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JEFFERSON COUNTY, Colorado

2  
12602  
NOV 29 2016  
HAZARDOUS MATERIALS  
AND WASTE MANAGEMENT

**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**

1-24

**NOTICE OF ENVIRONMENTAL USE RESTRICTIONS**

WHEREAS, Sun Valley Shopette, LLP ("OWNER"), is the owner of certain property, commonly referred to as Sun Valley Shopette, located at 10025 West Kentucky Drive, City of Lakewood, Jefferson County, 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 approve 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").

WHEREAS, for purposes of indexing in the County Clerk and Recorder's office Grantor-Grantee index only, Sun Valley Shopette, LLP, 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, pursuant to the May 16, 2014, Corrective Action Plan, the Property is the subject of enforcement and remedial action pursuant to the Colorado Hazardous Waste Act, § 25-15-301, *et. seq.*; and

WHEREAS, the purpose of this Restrictive Notice is to ensure protection of human health and the environment by restricting access to soil and groundwater on specific areas of the Property described in Attachment B, attached hereto and incorporated herein by reference as though fully set forth (the "Restrictive Notice Areas"), which contain residual levels of contamination above State standards; and

WHEREAS, Sun Valley Shopette, LLP, has requested that the Department approve this Restrictive Notice as provided in Article 15 of Title 25, Colorado Revised Statutes.

NOW, THEREFORE, the Department approves this Restrictive Notice pursuant to § 25-15-321.5, C.R.S. The Restrictive Notice Areas described in Attachment B shall hereinafter be subject to the following requirements set forth in Paragraphs 1 through 11, below, which shall be binding on Sun Valley Shopette, LLP, 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 groundwater may be withdrawn from the Restrictive Notice Areas or used for any purpose, except as authorized in the Department approved Materials Management Plan, or in a remedial decision document or environmental sampling plan approved by the Department. The Materials Management Plan is attached hereto as Attachment C and incorporated herein by reference as though fully set forth.
- b) Nothing in the preceding shall prohibit the installation or use of monitoring or remedial wells as authorized in the Department approved Materials Management Plan attached hereto as Attachment C, or in a remedial decision document or environmental sampling plan approved by the Department.
- c) Actions that may damage or impair the proper functioning of any authorized remedial wells are prohibited, except as approved in writing by the Department.
- d) Residential use is prohibited on the Restrictive Notice Areas. The term "residential use" means use of a building or part of a building as a dwelling (i.e., as a place to sleep, eat and bathe). Dwellings include single family homes, apartments, condominiums, manufactured housing, assisted living facilities and nursing homes, but do not include motels, hospitals, and other buildings used only for short-term lodging.
- e) Schools, parks, playgrounds, day care centers and other uses that could routinely expose children to residual soil contamination are prohibited on the Restrictive Notice Areas.
- f) No excavation, drilling, grading, digging, tilling or any other soil-disturbing activity is allowed on the Restrictive Notice Areas, except as authorized in the Materials Management Plan attached hereto as Attachment C, or in a remedial decision document or environmental sampling plan approved by the Department.
- g) Construction dewatering is permitted in accordance with a construction dewatering permit. Any person applying for a construction dewatering permit on the Property must notify the Water Quality Control Division of the Colorado Department of Public Health and the Environment that the groundwater is contaminated, and a restrictive notice has been imposed;
- h) Activities that may disturb or damage the concrete flooring in the area of Unit 10105 shown in Attachment B as being encompassed within the Restrictive Notice Areas are prohibited, except as authorized in the Department approved Materials Management Plan attached hereto as Attachment C, or in a remedial decision document or

environmental sampling plan approved by the Department. Such activities include, but are not limited to, digging, drilling, augering, tilling, grading, excavation and construction of any sort.

- 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 to OWNER for the purpose of determining compliance with the terms of this Restrictive Notice.
- 7) Third Party Beneficiary. The OWNER of the Property is a third party beneficiary 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 approving this Restrictive Notice.
- 9) Enforcement. The Department may enforce the terms of this Restrictive Notice pursuant to §25-15-322, C.R.S. OWNER 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) Notices. Any notice, document or communication required under this Restrictive Notice shall be in writing and shall be sent or directed to:

Richard Mruz, Jr. REHS  
Hazardous Waste Corrective Action Unit  
HMWMD – B2  
Colorado Department of Public Health and the Environment  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530  
[richard.mruz@state.co.us](mailto:richard.mruz@state.co.us)

Mr. Marvin Boyd  
Sun Valley Shopette Venture, LLP  
6660 Delmonico Drive  
Suite D502  
Colorado Springs, Colorado 80919  
[marvinboyd@gmail.com](mailto:marvinboyd@gmail.com)

This Notice of Environmental Use Restrictions is approved by the Colorado Department of Public Health and Environment

this 7<sup>th</sup> day of December, 2016.

Sun Valley Shopette, LLP, has caused this instrument to be executed this 22<sup>nd</sup> day of NOVEMBER, 2016.

Sun Valley Shopette, LLP

By: 

Title: MANAGING PARTNER

STATE OF COLORADO )  
 ) ss:  
CITY AND COUNTY OF DENVER )

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of November, 2016 by Martin A. Boyd on behalf of Sun Valley Shopette, LLP.

Robin S. Comas  
Notary Public  
State of Colorado  
Notary ID# 20134048236  
My Commission Expires 08/05/2017

Robin S. Comas

Notary Public

8349 Colorado Spruce Ln, Co Spgs Co 80927  
Address

My commission expires: 8/5/2017

Accepted by the Colorado Department of Public Health and Environment this 7<sup>th</sup> day of December, 2016

By: Gary W. Brughman

Title: Director, HAWMD

STATE OF COLORADO )  
 ) ss:  
CITY AND COUNTY OF DENVER )

The foregoing instrument was acknowledged before me this 7 day of DECEMBER, 2016 by GARY W. BRUGHMAN on behalf of the Colorado Department of Public Health and Environment.

