



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: RSNOT00024

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:

Uranium Mill Tailings

Property Restrictions:

- 1:** No materials of any kind may be removed from the property without permission of CDPE and the Department of Energy.
- 2:** No structures intended for human occupancy may be built on the Property without a properly designed and constructed radon mitigation system.
- 3:** No water from the uppermost alluvial aquifer on the Property may be withdrawn or used for any purpose, except as authorized by CDPHE and DOE.
- 4:** No excavation, drilling, grading, digging, tilling or any other soil-disturbing activity without approval of the Department and DOE.
- 5:** Any action that may damage or interfere with the proper operation or maintenance of any engineered component is prohibited.

Site Information:

ID:

Name: Cameo Mine Portal 077

Address: Canal Road

City: Cameo

State: CO

Zip: 81526

Legal Description:

See Institutional Control

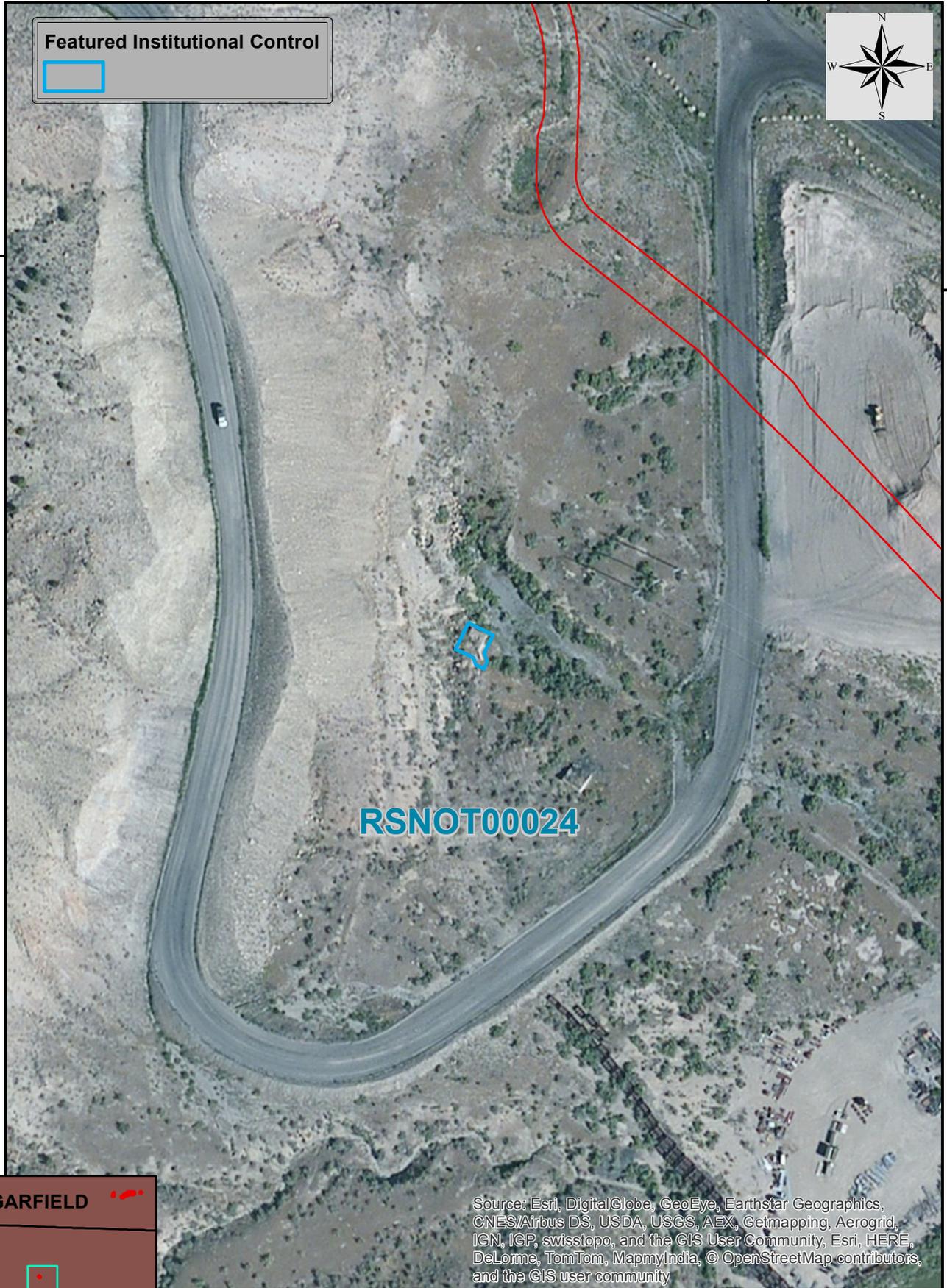
CAMEO MINE PORTAL 077

108°19'20"W

39°9'0"N

39°9'0"N

Featured Institutional Control



RSNOT00024

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, MapnyIndia, © OpenStreetMap contributors, and the GIS user community

108°19'20"W



RSNOT00024



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 UMTRA Concrete Mine Portal, 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, a prior owner of the Property used concrete mixed with uranium mill tailings (referred to as Uranium Mill Tailing Remedial Action Concrete (“UMTRA Concrete”)) in an above-ground historic mine portal entrance structure on the Property; and

WHEREAS, pursuant to its Radiological and Engineering Assessment for the Cameo Power Plant, the U.S. Department of Energy (“DOE”) determined that it was appropriate to leave the mine portal entrance in place; and

WHEREAS, pursuant to the Cameo Station Coal Ash Disposal Facility Engineering Design and Operations Plan dated March 16, 2012, the Property is subject to the requirements of 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 the property is subject to requirements set forth in the Uranium Mill Tailings Radiation Control Act, 42 U.S.C. § 7901 *et seq.*; and

WHEREAS, the purpose of this Covenant is to ensure protection of human health and the environment by minimizing the potential for exposure to any residual solid waste and radioactive material from radium, uranium and radon 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 materials of any kind may be removed from the Property without permission of the Department and the DOE.
