



# IRG Redevelopment I, LLC

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November 29, 2012

Roger Doak  
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Curt Stovall, P.E.  
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Colorado Department of Public Health and Environment  
4300 Cherry Creek Drive South, B2  
Denver, CO 80246-1530

**SUBJECT:** Operable Unit 2 (OU2) Cap Penetration Plan, Former Lowry Air Force Base,  
Colorado  
Response to October 19, 2012 Letter  
Comments 1 and 4

Dear Curt and Roger:

IRG Redevelopment I, LLC (IRG) is submitting this response to Comments 1 and 4 entitled *CDPHE comments on Request to Stockpile Soil on OU2 Landfill Cap*, dated October 19, 2012 (See Attachment 1). On November 9, 2012, IRG submitted the Response and Revised Request to Stockpile Soil on OU2 Landfill Cap, Lowry Vista Project, Denver, Colorado. This Response completes IRG's comments.

**Comment 1:**

Prior to soil stockpiling, CDPHE demands that IRG modify the current Environmental Covenant at the property based upon CDPHE's interpretation of the definition of "open space/non-irrigated park."



**Response to Comment 1:**

The Colorado Environmental Covenant statute (C.R.S. §§ 25-15-317 et. seq.) (“EC Statute”) provides that an

*environmental remediation project may leave residual contamination at levels that have been determined to be safe for a specific use, but not all uses, and may incorporate engineered structures that must be maintained or protected against damage to remain effective*

(See C.R.S. § 25-15-317). Modification of a State Environmental Covenant is addressed in CRS § 25-15-319(h), which states:

*The OWNER or its successors and assigns may request that the Department approve a modification or termination of the Covenant. 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 Covenant will ensure protection of human health and the environment, it shall approve the proposal. No modification or termination of this Covenant 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 the proposed modification would not adversely impact the remedy and is protective of human health and the environment; and*
- e) other appropriate supporting information.*

In the October 19, 2012 letter, CDPHE stated that the proposed stockpiling was inconsistent with activities typically allowed on land designated as “open space.” In addition, CDPHE states that:

*The modified EC must be finalized, signed and recorded, and the Division must approve a revised soil-stockpiling plan before any stockpiling of soil at OU2 can be initiated.*

To be clear, IRG is not seeking to modify the covenant at this time. Current activities do not change its use or present an unacceptable risk to human health and the environment. In addition, the Colorado Solid Waste Regulations, 6 CCR 1007-2, Part 1, Section 3.6.1(A)(7), already has a provision addressing disturbance of the cover and the Department’s approval:

*A description of the planned uses of the property during the post-closure period. Post-closure use of the property shall not disturb the integrity of the final cover, liner(s), or any other components of the containment system, or function of the monitoring systems*



*unless necessary to comply with the requirements in the Department's regulations. The Department may approve any other disturbance if the owner or operator demonstrates that disturbance of the final cover, liner or other component of the containment system, including removal of waste, will not increase the potential threat to human health or the environment.*

IRG fails to see why a modification to the EC is warranted at this time.

### ***Open Space Definition***

The "open space/non-irrigated park" reference is one that was not defined neither in the original EC Covenant nor in the Air Force Deed. However, the Modified Environmental Covenant draft provided by CDPHE with the October 19, 2012 letter provides a definition:

*The Property shall remain classified as "restricted open space/non-irrigated park" which is defined for the purpose of this Covenant as undeveloped land or water area designated on the basis of health and safety requirements in which intensive use would present an unacceptable level of risk to human health and the environment.*

OU2 is not a state designated open space, nor is it currently open space under the current zoning. The definition presented is overreaching, arbitrary and capricious. The Division is defining a land use beyond the Division's police authority under the EC Statute.

The original zoning for the parcel was for O-1 District under the Former Zoning Code with the City and County of Denver. That zoning allowed for a variety of uses including cemeteries; community centers, correctional institutions, fire stations, golf course, libraries, parks, public open space and associated buildings (See City of Denver Zoning Code, Chapter 159, Section 59-354). There is no prohibition in the former zoning code for stockpiling soils.