Claudette M. Ferris  
Notary Public

4300 Cherry creek Dr So  
Address  
Denver, CO 80246

My commission expires: OCTOBER 21, 2019

CLAUDETTE M FERRIS  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 19874061504  
MY COMMISSION EXPIRES OCTOBER 21, 2019

# ATTACHMENT A to NEUR

## Attachment A

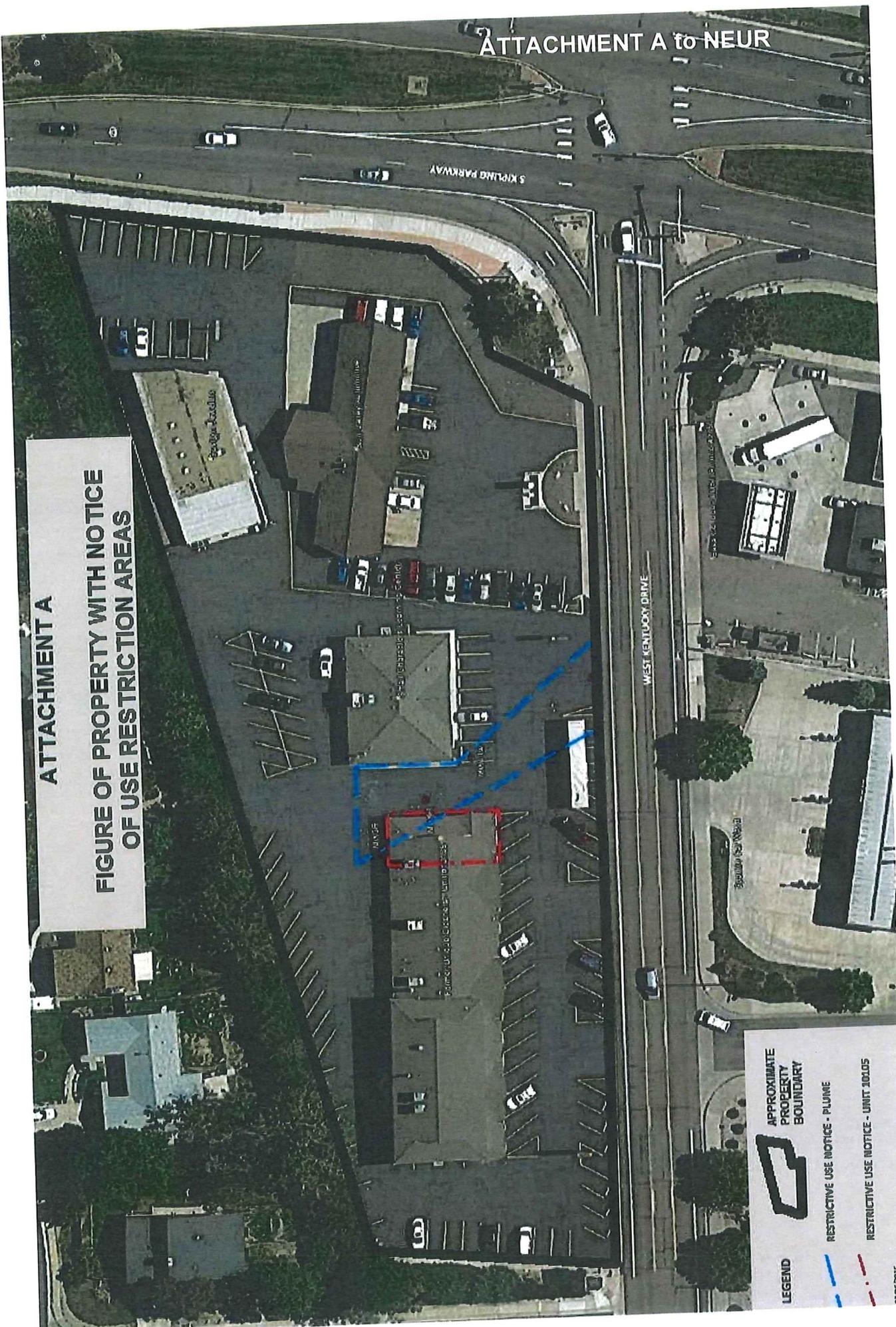
### Property Description

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THAT PART OF BLOCK 4, SUN VALLEY WEST, ACCORDING TO THE RECORDED PLAT THEREOF, COUNTY OF JEFERSON, STATE OF COLORADO, THAT IS DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID BLOCK 4;  
THENCE SOUTH 74 DEGREES 23 MINUTES WEST 501.17 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 4;  
THENCE SOUTH 99. 22 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 4;  
THENCE EAST ALONG THE SOUTH LINE OF SAID BLOCK 4, 303.82 FEET;  
THENCE NORTH 08 DEGREES 33 MINUTES 40 SECONDS EAST 150.00 FEET;  
THENCE EAST 150.00 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 4;  
THENCE ALONG THE ARC OF A CURVE THAT HAS A RADIUS OF 1,589.95 FEET; THE LONG CHORD OF WHICH SAID CURVE BEARS NORTH 04 DEGREES 17 MINUTES EAST 87.44 FEET TO THE POINT OF BEGINNING; ALSO THAT PART OF TRACT A, BLOCK 4, SUN VALLEY WEST, ACCORDING TO THE RECORDED PLAT THEREOF, JEFFERSON COUNTY, COLORADO, DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID BLOCK 4;  
THENCE NORTH 74 DEGREES 23 MINUTES EAST, 41.53 FEET TO A POINT ON THE EAST

ATTACHMENT A

FIGURE OF PROPERTY WITH NOTICE OF USE RESTRICTION AREAS



**LEGEND**

-  APPROXIMATE PROPERTY BOUNDARY
-  RESTRICTIVE USE NOTICE - PLUME
-  RESTRICTIVE USE NOTICE - UNIT 30105

07/06/2016

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**BELL SURVEYING COMPANY**

500 KALAMATH ST. • DENVER, CO. 80204

( 303 ) 629-0165 BELLSURVEYING.COM

Date: 7/18/16

Rev: 8/1/16

Drawing No.

