1286354 - R8 SDMS

Sisk, Richard

From: Sisk, Richard
Sent: Thursday, March 14, 2013 4:50 PM
To: Schmittdiel, Paula
Cc: Works, John
Subject: Denver City and County Clerk and Recorder
Attachments: Stapleton Notice 2013.pdf

Paula – John and I visited the Clerk and Recorders office this morning and discussed with them how they index recorded documents. What they do is they initially index documents based on the grantor and/or grantee. They determine the grantor and/or grantee by reviewing the document in a very cursory manner and then pick a name for the grantor/grantee. For deeds and other regular property transfer documents it is easily determined, but for something like the notice we want to file they said that in the absence of specific language in the document they would look at who signed it. After they define the grantor and/or grantee, they then pick a category to define the document, such as deed, notice, declaration, covenant, miscellaneous, and a bunch of others. They indicated that in many cases, the party that is submitting the document will include a cover letter instructing the clerk on how to enter the grantor and/or grantee and/or which category to include the document in. So it was clear to John and I that in order for this notice to be found in Denver's records, we need to include the name of the present owner of the property in the notice and we need to do it in a way that instructs the clerk to use the present owners name as the grantor. Below is an example of model language showing how Colorado deals with this issue for their notices of environmental use restrictions that are only signed by CDPHE:

WHEREAS, for purposes of indexing in the County Clerk and Recorder's office Grantor-Grantee index only, the current property owner shall be considered the **Grantor**, and the Colorado Department of Public Health and Environment shall be considered the **Grantee**; nothing in the preceding clause shall be construed to create or transfer any right, title or interest in the Property;

We could modify this for our purposes.

John asked whether there was any way that we could tie the owners name as grantor to the property description? They told us there is no way to do that in Denver's system, however, one of the clerks suggested that we work with a title company, Chicago Title being the largest, or work with a company named SKLD Information Services, which appears to be a Colorado real estate information clearing house, to record the notices. The clerks said that title companies take the information recorded in the Clerk and Recorder's Office and tie it to specific property addresses, so if we can get the information regarding our notices in the title companies' databases after we record it with the County then it is more likely that the notices will be picked up.

One of the clerks also gave us a copy of a notice being filed at Stapleton, titled, "Disclosure of Environmental Conditions, Waiver, and Release.", see attached. In the records of the clerk it indicated that Weekley was the grantor and that FC Stapleton II, LLC was the grantee. But if you read this closely you can see that FC Stapleton is not a grantee, it says in the first Whereas that FC Stapleton sold this property to Weekley, an example of how the clerk and recorder's office does not really read the documents in detail, but just grabs names to insert into their system.

Richard Sisk
Attorney
U.S. EPA Region 8
ENF-L
1595 Wynkoop
Denver, CO 80202-1129

Phone: 303-312-6638

Fax: 303-312-6409
E-mail: sisk.richard@epa.gov

NOTICE: The information contained in this e-mail is intended only for the use of the recipient(s) named above. This message and any attachments may contain confidential or privileged information. If the reader is not the intended recipient or an agent responsible for delivering it to the intended recipient, you have received this document in error and any review, dissemination, disclosure, distribution, use, or copying of the contents of this message is strictly prohibited. If you have received this communication in error, please notify me immediately by e-mail or telephone and destroy all copies of the original message and any attachments.

Page: 1 of 12 Reception #: 2013025698
02/26/2013 07:06 A R:$ 66.00 D:$ 0.00
eRecorded in C/C of Denver, CO Doc Code: WAV
Debra Johnson, Clerk and Recorder

Upon Recordation, Please Return To:
Weekley Homes, LLC
3600 S. Yosemite St., #320
Denver, CO 80237

SKLD

DISCLOSURE OF ENVIRONMENTAL CONDITIONS, WAIVER, AND RELEASE

THIS DISCLOSURE OF ENVIRONMENTAL CONDITIONS, WAIVER, AND RELEASE (this "Disclosure and Release") is made as of the 25 day of January 2013, by Weekley Homes, LLC, a Delaware Limited Liability Company (the "Builder").
WITNESSETH:

WHEREAS, the Builder has acquired from FC Stapleton II, LLC ("Forest City") that certain real property described on **Exhibit A** attached hereto and incorporated herein by this reference (the "Development"), and intends to construct improvements on and subsequently convey the property in the Development to third parties (each and every subsequent owner of any portion of the Development shall hereinafter be referred to as an "Owner"); and

WHEREAS, the Development is located on a portion of property formerly used by the City and County of Denver, Colorado (the "City"), in connection with the operation of Stapleton International Airport (the "Airport Property"); and

WHEREAS, the City conveyed the Development to Stapleton Development Corporation ("SDC") which in turn conveyed the Development to Forest City; and

WHEREAS, the Development is located within that part of the Airport Property which has been platted as Stapleton Filing No. 36 ("Filing Thirty-six"); and

WHEREAS, the City, prior to conveyance of the Development to SDC, was responsible for completing, to a set of standards approved by applicable governmental agencies, all environmental remediation of the Development to allow residential development; and

WHEREAS, the Builder desires to disclose to subsequent Owners information it has obtained regarding (i) the environmental condition of the Development and the Airport Property; and (ii) the inherent and potential risks of owning and occupying property within the Development, as well as to provide for a waiver and release from liability for such risks.

NOW, THEREFORE, the Builder hereby states and declares that the Development, and each portion thereof, shall be conveyed, owned, used, improved, and otherwise held in accordance with and subject to the following:

1. Disclosure of Environmental Matters. In connection with the operations at the Airport Property, activities were undertaken by the City and third parties, including, without limitation, aircraft and vehicle maintenance, aircraft and vehicle fueling (including fuel storage and pipeline facilities), and aircraft de-icing operations. As a result of these activities and other off-site activities, the soil and groundwater located on, under, or about the Development and the Airport Property may have been contaminated with certain environmental contaminants, including, without limitation, petroleum compounds and other substances, which contaminants may pose a risk to human health and the environment. Attached hereto as **Exhibit B** is a summary of the known environmental conditions, including a summary of evaluation, remediation, and/or regulatory "no further action" or "no action" determinations with respect to those conditions, both within and near Filing Thirty-six and that may affect the Development. **Exhibit B** is intended only as a summary and is subject to the contents of the studies performed by the City, Forest City, SDC, former tenants of the Airport Property, and other parties or their respective contractors and

subcontractors. Copies of additional environmental reports prepared with respect to property in the proximity of Filing Thirty-six can be viewed at the Stapleton Information Center located on the Airport Property and which is open to the public. Copies of particular studies performed for the Builder with respect to the Development are available at the Builder's own Stapleton sales office. The most comprehensive selection of studies, reports, and analyses with respect to the Airport Property is available from the City and County of Denver. Copies of these studies can be obtained by written request from the Manager of Aviation, Denver International Airport, Airport Office Building, 8500 Peña Boulevard, 9th Floor, Denver, Colorado 80249. Questions concerning obtaining these reports can be addressed to Chief Counsel at 720-913-8400. Additional reports are also available from the Environmental Protection Specialist responsible for Stapleton Airport at the Colorado Department of Labor and Employment, Division of Oil and Public Safety at 303-318-8500, or the Colorado Department of Public Health and Environment at 303-692-3000 or toll-free 1-888-569-1831. Reports relating to environmental conditions of the Airport Property may also exist from other sources. Neither the Builder, Forest City Stapleton, Inc., nor Forest City makes any representation or warranty regarding the accuracy or completeness of the summary attached hereto as **Exhibit B**, of any of the studies or reports that provide the basis for such summary, or any of the other studies, reports, or analyses referenced above or which may be available with respect to other portions of the Airport Property.

2. Recognition and Assumption of the Risks Associated with the Environmental Conditions. Each Owner shall hereby be deemed to recognize and assume the inherent or potential risks of owning property within the Development, which risks arise either directly or indirectly as a result of the environmental conditions described herein or in the exhibits attached hereto or any other environmental conditions now or hereafter existing on or about the Development or the remainder of the Airport Property (collectively, the "Environmental Risks"). The existence or alleged existence of the Environmental Risks may result in, without limitation, the following: (a) diminished value and marketability of an Owner's home; (b) deleterious physical or mental health effects as a result of exposure to environmental contaminants; (c) damage to the Owner's home or personal property within the Development; or (d) impact to or increase in the cost of obtaining homeowner's insurance and/or financing for a property within the Development.

