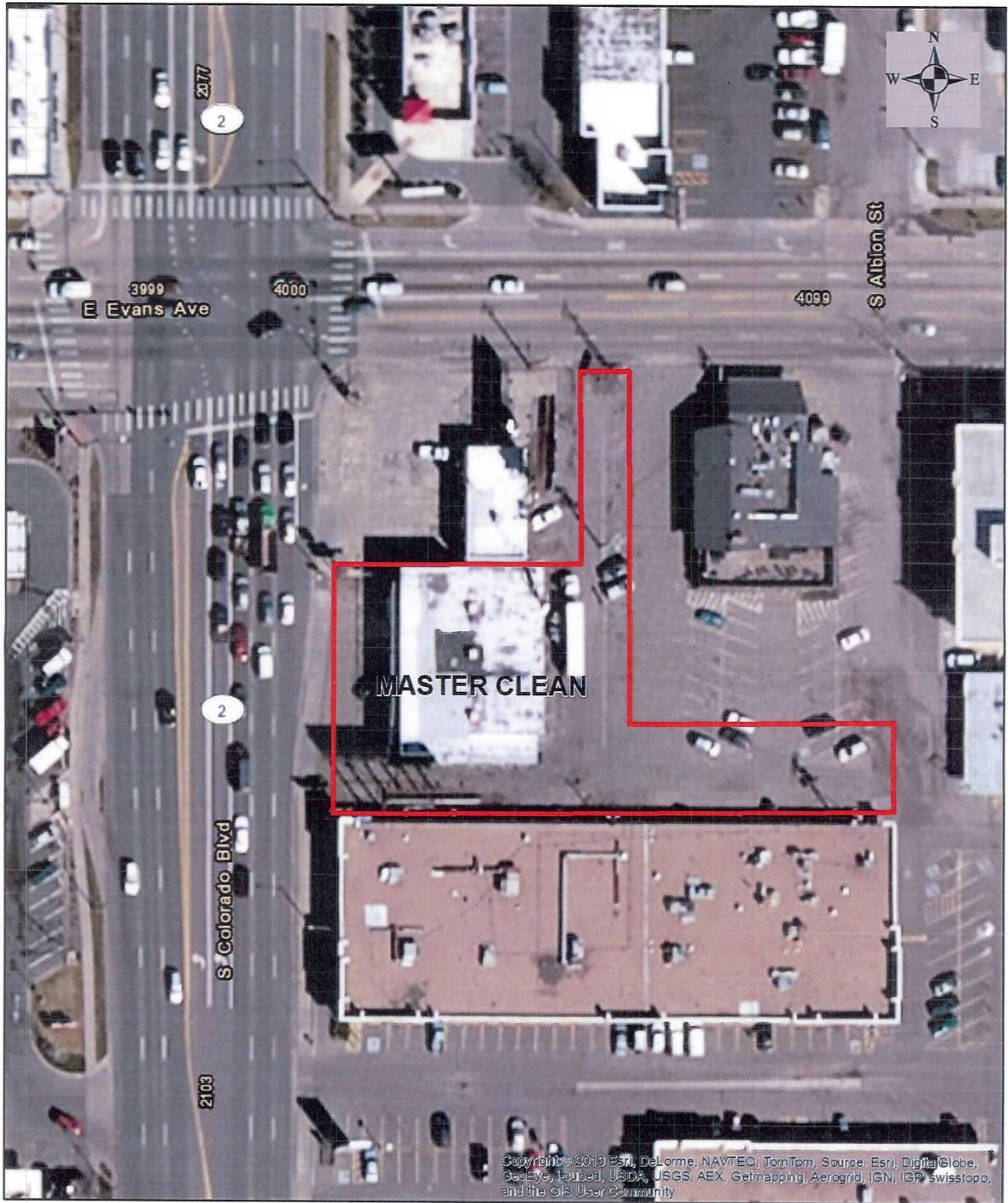
# ATTACHMENT A

## PROPERTY DESCRIPTION

**2130 S. Colorado Boulevard  
Denver, Colorado**

Legal Description:

*LOTS 5 THROUGH 9, INCLUSIVE, LOT 40 AND THE SOUTH 20 FEET OF LOT 41, THE WEST 23.375 FEET OF LOTS 42 THROUGH 48, INCLUSIVE, AND THE WEST 23.375 OF THE NORTH 5 FEET OF LOT 41, BLOCK 1, WARREN'S UNIVERSITY HEIGHTS, CITY AND COUNTY OF DENVER, STATE OF COLORADO, TOGETHER WITH THE WEST 1/2 OF VACATED ALBION STREET LYING EAST OF AND ADJACENT TO LOT 40 AND THE SOUTH 20 FEET OF LOT 41, EXCEPTING THEREFROM THAT PORTION OF LOT 48, BLOCK 1 CONVEYED TO THE CITY AND COUNTY OF DENVER BY DEED RECORDED OCTOBER 16, 1970 IN BOOK 237 AT PAGE 613.*