### ***Creation and Modifications to the EC***

The EC Statute states that an environmental covenant "...may only be created by the **owner of the property** through a written grant to the department by deed or other instrument of conveyance specifically stating the intention of the grantor to create such a restriction under this article" (See CRS §25-15-321 (1)). In addition, the modification provision cited above indicates that only an owner can request a modification of the EC, not the Division's. Nowhere in the EC statute does it grant the Division the ability to modify an EC. The EC Statute is an exercise of the Division's police power, not a property right conferred to the Division (See CRS § 25-15-318.5). Thus, for the Division to demand a modification unilaterally, and then demand that a modified EC must be finalized, signed and recorded, and a revised soil stockpiling plan approved prior to stockpiling is again overreaching, arbitrary and capricious.

IRG has asserted previously that any change in use at the parcel will be made with its request for a Revised Closure Plan associated with the redevelopment of this parcel. IRG has not made this request at this time, as it still needs to perform some initial soils work in order to determine whether the current plan supports this type of development.



**Comment 4:**

The revised stockpile plan must indicate that the financial assurance cost estimate and financial assurance mechanism for OU2 will be modified to include and account for third-party removal of the stockpile and re-establishment of the VL, original grades, and vegetation. The Division must approve the financial assurance cost estimate and financial assurance mechanism must be in place prior to initiation of soil stockpiling activities.

**Response to Comment 4:**

IRG owns the property, and has no connection or current obligation to provide financial assurance for OU2. IRG asserts that its activities and project are separate from these current obligations. The purpose of the financial assurance regulations is to provide assurance that funds will be available when needed for adequate closure and post-closure care of hazardous waste management facilities; and liability coverage for the compensation of third parties for bodily injury or property damage caused by accidents or improper hazardous waste management techniques. The financial requirements for closure and the liability requirements would apply to owners and operators of all hazardous waste facilities, and the requirements for post-closure care would apply only to owners and operators of disposal facilities.

At this time, IRG has not proposed a closure or post-closure plan associated with the parcel, which forms the basis and obligations under the financial assurance regulations. Thus, to require financial assurance from IRG at this time is premature. However, IRG does understand the Division's concern regarding the soil stockpile related to the concern if future redevelopment does not occur or IRG does not pursue the redevelopment. In such a situation, IRG has agreed to provide a type of financial mechanism in order to address this situation if it occurs.

**Other Concerns:**

The modified state environmental covenant also incorporated three new provisions, which IRG asserts are beyond the scope of the EC Statute as these provision impair property rights and the essence of the EC Statute. The first provision is discussed above related to the new definition of "open space/non-irrigated park."

The second provision is the change provision in Section (1)(a). The change in the use of the property is already covered by the Statute in CRS section 25-15-319, with the modification of termination of the environmental covenant. The language proposed by the Division is inconsistent with that provision, in addition to the legislative declaration cited above, which states that an "...environmental remediation project may leave residual contamination at levels that have been determined to be safe for a specific use, but not all uses, and may incorporate engineered structures that must be maintained or protected against damage to remain effective" (See CRS Section 25-25-317). The Division should utilize its own statute and regulations for these decisions, without presupposing "clean closure" remedies for landowners.



The third provision incorporates a "to be approved" Soils Management Plan for the soils stockpiling activities to be attached and incorporated by reference to this environmental covenant. While Soils Management Plans have been incorporated into covenants, the plan is usually associated with some type of closure/post-closure plan, not a soils stockpiling activity. The Division has enforcement authority against IRG under the EC statute if it fails to perform an approved work plan. To incorporate work plans in the covenant will make the covenant overly burdensome to owners and operators at the parcel. IRG is in favor of discussing a process for these approvals, but not to attach everything to the covenant as these provisions are not necessarily related to the property rights that run with the land.

