



COLORADO

Department of Public
Health & Environment

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

September 4, 2014

Mr. James Vasbinder
Etkin Johnson Group
1512 Larimer Street, Suite 325
Denver, CO 80202

RE: CONDITIONAL CLOSURE REQUEST AND APPROVAL
Charter Cleaners - Summer Valley Shopping Center
16961 East Quincy Avenue, Aurora, Colorado
EPA ID No.: COD025525619, M&E/1.4

Mr. Vasbinder,

The Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division (“the Division”) has reviewed the April 18, 2014 *Request for Conditional Closure* (“the Request”) for the former Charter Cleaners site (“the Site”). The Request summarizes the years of effort the Ohio Colorado Limited Partnership 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 contaminants being the dry cleaning solvent perchloroethylene (“PCE”) and its associated degradation products trichloroethylene, dichloroethylene, and vinyl chloride.

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 the Division can make 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, and the Division therefore determines 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 associated with 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 August 27, 2014, will restrict access to ground water at the site while the contaminants continue to attenuate and decline in concentration.

Parties that may not be familiar with the site may question whether one year of post-remediation compliance monitoring is adequate to demonstrate that the contaminant plume will not increase in size and magnitude as a result of rebound following the cessation of in situ biological treatment. The use of enhanced reductive dechlorination technology and bio-augmentation, implemented as aggressively as it was at the Site, has changed ground water geochemistry in a manner that favors the continued treatment of constituents that may diffuse out of formation materials potentially for years to come. The Division is confident that the conditions created in the subsurface will continue to favor natural attenuation that will destroy the low level contamination present such that standards will be achieved in the near future. The data collected during this remedial effort has shown that the PCE has largely been eliminated and that the degradation products are also either below standards or rapidly approaching standards. The Division does not believe contaminant rebound, if any, will occur post-treatment at the Site to any significant degree, certainly not to the extent that residual ground water contamination would cause the area behind the former dry cleaner to be anything but a low threat site.

Ohio Colorado Limited Partnership has demonstrated to the Division that the low level contaminant concentrations beneath the Site, when coupled with placement and compliance with an approved environmental covenant for the Site, do not pose a threat to human health and environment and contamination will continue to decline with time. The Division therefore grants the applicant's 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. In addition, the December 4, 2007 Integrated Corrective Action Plan prepared by Terracon on behalf of Ohio Colorado Limited Partnership, as approved by the Division has been completed and is hereby terminated. The Division will continue to require compliance with the Environmental Covenant.

The Division recommends that some or all of the monitoring wells at the Site be preserved so that either Ohio Colorado Limited Partnership 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 may have the information it needs to grant a no further action determination in the

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future, 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 (303) 692-3362 or via e-mail at walter.avramenko@state.co.us.

Sincerely,



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

cc: Mr. Jared Geissler, Terracon Consults, Inc.
Mr. Daniel Schneider, Terracon Consultants, Inc.
Mr. Jonathan Steeler, Ryley, Carlock & Applewhite
Mr. Robert Eber, CO AGO
Mr. Richard Mruz, CDPHE

Attachments: Decision Document
Completed Conditional Closure Determination Checklist

DECISION

Having reviewed the April 18, 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 Ohio Colorado Limited Partnership's request to conditionally close the former Charter 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 Charter 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.

Sept. 4, 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#: Charter Cleaners / COD025525619
Site Owner: Ohio Colorado Limited Partnership
Site Operator/type of use: Ohio Colorado Limited Partnership, Commercial
Site Address: 16961 East Quincy Avenue, Aurora, 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 standards¹.
- 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).²
 - Date of institutional control: August 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 July 18, 2014 via certified mail. Notice was provided to City of Aurora, City Manager's Office and Xcel Energy (f/k/a Public Service Company of Colorado).

Project Manager: [Signature] Date: 9/4/2014
Supervisor: [Signature] Date: 9-4-2014

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

² 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.