1606-117

SHEET 1 OF 2

Ordered By: CLEAR CREEK CONSULTING LLC  
9195 W 35TH AVE.  
WHEAT RIDGE, CO. 80033

**EXHIBIT A**  
**NOTICE OF ENVIRONMENTAL USE RESTRICTIONS**

A PORTION OF BLOCK 4, SUN VALLEY WEST RECORDED UNDER RECEPTION NO. 225125 OF THE JEFFERSON COUNTY RECORDS, AND LYING IN THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE SIXTH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID BLOCK 4, WHENCE THE SOUTHWEST CORNER OF SAID BLOCK 4 BEARS S 89°59'00" W 242.63 FEET AS MEASURED ALONG SAID SOUTH LINE; THENCE N 29°18'23" W A DISTANCE OF 131.30 FEET; THENCE N 87°29'34" E A DISTANCE OF 50.67 FEET; THENCE S 00°11'44" W A DISTANCE OF 37.85 FEET; THENCE S 33°57'00" E A DISTANCE OF 95.05 FEET TO A POINT ON THE SOUTH LINE OF SAID BLOCK 4 THENCE S 89°59'00" W ALONG SAID SOUTH LINE A DISTANCE OF 39.31 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 4254 SQUARE FEET OR 0.098 ACRES MORE OR LESS.

FOR THE PURPOSE OF THIS DESCRIPTION, THE BEARINGS USED HEREIN ARE BASED ON THE RECORDED SUBDIVISION PLAT OF SUN VALLEY WEST.

  
DEAN O. DANIELSON 16828  
P.L.S. NO. 16828  
DATE: 7/18/16  


THIS DESCRIPTION IS NOT THE RESULT OF A MONUMENTED LAND SURVEY. IT IS INTENDED ONLY TO DEFINE THE AREA DESCRIBED AND SHOWN HEREON.

ATTACHMENT B to NEUR



**BELL SURVEYING COMPANY**

500 KALAMATH ST. • DENVER, CO. 80204

( 303 ) 629-0165 BELLSURVEYING.COM

Date: 7/18/16

Rev: 8/1/16

Ordered By: CLEAR CREEK CONSULTING LLC  
9195 W 35TH AVE.  
WHEAT RIDGE, CO. 80033

Drawing No.

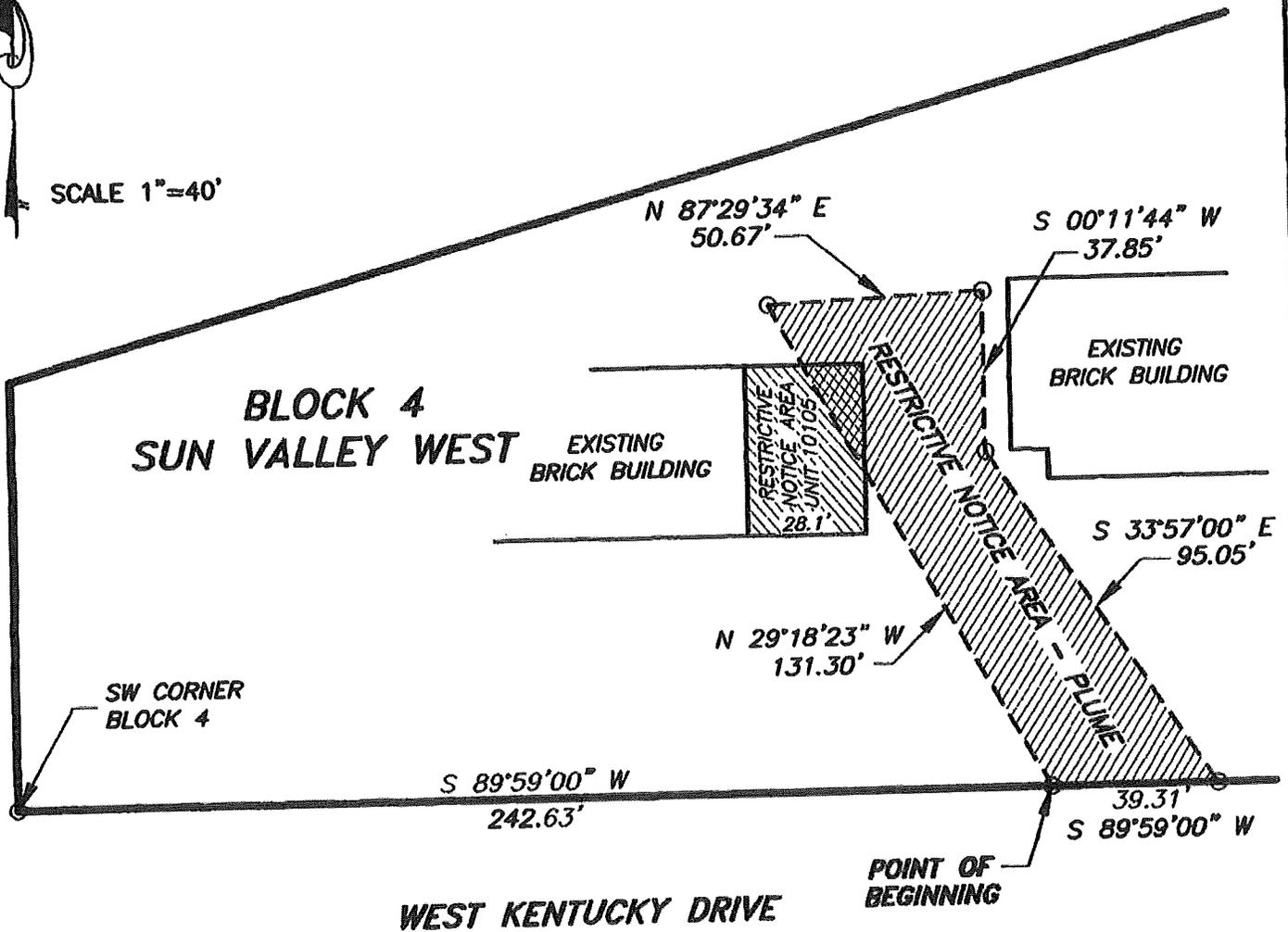
1606-117

SHEET 2 OF 2

9



SCALE 1"=40'



THIS DESCRIPTION IS NOT THE RESULT OF A MONUMENTED LAND SURVEY. IT IS INTENDED ONLY TO DEFINE THE AREA DESCRIBED AND SHOWN HEREON.

