

**CORRECTIVE ACTION PLAN APPLICATION FOR
POST CORRECTIVE MEASURES OPERATION AND MAINTENANCE OF THE
NORTHWEST CORNER LANDFILL COVER FORMERLY PART OF DENVER
FEDERAL CENTER, LAKEWOOD COLORADO**

This Corrective Action Plan (CAP) Application consists of this four-page form and the attached *Northwest Corner Landfill Cover Materials Handling Plan* and *Northwest Corner Landfill Cover Operations and Maintenance Plan*.

1. Applicant / Prospective Owner (Owner): Name, Address, Contact Name and Contact Phone Number
2. Prospective Operator(s) i.e. Environmental Consultants or Contractors (Operator): Name Address, Contact Name and Contact Phone Number
3. Property Description: This CAP Application applies to the area depicted as the “**NW Corner Landfill Cover**” in Exhibit A and described in Exhibit B. The NW Corner Landfill Cover is currently located in the northwest corner of the Denver Federal Center, Lakewood, Colorado. By reference to landmarks existing as of the date of this application, it is generally bounded on the south by the southern edge of the concrete drainage channel south of North Avenue/Fourth Place, on the east and west by RTD light-rail line, and on the north by the 6th Avenue Right-of-Way. The NW Corner Landfill Cover property is currently owned by the federal government and administered by the General Services Administration (GSA). The NW Corner Landfill Cover is part of a larger proposed property transaction subject to an Invitation for Bids number GSA-R-#####, contract number #####, in which the federal government will convey property to Owner. The transaction is expected to close on _____.
4. EPA I.D. No.: Owner hereby requests a new EPA Identification Number be assigned to the NW Corner Landfill Cover property (provided the federal government has not obtained a new EPA Identification Number prior to completing the transaction). The initial status will be “conditionally exempt small quantity generator.” Owner will provide notification if this generator status changes in the future. Because the NW Corner Landfill Cover does not have a street address at this time, the geographic description for the EPA Identification Number will be the “NW Corner Landfill Cover.”
5. Property History and Characterization. The NW Corner Landfill Cover caps what was known as the “Denver Federal Center Area 8 Landfill.” This landfill is known to have been used for disposal of waste and unneeded fill dirt from construction projects. Fill material at the NW Corner Landfill Cover include normal soil, weathered rock, railroad ballast and broken up concrete and asphalt from roadways. The waste materials include scrap metal, brick, regulated asbestos contaminated soil (RACS), bottles, laboratory waste, insulation, oily soil, oily waste, coal residue, cinder material, ash/burned material, and other materials consistent with a landfill/burn area.

GSA performed corrective measures at the NW Corner in 2014 pursuant to GSA Denver Federal Center Compliance Order on Consent Number 97-07-18-01 (EPA Identification Number CO5670990105). The Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division (“the Division”) oversaw GSA’s implementation of the corrective measures. The corrective measures were intended to mitigate the potential threats to human health and the environment due to the historic waste disposal activities, and to prepare the property for future development by creating, and maintaining in perpetuity, the NW Corner Landfill Cover.

The NW Corner Landfill Cover consists of two subareas (See Exhibit A).

The first subarea is approximately 6.3 acres known as the “Maintain Existing Land Cover Area” (“**MELCA**”). The MELCA includes the sidewalk, pavement and center island of North Avenue/Fourth Place, the entire width of the concrete drainage channel to the south, and the area of well-established vegetation just north and south of North Avenue/Fourth Place. Soil samples collected from the MELCA show that the existing pavement and sod are adequate to prevent human contact with the landfill waste as long as maintenance is performed to ensure conditions remain the same.

The second subarea is approximately 9.5 acres north of North Avenue/Fourth Place known as the “Landfill Cover Area” (“**LCA**”). The LCA is where GSA installed a new cover to prevent human contact with landfill waste since a relocation of the Denver Federal Center boundary fence resulted in the surface of the landfill waste becoming accessible to the public. The new cover consists of a marker bed made of a geofabric material beneath a nominally one-foot thick soil layer vegetated with grass. The vegetated soil cover must be adequately maintained to ensure continued protection of human health. The geofabric marker bed serves two purposes: (1) it provides an easy-to-see, visible trigger that maintenance is required on the soil cover, and (2) it provides a visual warning to people who might be inadvertently digging in the area to stop and find out why the barrier is there before digging continues.