IRG appreciates the Department's willingness to work with us on this important project. We would invite a meeting with senior management at CDPHE to discuss these issues as soon as practicable. Please let me know your availability. Thank you for your cooperation.

Sincerely,  
On behalf of IRG Redevelopment I, LLC

A handwritten signature in black ink, appearing to read "AKW", written over a horizontal line.

Ann K. Wei  
Counsel

Distribution:

Brad Coleman, P.E. – Walsh Environmental  
Brent Anderson – IRG  
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Peter Goffstein – Industrial Realty Group

# STATE OF COLORADO

John W. Hickenlooper, Governor  
Christopher E. Urbina, MD, MPH  
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

October 19, 2012

Mr. Brent Anderson, Esq.  
IRG Redevelopment I, LLC  
7991 Shaffer Parkway, Suite 300  
Littleton, CO 80127

**RE: CDPHE Comments on Request to Stockpile Soil on OU2 Landfill Cap, Lowry Vista Project, Denver, Colorado dated September 28, 2012**

Dear Mr. Anderson:

The Colorado Department of Public Health and Environment ("CDPHE"), Hazardous Materials and Waste Management Division ("Division") has completed its review of the above-referenced *Request to Stockpile Soil on OU2 Landfill Cap* dated September 28, 2012 (received October 3, 2012) ["Plan"]. The Plan was prepared by Walsh Environmental Scientists and Engineers, LLC on behalf of IRG Redevelopment I, LLC ("IRG"). The Division's comments on the Plan are presented herein. The comments must be addressed and incorporated into a revised stockpile plan, which must be submitted to the Division for its review and approval.

**Comment 1.** The first paragraph on page 1 requests approval to stockpile soil "*in compliance with the State Environmental Covenant dated January 4, 2006.*" However, the referenced Environmental Covenant for OU2 ("EC") restricts the land use at OU2 to "open space/non-irrigated park." The proposed soil stockpiling is inconsistent with activities typically allowed on land designated as open space. Therefore, the EC must be modified to allow for the proposed soil stockpiling. Pursuant to the EC statute (§ 25-15-320 of the Colorado Hazardous Waste Act, § 25-15-101, *et seq.*), IRG must request a modification to the EC and provide written notice to all interested parties, as required by § 25-15-321(5). The Division has prepared a proposed draft modification to the EC for your review and consideration. The modified EC must be finalized, signed, and recorded, and the revised soil stockpile plan must be approved by the Division before any stockpiling of soil at OU2 can be initiated. By statute, the Division has no more than 60 days from receipt of the EC modification request to complete its review of the request and to make a determination.

During the meeting held at our office on October 3, 2012, IRG indicated that it is in the process of finalizing a separate work plan for conducting geotechnical investigation(s) of OU2. Please note that the proposed draft modification to the EC contemplates the prospect of geotechnical and environmental investigative activities. While the EC can be modified to allow for the soil

stockpiling and future geotechnical or environmental investigations, prior to IRG initiating any activities on OU2, any and all work plans will require the Division's prior written approval.

