



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

Covenant Information:

Covenant Date 3/30/2016

Last Modified 3/30/2016

Self Reporting

Media of Concern:

Surface Water:

Ground Water:

Air:

Soil:

Other:

Institutional Control ID: RSNOT00019

Site Contact Information:

Owner Corp: Pueblo Chemical Depot / United States Gov

Contact Name: Chris Pulskamp

Contact Address: 45825 Hwy 96 East

Contact City: Pueblo

Contact State: CO

Contact Zip: 81006

Contact Phone: 719-549-4252

Contaminants of Concern:

19-AsCo, 48-PAHs

Property Restrictions:

- 1: Use restricted to wildlife and natural resource management.
- 2: No excavation, drilling, digging, tilling or other soil disturbing activities without a materials management plan.
- 3: Construction or maintenance of any standing body of water is prohibited.
- 4: Nothing in the preceeding shall prohibit the installation of use of wells by CDPHE.
- 5:

Site Information:

ID: CO8213820725

Name: Pubelo Chem A 101

Address: 45825 Hwy 96 East

City: Pueblo

State: CO

Zip: 81006

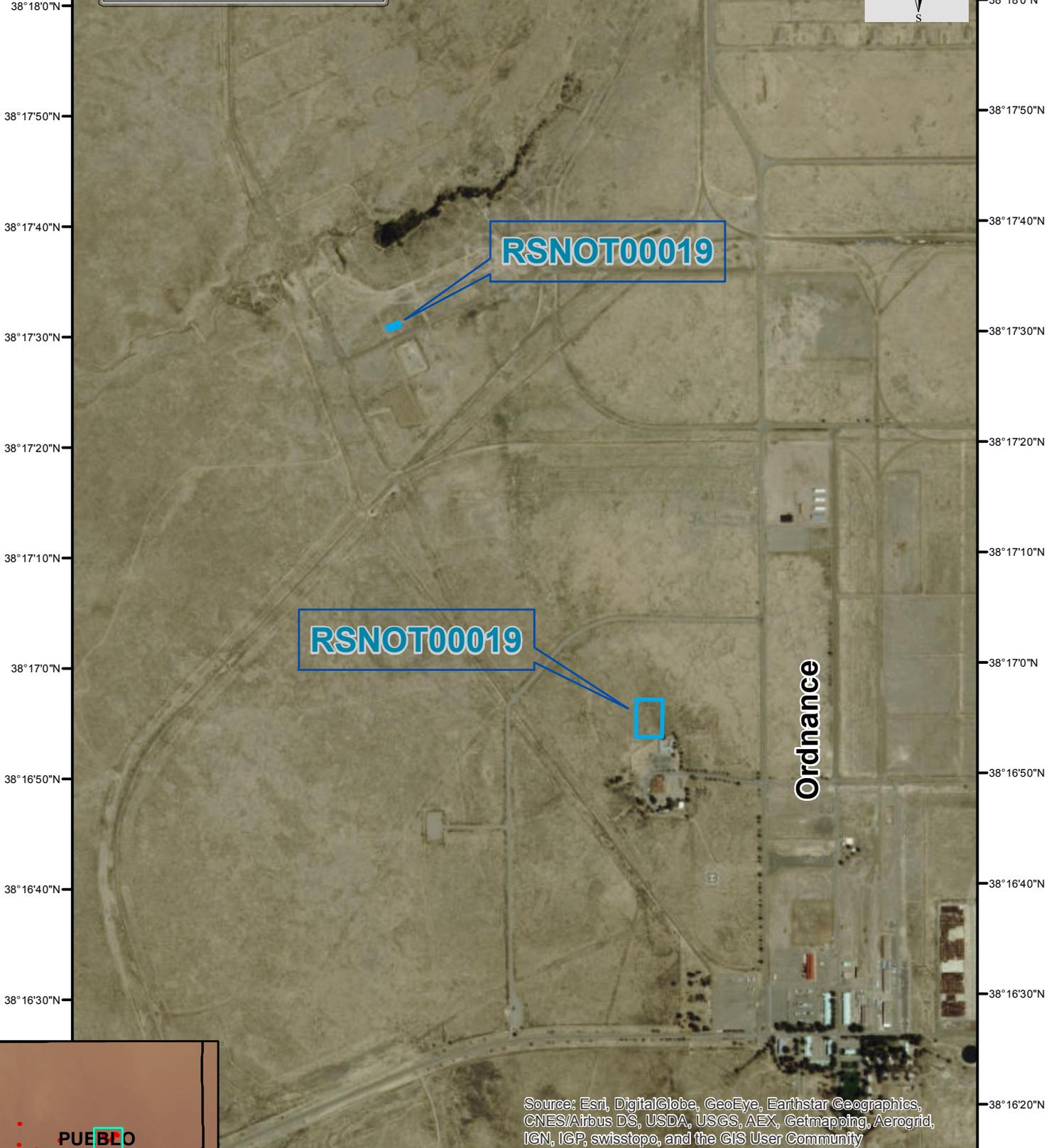
Legal Description:

