

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

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Colorado Department
of Public Health
and Environment

October 22, 2013

Mr. Craig Lugowski
USA Environment, L.P.
17301 West Colfax Avenue, Suite 152
Golden, Colorado 80401

Re: Voluntary Cleanup Plan Approval for the 13th street Plaza site, Boulder, Boulder County, Colorado, Site ID RV130403-1

Dear Mr. Lugowski,

The Colorado Department of Public Health and Environment (the "Department") has reviewed the voluntary cleanup application submitted on behalf of City of Boulder (the Applicant) concerning the property identified in the application and known as the 13th Street Plaza Site, Boulder, Boulder County, Colorado (the site). This review was limited to the materials submitted by the Applicant, as well as those materials required by 25-16-304(2) C.R.S.

Based on this review the Department has concluded that, if fully and properly implemented, (Source Removal and Monitored Natural Attenuation (MNA)) the plan will attain a degree of cleanup and control of hazardous substances and gases, such that the property does not present an unacceptable risk to human health or the environment based on the property's proposed future use, which is commercial.

In accordance with the Voluntary Cleanup and Redevelopment Act 25-16-301 to 311, C.R.S., the Department hereby approves the voluntary cleanup plan submitted by the Applicant for the property identified in the application and known as the 13th Street Plaza Site, Boulder, Boulder County, Colorado. It is the opinion of the Colorado Department of Public Health and Environment that upon completion of the voluntary cleanup plan no further action is required to assure that this property, when used for the purposes identified in the voluntary cleanup plan (commercial), is protective of existing and proposed uses and does not pose an unacceptable risk to human health or the environment at the site, providing for MNA success.

The approval of the voluntary cleanup plan by the Department, and the Department's conclusions and opinions relating thereto, apply only to conditions on the property and state standards that exist at the time of submission of, and which were addressed in the voluntary cleanup plan application. The submission of any materially misleading information by the Applicant in the context of a voluntary cleanup plan shall render the Department's approval of the plan void. Also, failure of the Applicant to materially comply with the voluntary cleanup plan shall render the Department's approval of the plan void.

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Further, if the voluntary cleanup plan is not initiated within twelve months after approval by the Department, or completed within twenty-four months after approval or within a Department approved extension for completion of the voluntary cleanup plan, the approval shall lapse, and reapplication and Department approval pursuant to 25-16-306(4), C.R.S. is required prior to implementation of the lapsed voluntary cleanup plan.

Within forty-five days after completion of the voluntary cleanup described in the plan approved by the Department, the Applicant shall provide to the Department a certification from a qualified environmental professional that the voluntary cleanup plan has been fully implemented. Any person who fails after initiation of an approved voluntary cleanup plan, to fully and properly implement the plan, may be required by the Department to take further action, provided such action is authorized or required under applicable state laws and regulations.

The Applicant shall comply with all applicable federal, state, and local laws or regulations and shall obtain all necessary approvals or permits to conduct the activities required by the voluntary cleanup plan. The Department makes no representation with respect to approvals or permits required by federal or local laws or regulations or state laws or regulations other than the Voluntary Cleanup and Redevelopment Act.

Further, the Department shall not be liable for any injuries or damages to persons or property resulting from acts or omissions of the Applicant or those acting for or on behalf of the Applicant, including its officers, employees, agents, successors, representatives, contractors, or consultants in carrying out the activities required by the voluntary cleanup plan. Nothing in the Department's approval of the voluntary cleanup plan, or the Department's conclusions or opinions relating thereto, shall constitute an express or implied waiver of sovereign immunity otherwise applicable to the Department, its employees, agents, or representatives.

Nothing in this letter shall be construed to limit the Department's authority, and the Department reserves all rights and authorities to bring any action pursuant to applicable state laws or regulations.

If you have any questions, please call me at (303) 692-3311.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Rudolph', with a long horizontal flourish extending to the right.

Mark Rudolph
Voluntary Cleanup Program

cc: Site File

RV130403-1