Both the MELCA and the LCA require long term monitoring and maintenance with special materials handling as described below to ensure continued protection of human health and the environment. Alternatively, all or portions of these areas can be remediated to allow for unrestricted use. Such remediation would require both chemical and asbestos sampling to confirm the adequate removal or treatment of contamination. All remediation activities would need to be proposed in a plan submitted to the Division for review and approval prior to implementation.

6. Notice of Environmental Use Restriction. The NW Corner Landfill Cover is subject to a Notice of Environmental Use Restriction placed on the property by the Division on [DATE] with the permission of the federal government. The primary use restrictions require the property owner to maintain the existing landfill cover pursuant to the Division-approved *Northwest Corner Landfill Cover Operations and Maintenance Plan* (the “**NW Corner Landfill Cover O&M Plan**”), and to ensure that any disturbance of the landfill cover, and any excavation of waste material from beneath the existing landfill cover, comply with the Division-approved *Northwest Corner Landfill Cover Materials Handling Plan* (the “**NW Corner Landfill MHP**”). The Notice

of Environmental Use Restriction, placed in accordance with § 25-15-321.5 of the Colorado Hazardous Waste Act, will remain on the property in perpetuity unless or until a future owner remediates the property to a condition which allows unrestricted use per Division criteria. A copy of the Notice of Environmental Use Restriction is included as Attachment 1 to this application. Note that the Notice of Environmental Use Restriction extends beyond the boundaries of the NW Corner Landfill Cover.

7. Effect of CAP Application. Owner submits this application for a CAP in accordance with the Colorado Hazardous Waste Regulations at 6 Code of Colorado Regulations (CCR) 1007-3 Section 100.26. Owner understands that once the Division approves the CAP, the Division will have authority under the CAP and the hazardous waste corrective action regulations to ensure that the NW Corner Landfill Cover remains protective of human health and the environment. The Division and Owner agree the CAP will not become effective until the Owner takes legal title to the NW Corner Landfill Cover. Once effective, the CAP will be comprised of this four page application and its exhibits, as well as the NW Corner Landfill Cover O&M Plan and the NW Corner Landfill MHP.

The CAP has multiple purposes. First, it addresses the operation, maintenance and monitoring requirement for the existing cover within NW Corner Landfill Cover property. Second, this CAP addresses the requirements for disturbing existing infrastructure and constructing new infrastructure at the NW Corner Landfill Cover. Third, this CAP establishes the regulatory and billing mechanism for the Division to review, approve and oversee implementation of required updates to the operation and maintenance and material handling plans for the NW Corner Landfill Cover.

Pursuant to this CAP, the Owner and any Operator(s) shall follow the maintenance, operation, monitoring, and disturbance requirements set forth in the most recently-approved NW Corner Landfill Cover O&M Plan and the NW Corner Landfill MHP. The current NW Corner Landfill Cover O&M Plan and the NW Corner Landfill MHP are provided as Attachment 2 and Attachment 3 to this application.¹

Owner will begin implementing the O&M Plan within forty-five (45) calendar days of the closing of their purchase of the NW Corner Landfill Cover property. Owner will submit its first annual "Operation and Maintenance Report" for the NW Corner Landfill Cover to the Division by _____.

The Division expects Owner will maintain the MELCA in the same manner as it is currently used. This includes normal maintenance of the asphalt pavement of North Avenue/Fourth Place to allow continued use by vehicle traffic and maintenance of the existing sidewalk for use by pedestrians. There can be no productive use of the LCA subarea until design and construction plans are submitted and approved by the Division.

¹ Note that the initial NW Corner Landfill Cover O&M Plan and NW Corner Landfill MHP were dated September 2013 and the revised approved versions are dated March 2017.

This CAP is the mechanism through which the Division will review and approve any design and construction plans for the first few structures to be built on the NW Corner Landfill Cover. It is anticipated that this CAP will only be required until major redevelopment of the NW Corner Landfill Cover property is complete (assumed 10 years). After development of the property is substantially complete, it is likely the CAP will no longer be necessary and may be closed out by the Division. At that time, any ongoing requirements will continue to be enforced under the Notice of Environmental Use Restrictions described in Paragraph 6 above.