# ATTACHMENT C to NEUR

## MATERIALS MANAGEMENT PLAN

Sun Valley Shopette - Unique Cleaners  
10025 West Kentucky Drive  
Lakewood, Colorado 80226

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**CLEARCC** Project No.: 20161344

*Prepared by:*

**CLEAR CREEK CONSULTING, LLC**  
9195 West 35TH Avenue  
Wheat Ridge, Colorado 80033

August 23, 2016



# ATTACHMENT C to NEUR

## MATERIALS MANAGEMENT PLAN

Sun Valley Shopette - Unique Cleaners  
10025 West Kentucky Drive  
Lakewood, Colorado 80226

**CLEARCC** Project No.: 20161344

*Prepared for:*

Sun Valley Shopette Venture, LLP  
6660 Delmonico Drive, Suite D  
Colorado Springs, Colorado 80919

*Prepared by:*

**CLEAR CREEK CONSULTING, LLC**  
9195 West 35TH Avenue  
Wheat Ridge, Colorado 80033

  
\_\_\_\_\_  
Robert J. Wilson, CPG08700  
Principal

August 23, 2016



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**5.0 MANAGEMENT and CHARACTERIZATION of GROUNDWATER** ..... 6

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Figure A - Concentrations in Groundwater (PCE, TCE, c-DCE)

Figure B - Site Map - Restricted Notice Areas

Figure C - USGS Quadrangle

**Exhibits A, B, C, D**

## MATERIALS MANAGEMENT PLAN

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### Introduction

This Materials Management Plan ("the Plan") shall apply to and be implemented whenever any actions are proposed within the *restricted notice areas identified in the Notice of Environmental Use Restrictions ("NEUR")* established on the subject property located at **10025 West Kentucky Drive, Lakewood, Colorado:**

1. Which will cause any disturbance or removal of greater than 1 cubic yard of soil (starting below a depth of 1.5 feet below ground surface and extending downward to the top of the underlying shale bedrock formation encountered between 17 to 19 feet below ground surface); or
2. Which will cause groundwater beneath the Property to be accessed for monitoring of groundwater constituents via monitoring wells or other intrusive or construction activities.

The Plan shall be implemented by any owner, lessee or licensee of 10025 West Kentucky Drive who will undertake any of the above activities. The Plan presents procedures to assure that the health and welfare of occupants of 10025 West Kentucky Drive, Lakewood, Colorado is protected. The *restricted notice areas* where the *Notice of Environmental Use Restrictions ("NEUR")* applies is depicted on **Figure B**.

### I. PROPERTY CIRCUMSTANCES

The 10025 West Kentucky Drive property ("Site") is shopping center consisting of three buildings. The largest building is the western building and has a second story with the following address range of 10105-10195 West Kentucky Drive. The second building is located in the central portion of the Site and has the address of 10025 West Kentucky Drive (this is the address for the entire property at the Jefferson County Assessor). The third building is in the northeast portion of the Site and has the address of 897 South Kipling Parkway. The 10105 West Kentucky Drive address is where a dry cleaning facility had operated for more than 30 years within the eastern end of the western building. Environmental investigations have identified a release to the environment at the Site of dry cleaning chemicals that have resulted in contamination of soils and ground-water at the Site. Chemicals of concern that have been detected in groundwater at the Site include *tetrachloroethylene ("PCE")*, *trichloroethylene ("TCE")*, and *cis-1,2-dichloroethylene ("c-DCE")*.

Owners of the Site have implemented a **Corrective Action Plan ("CAP")** approved by the Colorado Department of Public Health and Environment (**CDPHE**) – Hazardous Material and Waste Management Division (**HMWMD**) – Hazardous Waste Corrective Action Unit (the "**Division**"), which covers actions that will impact the Site, while remaining protective of down-gradient property. The CAP includes an initial **2012 Work Plan** and a subsequent **2013 Remediation Work Plan**. The CAP has been and will continue to be implemented over a period of years and is anticipated to gradually reduce contaminant levels at the Site.

Owners of the Site have agreed to *NEUR* that will impose certain use restrictions for defined areas on the Site. The Plan is an attachment to the *NEUR*. The *NEUR* will remain in place until remedial requirements of the Division are met, exposure risks within the *restricted use areas* are diminished to acceptable levels and residual contaminant concentrations decrease to the point where no restrictions are required on the future use of the Site. On May 1, 2015 the Division *has determined that the tetrachloroethylene ("PCE") groundwater standard at the Site is 17 ug/L, the health based value, rather than 5 ug/L, which is the maximum contaminant level for*



## MATERIALS MANAGEMENT PLAN

public drinking water systems'. Referred to **Exhibit A** (Fourth Quarter 2014 Monitoring and Sampling of Off-Site Down-Gradient Wells letter from the Division).

### 1.0 SITE MONITORING

The Site owner shall be responsible for monitoring groundwater conditions at the Site. Presently, the following monitoring wells are monitored semi-annually: *MWR3, MW4, MW9R and MW11W*. 14

### 2.0 ACTIVATION OF Management Plan

Arrangements have been made with environmental consultant, Clear Creek Consulting LLC (CLEARCC), to be ready to respond if this Plan is activated. If CLEARCC is unavailable, an equally qualified environmental consultant will be retained. When an activity at the Site causes activation of this Plan, Site owners will take the following actions:

1. The environmental consultant will be contacted and respond to the activity.
2. The environmental consultant will review the activity circumstances in light of the Corrective Action Plan ("CAP), the *NEUR*, and the Plan.
3. The environmental consultant will recommend appropriate steps for the Site owner for the activity to be consistent with its' CAP, the *NEUR*, and the Plan that prescribes management procedures, such that:
  - a. The CAP is not adversely affected;
  - b. Groundwater is not adversely affected; and
  - c. Site occupants and visitors are not exposed to contamination (soil, ground water or vapors) that create adverse health risks according to Division risk criteria in use at the time.
4. The Site owner will follow the recommendations of the environmental consultant. In the event of a dispute between the Site owner and environmental consultant, the Division will be consulted.
5. The environmental consultant will create a written record of its determination, the basis of the determination and any recommended actions.
6. The Site owner will retain any such written records for as long as *NEUR* is in effect and make those written records available for inspection upon request of the Division. However, at a minimum, the owner's consultant will provide a brief summary report, in an email, to the Division within 30 days of the conclusion of soil disturbing activities within the *restrictive notice areas*.



