

# 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**      RSNOT00008

**Covenant Date**      12/23/2013

**Self Reporting**     

### **Media of Concern:**

**Surface Water:**     

**Ground Water:**     

**Air:**     

**Soil:**     

**Other:**     

### Site Contact Information:

**Owner Corp:**      Lockheed Martin Corporation

**Contact Name:**      Director of Env, Safety and Health

**Contact Address:**      12257 South Wadsworth Blvd

**Contact City:**      Littleton

**Contact State:**      CO

**Contact Zip:**      80125

**Contact Phone:**      303-977-3446

## **Contaminants of Concern:**

Chlorinated Solvents - Trichloethylene...

## **Property Restrictions:**

- 1: Residential use is prohibited
- 2: Removal of groundwater for domestic, agricultural and/or commercial use is prohibited
- 3: Owner must cooperate with Air Force to allow long-term monitoring, operation and maintenance
- 4: Owner may not interfere with corrective measures
- 5: Ownr may not disturb the asphalt covers without following plans

## Site Information:

**ID:**      CO7570090038

**Name:**      Air Force Plant PJKS

**Address:**      12257 South Wadsworth Blvd

**City:**      Littleton

**State:**      CO

**Zip:**      80125

### **Legal Description:**

See Restrictive Notice

# AF PLANT PJKS

105°8'45"W 105°8'30"W 105°8'15"W 105°8'0"W 105°7'45"W 105°7'30"W 105°7'15"W 105°7'0"W 105°6'45"W

39°31'45"N  
39°31'30"N  
39°31'15"N  
39°31'0"N  
39°30'45"N  
39°30'30"N  
39°30'15"N  
39°30'0"N  
39°29'45"N

39°31'45"N  
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39°29'45"N  
39°29'30"N

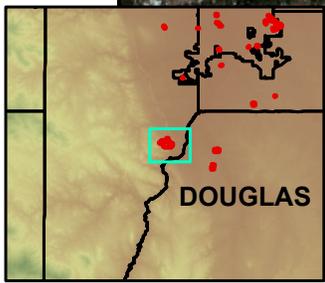
**Featured Institutional Control**



**RSNOT00008**

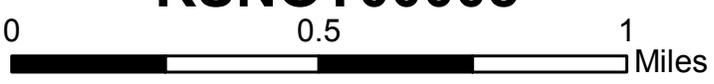
Lockheed Martin

Lockheed Martin



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**RSNOT00008**





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**This property is subject to a  
Notice of Environmental Use Restrictions  
imposed by the  
Colorado Department of Public Health and Environment pursuant  
to Section 25-15-321.5 of the Colorado Revised Statutes**

**Notice of Environmental Use Restrictions**

Lockheed Martin Corporation ("LMC"), acting by and through its division Lockheed Martin Space Systems Company, has requested that the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and the Environment (the "Department") issue this Notice of Environmental Use Restrictions ("Restrictive Notice") pursuant to Section 25-15-321.5 of the Colorado Hazardous Waste Act, Colo. Rev. Stat. §§ 25-15-101, *et seq.* ("CHWA"). The Department's address is 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530.

WHEREAS, LMC is the owner of an aerospace plant (the "LMC Plant") located at 12257 South Wadsworth Boulevard, Littleton, Colorado 80125. Within the LMC Plant is a parcel of property that the United States previously owned and operated known as former Air Force Plant PJKS (the "PJKS Property"). The PJKS Property is described as the PJKS Parcel the survey and depicted as the PJKS Parcel on the map **attached hereto as Attachment A.** ("the Property").

WHEREAS, the PJKS Property is a Superfund site, (the "Site") which the United States Environmental Protection Agency ("EPA"), pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601, *et seq.*, ("CERCLA"), placed on the National Priorities List, set forth at 40 C.F.R. Part 300, Appendix B, by publication in the Federal Register in 1989.

WHEREAS, pursuant to Compliance Order on Consent No. 98-10-08-01, which the Department issued to the United States Air Force (the "Air Force") in 1998 (the "Compliance Order"), the Air Force is implementing corrective or response actions on the PJKS Property pursuant to CHWA and CERCLA.

WHEREAS, LMC and the United States of America have executed a Consent Decree, which was entered as a final judgment of the United States District Court for the District of Colorado on June 12, 2000 (the "Consent Decree") in the case of *United States v. Lockheed Martin Corp.*, Civ. No. 00-662 (D. Colo.). The United States agreed in the Consent Decree to perform and pay for all past, present and future corrective and response actions required under CHWA and CERCLA to address releases and threatened releases of hazardous substances, including hazardous waste, that have occurred on the PJKS Property prior to November 4, 1996, including contamination that originated from PJKS operations and migrated off the PJKS Property.