- Comment 2.** The fourth paragraph on page 1 indicates that existing vegetation "*will remain in place to act as a marker layer to delineate the top of the VL ("vegetation layer") at the time of stockpile removal and therefore minimize potential disturbance of the landfill cover.*" First, the Division believes that the vegetation alone is unlikely to provide a sufficient means for identifying the top of the cover during stockpile removal (i.e., the vegetation will be disturbed during stockpile placement and the vegetation may decompose after being covered by the stockpiled soil). Second, the proposed stockpile is likely to induce differential landfill settlement which could further complicate identification of the top of cover during stockpile removal. The revised stockpile plan must include an improved means for identifying the top of the landfill cover during stockpile removal (e.g., an alternative visual marker layer and/or survey control).
- Comment 3.** The first full paragraph on page 2 states that "*as-built drawings are available to ensure that the cap is not disturbed and original grades are restored.*" However, the Plan does not, but must, stipulate requirements for confirming and documenting restoration of the landfill cover following stockpile removal, including surveying and revegetation. The post-stockpile-removal documentation must include survey data signed by a Colorado-registered land surveyor to confirm that the original grades have been properly restored. The post-stockpile-removal documentation must be submitted to the Division for its review and approval within 90 days following stockpile removal.
- Comment 4.** The revised stockpile plan must indicate that the financial assurance cost estimate and financial assurance mechanism for OU2 will be modified to include and account for third-party removal of the stockpile and re-establishment of the VL, original grades, and vegetation. The financial assurance cost estimate must be approved by the Division and financial assurance mechanism must be in place prior to initiation of soil stockpiling activities.
- Comment 5.** The revised stockpile plan must provide a proposed schedule and timeframe for stockpile placement and removal.
- Comment 6.** The revised stockpile plan must include a screening process for ensuring contaminated soil will not be imported to OU2.
- Comment 7.** The revised stockpile plan must include procedures for controlling dust that may occur during placement, storage, and removal of soil. Please note that land development projects that are greater or equal to 25 continuous acres and/or 6 months in duration typically require the submission of an Air Pollutant Emission Notice ("APEN") and an air permit to CDPHE's Air Pollution Control Division. In some cases APENs and air permits are not required if estimated air emissions are below reporting thresholds.
- Comment 8.** The Post-Closure Operation and Maintenance Plan ("PCOMP") for OU2 must be amended to include monitoring, maintenance, and reporting requirements for the proposed soil stockpiling activity. Section 7.0 of the Stormwater Management Plan ("SWMP") provides recordkeeping requirements for the proposed soil stockpiling activity. The revised PCOMP

October 19, 2012

Mr. Brent Anderson, Esq.

CDPHE Comments on Request to Stockpile Soil on OU2 Landfill Cap, Lowry Vista Project, dated September 28, 2012

Page 3 of 4

must incorporate the SWMP recordkeeping requirements, and must indicate that the SWMP recordkeeping will be incorporated into ongoing OU2 post-closure reporting requirements.

**Comment 9.** The SWMP makes reference to Attachments A and B, which were not included in the Plan. Please include Attachments A and B in the revised stockpile plan.

**Comment 10.** Section 3.0, third paragraph, of the SWMP includes the following statement: "*Stormwater that may collect within the earthen berm, down gradient of the stockpile areas will evaporate, infiltrate, or be pumped over the berm, as necessary to facilitate stockpiling operations.*" The area around Stockpile Area B must be designed to account for settlement and must be maintained to minimize ponding and infiltration of water into the landfill cover; the SWMP must be revised accordingly.

**Comment 11.** Section 5.0, first paragraph, of the SWMP inspection of the stormwater management system will be performed and documented "*after significant precipitation events.*" The revised stockpile plan must define "significant precipitation events."

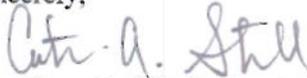
Please note that the Division is authorized to bill for its review of technical submittals pursuant to Section 1.7 of the Regulations Pertaining to Solid Waste Sites and Facilities (6 CCR 1007-2, Part 1) ["Solid Waste Regulations"]. An invoice for the Division's review of the above-referenced document will be transmitted under separate cover. Our fee schedule and billing ceilings are described in Section 1.7 of the Solid Waste Regulations which may be viewed online at the following link:

<http://www.colorado.gov/cs/Satellite?c=Page&childpage=CDPHE-Main%2FCBONLayout&cid=1251607568997&page=CBONWrapper>

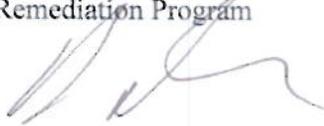
The Division is currently converting all files to an electronic format. This effort is designed to make public information, such as facility reports, available through the internet. Based on this effort the Division requests that deliverables are submitted in accordance with the electronic submittal policy, which is attached for your reference.

If there are any questions concerning this letter, or if you would like to discuss this letter, please contact Curt Stovall at (303) 692-2295 (e-mail: [curtis.stovall@state.co.us](mailto:curtis.stovall@state.co.us)).