3. Release from Liability. As a result of acquisition of any portion of the Development, each Owner, on behalf of such Owner and such Owner's officers, directors, partners, shareholders, members, managers, employees, agents, family members, tenants, guests, and invitees and their respective heirs, personal representatives, successors, and assigns (collectively the "Releasing Parties") shall be deemed to have agreed to release the Builder, Forest City Stapleton, Inc., and Forest City and their respective parents, subsidiaries, affiliated parties, officers, directors, partners, subcontractors, shareholders, members, employees, agents, heirs, personal representatives, successors, and assigns (collectively the "Benefited Parties"), or any of them, from and against any and all claims, damages, losses, demands, liabilities, obligations, costs, expenses, actions, or causes of action whatsoever resulting either directly or indirectly from the environmental condition (whether or not the condition is disclosed herein, in the exhibits attached hereto, or in the reports underlying the exhibits hereto) of the Development or of the Airport Property, including, without limitation, the Environmental Risks described herein, and therefore further agree not to institute any action or suit at law or in equity, or to make, seek, institute, or prosecute any claims, demands, or compensation from or against the Benefited Parties, or any of them, for or on account of any damage, loss, or injury resulting directly or indirectly from the environmental condition (whether or not the condition is disclosed herein, in the exhibits attached hereto, or in the reports underlying the exhibits hereto) of the Development or of the Airport Property, including, without limitation, the Environmental Risks described herein. The foregoing shall apply to all claims, losses, demands, or compensation of whatever kind or nature arising or resulting from the environmental conditions (whether or not the condition is disclosed herein, in the exhibits attached hereto, or in the reports underlying the exhibits hereto) or the Environmental Risks, whether or not specifically enumerated herein, including, without limitation, (i) claims for personal injury; (ii) claims for diminution of property value or lack of marketability; (iii) claims relating to failure to secure financing or other lender related claims; (iv) claims for emotional distress; and (v) any consequential, indirect, special, punitive, incidental, or other non-compensatory or similar damages.

4. Recordation and Acceptance. This Disclosure and Release shall be recorded in the real property records of the City and County of Denver, Colorado. Each Owner, by virtue of such ownership, is deemed to have accepted and agreed to all provisions of this Disclosure and Release, and to have agreed that such Owner's portion of the Development is subject to this Disclosure and Release and each provision hereof.

5. Application to Rental or Leased Property. Each Owner hereby agrees that, should any portion of the Development owned by such Owner at any time be utilized as rental or leased property, such Owner will supply this Disclosure and Release to all of such Owner's renters, lessees, and/or tenants, and shall require that all such renters, lessees, and tenants acknowledge and accept in writing the terms hereof.

6. Run with the Land. The Development, and each portion thereof, shall be held and conveyed subject to the risks described herein and the terms and provisions of this Disclosure and Release, which: (i) shall run with and burden the Development in perpetuity; (ii) shall be binding upon each of the Releasing Parties and all parties having or acquiring any right, title, or interest in the Development or any portion thereof; (iii) shall inure to the benefit of the Benefited Parties; (iv) shall be imposed upon the Development and every part thereof as a covenant running with the land and as an equitable servitude; and (v) upon the sale or conveyance of any portion of the Development, the transferee and/or assignee of such portion of the Development shall assume all obligations and inure to all rights hereunder, and the Builder shall have no further rights and obligations with respect to the portion of the Development sold and/or conveyed to such purchaser and/or assignee. Each Owner covenants and agrees that any and all provisions of the laws of the State of Colorado required to be satisfied in order for the provisions of this Disclosure and Release to constitute a restrictive covenant running with the land shall be deemed satisfied in full and that any requirements of privity of estate are intended to be satisfied, or, in the alternative, that an equitable servitude has been created to ensure that the provisions of this Disclosure and Release run with the land.

7. Governing Law. This Disclosure and Release shall be governed by and construed under the laws of the State of Colorado.

8. Severability. All provisions of this Disclosure and Release shall be deemed independent and severable. Invalidation of any provision of this Disclosure and Release by judgment, court order, or otherwise shall in no way affect or limit the other provisions of this Disclosure and Release, which shall remain in full force and effect.