See Institutional Control

PUEBLO CHEMICAL A 101

104°22'0"W 104°21'50"W 104°21'40"W 104°21'30"W 104°21'20"W 104°21'10"W 104°21'0"W 104°20'50"W 104°20'40"W 104°20'30"W 104°20'20"W

Featured Institutional Control

RSNOT00019

RSNOT00019

Ordinance

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community





**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, C.R.S.**

**Notice of Environmental Use Restrictions
Applicable to SWMUs 19 & 48 located in the
Wildlife Management Reuse Area
Pueblo Chemical Depot**

WHEREAS, the United States Government is the owner of certain property commonly referred to as the Pueblo Chemical Depot (Figure 1), located at Pueblo, CO, more particularly described as Solid Waste Management Unit ("SWMU") 19 – Red Fuming Nitric Acid Washout Disposal Area (Attachment A) and SWMU 48 – Old Photo Lab/Firing Range (Attachment B), 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"), 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.*, C.R.S.; and

WHEREAS, for purposes of indexing in the County Clerk and Recorder's office Grantor- Grantee index only, the Department of the Army 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 Hazardous Waste Permit CO-13-12-23-01, the Property is the subject of enforcement and corrective action pursuant to the Colorado Hazardous Waste Act, § 25-15-301, *et. seq.* ("CHWA") or the Resource Conservation and Recovery Act, 42 U.S.C. § 6926, *et. seq.* ("RCRA"); and

WHEREAS, the purpose of this Notice of Environmental Use Restrictions (hereinafter, "Restrictive Notice") is to ensure protection of human health and the environment by restricting the activities on the Property, and specifying a process for Department review of future activities at the Property; and

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 § 25-15-321.5. The Property described in Attachments A and B shall hereinafter be subject to the following requirements set forth in paragraphs 1 through 12, below, which shall be binding on the OWNER and then current holder of any leases, licenses, or other instruments granting a right to use the property. As used in this Restrictive Notice, the term OWNER means the then current record owner of the Property and does not include past owners who have divested themselves of all ownership interests. This Notice does not create any real property interest.

1) Use restrictions.

Land use controls required for SWMU 19 are:

- a. Property use is restricted to wildlife and natural resource management.
- b. No excavation, drilling, grading, digging, tilling, or any other soil-disturbing activity is allowed within the SWMU 19 boundary, except as authorized in a remedial decision document, environmental sampling plan, or Materials Management Plan approved by the Department.
- c. Construction or maintenance of any standing body of water, including any pond or stormwater retention basin, is prohibited.
- d. Nothing in the preceding shall prohibit the installation or use of wells as authorized in a remedial decision document or environmental sampling plan approved by the Department.

Land use controls required for SWMU 48 are:

- a. Property use is restricted to wildlife and natural resource management.
- b. No excavation, drilling, grading, digging, tilling, or any other soil-disturbing activity is allowed within the SWMU 48 boundary, except as authorized in a remedial decision document, environmental sampling plan, or Materials Management Plan approved by the Department.
- c. Nothing in the preceding shall prohibit the installation or use of wells as authorized in a remedial decision document or environmental sampling plan approved by the Department.

2) Modifications. 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:

- 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 an engineered feature or structure is no longer necessary;
- e. information demonstrating that the proposed modification would not adversely impact the remedy and is protective of human health and the environment; and
- f. other appropriate supporting information.

