



COLORADO
Department of Public
Health & Environment

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

Thomas A. Harp
Principal
LT Environmental, Inc.
4600 West 60th Avenue
Arvada, Colorado 80003

August 26, 2016

Subject: No Action Determination Request Approval, Former Gates Rubber Facility
Eastern One-Third of the South Parcel, 1050 South Broadway, Denver, Colorado.

Dear Tom,

The Colorado Department of Public Health and Environment (the Department) pursuant to C.R.S. 25-16-307 of the Colorado Voluntary Cleanup and Redevelopment Act (VCRA) has reviewed the No Action Determination (NAD) Request for the former Gates Rubber Facility Eastern One-Third of the South Parcel, 1050 South Broadway Denver, Colorado (the Site) dated June 20, 2016. The NAD Request was submitted by LT Environmental, for Gates Development Corporation, the owner of the Site.

The Department conducted a review of the environmental data collected on the above-referenced property. Based on this review and pursuant to C.R.S. 25-16-307(2), the Department approves the applicant's NAD Request and makes the following determination:

- 1) The environmental assessment indicates the existence of contamination which does not exceed applicable promulgated state standards or contamination which does not pose an unacceptable risk to human health and the environment.

It is the opinion of the Department that no further action is required to assure that the Site is protective of unrestricted residential and commercial future uses and does not pose an unacceptable risk to human health or the environment.

This NAD approval recognizes and acknowledges the existence of a Notice of Environmental Use Restrictions (NEUR) imposed by the Department pursuant to C.R.S. 25-15-321.5 and granted by Gates Development Corporation and on file with the Denver County Clerk and Recorder's office. The NEUR runs with the property and includes a provision to prohibit the withdrawal and use of alluvial/surficial ground water, except as authorized in the Materials Management Plan (MMP) (an attachment to the NEUR) and a provision that the owner of future buildings on the property operate and maintain a vapor mitigation system to prevent the intrusion of volatile organic compounds (VOCs) above the Department's Air Screening Concentration Table for Residential Action Level (January 15, 2016).

The approval of the applicant's Petition applies only to conditions and state standards that exist at the time of submission of the Petition. This approval shall be considered void if it is determined that materially misleading information has been submitted for review. Nothing in



this letter shall be construed to limit the Department's authority to take actions under existing statutes as necessary should new information come to the attention of the Department. The applicant and future owners of the Site shall comply with all applicable federal, state and local laws and regulations and shall obtain all necessary approvals and permits to conduct all activities envisioned under the proposed land use. The Department makes no representation with respect to approval of permits required by federal, state, or local laws or regulations, other than the VCRA.

Please contact me if you have any questions. Thank you.

Sincerely,

Martin O'Grady

Martin O'Grady
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cc: Diane DeLillio, DEH - Environmental Quality
City and County of Denver