9. Captions. The titles, headings, and captions used in this Disclosure and Release are inserted for convenience of reference only, do not constitute a part of this Disclosure and Release, and in no way define, describe, or limit the scope or intent of this Disclosure and Release or any of the provisions hereof.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Builder has executed this Disclosure and Release dated Jan. 25, 2013.

Weekley Homes, LLC,
a Delaware limited liability company

By: _____
Walter Watson, Division President

STATE OF COLORADO)
) ss.
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 25th day of Jan., 2013, by Walter Watson as Division President of Weekley Homes, LLC.

Witness my hand and official seal.
My commission expires: 7.25.13

[SEAL] CHRISTINE R. FINK
Notary Public
State of Colorado
My Commission Expires July 25, 2013

_____
Notary Public

Reception #: 2013025698
R:$ 66.00 D:$ 0.00
Doc Code: WAV

EXHIBIT A TO
DISCLOSURE OF ENVIRONMENTAL CONDITIONS, WAIVER, AND RELEASE

Legal Description

Lots 5 through 11, inclusive, Block 12
Stapleton Filing No. 36
City and County of Denver
State of Colorado
And
Parcels 1 through 7, inclusive, Block 12
As shown on the Land Survey Plat
Recorded November 15, 2012, at Reception No. 2012157169
City and County of Denver
State of Colorado

EXHIBIT B TO
DISCLOSURE OF ENVIRONMENTAL CONDITIONS, WAIVER, AND RELEASE

August 2012

Summary of Environmental Conditions Related to the Development Area within Stapleton Filing No. 36 August 2012

Introduction. Based on reports prepared by or on behalf of the City and County of Denver (the "City") and Forest City Stapleton, Inc., ("FCS") and other available information, set forth below is a summary of the known environmental conditions in the proximity of the development area within the Plat of Stapleton Filing No. 36 ("Filing 36" or the "Development") and the status of cleanup of those conditions.

The following information is intended only as a summary of the environmental conditions as of the date of this Summary, and is subject to changes occurring after this date. Furthermore, this Summary is qualified in its entirety by the specific reports, studies, figures, and analyses performed in connection therewith and does not purport to address environmental conditions that may exist elsewhere on the former Stapleton International Airport (SIA) property (the "Airport Property"). For a more complete understanding of the environmental conditions affecting the Development and the remainder of the Airport Property, a thorough review of the underlying reports should be completed. Neither FCS nor Forest City Enterprises, Inc., ("Forest City") make any representation or warranty regarding the accuracy or completeness of the information contained herein or in the underlying reports.

Attached Figure. The attached figure entitled "Known Areas of Environmental Issues Stapleton Filing No. 36" identifies the location of known environmental conditions in the proximity of the Development. It should be noted that any illustration of potential areas of contamination is by nature subjective and subject to revision based, among other things, on collection of additional data. In addition, cleanup, construction and related activities associated with the Development and other portions of the Airport Property within the proximity of the Development may change the configuration, concentration or other characteristics of the soil and groundwater contamination at the Development that is generally sketched on the attached figure. Finally, the attached figure is just one of numerous maps and illustrations identifying particular characteristics of contaminants within the proximity of the Development, all which should be reviewed for a more complete understanding of the current status of knowledge regarding environmental conditions at the Development or the remainder of the Airport Property.

Site Standards. For real property purchased by Forest City from the Stapleton Development Corporation ("SDC"), the City developed a program for identifying and cleaning up environmental contamination to standards appropriate for residential use and prohibiting groundwater use. As a part of that program, certain soil and groundwater standards have been identified by the City for use at the Airport Property. These standards were developed by the City in consultation with the Colorado Department of Public Health and Environment ("CDPHE") and the Colorado Development of Labor and Employment Division of Oil and

Public Safety ("OPS"), formerly known as the Oil Inspection Section, ("OIS") and hereafter referred to as OPS. The standards were then presented to the U.S. Environmental Protection Agency ("EPA"), which generally concurred in the standard-setting approach by letter dated June 19, 2000. In presenting these standards to EPA, these standards were described as follows: "These criteria have been prepared by the City and are designed to assure that the parcel will be remediated to a standard that is protective of unrestricted residential use and will not pose an unacceptable risk to human health or the environment, provided that use of groundwater at the property will be restricted." These soil and groundwater standards are referred to herein as "Cleanup Standards."