## MATERIALS MANAGEMENT PLAN

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### 3.0 ACTIONS REQUIRING PRIOR CDPHE APPROVAL

There are certain activities that have the potential to result in either the generation of and/or improper management of a hazardous waste or that could cause the unintentional exposure to or spread of contamination. Rather than delegate the more significant waste handling decisions to a qualified environmental consultant, the Division shall be notified at least 30 days in advance of performing the following list of activities so that it may review and approve them prior to conducting the work. The specific activities the Site owner is prohibited from doing without prior Division approval include:

1. Groundwater beneath the Property within the *restrictive notice areas* will not be accessed or used for any purpose. However, monitoring of groundwater constituents via monitoring wells is permitted using procedures found in the Corrective Action Plan, this includes actions related to sample analysis plan, quality assurance / quality control plan, standard operating procedures, health and safety plan as found in the 2012 Work Plan, and the measurement of groundwater parameters and disposal of purged groundwater as found in the 2013 Remediation Work Plan. Contact with groundwater at the Site will be in accordance with procedures outlined in Section 5.0 of the Plan.
2. Any activity that will result in disturbing more than 1 cubic yard of soil within the *restrictive notice areas* starting below a depth of 1.5 feet below ground surface and extending downward to the top of the underlying blue shale bedrock.
4. Any breaching or removal of the western building foundation or concrete floor slab (as depicted in Figure B at Unit 10105) that results in uncovered soil to be exposed to indoor air space within the *restrictive notice areas*.
5. Any proposal to use the property for residential purposes.
6. Any activity that requires the use of construction dewatering techniques to allow for building activities to proceed at or below the local water table within the property boundary.
7. Any activity that violates or interferes with the activities specified in the Plan.

The activities noted above should be submitted to the Division in a short plan clearly describing what soil or groundwater disturbing activities are proposed, how the resulting potentially contaminated media will be managed, characterized and eventually disposed of.

### 4.0 MANAGEMENT and CHARACTERIZATION of SOIL

Soil disturbing activities below the floor inside the building (Unit # 10105) and within the *restrictive notice areas* involving less than one cubic yard of soil may be returned the original excavation. All soil that may be excavated from locations inside the building (Unit # 10105 as depicted in Figure B) that's more than one cubic yard in volume must be properly managed and characterized prior to any decision to return the soil to the original



## MATERIALS MANAGEMENT PLAN

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excavation. The same must be done for any volume of soil that cannot all fit back into the original excavation and, therefore must be disposed of either on or off-site. The procedures used to ensure proper handling of soil are as follows:

1. Soil disturbing activities within the *restrictive notice areas* involving less than one cubic yard of soil may be temporarily stockpiled on plastic sheeting.
2. Soil that may be excavated from locations within the *restrictive notice areas* that's more than one cubic yard in volume will be placed in appropriately sized and covered containers upon its excavation.
3. For soil that either is greater than one cubic yard in volume or any volume that cannot be returned to the original excavation, a representative sample of the soil will be collected using professionally accepted techniques for laboratory analysis using EPA's SW 846 Method 8260. More than one sample may need to be collected depending on the volume of soil generated (a minimum of 1 sample per 20 cubic yards).
4. If the test results show that contaminant concentrations are all below both the residential soil concentration listed in the most current **Region 6 EPA Regional Screening Level (RSL)** and groundwater protection level listed in the most current version of the **Colorado Groundwater Protection Values Soil Cleanup Table (GPV)**, then that soil may be managed as "clean" fill for either use on-site or disposal at a local licensed solid waste landfill.

If the test results show that contaminant concentrations are above either of the residential soil concentrations or ground water protection levels, the Site owner will provide the Division with a copy of those test results, a description of the activity that generated the soil and its volume, requesting the Division review the information provided in order to make a contained-out determination. The Division will review the information provided and decide whether the measured contaminant concentrations dictate that the soil be managed as a solid waste or a hazardous waste and how it must be disposed of.

### 5.0 MANAGEMENT and CHARACTERIZATION of GROUNDWATER

In the event water is observed during soil disturbing activities in any of the *restrictive notice areas* for which the NEUR applies, management of such water will be conducted in such a way as to minimize the quantity of water requiring treatment and disposal.

Either existing contemporary water quality data is reviewed or a current sample of the groundwater must be collected for volatile organic compounds ("VOCs") analysis using the 'CDPHE dry cleaner list' consisting of chloroform, tetrachloroethylene, trichloroethylene, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, and vinyl chloride to determine if treatment or special handling of this water is necessary. The results of water samples will be compared to the Colorado Water Quality Control Commission **The Basic Standards for Ground Water (Regulation 41)** ("Colorado Ground Water Standards"). If concentrations of VOCs are below the Colorado Ground Water Standards, no additional groundwater management shall be required beyond standard



# ATTACHMENT C to NEUR

## MATERIALS MANAGEMENT PLAN

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dewatering management procedures. In the event concentrations of VOCs exceed the Colorado Ground Water Standards, the water must be contained and subjected to additional management and treatment.

Depending on the volume of water anticipated to be managed, the contained water may be, (1) treated on-site and then disposed on-site if water quality is found acceptable with Colorado Ground Water Standards as indicated by completing EPA's SW 846 Method 8260 lab analysis and by the absence of pink to purple color (indicative residual potassium permanganate used as an oxidation chemical compound in a past site remedy). Discharge can be to surface water or returned to the disturbed *restrictive notice areas*, or it can be returned to the subsurface using the on-site gravity feed injection well system (well group B-B', located below the floor of unit # 10105) and its associated purge water above ground storage tank located in the utility room #10105, or (2) as second option it can be dispose off-site at an appropriate treatment facility under an approved waste disposal profile.

Water removed from the ground and that disturbs *restrictive notice areas* must be stored in a container and managed as contaminated water until analytical results prove otherwise. Appropriate permits and approvals must be obtained for any dewatering, discharge or disposal of water generated by such activities.