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WHEREAS, in a deed dated February 28, 2001 (the "Air Force Deed"), the United States transferred title to the PJKS Property to LMC, and LMC agreed to restrict uses of the PJKS Property including the use of groundwater, subject to certain conditions and other terms set forth in the Air Force Deed.

WHEREAS, in the Air Force Plant PJKS Superfund Site Record of Decision for Operable Unit 1 – Systems and Components Facilities, Operable Unit 2 – Engineering Propulsion Laboratory, Operable Unit 3 – Test Stands and Deluge System, Operable Unit 4 – Lariat Gulch Groundwater Plume, Operable Unit 5 – Brush Creek Groundwater Plume and Operable Unit 6 – Ordnance Testing Laboratory signed on August 7, 2013 (collectively, the "ROD"), available at the Department's Hazardous Materials and Waste Management Division's Records Center, the EPA Region VIII Regional Administrator selected a "remedial action" for the Site which provides, in part, for the following use restrictions:

- a. No residential use of any of the PJKS Property;
- b. No disturbance of asphalt covers used to prevent access to contaminated soil; and
- c. No use of any groundwater on the PJKS Property for any purpose.

WHEREAS, LMC is authorized to discharge treated groundwater to the South Platte River pursuant to Colorado Discharge Permit No. CO-0001511 (the "LMC Discharge Permit"), including treated groundwater from the PJKS Property.

WHEREAS, the purpose of this Restrictive Notice is to protect human health and the environment by restricting certain uses of the PJKS Property and the groundwater beneath the PJKS Property. In addition, this Restrictive Notice will facilitate the operation and maintenance ("O&M") and monitoring of the final corrective or response actions that the Air Force is required to perform under the Compliance Order, Consent Decree, and ROD.

WHEREAS, LMC is willing to subject the PJKS Property to certain restrictions as provided in Article 15 of Title 25, Colorado Revised Statutes, for the benefit of the Department, as well as for the benefit of the EPA. Such restrictions shall materially conform to and not be materially broader than the use restrictions contained in the PJKS Deed. Such restrictions shall burden the PJKS Property and bind LMC and all parties now or subsequently having any right, title or interest in the PJKS Property, or any part thereof, their heirs, successors and assigns, and any persons using the land, as described herein, for the benefit of the Department and EPA.

NOW, THEREFORE, the Department hereby issues this Restrictive Notice pursuant to Section 25-15-321.5, C.R.S. , with EPA as a third party beneficiary, and declares that the PJKS Property as described in Attachment A shall hereinafter be bound by, held, sold, and conveyed subject to the requirements set forth herein, which, unless modified or terminated as provided herein, shall run with the PJKS Property in perpetuity and be binding on LMC and all parties now or subsequently having any right, title or interest in the PJKS Property, or any part thereof, their heirs, successors and assigns, and any persons using the PJKS Property. As used in this Restrictive Notice, the term "Owner" means the current record owner of the PJKS Property and any other person or entity otherwise legally authorized to make decisions regarding the transfer

of the PJKS Property or the placement of encumbrances on the PJKS Property, other than by the exercise of eminent domain.

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1) Use Restrictions.

- a) Residential use of the property is prohibited. Owner agrees that the use of the PJKS Property, or any part of it, shall be limited to non-residential use only, unless the use restriction is released or modified pursuant to Section V.B.(2) of the Air Force Deed and Section 2 hereof. Prohibited uses include, but are not limited to, childcare, elder care, pre-school(s), school(s), playground(s), health care facilities, or any form of residential housing.
- b) Except as otherwise provided in Subsection (c) of this Section 1, groundwater on the PJKS Property shall not be removed by well or other means for any use. Prohibited uses include but are not limited to domestic, agricultural, and/or commercial use. For the purpose of this restriction, "groundwater" 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.
- c) Notwithstanding the provisions of Subsection (b) of this Section 1, groundwater on the PJKS Property may be removed: (i) to perform corrective or response actions under CHWA or CERCLA; (ii) if encountered during the construction of any structure on the PJKS Property, in which case LMC shall pump and treat such groundwater to or below the levels set forth in the LMC Discharge Permit; or (iii) by a qualified environmental professional to obtain samples for analysis from any existing or future monitoring or extraction well on the PJKS Property.
- d) Owner shall cooperate with the Air Force's implementation of final corrective or response actions for the PJKS Property in compliance with the Air Force Plant PJKS ROD, including but not limited to the following documents attached to the ROD:
  - i. Groundwater Corrective Measures/Remedial Measures Implementation Work Plan (the "Groundwater Work Plan");
  - ii. Groundwater Long-Term Monitoring and Operation and Maintenance Plan (the "Groundwater O&M Plan"); and
  - iii. Operations and Maintenance Plan, CSA-3, T8A Surface Impoundment, and Combined Soils Units, SWMUS 12, 29, 31 (the "Soils O&M Plan").