- B. No structures intended for human occupancy (including residences, offices or other workplaces) may be built on the Property without a properly designed and constructed radon mitigation system approved by the Department that is designed to prevent airborne concentrations from exceeding the airborne radon concentration of 4 pCi/L. Once constructed, the mitigation system must be operated and maintained as specified in the Department's approval of the system to prevent indoor radon concentrations from exceeding the 4 pCi/L. OWNER must obtain all necessary permits and comply with all local, state and federal laws for any activities on the Property.
- C. No water from the uppermost alluvial aquifer on the Property may be withdrawn or used for any purpose, except as authorized in a remedial decision document or environmental sampling plan approved by the Department and the DOE. Nothing in this preceding sentence shall prohibit the installation or use of monitoring or remedial wells, as authorized in a remedial decision document or environmental sampling plan approved by the Department and the DOE.
- D. No excavation, drilling, grading, digging, tilling or any other soil-disturbing activity is permitted on the Property without prior written approval of the Department and DOE and unless conducted in accordance with the May 2015 Uranium Mill Tailings Management Plans and a Department-approved Materials Management Plan and any amendments thereto. 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.
- E. Any action that may damage or interfere with the proper operation or maintenance of any engineered component of the remedy on the Property, including radon mitigation systems, 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 and DOE are third party beneficiaries 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, nor does DOE acquire any liability under State law by virtue of being a named beneficiary of this Covenant.

- 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, CO 80246-1530

Richard P. Bush
UMTRCA Program Manager
DOE Office of Legacy Management
2597 Legacy Way
Grand Junction, CO 81503

My commission expires: _____

ATTACHMENT "A"
to the
NOTICE OF ENVIRONMENTAL USE RESTRICTIONS

EXHIBIT A

A parcel of land situated in 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, being 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 South 24°18'02" East, a distance of 644.00 feet to the Point of Beginning;

Thence South 66°00'00" East, a distance of 26.00 feet;

Thence South 24°00'00" West, a distance of 19.00 feet;

Thence South 20°00'00" East, a distance of 8.82 feet;

Thence South 24°00'00" West, a distance of 7.72 feet;

Thence North 66°00'00" West, a distance of 8.43 feet;

Thence North 20°00'00" West, a distance of 7.11 feet;

Thence North 66°00'00" West, a distance of 18.77 feet;

Thence North 24°00'00" East, a distance of 27.45 feet to the Point of Beginning.

Containing 0.018 acres, more or less.

