



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: RSNOT00023

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: Activities that may interfere or damage the integrity of the channel and pond are prohibited.
- 2: Any action that may damage or interfere with the operation or maintenance of any engineered remedy is prohibited.
- 3:
- 4:
- 5:

Site Information:

ID:

Name: Cameo Drainage Structures 077

Address: Canal Road

City: Cameo

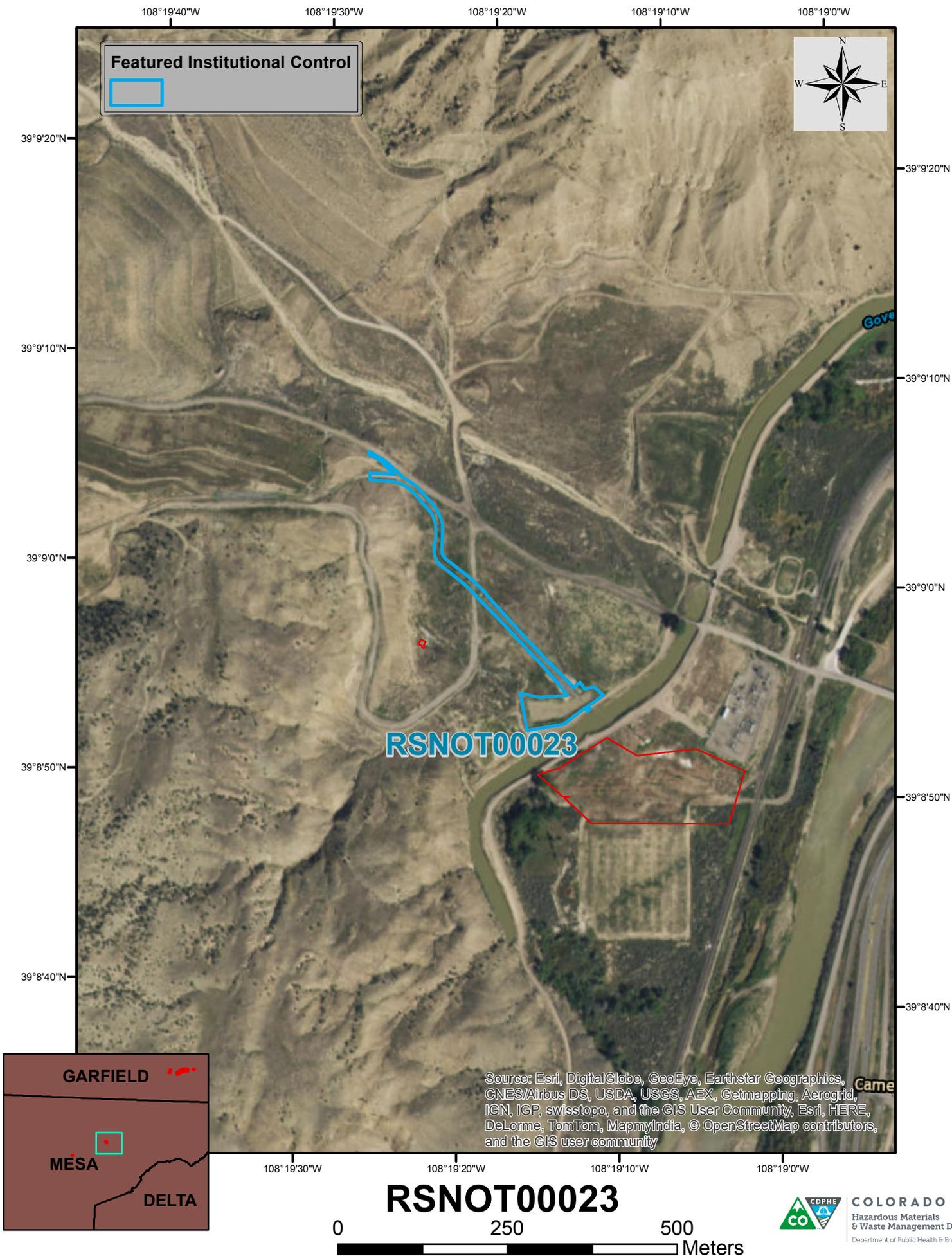
State: CO

Zip: 81526

Legal Description:

See Institutional Control

CAMEO DRAINAGE STRUCTURES 077



**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 Storm Water Channel and Detention Pond 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) Activities that may interfere or damage the integrity of the channel and pond are prohibited. All activities must be approved by the Department and conform to the September 30, 2011 Final Drainage Report for the Cameo Decommissioning Project, prepared by Wright Water Engineers (WWE) or other Department approved drainage plan.
 - b) Any action that may damage or interfere with the proper operation or maintenance of any engineered component of the remedy on the Property, including the channel and pond, is prohibited, except with the prior written approval by the Department and conducted pursuant to a Department-approved Materials Management Plan. OWNER must obtain all necessary permits and comply with all local, state and federal laws for any activities on the Property.
- 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.
- 12) Notices. Any document or communication required under this Restrictive Notice shall be sent or directed to:

Jerry Henderson, Solid Waste Permitting Unit Leader
Hazardous Materials and Waste Management Division
Colorado Department of Public Health and the Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

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

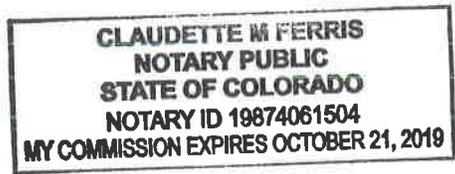
By: *George W. Baughman*
Director, Hazardous Materials and Waste Management Division

STATE OF COLORADO)
) ss:
COUNTY OF Denver)

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

Claudette M. Ferris
Notary Public
4300 Cherry Creek Rd S
Address
Denver, CO 80246

My commission expires: October 21, 2019



ATTACHMENT "A"
to the
NOTICE OF ENVIRONMENTAL USE RESTRICTIONS

EXHIBIT A

A parcel of land situated in the southwest quarter of the southwest quarter of Section 27 and the northwest quarter of the northwest quarter of Section 34, Township 10 South, Range 98 West of the 6th Principal Meridian, County of Mesa, State of Colorado, more particularly described as follows:

Commencing at a steel pipe with a 3.25" brass cap marked "BLM 1952" for the corner common to said Section 27, 28, 33 and 34 of said Township 10 South, Range 98 West of the 6th Principal Meridian whence a #6 rebar with a 2" aluminum cap marked "PLS 28662" for the west sixteenth corner of Sections 27 and 34 of said Township 10 South, Range 98 West of the 6th Principal Meridian bears North 89°57'12" East, a distance of 1298.77 feet with all bearings herein relative thereto, and relative to the Mesa County Local Coordinate System - GVA.

Thence along the section line common to said Section 27 and Section 28 North 03°27'57" West, a distance of 169.56 feet to the Point of Beginning;

Thence along said section line North 03°27'57" West, a distance of 35.14 feet;

Thence departing said section line South 88°24'26" East, a distance of 118.97 feet;

Thence North 47°35'14" West, a distance of 62.69 feet;

Thence North 49°52'04" West, a distance of 29.63 feet;

Thence North 58°20'02" West, a distance of 31.60 feet;

Thence North 62°51'45" West, a distance of 32.02 feet to said section line;

Thence along said section line North 03°27'57" West, a distance of 17.43 feet to a common boundary line between current owners Public Service Company of Colorado and Snowcap Coal Company;

Thence along said common line the following five (5) courses:

1. South 62°51'45" East, a distance of 41.49 feet;
2. South 58°20'02" East, a distance of 33.30 feet;
3. South 49°52'04" East, a distance of 30.71 feet;
4. South 50°06'24" East, a distance of 109.01 feet;
5. South 59°27'29" East, a distance of 76.24 feet;

Thence departing said common line South 44°12'02" East, a distance of 110.25 feet;

