

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

4300 Cherry Creek Dr. S.
Denver, Colorado 80246-1530
Phone (303) 692-2000
Located in Glendale, Colorado
www.colorado.gov/cdphe



Colorado Department
of Public Health
and Environment

April 11, 2014

Mr. Jerry Dye
Support Services Director
City of Thornton
9500 Civic Center Drive, Thornton, CO 80229

RE: CONDITIONAL CLOSURE REQUEST AND APPROVAL
Former Gigantic Cleaners #25
EPA ID No. COD098406937

Dear Mr. Dye,

The Hazardous Materials and Waste Management Division (the Division) of the Colorado Department of Public Health and Environment has reviewed the February 27, 2014 “Request for Conditional Closure” (“the Request”) for the Former Gigantic Cleaners #25 Site, also known as the 104th Avenue Redevelopment Project (the “Site”). The Request summarizes the years of effort the City of Thornton 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 behind 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 six years from this 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 intergovernmental agreement approved by the City of Thornton on December 17, 2013, will restrict access to ground water at the site while the contaminants continue to attenuate and decline in concentration.

The City of Thornton 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 the City of Thornton or the 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 intergovernmental agreement to restrict access to ground water.

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

Sincerely,

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

cc: Jeremy Musson, Pinyon Environmental
Jennifer Robbins, AGO
Carl Spreng, CDPHE

Attachments

Decision Document
Completed Conditional Closure Determination Checklist

DECISION

Having reviewed the February 27, 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 the intergovernmental agreement between the City of Thornton and the Division, I affirm the findings and conclusions contained within the Request and hereby approve the City of Thornton's request to conditionally close the Former Gigantic Cleaners #25 Site, aka 104th Avenue Redevelopment Project, including the proposal to discontinue monitoring low level ground water contamination. This determination will be recorded in the Division's database of sites for approved conditional closures. If the intergovernmental agreement is terminated by the City of Thornton prior to its receipt of a no further action determination from the Division, the Division, in its sole discretion, may revoke this conditional closure approval.

The Division's decision to approve the Request is based on its analysis of the site-specific characteristics and conditions for the Former Gigantic Cleaners #25 Site, aka 104th Avenue Redevelopment Project, 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.

April 11, 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#: Former Gigantic Cleaners #25 Site
aka 104th Avenue Redevelopment Project
EPA ID No. COD098406937
Site Owner: City of Thornton
Site Operator/type of use: City of Thornton, commercial development
Site Address: 630 East 104th Avenue, Thornton CO

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: December 17, 2013, or
 - Date alternate concentration limit established _____
 - Public notice provisions have been satisfied: See comment below

Comments:

On December 17, 2013 the City of Thornton approved an intergovernmental agreement allowing the Division to enforce the City's ordinance that bans drilling wells within city limits at the former Gigantic Cleaners site.

The parcel in question is vacant, with no remaining structures standing. The City of Thornton is fully aware of the condition of the property, as is the developer who is also aware of the intergovernmental agreement.

Project Manager: Carl Spring Date: April 11, 2014
Supervisor: Walter Cune Date: April 11, 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.