0 25 50 100 Meters

**ATTACHMENT B**

**MATERIALS MANAGEMENT PLAN**

**2130 S. Colorado Boulevard  
Denver, Colorado**

**November 19, 2012**

## **Introduction**

This Management Plan (Plan) shall apply to and be implemented whenever any actions are proposed for property located at 2130 S. Colorado Blvd, Denver, Colorado:

1. Which will cause any disturbance or removal of greater than 1 cubic yard of soil within the building footprint; or
2. Which will cause groundwater beneath the Property to be accessed for construction dewatering purposes or monitoring of groundwater constituents via monitoring wells.

This Plan shall be implemented by any owner, lessee or licensee of 2130 S. Colorado Boulevard who will undertake any of the above activities. This Plan presents procedures to assure that the health and welfare of occupants of 2130 S. Colorado Boulevard is protected.

### **I. PROPERTY CIRCUMSTANCES**

The 2130 S. Colorado Boulevard property (Site) is where a dry cleaning facility has operated for many years. Environmental investigations have identified a release to the environment at the Site of dry cleaning chemicals that have resulted in contamination of soils and ground-water at the Site and on the adjoining downgradient property. Owners of the Site have implemented a Corrective Action Plan and subsequent Modified Corrective Action Plans (“the Corrective Action Plan”, “the Plan”) approved by the Colorado Department of Public Health and Environment (CDPHE), which covers actions that will impact both the Site and any affected downgradient properties. The Plan has been and will continue to be implemented over a period of years and is anticipated to gradually reduce contaminant levels at the Site.

The Department has imposed the Restrictive Notice which contains certain use restrictions on the Site. This Management Plan is an attachment to Restrictive Notice. The Restrictive Notice will remain in place until remedial requirements of the CDPHE are met, exposure risks at the Site are diminished to acceptable levels and residual contaminant concentrations decrease to the point where no restrictions are required on the future use of the Site.

#### **1.1 SITE MONITORING**

The Site owner shall be responsible for monitoring soil and ground-water conditions at the Site and immediate surrounding area. The Site Owner will timely provide the adjoining property owners, as appropriate, with monitoring data and results.

#### **1.2 ACTIVATION OF THE MANAGEMENT PLAN**

Arrangements have been made with environmental consultant, Pinyon Environmental, to be ready to respond if this Management Plan is activated. If Pinyon is unavailable, an equally qualified environmental consultant will be retained. When an activity at the Site causes activation of this Management Plan, Site owners will take the following actions:

1. The environmental consultant will be contacted to respond to the activity.
2. The environmental consultant will review the activity circumstances in light of the Corrective Action Plan and requirements of the Restrictive Notice.
3. The environmental consultant will recommend appropriate steps for the Site owner for the activity to be consistent with the Corrective Action Plan and the Restrictive Notice, such that:
  - a. The Corrective Action Plan is not adversely affected;
  - b. Groundwater is not adversely affected; and
  - c. Site occupants and visitors are not exposed to contamination (soil, ground water or vapors) that create adverse health risks according to CDPHE risk criteria in use at the time.
4. The Site owner will follow the recommendations of the environmental consultant. In the event of a dispute between the Site owner and environmental consultant, the Colorado Department of Public Health and Environment will be consulted.
5. The environmental consultant will create a written record of its determination, the basis of the determination and any recommended actions.
6. The Site owner will retain any such written records for as long as the Restrictive Notice is in effect and make those written records available for inspection upon request of CDPHE.

### **1.3 ACTIONS REQUIRING PRIOR CDPHE APPROVAL**

There are certain activities that have the potential to result in either the generation of and/or improper management of a hazardous waste or that could cause the unintentional exposure to or spread of contamination. Rather than delegate the more significant waste handling decisions to a qualified environmental consultant, the CDPHE shall be notified at least 30 days in advance of performing the following list of activities so that it may review and approve them prior to conducting the work. The specific activities the Site owner is prohibited from doing without CDPHE approval include:

1. Groundwater beneath the Property will not be accessed or used for any purpose; however, monitoring of groundwater constituents via monitoring wells is permitted.
2. Any activity that will result in disturbing more than one cubic yard of soil from beneath the footprint of the building, unless it is done in accordance with procedures outlined in Section 1.5 of the Materials Management Plan.
3. Any soil disturbing activity that will result in the generation of excess soil that cannot all be returned to the original excavation, unless the excess soil is managed in accordance with the procedures outlined in Section 1.5 of the Materials Management Plan.