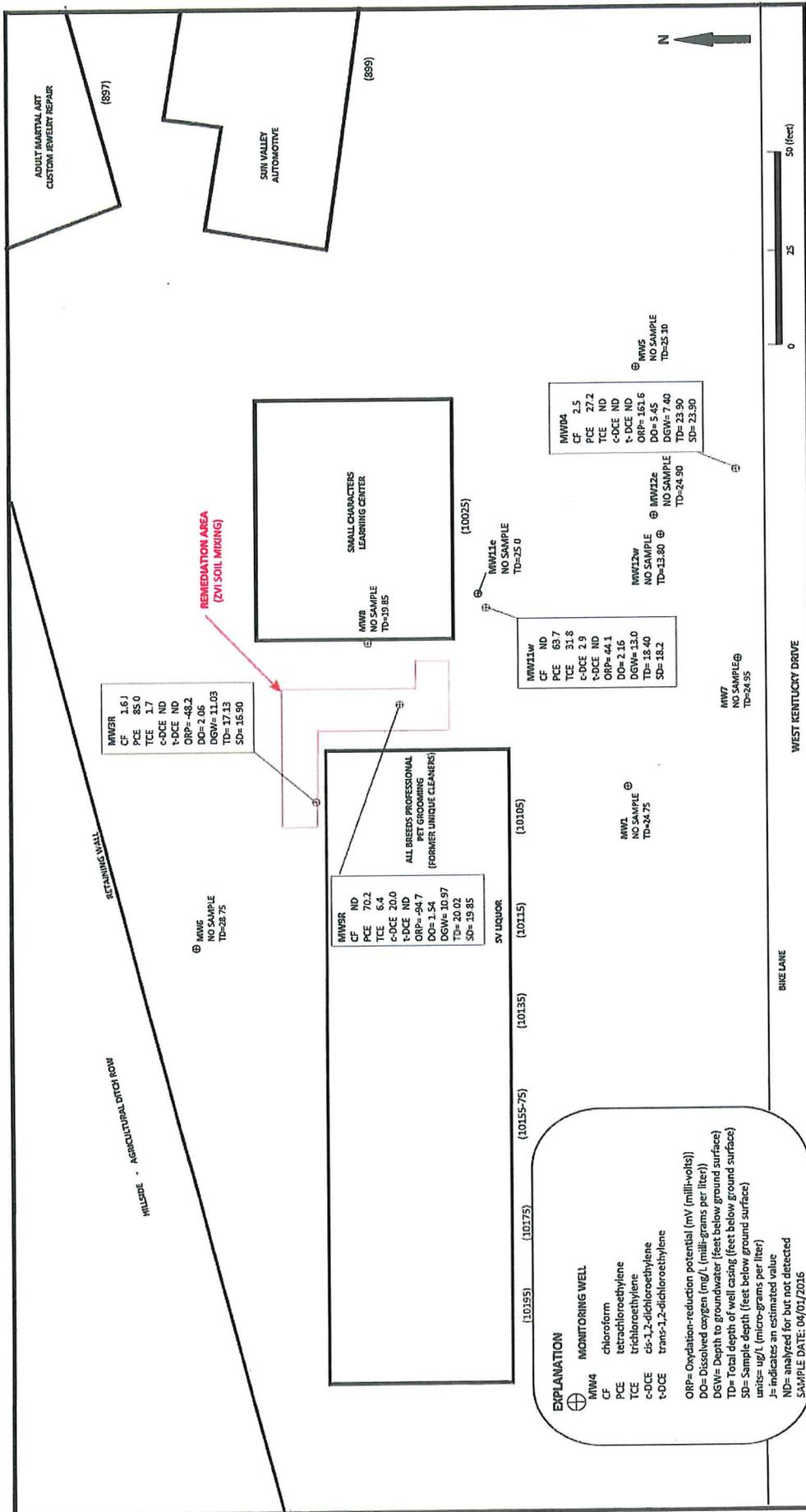
If it is determined the water removed from the ground and that disturbs *restrictive notice areas*, or from site monitoring wells (related to groundwater monitoring) is to be treated on site, it must be treated to:

1. Meet Colorado Ground Water Standards before it can be discharged to the ground surface.
2. Meet Division approved surface water discharge standards and discharged through a temporary CDPHE discharge permitted outfall.
3. Meet EPA-approved standards and returned to the open excavation as authorized by the Underground Injection Control Program at EPA.
4. Meet Division requirements issued August 17, 2012 for reintroducing treated groundwater into the on-site gravity fed treatment system (as described above in option (1) treated on-site...). For further details refer to **Exhibit C** (*Second Quarter 2012 Monitoring Report & Purge Groundwater Sample Results* letter from the Division) and **Exhibit D** (*Injection Well Location* figure).

Prior to conducting any such on-site dewatering, treatment, discharge, or injection, all appropriated permits and approvals for such activities must be obtained, including permits issued by the CDPHE or EPA. -done-



# ATTACHMENT C to NEUR



Notes:  
 1. Replacement wells MW3R and MW9R were installed after the in-situ soil mixing remediation. These replacement wells were installed at the same locations as previous monitoring wells MW3 and MW9.

**Sample Locations with PCE, TCE, and c-DCE Concentrations in Groundwater April 1, 2016**

Sun Valley Shopette (formerly Unique Cleaners)  
 10105 West Kentucky Drive  
 Lakewood, Colorado 80228

