



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

**Covenant Information:**

**Covenant Date** 8/30/2016

**Last Modified** 8/30/2016

**Self Reporting**

**Media of Concern:**

**Surface Water:**

**Ground Water:**

**Air:**

**Soil:**

**Other:**

**Institutional Control ID: RSNOT00022**

**Site Contact Information:**

**Owner Corp:** Public Service Company of Colorado

**Contact Name:** Jennifer McCarter

**Contact Address:** 1800 Larimer St

**Contact City:** Denver

**Contact State:** CO

**Contact Zip:** 80202

**Contact Phone:** 303-294-2228

**Contaminants of Concern:**

Arsenic and Lead

**Property Restrictions:**

- 1: No excavation, drilling, grading, digging, tilling or any soil-disturbing activity is permitted on the property without permission from CDPHE.
- 2: No use of groundwater on the property for public or private water systems, or for domestic or agricultural use.
- 3: Any action that may damage or interfere with the proper operation or maintenance of any engineered component is prohibited.
- 4:
- 5:

**Site Information:**

**ID:**

**Name:** Cameo Coal Unloading Area 077

**Address:** Canal Road

**City:** Cameo

**State:** CO

**Zip:** 81526

**Legal Description:**

See Institutional Control

# CAMEO COAL UNLOADING AREA 077

108°19'30"W 108°19'20"W 108°19'10"W 108°19'0"W 108°18'50"W

Featured Institutional Control



39°9'10"N

39°9'10"N

39°9'0"N

39°9'0"N

39°8'50"N

39°8'50"N

39°8'40"N

39°8'40"N

39°8'30"N

Government Rightline Canal

Colorado River

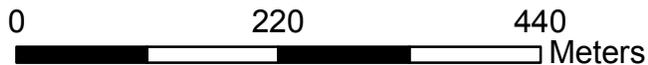
Cameo

**RSNOT00022**

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community, Esri, HERE, DeLorme, TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS user community



**RSNOT00022**



**COLORADO**  
Hazardous Materials  
& Waste Management Division  
Department of Public Health & Environment

**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, Colorado Revised Statutes**

**NOTICE OF ENVIRONMENTAL USE RESTRICTIONS**

WHEREAS, Public Service Company of Colorado (“PSCo”) is the owner of certain property commonly referred to as the Cameo Coal Unloading Area, located near the Town of Palisade, County of Mesa, State of 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”), which is located at 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530, is authorized to issue Notices of Environmental Use Restrictions (a/k/a “Restrictive Notices”) pursuant to § 25-15-320(4)(a) of the Colorado Hazardous Waste Act, § 25-15-101, *et seq.*, C.R.S. (“CHWA”); and

WHEREAS, for purposes of indexing in the County Clerk and Recorder’s office Grantor-Grantee index only, Public Service Company of Colorado shall be considered the **Grantor**, and the Colorado Department of Public Health and Environment shall be considered the **Grantee**. Nothing in the preceding sentence shall be construed to create or transfer any right, title or interest in the Property; and

WHEREAS, pursuant to the Closure Construction Quality Assurance Report dated January 2015, the Property is the subject of enforcement and remedial action pursuant to the Solid Waste Disposal Sites and Facilities Act, §§0-20-101 *et seq.*, C.R.S. and the Solid Waste Regulations, 6 C.C.R. 1007-2; and

WHEREAS, the purpose of this Restrictive Notice is to ensure protection of human health and the environment by minimizing the potential for exposure to any residual solid waste that remains on the Property through surface disturbance restrictions; and

WHEREAS, PSCo has requested that the Department issue this Restrictive Notice as provided in Article 15 of Title 25, Colorado Revised Statutes;

NOW, THEREFORE, the Department issues this Restrictive Notice pursuant to § 25-15-321.5, C.R.S. The Property described in Attachment A shall hereinafter be subject to the following requirements set forth in paragraphs 1 through 12 below, which shall be binding on PSCo and all persons 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.

- a) No excavation, drilling, grading, digging, tilling or any other soil-disturbing activity is permitted on the Property unless conducted in accordance with a Department-approved Materials Management Plan and any amendments thereto. OWNER must obtain all necessary permits and comply with all local, state and federal laws for any activities on the Property. After the completion of any approved soil disturbing activities, the disturbed areas shall have a minimum of two feet of soil cover and re-vegetation, unless otherwise approved by the Department.
- b) Use of groundwater on the Property for a public water system, non-public individual or private water source, domestic use or agricultural uses is prohibited. "Domestic use" means household or family use, including, but not limited to: drinking, bathing, and gardening. "Agricultural use" means use for the cultivation of soil, the production of crops, and/or raising of livestock. Nothing in this provision shall prohibit the installation or use of monitoring or remedial wells, as authorized by a remedial decision document or environmental sampling plan approved by the Department.
- c) Any action that may damage or interfere with the proper operation or maintenance of any engineered component of the remedy on the Property, including any groundwater wells, monitoring wells, and the soil cover, is prohibited.

