

# STATE OF COLORADO

John W. Hickenlooper, Governor  
Larry Wolk, MD, MSPH  
Executive Director and Chief Medical Officer

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

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Colorado Department  
of Public Health  
and Environment

May 27, 2014

Luke McFetridge  
NewMark Merrill Mountain States  
2720 Council Tree Avenue, Suite 230  
Fort Collins, CO 80525

RE:    CONDITIONAL CLOSURE REQUEST AND APPROVAL  
      Broomfield Plaza Cleaners, 5157 West 120<sup>th</sup> Avenue  
      Broomfield, Colorado  
      COD981544232, M&E/1.4

Dear Mr. McFetridge,

The Hazardous Materials and Waste Management Division (the Division) of the Colorado Department of Public Health and Environment has reviewed the May 23, 2014 "Request for Conditional Closure" ("the Request") for the former Broomfield Plaza Cleaners site (the "Site"). The Request summarizes the years of effort the NMC Broomfield, LLC has put into characterizing, remediating and monitoring soil and ground water contamination attributable to the historic operation of a dry cleaner at this location; the contaminant being the dry cleaning solvent perchloroethylene ("PCE").

The Request was prepared in accordance with the Division's January 8, 2014 "Policy for Conditional Closure of Low-Threat Sites with Residual Ground Water Contamination" and the associated guidance document of the same name ("the Policy"). The Policy describes the conditions that must be present before a determination that no further active remediation or monitoring are necessary at a site where ground water contamination in excess of the Colorado Ground Water Standards will remain for some time in the future.

The Request received for the Site provided adequate information to determine that the ten conditions listed in the Policy were met to the satisfaction of the Division. These conditions and the Division's opinion of the adequacy of the supporting documentation contained within the request and our files are as follows:

1. The applicant demonstrated that the source area beneath the former dry cleaner has been remediated to the extent practicable.
2. The applicant demonstrated that plume size is either stable or decreasing in all dimensions.

3. The applicant demonstrated that concentrations of contaminants in the plume are decreasing or predicted to decrease.
4. The applicant demonstrated that ground water will meet Water Quality Regulation No. 41 water quality standards within a reasonable period of time, predicted to occur as early as five or eight years from the last groundwater monitoring event date.
5. The applicant demonstrated that contaminant concentration trends are not dependent on the continued operation and maintenance of active remediation systems or containment systems.
6. The applicant demonstrated that there are no existing or reasonably anticipated exposures above standards or screening levels through cross-media transfer including volatilization into buildings.
7. The applicant demonstrated that there are no uses of ground water down gradient of the site that would be threatened by the plume.
8. The applicant demonstrated that there is no discharge to surface water in excess of surface water standards.
9. The applicant demonstrated that there is no potential for the plume to cause an exceedence of a ground water quality standard in an adjacent aquifer.
10. The applicant demonstrated that an institutional control, in the form of an environmental covenant granted on March 27, 2014, will restrict access to ground water at the site while the contaminants continue to attenuate and decline in concentration.

NMC Broomfield, LLC has demonstrated to the Division that the low level contaminant concentrations beneath the Site do not pose a threat to human health and environment and continue to decline with time. The Division grants the applicants request to conditionally close the Site pursuant to the attached Decision document. As a result of this approval, no further monitoring is required at the Site.

The Division recommends that some or all of the monitoring wells at the Site be preserved so that either NMC Broomfield, LLC or a subsequent property owner can resample them in the future. If future data provided to the Division demonstrates that the concentration of PCE, and any degradation products, are below their respective State ground water standards, the Division will have the information it needs to grant a no further action determination, no longer requiring the use of the environmental covenant to restrict access to ground water.

If you have any questions regarding this approval, please contact me at [walter.avramenko@state.co.us](mailto:walter.avramenko@state.co.us) or at 303-692-3362.