The Groundwater Work Plan, the Groundwater O&M Plan, the Soils O&M Plan and any amendments thereto are or will be on file at the Department's Hazardous Materials and Waste Management Division's Records Center.
- e) Owner shall not conduct any uses or activities that materially interfere with or adversely affect the implementation, integrity, or protectiveness of the corrective or response actions that the Air Force may be required to take at the PJKS Property, including but not limited to those described in Subsections (1)(a) - (c) of this Restrictive Notice.

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- f) Owner shall cooperate with the Air Force in the maintenance of paved areas that have been designed to prevent exposure to contaminated soil, specifically identified in the approved Soils O&M Plan, and any amendments thereto.
  - g) Owner shall provide the Air Force and its respective officers, agents, agencies, assigns, delegates, employees, contractors and subcontractors with access to all portions of the PJKS Property in order for the Air Force to perform corrective or response actions as provided in the ROD, the Air Force Deed and the Consent Decree.

2) Modifications and Termination.

- a) This Restrictive Notice runs with the land and is perpetual, unless modified or terminated pursuant to this Section. Owner may request that the Department approve a modification or termination of the Restrictive Notice. 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:
    - i. a proposal to perform additional corrective or response actions;
    - ii. new information regarding the risks posed by the residual contamination;
    - iii. information demonstrating that residual contamination has diminished;
    - iv. information demonstrating that an engineered feature or structure is no longer necessary;
    - v. information demonstrating that the proposed modification would not adversely impact the remedy and is protective of human health and the environment; and
    - vi. other appropriate supporting information.
- 3) Conveyances. Owner shall notify the Department at least fifteen days in advance of any proposed grant, transfer or conveyance of any interest in any or all of the PJKS Property. No owner of the PJKS Property shall have any responsibility or liability under this Restrictive Notice for obligations required, arising, or occurring from the actions of others after such owner's conveyance or transfer of all of its interest in the PJKS Property.
- 4) 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 PJKS Property.

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- 5) 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 on the PJKS Property or a change in the use of the PJKS Property under local zoning or land use laws or regulations.
  - 6) Inspections. The Department shall have the right of entry to the PJKS Property at reasonable times with prior notice for the purpose of determining compliance with the terms of this Restrictive Notice. The Department shall comply with Compliance Order paragraphs 39-41 regarding access and inspections. Otherwise, nothing in this Restrictive Notice shall impair any other authority the Department may otherwise have to enter and inspect the PJKS Property. The Department will provide Owner with copies of any final written inspection reports prepared in connection with such inspections.
  - 7) Third Party Beneficiary. EPA is a third party beneficiary with the right to enforce the provisions of this Restrictive Notice, as provided in Section 25-15-322(4) of CHWA.
  - 8) No Liability. Neither the Department nor EPA shall be liable under State law by virtue of issuing or being a beneficiary of this Restrictive Notice.
  - 9) Enforcement. The Department may enforce the terms of this Restrictive Notice pursuant to Section 25-15-322 of CHWA. LMC and EPA may also file suit in any court having jurisdiction to enjoin actual or threatened violations of this Restrictive Notice.
  - 10) Reservation, Effect and Interpretation. Nothing in this Restrictive Notice shall affect or limit the Air Force's obligations to LMC under the Consent Decree. Neither shall this Restrictive Notice expand or otherwise affect LMC's obligations under the PJKS Deed or Consent Decree. LMC reserves all rights it has or may have under the Consent Decree, the PJKS Deed, other contracts with the United States, and other sources of law.
  - 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) Notices. Any document or communication required under this Restrictive Notice shall be sent or directed to:

If to the Department:

State Project Officer for Air Force Plant PJKS  
Hazardous Materials and Waste Management Division  
Colorado Department of Public Health and the Environment  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530

If to LMC:

General Counsel  
Lockheed Martin Space Systems Company  
12257 South Wadsworth Boulevard  
Littleton, Colorado 80125

-and-

Director of Facilities  
Lockheed Martin Space Systems Company  
12257 South Wadsworth Boulevard  
Littleton, Colorado 80125

-and-

Director of Environment, Safety and Health  
Lockheed Martin Space Systems Company  
12257 South Wadsworth Boulevard  
Littleton, Colorado 80125

If to EPA:

Regional Project Manager for  
Air Force Plant PJKS  
United States Environmental Protection Agency  
Region 8, 8EPR-F  
1595 Wynkoop St.  
Denver, Colorado 80202-1129

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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

Title: Director, HPHWMD

STATE OF COLORADO )  
 ) ss:  
CITY AND COUNTY OF DENVER )

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

Claudette M. Ferris  
Notary Public

4300 Cherry Creek Dr S  
Address

Denver, CO 80246

My commission expires Oct 24 2015.



**Attachment A  
Property Survey**

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