Thence 146.16 feet along the arc of a 190.00 foot radius tangent curve to the right, through a central angle of 44°04'30", with a chord bearing South 22°09'47" East, a distance of 142.58 feet;

Thence South 00°07'32" East tangent to said curve, a distance of 90.14 feet;

Thence 46.74 feet along the arc of a 50.00 foot radius tangent curve to the left, through a central angle of 53°33'55", with a chord bearing South 26°54'29" East, a distance of 45.06 feet;

Thence South 53°41'26" East tangent to said curve, a distance of 161.21 feet;

Thence South 48°40'04" East, a distance of 84.05 feet;

Thence South 36°16'25" East, a distance of 28.30 feet;

Thence South 44°51'35" East, a distance of 262.63 feet;

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.

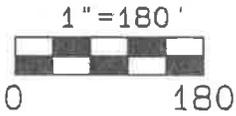
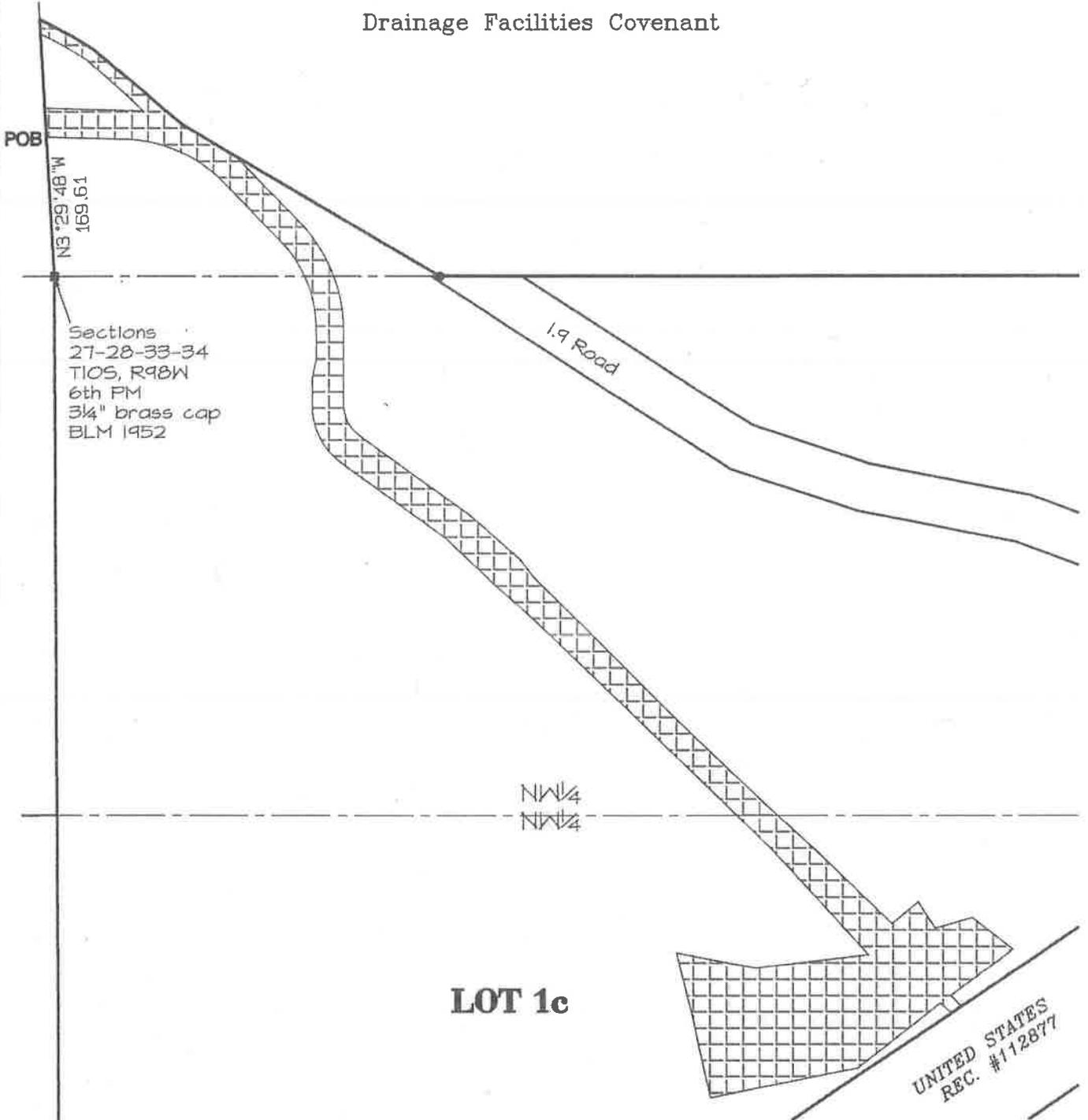
Thence South 45°56'33" East, a distance of 125.84 feet;
 Thence South 46°51'39" East, a distance of 87.17 feet;
 Thence South 45°31'15" East, a distance of 128.39 feet;
 Thence North 49°31'10" East, a distance of 41.08 feet;
 Thence South 32°20'14" East, a distance of 38.17 feet;
 Thence North 73°38'35" East, a distance of 46.29 feet;
 Thence South 52°02'30" East, a distance of 62.65 feet;
 Thence South 53°06'30" West, a distance of 94.15 feet;
 Thence South 45°15'27" East, a distance of 18.74 feet to the northwesterly boundary of the United States property described at Reception Number 112877 as surveyed;
 Thence along said line South 55°29'59" West, a distance of 15.27 feet;
 Thence departing said line North 45°15'27" West, a distance of 18.03 feet;
 Thence South 50°58'04" West, a distance of 127.42 feet;
 Thence South 78°23'16" West, a distance of 180.77 feet;
 Thence North 12°00'37" West, a distance of 96.43 feet;
 Thence North 13°40'19" West, a distance of 86.12 feet;
 Thence South 78°59'05" East, a distance of 96.55 feet;