4. Any breaching or removal of the building foundation that results in uncovered soil to be exposed to outdoor elements for more than 48 hours.
5. Any proposal to use the property for residential purposes.
6. Any activity that requires the use of construction dewatering techniques to allow for building activities to proceed at or below the local water table.
7. Any activity that violates or interferes with the activities specified in the Corrective Action Plan ("CAP"), as approved most recently by the Department on November 2, 2010, available at the Department upon request.

The activities noted above should be submitted to the CDPHE in a short plan clearly describing what soil or groundwater disturbing activities are proposed, how the resulting potentially contaminated media will be managed, characterized and eventually disposed of.

#### **1.4 MANAGEMENT AND CHARACTERIZATION OF SOIL**

Soil disturbing activities inside the building involving less than one cubic yard of soil may be returned the original excavation. All soil that may be excavated from locations inside the building that is more than one cubic yard in volume must be properly managed and characterized prior to any decision to return the soil to the original excavation. The same must be done for any volume of soil that cannot all fit back into the original excavation and therefore must be disposed of either on or off-site. The procedures used to ensure proper handling of soil are as follows:

1. Soil disturbing activities inside the building involving less than one cubic yard of soil may be temporarily stockpiled on plastic sheeting.
2. Soil that may be excavated from locations inside the building that is more than one cubic yard in volume will be placed in appropriately sized and covered containers upon its excavation.
3. For soil that either is greater than one cubic yard in volume or any volume that cannot be returned to the original excavation, a representative sample of the soil will be collected using professionally accepted techniques for laboratory analysis using EPA's SW 846 Method 8260. More than one sample may need to be collected depending on the volume of soil generated (a minimum of 1 sample per 20 cubic yards).
4. If the test results show that contaminant concentrations are all below both the residential soil concentration and ground water protection level listed in the most current version of the Colorado Soil Evaluation Values table (CSEV), that soil may be managed as "clean" fill for either use on-site or disposal at a local licensed solid waste landfill.

If the test results show that contaminant concentrations are above either of the residential soil concentrations or ground water protection levels listed in the most current version of the CSEV table, the Site owner will provide the CDPHE with a copy of those test results, a description of the activity that generated the soil and its volume, requesting the CDPHE

review the information provided in order to make a contained-out determination. The CDPHE will review the information provided and decide whether the measured contaminant concentrations dictate that the soil be managed as a solid waste or a hazardous waste and how it must be disposed of.

## **1.5 MANAGEMENT AND CHARACTERIZATION OF GROUNDWATER**

In the event water is observed during soil disturbing activities in any of the areas for which the Restrictive Notice applies, management of such water will be conducted in such a way as to minimize the quantity of water requiring treatment and disposal.

Either existing water quality data is reviewed or a sample of the groundwater must be collected for VOC analysis to determine if treatment or special handling of this water is necessary. The results of water samples will be compared to the Colorado Water Quality Control Commission's Basic Standards for Groundwater (Regulation 41) ("Groundwater Standards"). If concentrations of VOCs are below the Groundwater Standards, no additional groundwater management shall be required beyond standard dewatering management procedures. In the event concentrations of VOCs exceed the Groundwater Standards, the water must be contained and subjected to additional management and treatment.

Dependant on the volume of water anticipated to be managed, the contained water may be (1) treated onsite and discharged to surface water, (2) treated onsite and discharges back into the soil disturbing area, or (3) disposed off-site at an appropriate treatment facility. Water removed from the soil disturbing area(s) must be stored in a container and managed as contaminated water until analytical results prove otherwise. Appropriate permits and approvals must be obtained for any dewatering, discharge or disposal of water generated by such activities.

If it is determined the water removed from the soil disturbing area(s) is to be treated on site, it must be treated to:

1. Meet groundwater standards before it can be discharged to the ground surface.
2. Meet CDPHE-approved surface water discharge standards and discharged through a temporary CDPHE discharge permitted outfall.
3. Meet EPA-approved standards and returned to the open excavation as authorized by the Underground Injection Control Program at EPA.

Prior to conducting any such on-site dewatering, treatment, discharge, or injection, all appropriated permits and approvals for such activities must be obtained, including permits issued by the CDPHE or EPA.

If, based on initial estimates, the total amount of water managed during the soil disturbing activities is likely less than approximately 5,000 gallons, then it may be more cost effective to contain the water onsite and dispose of this water off-site at an approved treatment facility. The off-site treatment facility may require additional sampling to fully characterize any water prior to acceptance for disposal.