Future plans for the NW Corner Landfill Cover property, while presently unknown, are assumed to call for full use of the entire NW Corner Landfill Cover for inhabitable buildings, parking structures, roadways, walkways, landscape areas and all associated utility infrastructure. Any planned use or development activity on the NW Corner Landfill Cover must be conducted in a manner that is protective of human health and the environment. Section 5.0 of the NW Corner Landfill Cover O&M Plan provides the basic requirements for post-corrective development of the property. In general the new development must result in either: complete removal of the waste beneath a building, utility or infrastructure and repair of the edges of the NW Corner Landfill Cover, or creation of a permanent cover/barrier (with or without waste removal) between the waste and the buildings, utility or infrastructure. The Owner will develop, and submit for the Division's review and approval, detailed plans specifying how the design and construction of the new development will meet these requirements.

The Owner acknowledges that the Division will charge Document Review and Activity fees for all review work related to the CAP as allowed under 6 CCR 1007-3 Section 100.26(b) and (e) and Section 100.32. Invoices for the Document Review and Activity fees shall be sent to the Owner unless otherwise specified.

8. Acknowledgment. I certify that I am authorized by Owner to state that Owner will, upon purchase of the property described herein as the NW Corner Landfill Cover, adopt the requirements of this CAP application, the most recently-approved NW Corner Landfill Cover O&M Plan and the most recently approved NW Corner Landfill MHP, as a Corrective Action Plan subject to 6 CCR 1007-3, sections 100.26 and 264.100. Further, Owner will ensure any Operators are provided with this CAP and all relevant documents, and informed that as Operators they are subject to the terms and conditions of this CAP.

Applicant / Prospective Owner

By:

Title:

STATE OF)
) ss:
COUNTY OF)

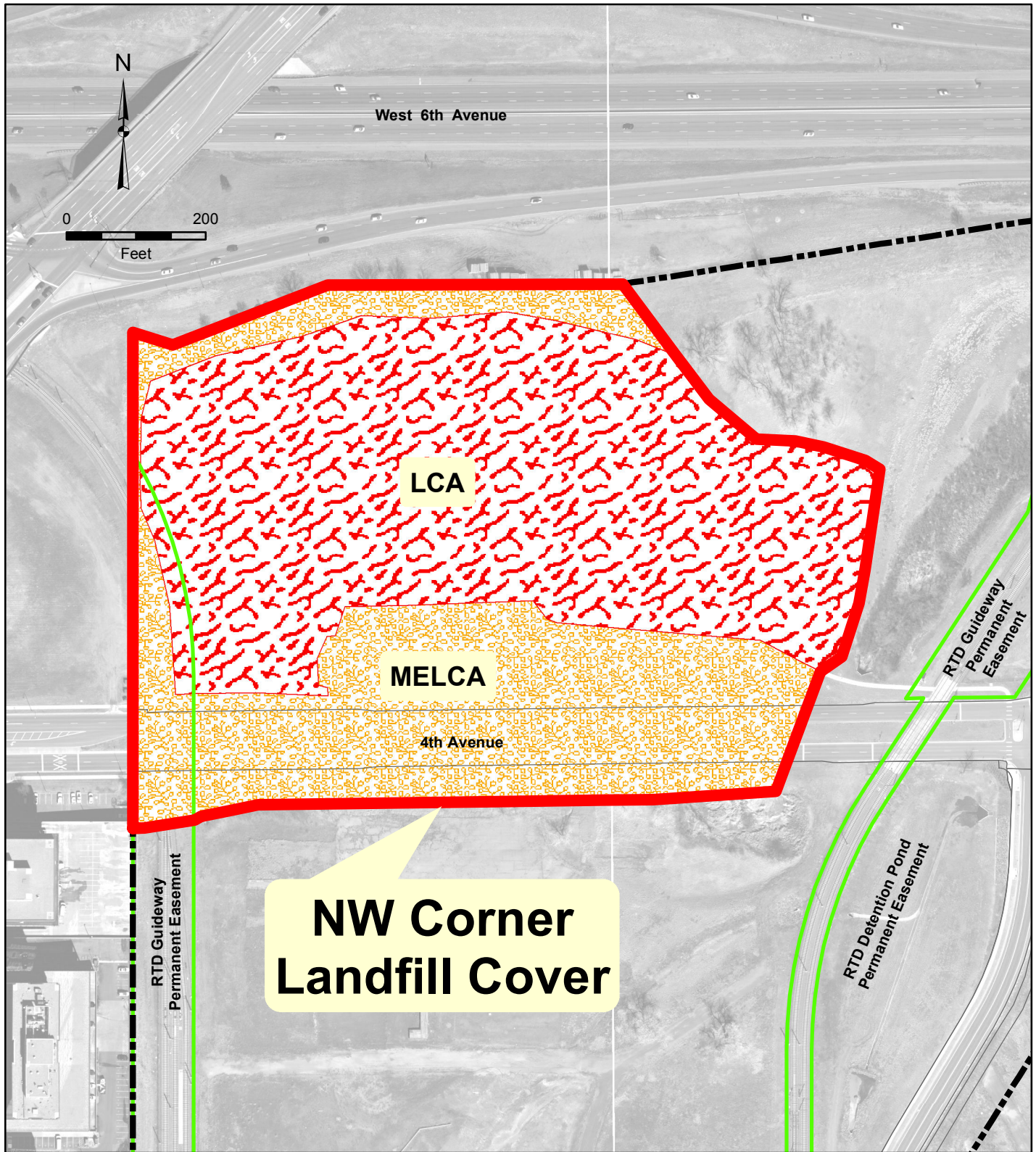
The foregoing instrument was acknowledged before me this _____ day of _____,
by _____ on behalf of [FACILITY]