3) Notification of Violations, Inconsistent Activities, and Corrective Measures. OWNER will notify the Department as soon as practicable, but no later than 10 days after discovery, of any actual or threatened violation of this Restrictive Notice. In this notification, OWNER will identify the corrective measures it has taken and corrective measures it will take, including actual and scheduled completion dates. For corrective measures taken after the notification, OWNER shall notify the Department when the measures are complete.

4) Conveyances. OWNER shall provide notice to the Department at least fifteen (15) days in advance of any transfer of ownership of some or all the Property. The OWNER will attach a copy of the deed or other transfer document such as a letter of transfer, transferring administrative jurisdiction from one federal agency to another, to this notice. If the entire interest is not proposed for conveyance or transfer, OWNER shall provide the Department a survey that shows that property to be conveyed with the notice. Within fifteen (15) days after transfer completion, the OWNER will provide all final transfer documents to the Department.

5) Notice to Lessees and Contractors. OWNER will inform, monitor, bind and enforce this Restrictive Notice as to all leases, licenses, permits, and contracts at this site, as well as any other authorized occupants. OWNER will incorporate either in full or by reference this Restrictive Notice in any leases, licenses, permits, or other instruments granting a right to use the Property that may be affected by the restrictive notice.

6) Notification for Proposed Construction and Land Use. OWNER will notify the Department simultaneously when submitting any application to a local government for a building permit or change in land use. If an application is not required, OWNER will provide 30 days' notice prior to commencement of construction or other ground- disturbing activity at the site.

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. The Department of the Army and Pueblo Chemical Depot do not relinquish any rights and authorities they have regarding physical access to the property.

8) Third Party Beneficiary. Any OWNER not the OWNER upon the recording date of this Restrictive Notice is a third party beneficiary with the right to enforce the provisions of this



Restrictive Notice 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 issuing this Restrictive Notice, nor does any other named beneficiary of this Restrictive Notice acquire any liability under State law by virtue of being such a beneficiary.

10) Enforcement. The Department may enforce the terms of this Restrictive Notice pursuant to §25-15-322, C.R.S. The United States may file suit in district court to enjoin actual or threatened violations 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) Notices. Any document or communication required under this Restrictive Notice shall be sent or directed to:

Tracie White, Unit Leader
Federal Facilities Remediation and Restoration Unit
Hazardous Materials and Waste Management Division
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

Any approval required from the Department under this Restrictive Notice shall be in writing.

This Notice of Environmental Use Restrictions is issued by the Colorado Department of Public Health and Environment this 30th day of March, 2016.

By: Gary W. Baughman 3/30/2016
Date
Gary W. Baughman
Director, Hazardous Materials and Waste Management Division Colorado Department of Public Health and Environment

STATE OF COLORADO)

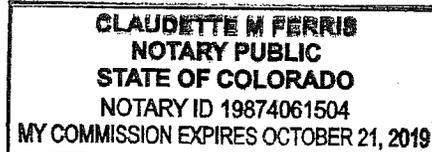
) ss:

COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 30 day of MARCH, 2016 by GARY W. BAUGHMAN on behalf of the Colorado Department of Public Health and Environment.

My commission expires: October 21, 2019

Claudette M. Ferris
Notary Public



Pueblo Chemical Depot (Figure 1)

2033258 NOTICE 04/06/2016 11:11:43 AM
Page: 5 of 12 R 66.00 D 0.00 T 66.00
Gilbert Ortiz Clerk/Recorder, Pueblo County, Co



2033258 NOTICE 04/06/2016 11:11:43 AM
Page: 6 of 12 R 66.00 D 0.00 T 66.00
Gilbert Ortiz Clerk/Recorder, Pueblo County, Co