 Thence North 83°10'47" East, a distance of 136.59 feet;
 Thence North 42°06'10" West, a distance of 171.93 feet;
 Thence North 45°17'22" West, a distance of 125.51 feet;
 Thence North 45°28'59" West, a distance of 124.69 feet;
 Thence North 46°02'19" West, a distance of 122.14 feet;
 Thence North 46°30'50" West, a distance of 55.82 feet;
 Thence North 48°23'49" West, a distance of 46.65 feet;
 Thence North 45°31'15" West, a distance of 73.02 feet;
 Thence North 53°41'26" West, a distance of 155.25 feet;
 Thence 84.14 feet along the arc of a 90.00 foot radius tangent curve to the right, through a central angle of 53°33'55", with a chord bearing North 26°54'29" West, a distance of 81.11 feet;
 Thence North 00°07'32" West tangent to said curve, a distance of 34.31 feet;
 Thence North 13°08'29" East, a distance of 21.79 feet;
 Thence North 00°07'32" West, a distance of 36.47 feet;
 Thence 121.16 feet along the arc of a 157.50 foot radius tangent curve to the left, through a central angle of 44°04'30", with a chord bearing North 22°09'47" West, a distance of 118.19 feet;
 Thence North 44°12'02" West tangent to said curve, a distance of 97.61 feet;
 Thence 133.09 feet along the arc of a 172.50 foot radius tangent curve to the left, through a central angle of 44°12'24", with a chord bearing North 66°18'14" West, a distance of 129.82 feet;
 Thence North 88°24'26" West, a distance of 96.14 feet to the Point of Beginning.
 Containing 2.414 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

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EXHIBIT B

Drainage Facilities Covenant



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



		744 Horizon Ct. Suite 110 Grand Junction CO 81506 970-241-4722	
Survey:slg / kst	Drawn:kst	Checked:akt	Mar 8, 2016
\\RCCSERVER\DATA\PROJECTS\0026 XCEL\B01 Cameo 2014\B01-2015.pro			