Sincerely,

Walter Avramenko, Unit Leader  
Hazardous Waste Corrective Action Unit  
Hazardous Waste Management Program

Broomfield Plaza Cleaners

May 27, 2014

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cc: Kevin P. Cavanaugh, NewMark Merrill Companies  
Allen Ginsborg, NewMark Merrill Mountain States  
Jeremy Musson, Pinyon Environmental  
Scott Clark, Burn Figa & Will P.C.  
Kendall Griffin, AGO  
Colleen Brisnehan, CDPHE

**Attachments:** Decision Document  
Completed Conditional Closure Determination Checklist

## DECISION

Having reviewed the May 23, 2014 Request for Conditional Closure (“the Request”) and all documents contained within the files at the Colorado Department of Public Health and Environment’s Hazardous Materials and Waste Management Division’s (“the Division”) Records Center and environmental covenant placed on the property, I affirm the findings and conclusions contained within the Request and hereby approve NMC Broomfield, LLC’s request to conditionally close the former Broomfield Plaza Cleaners site, and will require no further monitoring of residual ground water contamination. This determination will be recorded in the Division’s database of sites for approved conditional closures.

The Division’s decision to approve the Request is based on its analysis of the site-specific characteristics and conditions for the former Broomfield Plaza Cleaners site that are not necessarily applicable to any other site. As every site is different, the Division’s approval for conditional closure will be determined on a case-by-case basis. Regardless of the criteria listed on the policy checklist and the information provided by an applicant requesting a conditional closure determination, the Division retains complete discretion to decide if the site qualifies for no further active remediation, monitoring and/or site closure under the Conditional Closure Policy.

May 27, 2014  
Date

  
\_\_\_\_\_  
Walter Avramenko, Unit Leader  
Hazardous Waste Corrective Action Unit  
Hazardous Waste Management Program

HAZARDOUS MATERIALS & WASTE MANAGEMENT DIVISION

CONDITIONAL CLOSURE DETERMINATION CHECKLIST

Site Name and/or EPA ID#: Broomfield Plaza Cleaners  
COD981544232  
Site Owner: NMC Broomfield, LLC  
Site Operator/type of use: NMC Broomfield, LLC, commercial  
Site Address: 5157 West 120<sup>th</sup> Avenue, Broomfield Colorado

For sites with contamination in ground water at concentrations in excess of either the Colorado ground water standards or health-based remediation goals approved by the division in the absence of a ground water standard, the division has the discretion to determine whether no further monitoring and/or no further active remediation are necessary. However, at a minimum, all of the following conditions must be met before the division will make such a determination:

- 1. The source area has been remediated to the extent practicable.
- 2. The plume size is either stable or decreasing in all dimensions.
- 3. The concentrations of contaminants in the plume are either decreasing or predicted to decrease.
- 4. The ground water will meet Water Quality Regulation No. 41 water quality standards within a reasonable period of time.
- 5. Contaminant concentration trends are not dependent on the continued operation and maintenance of active remediation systems or containment systems.
- 6. There are no existing or reasonably anticipated exposures above standards or screening levels through cross-media transfer including volatilization into buildings.
- 7. There are no uses of ground water down gradient of the site that would be threatened by the plume.
- 8. There is no discharge to surface water in excess of surface water standards<sup>1</sup>.
- 9. There is no potential for the plume to cause an exceedence of a ground water quality standard in an adjacent aquifer.
- 10. For sites that have satisfied all of the above conditions, the division will require either implementation of an institutional control in compliance with C.R.S. §§25-15-317 – 327 or alternate concentration limits in compliance with 6 C.C.R. §264.94(b).<sup>2</sup>
  - Date of institutional control: March 27, 2014, or
  - Date alternate concentration limit established \_\_\_\_\_
  - Public notice provisions have been satisfied: See comment below

Comments:

Notice to interested parties was provided on March 6, 2014 via certified mail. Notice was provided to the City and County of Broomfield and all interest holders, including Buck Rogers LLC, Denver Water Board, and U.S. Bank National Association.

Project Manager: Colleen Buschman Date: 5/27/14  
Supervisor: Walter Date: May 27, 2014

<sup>1</sup> Discharges to surface water are regulated under the federal Clean Water Act and Colorado Water Quality Control Act.

<sup>2</sup> Institutional controls in compliance with C.R.S. §§ 25-15-317 – 327, including environmental covenants and restrictive notices, are not required for conditional closure determinations on Voluntary Cleanup Program sites. C.R.S. §25-15-101(4.5)(a-h) identifies which environmental remediation projects require an institutional control if unrestricted use cannot be achieved. Failure to comply with the existing and proposed uses identified in the application effectively voids the Voluntary Cleanup Program's determination that the approved remedy is protective.