<b>FIGURE A</b>	04/26/2016	
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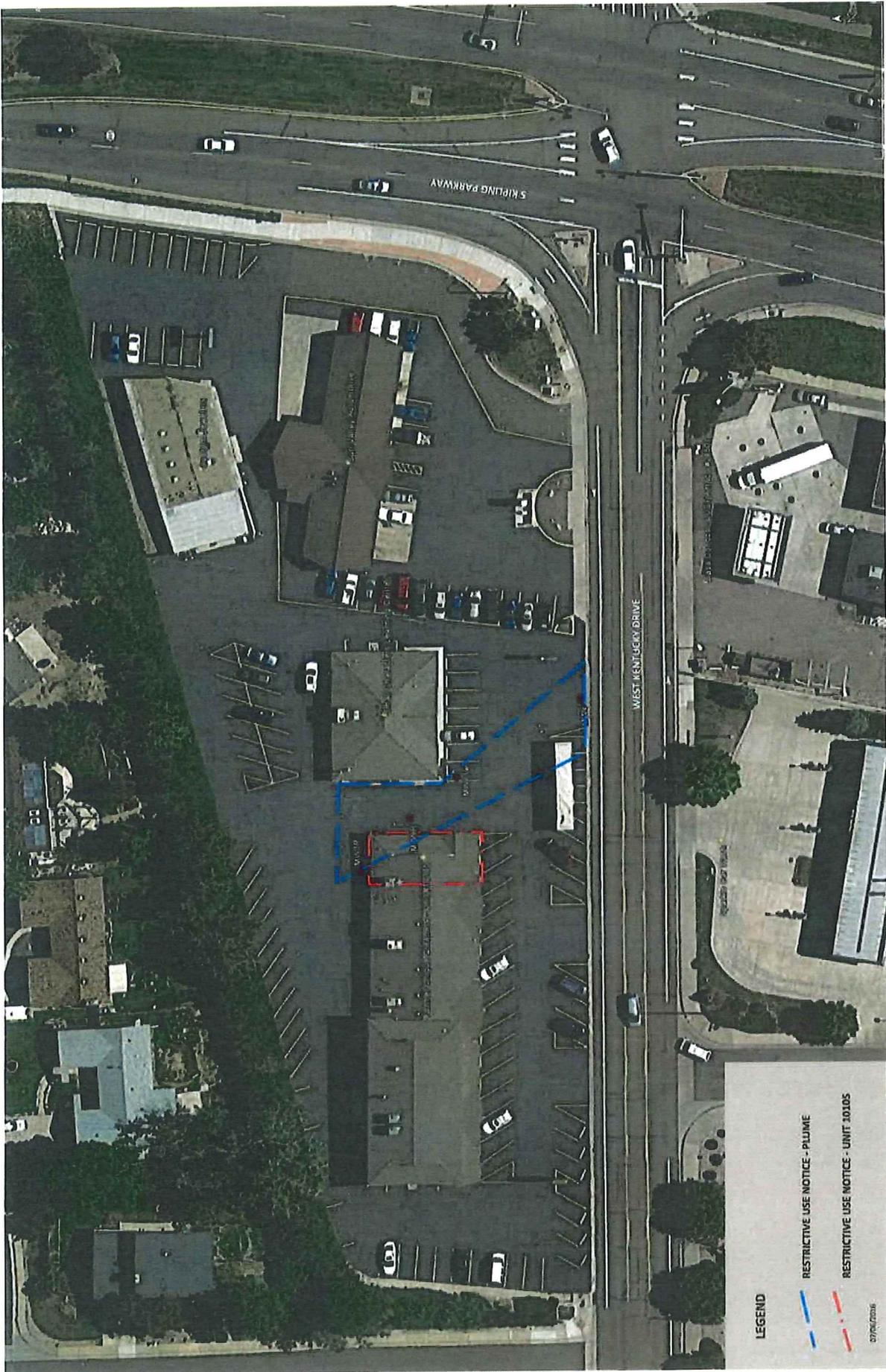


Figure B - Notice of Environmental Use Restrictions  
Sun Valley Shopette - Former Unique Cleaners  
10025 West Kentucky Drive, Lakewood, CO 80228

