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Natural Resources and Environment Section

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November 18, 2013

Sam Rupe
SAF/GCN-SA
2261 Hughes Avenue, Suite 121
JBSA Lackland, TX 78236-9853

RE: Lowry Vista

Dear Mr. Rupe:

IRG Redevelopment I, LLC (IRG) has requested the Colorado Department of Public Health and Environment (CDPHE) approve a Soil Stockpile Plan and Cap Penetration Plan for the property referred to as Operable Unit 2 (OU2) under the Cooperative Agreement for Environmental Services between the United States of America and the Lowry Economic Redevelopment Authority (LERA) dated August 13, 2004, and as amended (the "Cooperative Agreement"). As part of this process, IRG requested that I prepare an explanation of documentation required from the United States Air Force (USAF) for IRG to proceed under the Soil Stockpile Plan and Cap Penetration Plan. I provided this summary explanation to IRG and wanted to provide you with the same information in order for you to have an understanding of the documentation required. Below is a brief background and description of why CDPHE needs documentation from USAF.

Active remediation at OU2 was completed in 2006 in accordance with the Consent Agreement, the Cooperative Agreement and Lowry Remediation Agreement. The Enforceable Agreement between CDPHE and the United State Air Force (USAF) authorizes CDPHE to enforce against the USAF remaining remediation obligations set forth in the Consent Agreement and the Cooperative Agreement.

The activities proposed by IRG in the Soil Stockpile Plan and Cap Penetration Plan may have an impact on the existing remedy at OU2, which may result in additional remedial obligations in the future. However, as the proposed activities are not included as part of the remediation agreement, the Consent Agreement or Cooperative Agreement, they may not be covered under the existing Enforceable Agreement. Accordingly, CDPHE needs additional assurances from USAF to provide final approval of the Soil Stockpile Plan and Cap Penetration Plan.

Additionally, the transfer deed from USAF to LERA dated January 4, 2006 (the "Deed") includes Restrictive Covenants that require USAF approval to modify or terminate. CDPHE

cannot provide final approval of either plan without the USAF's written documentation that the Restrictive Covenants in the Deed have been modified and or terminated.

Included with this correspondence is a summary of the documentation that CDPHE needs from the USAF in order to provide final approval of IRG's Soil Stockpile Plan and Cap Penetration Plan.

If you have any questions regarding this matter, please contact me at 720-508-6257.

Sincerely,

JENNIFER ROBBINS
FOR THE ATTORNEY GENERAL

Enclosure

ecc: Tracie White
Curt Stovall
Brent Anderson