**ATTACHMENT C**

**ATTACHED COPY OF CDPHE  
NOVEMBER 19, 2012, APPROVAL LETTER**

# 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

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Located in Glendale, Colorado      (303) 692-3090  
<http://www.cdphe.state.co.us>



Colorado Department  
of Public Health  
and Environment

November 19, 2012

Mr. Bud Zimmerman  
Coloevens, Inc.  
5727 Greenoaks Drive  
Greenwood Village, CO

RE: *Semi-Annual Groundwater Monitoring Data & CAP Revision*  
Coloevens Property (Master Clean)  
2150 S. Colorado Blvd, Denver, CO  
EPA ID# COD 98 154 2400

Dear Mr. Zimmerman;

Thank you for providing the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division (the "Division") with the *Semi-Annual Groundwater Monitoring Data* (the "Report") for Coloevens (Master Clean) facility at 2150 S. Colorado Blvd, Denver, Colorado (the "site", the "Facility"). The Report was provided on behalf of the Facility to the Division by Pinyon Environmental on October 22, 2012 pursuant to Compliance Order No. 06-04-20-01.

The Report provides results of a round of semi-annual groundwater monitoring conducted in September 2012, and provides a summary of groundwater sampling activities between December 2011 and September 2012. A regression analysis was conducted on the data to evaluate water quality trends at site wells. The Report concludes that a decay rate for PCE of approximately 0.09 percent per day was established by the trend line in monitoring well MMW-4; the decay value was then used to calculate an estimated time required to meet state standards for PCE at each site well. The longest period estimated for site wells to drop below state PCE standards was six years in well MMW-2, the well with the highest concentration of PCE. The Report recommends continued groundwater monitoring on an annual basis.

Based on its review, the Division approves the Report with the proposed CAP Revision establishing monitored natural attenuation as the final remedial decision. The following modifications to the Report and CAP Revision are required of the Facility:

- In accordance with the Division's Revised Policy on Timing of Creation of Environmental Covenants and Notices of Environmental Use Restrictions (December 2011) which states, "a

*covenant is required when an environmental regulator makes a "remedial decision" in an "environmental remediation project" that results in residual contamination at levels that are not safe for all uses. Because covenants bind current and future users and owners, they provide a vital measure of protection in cases where the remedial process does not achieve unrestricted use standards, or takes significant time to do so. Once it has been determined that long-term institutional controls will be needed, the covenant or restrictive notice should be implemented promptly.* Therefore, the final remedial decision for the site shall include implementation of an environmental covenant which restricts and/or manages groundwater usage, soil disturbance, foundation breaching, residential use of the property, and operations and maintenance. A copy of the draft environmental covenant is attached to this letter. Since the Division approved your proposal establishing monitored natural attenuation as the final remedial decision, the Facility is hereby required to commence the process of placing a covenant on the property within 30 days of receiving this letter with the goal of having it recorded and **fully effective by March 31, 2013.**

- The Facility shall address the following items which are required in order to complete the environmental covenant process:
  - 1) Paying a title company to do a title search that identifies all prior recorded interests.
  - 2) Identifying the present owner of each prior recorded interest.
  - 3) Notifying each owner of a prior recorded interest (as well as persons with unrecorded interests who are known to the facility) of the facility's intention to create a covenant.
  - 4) Providing the above information to the Department.
  - 5) Obtaining "subordination agreements" in appropriate cases.
  - 6) Obtaining approval from the affected local government for proposed uses in appropriate cases.
  - 7) A survey of the area subject to the environmental covenant, signed by a certified surveyor, must be provided. The survey must be completed by a registered surveyor with at least 1-meter accuracy and tied to a known world projection system, the resulting map including sufficient surrounding landmarks (roads, etc) to identify the land location. In this case, the entire property is covered by the covenant, therefore, an existing survey, if available, would be sufficient.

Corrective action sites with environmental covenants subject to the Colorado Hazardous Waste Act are presently required to pay an annual fee of \$1000 to reimburse the Division for monitoring compliance with the covenant; compliance shall be monitored annually for this Facility. Compliance monitoring will consist of an annual site visit by the Division to confirm that site restrictions and operating procedures have been properly observed. Operations and maintenance requirements of the covenant also require annual groundwater monitoring and submittal to the Division of a summary report.

The first annual sampling event shall be conducted by the Facility in September 2013; the data summary report shall provide the data with a trend analysis of the results of testing compared to historical information at the site. The Monitoring Report is due to the Division for review and approval **on or before November 15, 2013.** Failure to place the environmental covenant on the property in a timely

manner will result in legal compliance action with financial penalties by the Division; placement of the referenced environmental covenant is currently due and requires immediate action by the Facility to avoid further compliance action.

If you have additional questions, please contact me at 303-692-3310 or by email at [Charles.Adams@state.co.us](mailto:Charles.Adams@state.co.us).

Best Regards,



Charles Adams, CPG  
Hazardous Waste Corrective Action Unit  
Solid & Hazardous Waste Program

cc: Mr. Jeremy Musson, Pinyon Environmental  
Ms. Nancy Severson, Denver Department of Environmental Health  
Mr. Scott Schultz, Colorado Attorney General's Office  
Ms. Lauren Bottonari, SRS Real Estate Partners  
Mr. Walter Avramenko, CDPHE