As a means of prohibiting groundwater use, in the deed conveying the Filing 36 property (recorded in the public records with Clerk and Recorder of the City and County of Denver on April 27, 2012 at Reception No. 2012055618 and on April 30, 2012 at Reception No. 2012056089) and the Park Creek Metropolitan District (PCMD) Trunk Open Space Property deed conveying Stapleton Filing No. 14 (recorded in the public records with Clerk and Recorder of the City and County of Denver on May 10, 2004 at Reception No. 2004102207), the City retained all water rights and prohibited drilling of water wells on the Development ("Deed Restriction").

Once cleanup has been completed to the Cleanup Standards identified for each portion of the Airport Property, the program obligates the City upon request from Forest City to obtain "no further action" letters or "no action determinations" from the appropriate Colorado regulatory agencies stating that that portion of the Airport Property where contamination has been identified has met the established Cleanup Standards and is suitable for its planned use. To the extent described below, the City or other users of the Airport Property have received "no further action" letters or "no action determinations" for areas of known contamination within the proximity of the Development. "No further action" letters and "no action determinations" are based on information available at the time the letters or determinations are issued. In the event of changed conditions or additional information is developed, the agency issuing the letter or the determination reserves the right to require additional action. Further, despite development of these Cleanup Standards, which are perceived to be protective of human health and the environment, there is no guarantee that all possible contaminants and sources of exposure have been detected or that contamination will not migrate onto the Development from an offsite source. Further, as the base of scientific knowledge increases over time, today's understanding of the health effects of exposure to environmental contamination, upon which the Cleanup Standards are based, may prove inadequate to be protective of human health.

Summary of Conditions

Nitrate in Groundwater. Nitrate is a breakdown product of urea, which was used during airport operations as a de-icing agent on the runways. Groundwater nitrate concentrations exceeding Cleanup Standards have been identified beneath large areas of the Airport Property including the Development. The City has not proposed any additional characterization or remediation of nitrate in on-site groundwater. The EPA has archived Stapleton sites from its Comprehensive Environmental Response, Compensation and Liability Act Information System ("CERCLIS") list that had remained open due to nitrates in groundwater. The archive is a special, inactive list to

separate "No Further Remedial Action Planned" sites from active sites. The EPA's decision to archive these sites was based on well-head remediation measures taken by the South Adams County Water and Sanitation District and City's commitment to prohibit the use of groundwater beneath the Airport Property. CDPHE has taken no action at this time, and no additional characterization or remediation of nitrate in groundwater has been conducted or is anticipated. Nitrates are not known to present a human health risk as long as the groundwater is not consumed. Groundwater use is prohibited by the Deed Restriction, and nitrates are covered under the 2004 NAD described below.

Chlorinated Solvents in Groundwater. Historical groundwater samples collected from monitoring wells at SIA north of I-70, including wells in the Development, have contained chlorinated solvents including 1,1-dichloroethene (1,1-DCE) at concentrations exceeding Cleanup Standards. Other chemical constituents including trichloroethene (TCE); 1,1,1-trichloroethane (1,1,1-TCA); chloroform; and tetrachloroethene (PCE) were also detected in groundwater at concentrations not exceeding Cleanup Standards.

Investigations conducted by MES indicated that no new sources or releases of chlorinated solvents were detected and the source(s) of the chlorinated solvents is unknown.

North Retail NAD and 2012 NAD. On February 12, 2004, Spectrum Services, Inc. on behalf of CCOD submitted a No Action Determination (NAD) Petition to the Colorado Department of Public Health and Environment (CDPHE) that includes a portion of the Filing 36 and Filing 37 Development areas. The CDPHE issued a NAD (North Retail NAD) in March 2004 (CDPHE 2004). The North Retail NAD is divided into two parcels: Parcel A, for which CDPHE issued an NAD suitable for commercial development or mixed use with residential on the second floor and Parcel B, for which CDPHE issued an NAD suitable for unrestricted residential use.