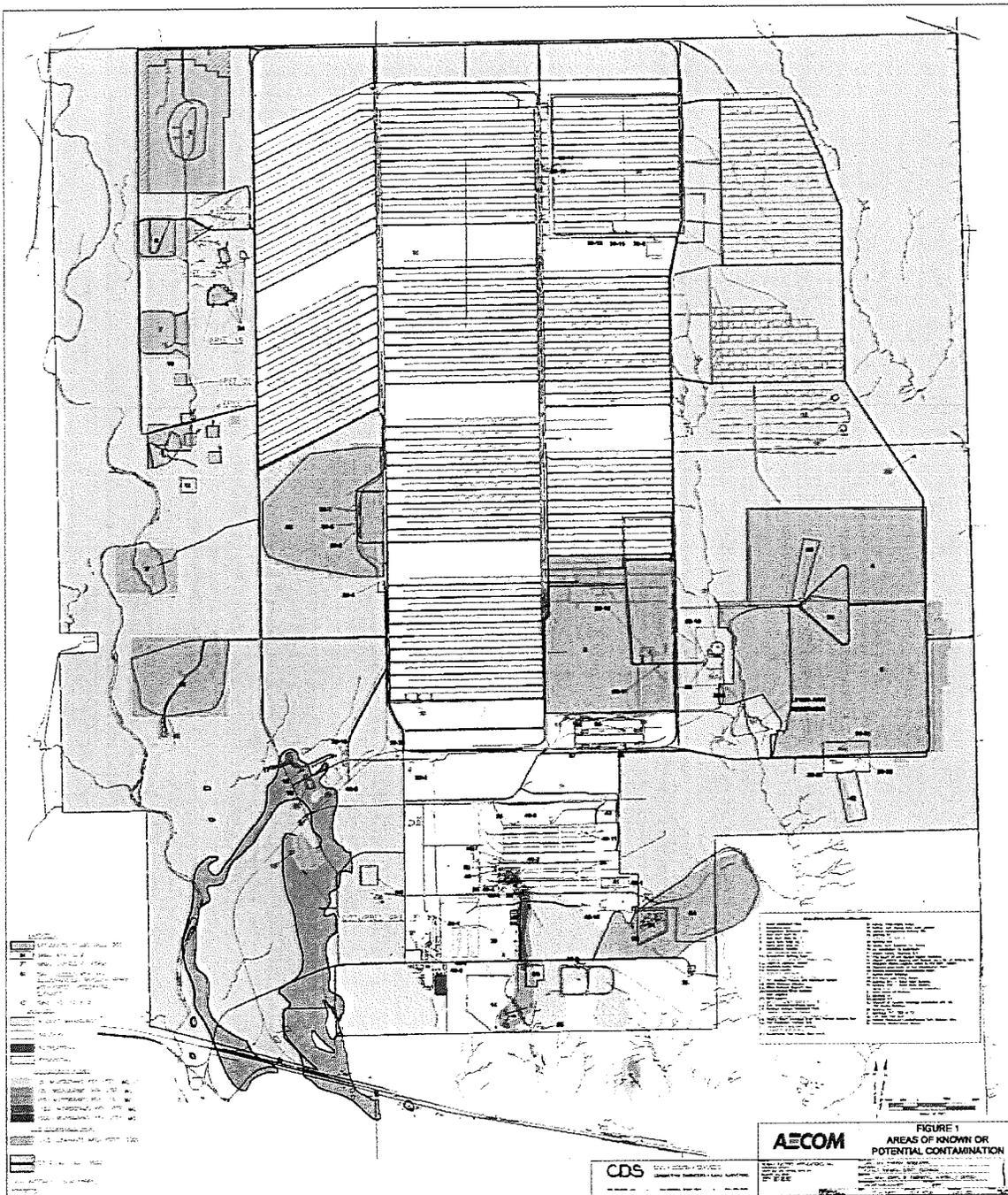
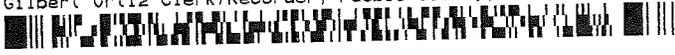


Figure 1



Attachment A

Solid Waste Management Unit ("SWMU") 19 – Red Fuming Nitric Acid Washout Disposal Area