Notary Public

Address

My commission expires:

C:\Files\DCFO\NwCornerSale\NW Corner Sale Survey\Projects\Fig02 NW Corner MELCA State Plane_ Revised.mxd



Legend

AreaName






-  NW Corner Landfill Cover
-  Maintain Existing Land Cover Area (MELCA)
-  Landfill Cover Area (LCA)
-  Parcel Boundary
-  RTD Guideway Permanent Easement

Exhibit "A"
NW Corner Landfill Cover



8181 East Tufts Avenue
Denver, CO 80237
(303) 694-2770

February 2017

Denver Federal Center, Lakewood, Colorado
General Services Administration

Projection: Colorado State Plane, Central Zone
Horizontal Datum: North American, 1983 (NAD83)

EXHIBIT "B"

DATE: February 6, 2017

LEGAL DESCRIPTION

A tract or parcel of land containing 691,869 square feet (15.883 acres) more or less, being situated in the West One-Half (W 1/2) of Section 9 and in the East One-Half (E 1/2) of the East One-Half (E 1/2) of the Northeast Quarter (NE 1/4) of Section 8, Township 4 South, Range 69 West, of the Sixth Principal Meridian, City of Lakewood, County of Jefferson, State of Colorado, being more particularly described as follows: COMMENCING at the Northeast corner of said Section 8, from which the North One Quarter Corner of said Section 8 Bears S 89°46'09" W, a distance of 2619.92 feet; Thence S 00°05'28" E, along the east line of said Section 8, a distance of 290.00 feet to the South Right of Way of West 6th Avenue and the POINT OF BEGINNING;