CDPHE issued a second NAD for unrestricted residential use in portions of Parcel A in May 2012 based on additional groundwater investigations performed by MES in December 2011 and January 2012. The groundwater investigations included an analysis of VOCs in groundwater at 13 locations within the Parcel A boundary. Ten VOCs (1,1,1-trichloroethane [1,1,1-TCA]; 1,1-dichloroethane [1,1-DCA]; 1,1-dichloroethene [1,1-DCE]; acetone; chloroform; cis-1,2-dichloroethene [cis-1,2-DCE]; methyl tertiary-butyl ether [MTBE]; tetrachloroethene [PCE], toluene; and trichloroethene [TCE]) were detected in groundwater; however none of the detected constituents exceeded the Cleanup Standards. Based on the results of the 2012 groundwater investigations, the CDPHE issued a NAD for the area on June 26, 2012 for unrestricted residential use (2012 NAD).

2004 NAD. In 2004, Weston Solutions (Weston) conducted an investigation for the area north of I-70 outside the North Retail Site boundary (i.e., the remainder of SIA north of I-70) on behalf of the CCOD. The evaluation was conducted to support a NAD application submitted on behalf of the CCOD to the CDPHE in December 2004. Chemical constituents were detected in soil and groundwater samples collected for the NAD application at levels below Cleanup Standards. CDPHE issued an NAD letter dated February 16, 2005 for unrestricted residential use (with the exception that groundwater use is prohibited) for the area north of I-70 that includes the Study

Area. This NAD excludes the NAD Parcel A and Parcel B boundaries that were included in the North Retail NAD.

Residual Hydrocarbons. In 2003, two surface soil samples were analyzed for total petroleum hydrocarbons (TPH) in areas near the former tarmac associated with a north-south runway at the former SIA. TPH was detected in a drainage ditch located south of the Former Building 131, south and west of the Development area, at a concentration of 835 mg/kg, which is greater than the SNC standard of 250 mg/kg. The CCOD remediated the area in December 2003 and a confirmation sample was collected after remediation. No TPH was detected in the confirmation soil sample. The CDPHE issued an NAD for north SIA (2004 NAD), that included residual hydrocarbons.

Polynuclear Aromatic Hydrocarbons (PAHs). Past investigations at SIA have documented that surface soils adjacent to the airport runways can contain PAHs that exceed Cleanup Standards. The PAH source is believed to be the incomplete combustion of aviation fuel. During the 2004 Weston investigation, soil samples were collected to assess PAHs resulting from former SIA operations or from former Rocky Mountain Arsenal (RMA) operations located near runways in the northern portion of the former SIA. The samples were collected in low lying areas where PAH concentrations would represent "worst case." In this investigation, two PAHs, benzo(b)fluoranthene and benzo(a)pyrene, were detected in one soil sample location located near the former SIA runway at concentrations slightly exceeding SNC. The results of the sampling indicated that PAH contamination is not widespread in the area north of I-70, and the areas of elevated PAHs were excavated. The CDPHE issued an NAD for north SIA (2004 NAD), that included PAHs.

Highline Canal. The historic Highline Canal, a man-made irrigation channel, was identified at the Development from historic aerial photographs reviewed by MES. The canal was backfilled prior to 1970 and no evidence of the canal was observed during recent area reconnaissance or from recent aerial photographs. Historically, lengths of the canal identified in other areas of the former SIA have been backfilled with building materials and miscellaneous debris including asbestos containing materials (ACM). In May 2012, MES and Casey Resources, Inc. conducted a subsurface investigation in areas where the Highline Canal may have historically existed. Five trenches were excavated to assess the condition of subsurface materials and to identify the presence of any fill materials or construction debris. No evidence of construction debris or fill was observed during the investigation.