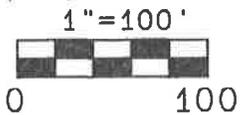
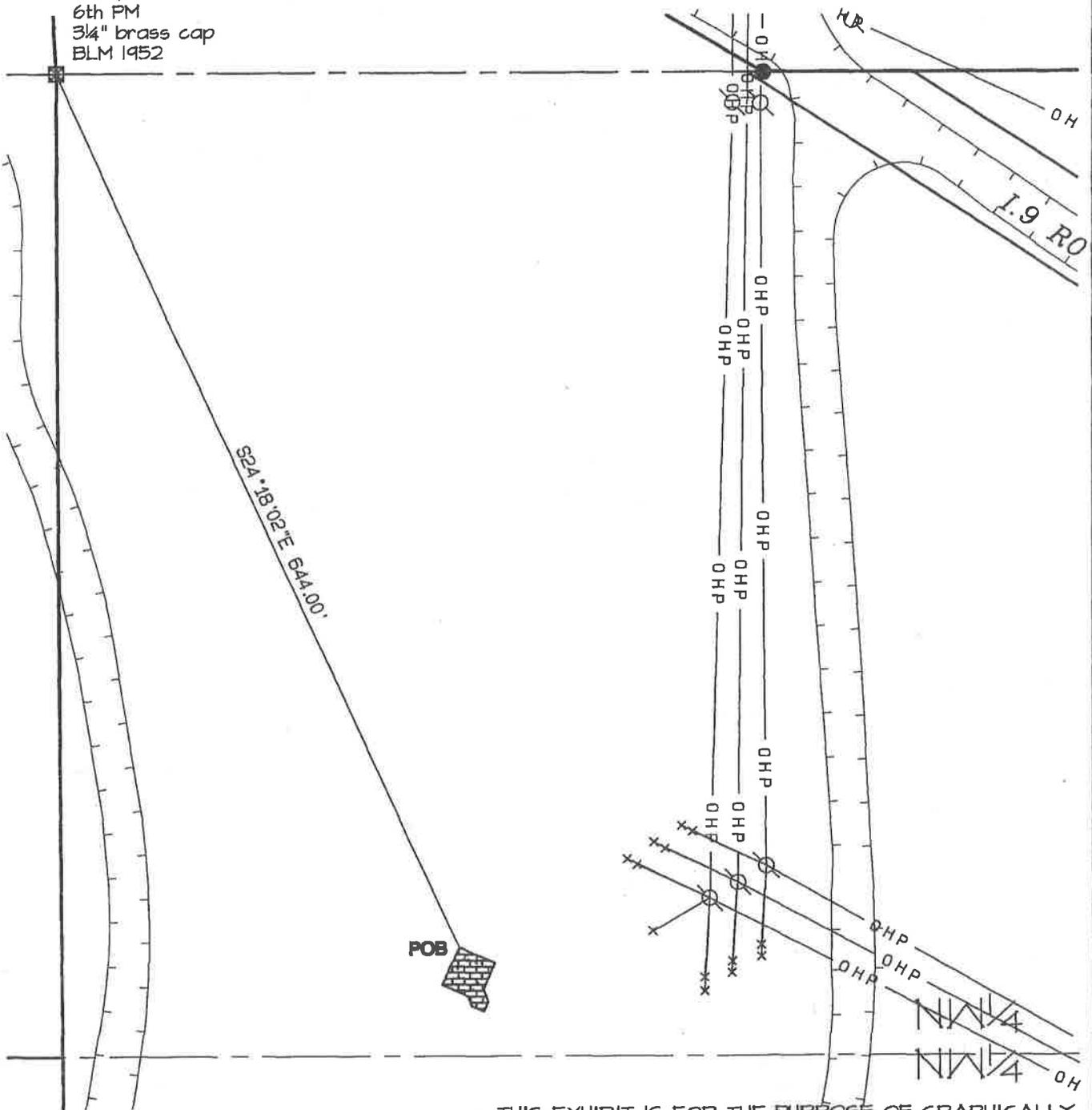
This description was prepared by:
K. Scott Thompson
Colorado P.L.S. 18480
744 Horizon Court - #110
Grand Junction, CO 81506

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

Structure Covenant

Sections
27-28-33-34
T10S, R98W
6th PM
3/4" brass cap
BLM 1952



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	Apr 12, 2016
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