ATTACHMENT C to NEUR

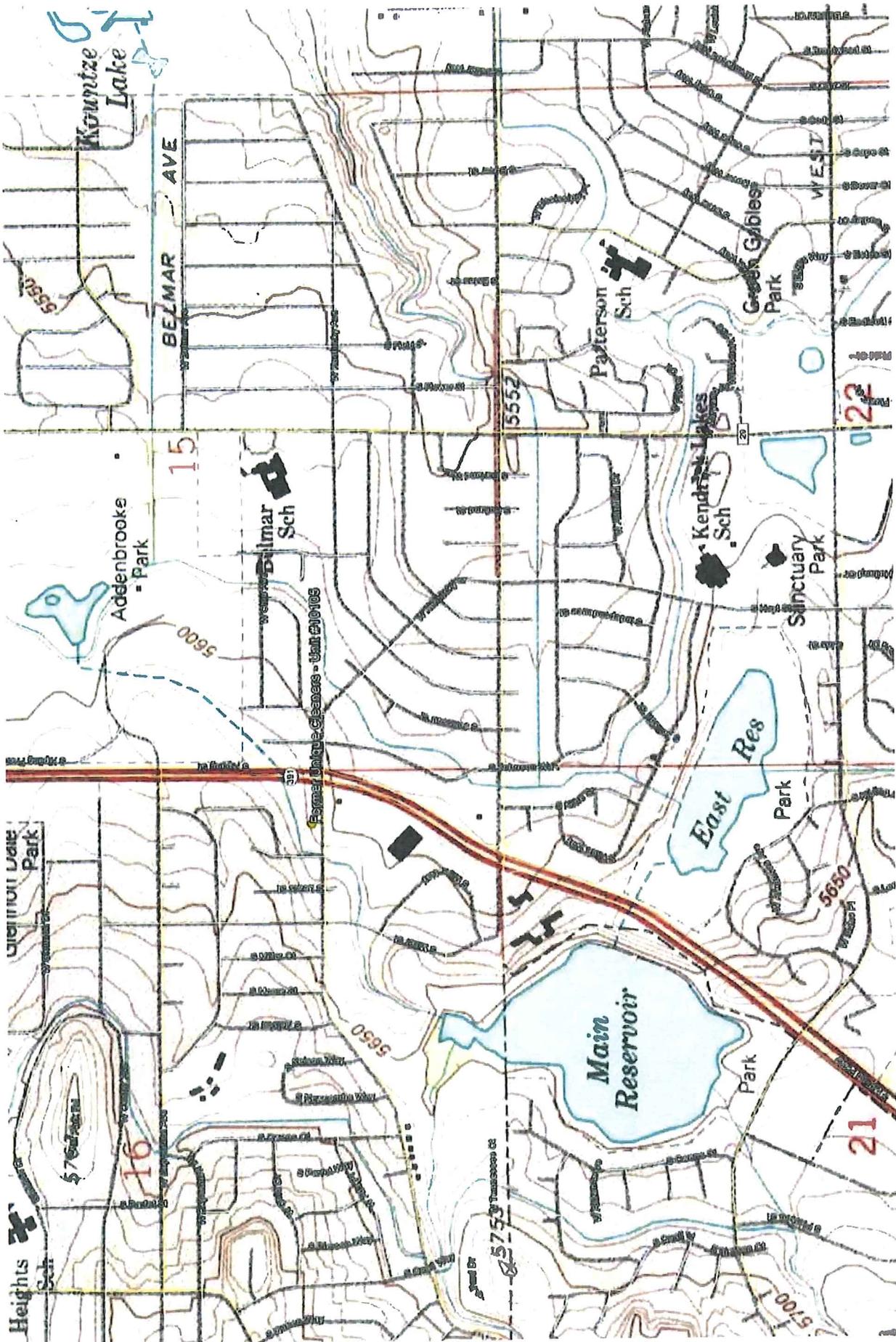


Figure C - USGS Fort Logan Quadrangle, 7.5-minute Series (1:24,000 scale)

Sun Valley Shopette - Unique Cleaners  
10025 West Kentucky Drive, Lakewood, CO 80228

Lat: 39°42'2.23"N, Long: 105°6'39.98"W SE 1/4 SEC.16, T4N 4S, R16W 69W, 6TH P.M.

1965, photo-revised 1995



COLORADO  
Department of Public  
Health & Environment

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

May 1, 2015

21

Mr. Marvin Boyd  
Sun Valley Shopette Venture, LLP  
6660 Delmonico Drive, Suite D502  
Colorado Springs, CO 80919

RE: Fourth Quarter 2014 Monitoring and Sampling of Off-Site Down-Gradient Wells  
Sun Valley Shopette - Unique Cleaners, 10105 West Kentucky Drive, Lakewood, Colorado  
EPA ID No: COD055440937  
M&E / 1.4

Mr. Boyd,

The Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division (the Division) has reviewed the document titled *Fourth Quarter 2014 Monitoring and Sampling of Off-Site Down-Gradient Wells*, dated February 12, 2015 (the Report). The Report was written, compiled and submitted by Clear Creek Consulting, LLC on your behalf. Generally, the Report summarizes a groundwater monitoring event which occurred in November of 2014 and that consisted of sampling monitoring wells located at the referenced facility (the Site) as well as across (south of) West Kentucky Drive at a Conoco fueling station. The Report is hereby approved with the following comments.

As required by The Basic Standards for Ground Water (5 CCR 1002-41) the implementing agency must establish a protection level for tetrachloroethylene (PCE) of either 17 micrograms per liter (µg/L) or 5 µg/L. The Division, being the implementing agency for the Site, has determined that the PCE groundwater standard at the referenced facility is 17 µg/L, the health-based value, rather than 5 µg/L, which is the maximum contaminant level for public drinking water systems. This determination is based on the analytical results of groundwater data collected at, and down-gradient from, the Site as well as locations of domestic water wells within one-half mile of the Site.

The Division requires additional monitoring events at the Site for the purposes of monitoring the performance of the remedial soil mixing activities, which occurred last year. Future analytical results from groundwater sampling at the Site coupled with property owner resources and motivations will drive upcoming efforts and requirements, as the Site continues to work towards terminating the corrective action process.

If there are any questions, comments, or concerns regarding this correspondence please contact me at (303) 692-3332 or via e-mail at [richard.mruz@state.co.us](mailto:richard.mruz@state.co.us).

Sincerely,

Richard Mruz, Jr., REHS  
Hazardous Waste Corrective Action Unit  
Hazardous Materials and Waste Management Division

EC: Mr. Robert Wilson, Clear Creek Consulting, LLC





# 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

23

August 17, 2012

Ms. Carla Dore  
Sun Valley Shopette Venture, LLP  
3839 Allison Circle  
Wheat Ridge, CO 80033

RE: **Second Quarter 2012 Monitoring Report &  
Purge Groundwater Sample Results  
Sun Valley Shopette - Unique Cleaners  
10105 West Kentucky Drive, Lakewood, Colorado  
EPA ID No.: COD055440937**

Ms. Carla Dore,

The Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division (the Division) has reviewed the *Second Quarter 2012 Monitoring Report*, dated July 12, 2012 (the Report) and the *Purge Groundwater Sample Results*, dated July 12, 2012 (Purge Results). The Report and Purge Results documentation were compiled and submitted by Clear Creek Consulting, LLC on your behalf. The Division hereby approves the Report and accepts the data within. The Division provides comments below regarding the review of the Purge Results.

The analytical results for the containerized purged groundwater indicated no detections of dry cleaner related constituents. Reportedly, visual inspection of the containerized purged groundwater yielded an observation of a deep purple color. The Division approves of reintroducing the treated groundwater, represented by the sample identification of PGWD#1, into the onsite gravity fed treatment system. The Purge Results letter also proposes to reintroduce future purged groundwater after performing similar volatile organic compound (VOC) characterization and the results indicate that no VOCs are present. The Division will allow the reintroduction of purged groundwater in the future, if after all purged groundwater is containerized and visual inspection results in the observance of a purple color. Please, also, reference the Division's correspondence dated March 28, 2012 under item 1.b.

The approved 2012 *Work Plan* does not provide precise dates for the subsurface characterization using a membrane interface probe (MIP). If feasible, please contact me prior to a scheduled MIP survey. The Division desires an opportunity to be onsite while this technology is used.

If there are any questions regarding this correspondence or to provide notification of a MIP survey please contact me at (303) 692-3332 or via e-mail at [richard.mruz@state.co.us](mailto:richard.mruz@state.co.us).

Sincerely,

Richard Mruz, Jr., REHS  
Hazardous Waste Corrective Action Unit  
Solid and Hazardous Waste Program  
Hazardous Materials and Waste Management Division

Ec: Mr. Robert J. Wilson, Clear Creek Consulting, LLC.