Scotts Liquid Gold Groundwater Plume. During the 2004 Weston investigation, groundwater sampling results showed that chlorinated solvents are present in a groundwater plume that originates from the Scott's Liquid Gold (SLG) facility located east of the Development at 4880 Havana Street. Soil vapor extraction (SVE) and groundwater pumping and treatment using air stripping methods were used at the source contamination area between August 1991 and December 1996. In October 2000, the CDPHE issued a Compliance Order of Consent 90-30-05-01 indicating that remediation of the source area was complete. The extent of the SLG groundwater plume has been well defined with its origin at the SLG facility and a directional flow towards the west-northwest. The historic SLG plume is depicted on the attached Figure and

does not impact the Development. In addition, chemical concentrations within the plume have stabilized or are decreasing and the non-carcinogenic and carcinogenic health effects due to VOCs in groundwater do not exceed accepted risk management levels (Weston 2004). The SLG plume and its constituents are covered under the 2000 CDPHE Consent Order and the 2004 NAD.

Former Building 126. Former SIA Building 126 was located south and west of the Development in the area now occupied by the Northfield at Stapleton Retail Center. Federal Express historically operated three above ground storage tanks (ASTs) that contained waste oil, motor oil, and glycol at the Former Building 126. These ASTs have been removed, the building has been demolished, and the area has been redeveloped. In addition to the ASTs, sludge found in a sand, oil, and grease (SOG) trap at the Former Building 126 was identified as hazardous waste and was removed and disposed of appropriately. The SOG area was further evaluated as part of a site investigation and no total petroleum hydrocarbons (TPH) or volatile organic compounds (VOCs) were detected in subsurface soil samples collected near the former SOG, and no metals were detected at concentrations exceeding SNC.

VOCs were detected in groundwater samples collected from monitoring wells located near Former Building 126, including TCE: 1,1,1-TCA; cis-1,2-DCE; 1,1-DCA; 1,1-DCE; and 4-isopropyltoluene. 1,1-DCE was detected at a concentration of 9.07 µg/L, which exceeds the SNC standard of 7.0 µg/L. The other detected VOCs did not exceed the SNC standards. VOCs in groundwater are included in the North Retail NAD, the 2004 NAD, and the 2012 NAD.

Former Building 131. Former SIA Building 131 was located south and west of the Development in the area now occupied by the Northfield at Stapleton Retail Center. SIA historically operated four underground storage tanks (USTs) at Building 131 (a Vehicle Maintenance Facility) that included two 10,000-gallon and one 12,000-gallon USTs that contained gasoline and diesel, and a 550-gallon waste oil UST.

In 1994, a small quantity of diesel product was released from the diesel product delivery pipeline, near the diesel dispenser island. Weston conducted a soils and groundwater investigation and prepared a Corrective Action Plan (CAP) to address potential impact to soil and groundwater. The OPS issued a No Further Action (NFA) letter on October 30, 1995 with regard to the diesel release.