Sincerely,



Curt Stovall, P.E., Project Manager  
Federal Facilities Remediation and Restoration Unit  
Remediation Program



Roger Doak, Unit Leader  
Solid Waste Permitting Unit  
Solid Waste and Materials Management Program

October 19, 2012

Mr. Brent Anderson, Esq.

CDPHE Comments on *Request to Stockpile Soil on OU2 Landfill Cap, Lowry Vista Project*, dated September 28, 2012

Page 4 of 4

cc: Joe Aiken, IRG Assumptions, LLC  
Paul Carroll, USAF AFRPA  
David Erickson, City and County of Denver  
Stanley Pehl, HQ AFCEE/BCE  
Jennifer Robbins, AGO  
Sam Rupe, USAF Office of General Counsel  
Pat Smith, EPA – Region 8  
John Yerton, IRG Assumptions, LLC

Tom Berger, LRA  
Brad Coleman, Walsh  
Monty Force, LRA  
Lee Pivonka, CDPHE  
Donald Roche, City of Aurora  
Monica Sheets, CDPHE  
Ann Wei, IRG

Attachments: Draft Modified Environmental Covenant  
Electronic Document Submittal Policy for Solid Waste Stakeholders

File: SW/DNV/LOWV 2.4 and Lowry AFB, DMA 1.1-OU2

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**This property is subject to an Environmental Covenant held by the Colorado Department of Public Health and Environment pursuant to section 25-15-321, C.R.S.**

**MODIFIED**  
**ENVIRONMENTAL COVENANT**

IRG Redevelopment I, LLC ("IRG" or "OWNER" or "Grantor") grants this Modified Environmental Covenant ("Covenant") this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ to the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and the Environment ("the Department" or "Grantee") pursuant to § 25-15-321 of the Colorado Hazardous Waste Act, § 25-15-101, *et seq.* The Department's address is 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530.

WHEREAS, IRG is the owner of certain property commonly referred to as the Lowry Landfill OU2, located at the former Lowry Air Force Base ("LAFB") in Denver, 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");

WHEREAS, the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and the Environment ("the Department"), is authorized to approve Environmental Covenants pursuant to § 25-15-320 of the Colorado Hazardous Waste Act, § 25-15-101, *et seq.*;

WHEREAS, pursuant to Consent Agreement Number 01-08-07-02, the Property is the subject of enforcement and remedial action pursuant to the Colorado Hazardous Waste Act, § 25-15-301, *et seq.* ("CHWA"). The Property was the former base landfill (also known as Operable Unit 2 (OU2)). OU2 was historically used for disposal of Air Force waste, and associated construction waste and debris primarily from training activities conducted at LAFB. OU2 has been closed in accordance with the Phase 2 Corrective Action Plan for the Operable Unit 2 Landfill Closure at Lowry;

WHEREAS, the purpose of this Covenant is to ensure protection of human health and the environment by minimizing the potential for exposure to any hazardous substance, hazardous waste, hazardous constituents, and/or solid waste that remains in the landfill on the Property. The Covenant will accomplish this by prohibiting those activities that may interfere with the landfill cover or its monitoring or control systems and by creating a review and approval process to ensure that any such intrusive activities are conducted with appropriate precautions to avoid or eliminate any hazards;

WHEREAS, it is the intent of IRG and the Department that this Modified Environmental Covenant shall restate and replace the Environmental Covenant entered into between the United States of America, acting by and through the Secretary of the Air Force, and the Department dated January 4, 2006 and recorded in the real property records of Denver County on \_\_\_\_\_ at Reception No. \_\_\_\_\_; and

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WHEREAS, IRG desires to subject the Property to certain covenants and restrictions as provided in Article 15 of Title 25, Colorado Revised Statutes, which covenants and restrictions shall burden the Property and bind IRG 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, for the benefit of the Department, and OWNER.