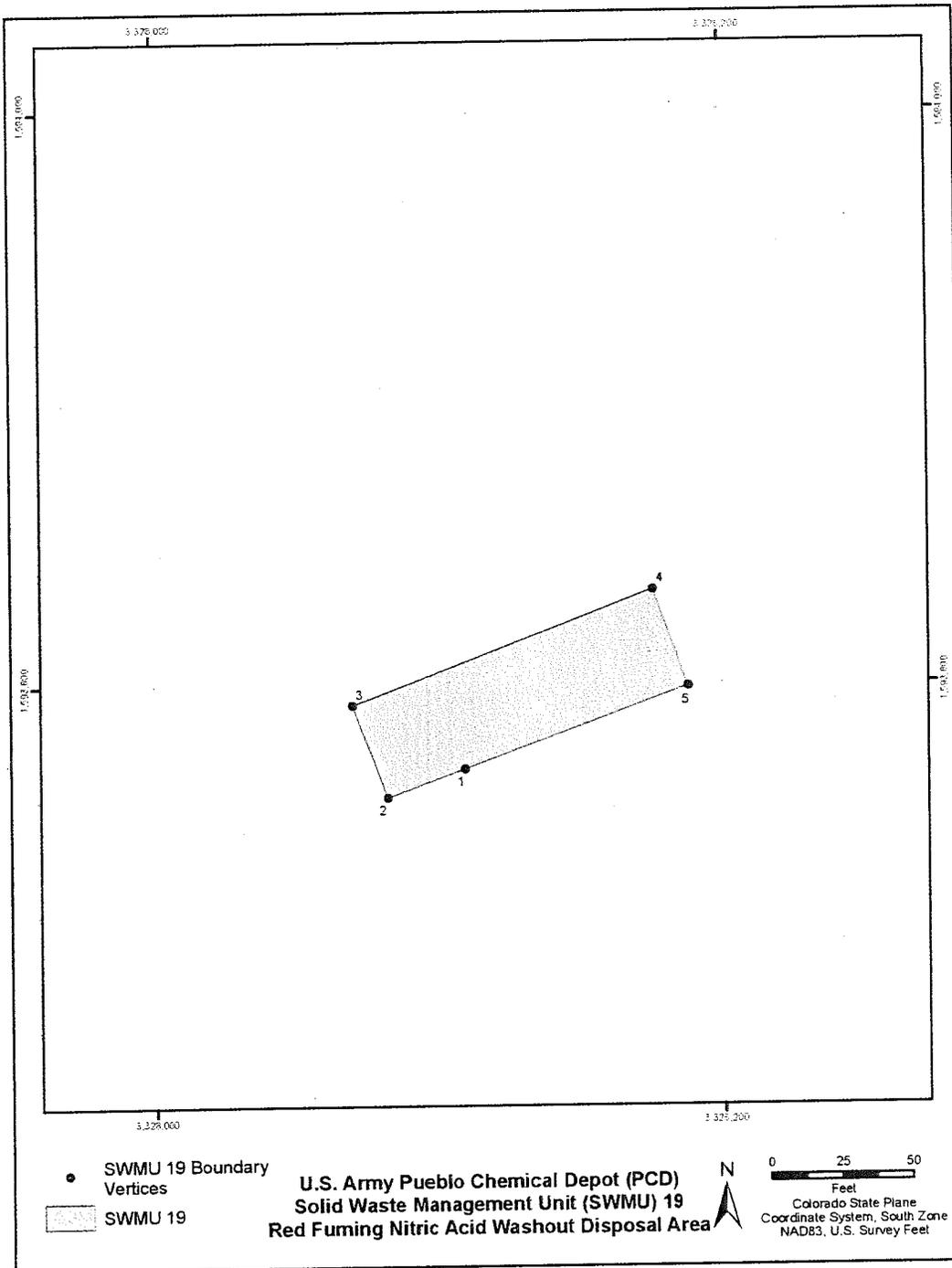


SWMU 19 COORDINATES

SWMU 19 Coordinates		
ID	X Coordinate	Y Coordinate
1	3328109.09	1593770.43
2	3328081.62	1593760.51
3	3328069.48	1593792.83
4	3328175.74	1593832.80
5	3328188.02	1593798.95



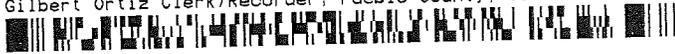
SWMU 19 MAP





Attachment B

SWMU 48 – Old Photo Lab/Firing Range



SWMU 48 COORDINATES

SWMU 48 Coordinates		
ID	X Coordinate	Y Coordinate
NW Corner	3330036	1590675
NE Corner	3330602	1590675
SE Corner	3330602	1590018
SW Corner	3330036	1590018



SWMU 48 MAP