1. Thence N 89°46'09" E, along said South Right of Way of West 6th Avenue, a distance of 50.02 feet;
2. Thence S 36°29'58" E, a distance of 127.36 feet to a northerly corner of the Denver Federal Center Landfill Cap description prepared on October 15, 2015 by Brian LeFebre, for and on behalf of Zylstra Baker Surveying, Inc.;
3. Thence S 37°28'29"" E along the northerly line of said Landfill Cap, a distance of 79.52 feet;
4. Thence S 49°39'28"" E, continuing along the northerly line of said Landfill Cap, a distance of 89.41 feet;
5. Thence S 87°28'10"" E, continuing along the northerly line of said Landfill Cap, a distance of 55.86 feet;
6. Thence S 78°08'14"" E continuing along the northerly line of said Landfill Cap, a distance of 41.46 feet;
7. Thence S 72°03'46"" E continuing along the northerly line of said Landfill Cap, a distance of 63.30 feet,
8. Thence S 58°41'15"" E continuing along the northerly line of said Landfill Cap, a distance of 24.03 feet to the easterly line of said Landfill Cap ;
9. Thence S 8°13'45"" W continuing along the east line of said Landfill Cap, a distance of 146.51 feet;
10. Thence S 10°56'44"" W continuing along the east line of said Landfill Cap, a distance of 48.90 feet;
11. Thence S 17°26'58" W, continuing along the east line of said Landfill Cap, a distance of 80.53 feet;
12. Thence S 55°48'23" W, continuing along the east line of said Landfill Cap, a distance of 37.75 feet to the southeast corner of said Landfill Cap;
13. Thence S 20°25'13" W, a distance of 183.40 feet to the south side of a concrete ditch;

14. Thence S 86°09'30" W, along the south side of a concrete ditch, a distance of 176.54 feet;
15. Thence S 89°25'22" W, continuing along the south side of a concrete ditch, a distance of 74.26 feet;
16. Thence S 89°10'04" W, continuing along the south side of a concrete ditch, a distance of 138.25 feet;
17. Thence S 89°09'41" W, continuing along the south side of a concrete ditch, a distance of 152.43 feet;
18. Thence S 89°12'51" W, continuing along the south side of a concrete ditch, a distance of 202.93 feet;
19. Thence S 78°58'11" W, continuing along the south side of a concrete ditch, a distance of 42.72 feet;
20. Thence S 78°23'08" W, continuing along the south side of a concrete ditch, a distance of 41.41 feet;
21. Thence S 59°04'40" W, continuing along the south side of a concrete ditch, a distance of 10.15 feet;
22. Thence S 80°57'08" W, continuing along the south side of a concrete ditch, a distance of 73.25 feet;
23. Thence S 88°20'44" W, continuing along the south side of a concrete ditch, a distance of 16.63 feet to the West line of the East One-Half (E 1/2) of the East One-Half (E 1/2) of the Northeast Quarter (NE 1/4) of said Section 8;
24. Thence N 00°00'21" W, along said West line, a distance of 712.75 feet to said South Right of Way of West 6th Avenue;
25. Thence along said South Right of Way the following 3 (three) courses:
 26. Thence S 72°53'30" E, a distance of 60.00 feet;
 27. Thence N 68°55'48" E, a distance of 238.60 feet;
 28. Thence N 89°46'09" E, a distance of 374.38 feet, more or less, to the POINT OF BEGINNING.

The above described tract or parcel of Land contains 691,869 square feet (15.883 acres), more or less.

Bearings are based on the North line of the North East Quarter of Section 8, Township 4 South, Range 69 West of the Sixth Principal Meridian as being N 89°46'09" E a distance of 2619.92 feet. The North Quarter Corner of Section 8 being a 31#4" Brass Cap in a Range Box Stamped Contra LTD, 1/4 Corner LS 5447 and the Northeast Section Corner being 2 1/2" Brass Cap in Range Box 1.8 feet below surface stamped appropriately. As shown on the Land Survey Plat of a portion of the Denver Federal Center prepared by URS Corporation dated 1/29/2015.

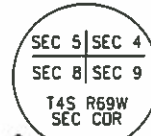
For and on Behalf of AECOM
Stan Vermilyea, P.L.S. #25381
6200 S. Quebec Street, Greenwood Village, Colorado 80111