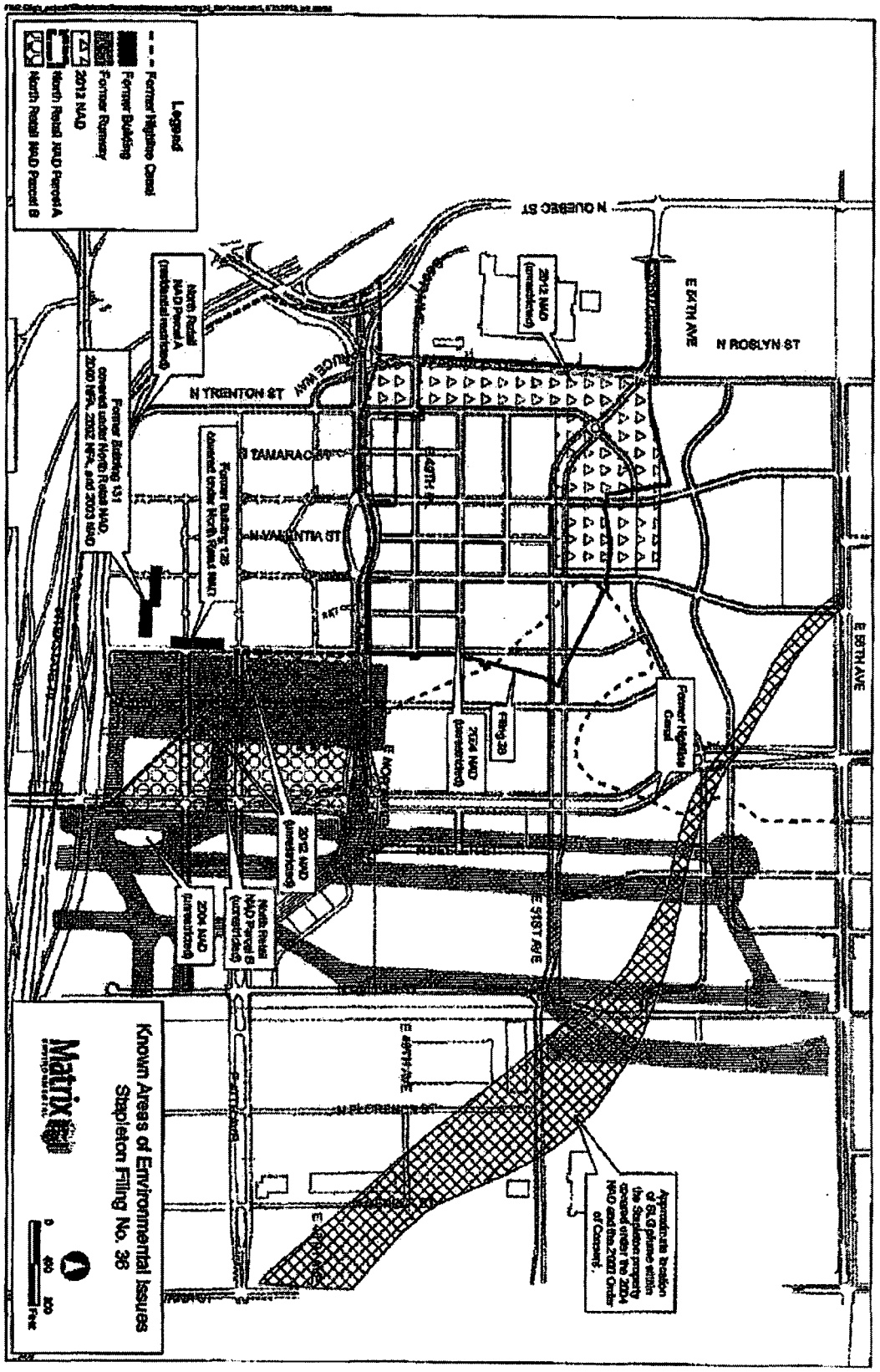
ET Technologies (ETT) removed the 550-gallon waste oil UST with oversight by Weston in October of 1996. Three soil samples were collected from the waste oil tank excavation and analyzed for oil, grease, and benzene, toluene, ethylbenzene, and total xylenes (BTEX). Results indicated that oil and grease were present at concentrations up to 8,530 parts per million (ppm) and BTEX was present at concentrations up to 6.9 ppm. Closure records noted that contamination associated with the 550-gallon UST was left in place. Weston conducted semiannual groundwater monitoring for a period of one year at three monitoring wells located in the vicinity of the waste oil UST. Review of the results indicated that BTEX compounds were not detected in any of the three wells during either monitoring event. Oil and grease concentrations were detected in all three monitoring wells during both sampling rounds at

concentrations less than 1.0 ppm. A NFA letter was issued by OPS for the waste oil tank on June 6, 2000.

The three remaining (diesel and gasoline) USTs were removed in 1997 and 1998. Weston submitted a NFA request to OPS for the 12,000-gallon UST and a CAP for the remediation of the two 10,000-gallon USTs. The USTs were removed and soils and groundwater treated with oxygen releasing compounds (ORC) in the saturated zone to accelerate biodegradation of petroleum-impacted soils. OPS issued an NFA for the site on November 20, 2002. During site demolition, contamination was discovered beneath the former dispenser islands. This area was remediated and OPS issued a second NFA for the site on May 12, 2003.

MES collected a subsurface soil sample in the vicinity of the former waste oil UST to assess potential soil contamination in this area. No TPH, VOCs, metals, or polychlorinated biphenyls (PCBs) were identified at concentrations exceeding SNC.

Groundwater collected near former Building 131 was analyzed for VOCs. 1,1-DCA was detected at a concentration of 0.519 µg/L. 1,1-DCA does not have a groundwater SNC standard.

Groundwater contamination near Former Building 131 is included in the North Retail NAD.

Reception #: 2013025698
R:$ 66.00 D:$ 0.00
Doc Code: WAV