NOW, THEREFORE, IRG hereby grants this Environmental Covenant to the Department, and declares that the Property as described in Attachment A shall hereinafter be bound by, held, sold, and conveyed subject to the following requirements set forth in paragraphs 1 through 11, below, which shall run with the Property in perpetuity and be binding on Grantor 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 Environmental Covenant, 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 The Property is subject to the following restrictions:

a) The Property shall remain classified as “restricted open space/non-irrigated park”, which is defined for the purpose of this Covenant as undeveloped land or water area designated on the basis of health and safety requirements in which intensive use would present an unacceptable level of risk to human health and environment. The potential harm may be manmade or natural in its origin.

Specifically, no activity shall be conducted or permitted by the OWNER, nor shall the OWNER use OU2 in any manner that is inconsistent with the use designated in this paragraph or that is not in compliance with the requirements of section 3.6.1(A) of 6 CCR 1007-2, Part 1 or the Department-approved Phase 2 Corrective Action Plan for the Operable Unit 2 Landfill Closure at Lowry dated November 2003, or otherwise set forth herein or approved by the Department.

Changes in the use of the property shall be allowed only under the following conditions: (1) Sampling data is provided to the Department and approved by the Department showing that a) contaminant concentrations in soil are below health-based concentrations for the proposed land use, b) vapor intrusion does not pose a threat to future users of the property; or vapor intrusion risks are mitigated through appropriate use of technology and site planning, as approved by the Department, and (c) contaminant concentration in the groundwater are below health-based concentrations for the proposed land use; and (2) this Environmental Covenant is modified providing for the change in use, as approved by the Department.

b) The OWNER shall not extract or utilize in any manner whatsoever any water from the upper aquifer below the surface of the ground within OU2 for any purpose whatsoever unless the OWNER shall first have obtained the prior written approval of the Department. This limitation shall not apply to a qualified environmental professional, obtaining ground water samples for analysis from existing monitoring wells located on the Property or other future monitoring wells installed on the Property, as approved by the Department.

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c) Any plans for excavation, grading, construction, geotechnical or environmental investigations, soil stockpiling, or other contact-intensive activity on the Property that will affect the integrity of the cover, the effectiveness of drainage or erosion control systems, slope stability, or groundwater or gas monitoring or control systems, except pursuant to the Department-approved Soil Stockpile Management Plan, a copy of which is attached hereto and incorporated herein as Attachment B, must receive written approval from the Department prior to initiation of such activities.

d) For the duration of this covenant, OWNER shall perform all of the requirements set forth in the Post-Closure Operation and Maintenance Plan, Appendix E of the Phase 2 Corrective Action Plan for the Operable Unit 2 Landfill Closure at Lowry dated November 2003, or subsequent modifications approved by the Department.

2) Modifications. This Covenant runs with the land and is perpetual, unless modified or terminated pursuant to this paragraph. OWNER may request that the Department approve a modification or termination of the Covenant. 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 Covenant will ensure protection of human health and the environment, it shall approve the proposal. No modification or termination of this Covenant 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 in advance of the closing on any proposed sale or other conveyance of any interest in any or all of the Property.

4) Notice to Lessees OWNER agrees to incorporate either in full or by reference the restrictions of this Covenant 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.

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- 6) Inspections The Department 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 Covenant. Nothing in this Covenant shall impair any other authority the Department may otherwise have to enter and inspect the Property.
- 7) Third Party Beneficiary The OWNER of the Property is a third party beneficiary with the right to enforce the provisions of this Covenant 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 accepting this Covenant.
- 9) Enforcement The Department may enforce the terms of this Covenant pursuant to §25-15-322. C.R.S. OWNER may file suit in district court to enjoin actual or threatened violations of this Covenant.
- 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 Covenant.
- 11) Notices Any document or communication required under this Covenant shall be sent or directed to:

Federal Facilities Remediation and Restoration 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





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Attachment A  
Legal description

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Attachment B  
Soil Stockpile Management Plan