EXHIBIT

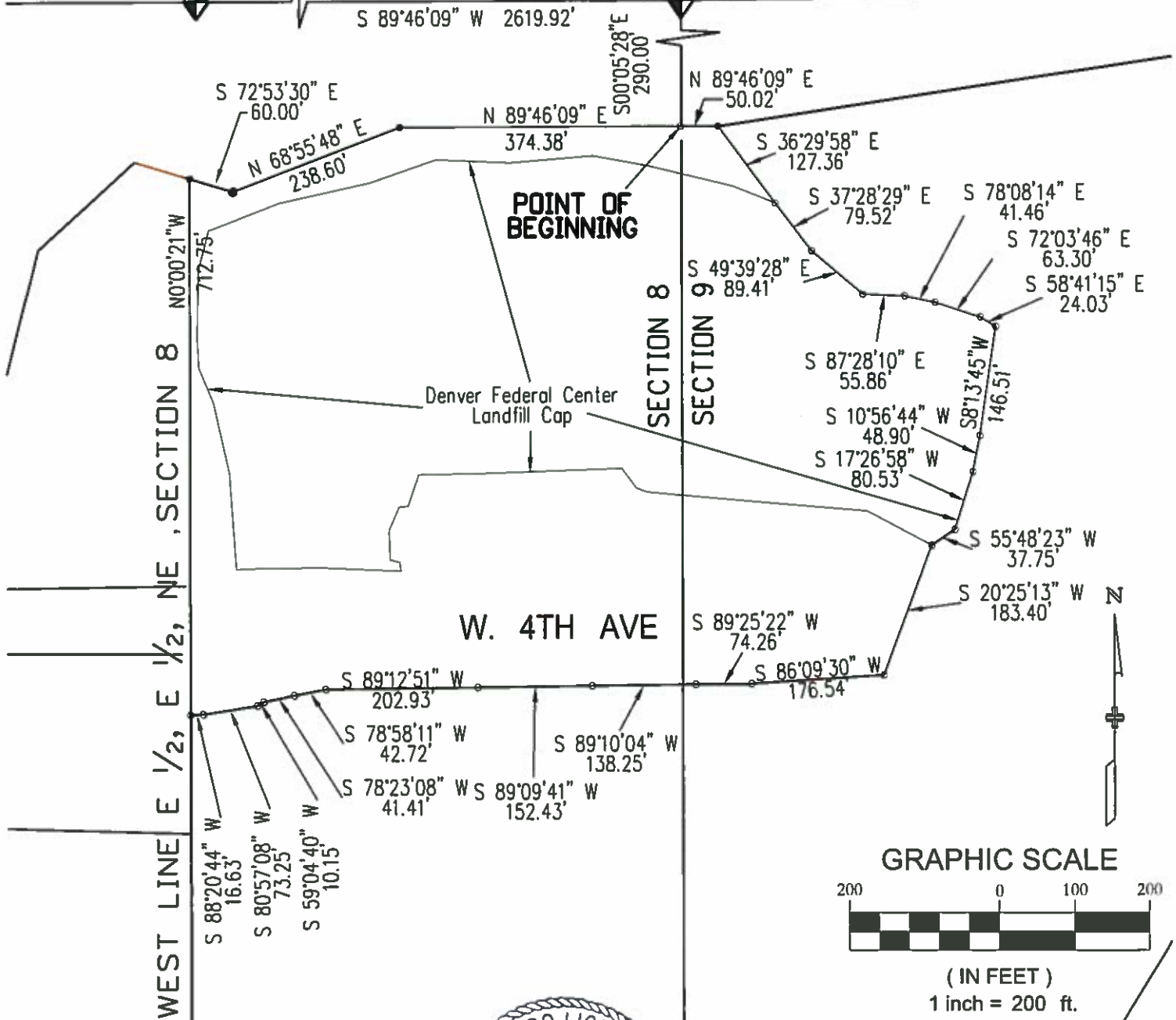
FND 3 1/4" BRASS CAP
IN RANGE BOX

FND 2 1/2" BRASS CAP
IN RANGE BOX 1.8'
BELOW SURFACE



BASIS OF BEARINGS

WEST 6TH AVENUE



GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.



6200 S Quebec St.
Greenwood Village,
CO 80111
Tel: 303-796-4640
Fax: 303-694-3946

EXHIBIT ACCOMPANYING DESCRIPTION
A Portion of the Denver Federal Center
located in Sections 8 & 9,
T.4S., R.69W., of the 6th P.M.,
Jefferson County, State of Colorado

Scale:	Drawn by: SKV	Sheet No. 3	Drawing Name:
1"=200'	Checked by: EBV	of 3 Sheet(s)	Restricted_Area_Desc.dwg

This exhibit does not represent a monumented survey. It is intended only to depict the attached legal description.