- 2) Modifications. This Restrictive Notice shall remain in full force and effect unless modified or terminated in accordance with this paragraph and pursuant to § 25-15-321.5, C.R.S. or any successor statute. 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) Conveyances. OWNER shall notify the Department at least fifteen (15) days prior to any conveyance of any interest in any or all of the Property. Within thirty (30) days after any such conveyance, OWNER shall provide the Department with the name, mailing address and telephone number of the new OWNER.
  - 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 Property.
  - 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 or change in land use.
  - 6) Inspections. The Department, including its authorized employees, agents, representatives and independent contractors, 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.
  - 7) Third Party Beneficiary. The OWNER of the Property 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.
  - 8) No Liability. The Department does not acquire any liability under State law by virtue of issuing this Restrictive Notice.
  - 9) Enforcement. The Department may enforce the terms of this Restrictive Notice pursuant to § 25-15-322, C.R.S. The OWNER of the Property may file suit in district court to enjoin actual or threatened violations of this Restrictive Notice.
  - 10) 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.
  - 11) Severability. If any part of this Restrictive Notice shall be decreed to be invalid by any court of competent jurisdiction, all of the other provisions hereof shall not be affected thereby and shall remain in full force and effect.



**ATTACHMENT "A"**  
**to the**  
**NOTICE OF ENVIRONMENTAL USE RESTRICTIONS**

**EXHIBIT A**

A parcel of land situated in the northwest quarter of Section 34, Township 10 South, Range 98 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at a 2" aluminum cap marked "PLS 28662" for the north sixteenth corner on the west line of said Section 34 whence a 2" aluminum cap marked "LS 31160" for a Witness Corner to the North sixteenth quarter corner of said Section 34 bears North 89°56'01" East, a distance of 2534.33 feet with all bearings herein relative thereto, and relative to the Mesa County Local Coordinate System - GVA.

Thence along the previously described line South 89°56'01" West, a distance of 970.29 feet to the Point of Beginning;

Thence departing said line North 49°41'19" West, a distance of 162.32 feet to the southeasterly line of a parcel described in Mesa County Reception Number 112877;

Thence along said southeasterly line North 70°39'59" East, a distance of 109.25 feet;

Thence continuing along said line North 55°29'59" East, a distance of 271.67 feet;

Thence departing said line South 61°32'29" East, a distance of 170.19 feet;

Thence North 81°02'00" East, a distance of 284.63 feet;

Thence South 68°13'56" East, a distance of 259.70 feet to the westerly boundary line of the Union Pacific Railroad right of way;

Thence along said right of way South 14°36'44" West, a distance of 269.80 feet;

Thence departing said right of way South 88°04'44" West, a distance of 664.45 feet;

Thence North 49°41'19" West, a distance of 176.19 feet;

Thence North 72°53'39" East, a distance of 25.13 feet to the south line of the northwest quarter of the northeast quarter of said Section 34;

Thence along said line South 89°56'01" West, a distance of 32.69 feet to the Point of Beginning.

Containing 6.653 acres, more or less.

---

This description was prepared by:  
K. Scott Thompson  
Colorado P.L.S. 18480  
744 Horizon Court - #110  
Grand Junction, CO 81506

---

NOTICE: Any rewriting or retyping of this description must NOT include this preparation information. Lack of an embossed seal indicates this document is not the original.

# EXHIBIT B

Covenant

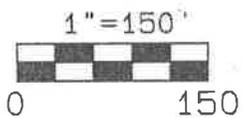
1.9 Road

## LOT 2

UNITED STATES  
REC. #112877

N89°56'01"E  
970.29' **POB**

N $\frac{1}{2}$  corner  
Sections 33/34  
T10S, R98W  
6th PM  
2" Aluminum cap  
PLS 28662



THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY REPRESENTING A WRITTEN DESCRIPTION - IT DOES NOT REPRESENT A MONUMENTED BOUNDARY SURVEY



**RIVERCITY**  
CONSULTANTS

744 Horizon Ct.  
Suite 110  
Grand Junction  
CO 81506  
970-241-4722

Survey:slg / kst    Drawn:kst    Checked:akt    Mar 7, 2016

\\RCCSERVER\Data\PROJECTS\0026 XCEL\B01 Cameo 2014\B01-2015.pro

