To: Stacy Wasinger
From: Rosemarie Russo
Re: Abandon Landfill Environmental Recommendations and Requirements
Date: April 7, 2023

Given that the last ESA was in 2015, below are items that should be required and recommended as part of their permit approval. The only difference between TCHD and my review is the explosive gas item was recommended but I believe it should be required. I updated the contact information for Adams County Health Department but I am waiting on a call from Brian about the new contacts.

General Comments

Residents of the City of Commerce City (C3) suffers health impacts from severe ozone conditions and cumulative hazardous air pollutant exposure. C3 strongly encourages non-permeable pavements to reduce heat island effects and plantings of particulate matter absorbing trees (i.e., Shade master Honey locust) to improve air quality as well as approved native, drought tolerant and fire resistant trees, shrubs and plants.

Vector Control

Follow federal guidelines https://www.cdc.gov/rodents/cleaning/index.html to reduce the possibility of exposure to Hantavirus.

Fugitive Dust, Lead, and Asbestos

Follow all state and federal regulations to reduce dust, lead and asbestos contamination:

- The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions. State air quality regulations require that precautions be taken prior to demolition of buildings to evaluate the presence of asbestos fibers that may present a health risk. http://www.cdphe.state.co.us/ap/asbestos
- Contact the APCD at (303) 692-3100 for information ozone depleting refrigerants.
- Buildings constructed prior to 1978 may contain lead paint. Environmental Protection Agency's (EPA) 2008 Lead-Based Paint Renovation, Repair and Painting (RRP) Rule (as amended in 2010 and 2011), aims to protect the public from lead-based paint

hazards associated with renovation, repair and painting activities. https://www.epa.gov/lead/lead-renovation-repair-and-painting-program-rules and https://www.epa.gov/lead and/or EPA at 1-800-424-5323 for more information.

If painting occurs on site, an Air Pollution Emission Notes (APEN) to the Air Pollution Control Division (APCD) of Colorado Department of Public Health and Environment (CDPHE) is required.

Site Specific Comments

Required

Explosive Gas – External

Installation of soil vapor monitoring points will be required adjacent to on-site structures and yearly sampling of soil gas levels should be conducted and results provided to Adams County and Commerce City.

Explosive Gas – Internal

All occupied buildings on the property be equipped with Lower Explosive Limit (LEL) detectors, and that the applicant use portable LEL detectors be when personnel enter unoccupied (storage) buildings on the property in order to detect dangerous levels of flammable gas.

Any additional structures be equipped with adequate foundation venting and that Adams County Health Department has the opportunity to review and approve any plans for a flammable gas control system in any existing or new buildings. Questions regarding this may be directed to publichealth@adcogov.org and/or 303 288-6816.

Install signs to indicate that flammable gas may be present on property and identify the location of the UST near Building B. According to the application the UST was filled with gravel but no inspection was performed to verify proper closure procedures. If fuel and associated fumes are present near explosive methane gas that is problematic.

Water and Wastewater

3781 should be upgraded to office /commercial standards and water and sewer services be installed at 3781. The applicant should provide document from SACWSD confirming those upgrades and connections.

Given there was an on-site Wastewater Treatment System (OWTS) north of “Building #9,” (residence on Parcel B, 3801 E. 64th Avenue), and two wells west of Building #1” (residence/office on Parcel A, 3740 E. 64th Avenue). SACWSD, Adams County Health Dept or the applicant could test the wells because even if the wells were abandoned that doesn’t mean that contamination isn’t still present that can infiltrate into groundwater. Plugging the wells is recommended. See comments below.

On-Site Wastewater Treatment System (OWTS) Abandonment

The OWTS shall be abandoned in accordance with Regulation No. O-17, Section 6.8. Adams County Health Department must be notified in writing once the system has been properly abandoned. For more information, or to submit the notification, the applicant may contact XX

Water Source and Well Abandonment, 3741 (formerly 3740) E. 64th Avenue

In reference to the two water wells e west of “Building #1” (residence/office on Parcel A), any well that is no longer being used, must be properly plugged and a Well Abandonment Report (GWS-09) must be filed with the Colorado Division of Water Resources. Please visit the DWR web site at http://water.state.co.us/groundwater/wellpermit/Pages/WellAbandonment.aspx for more information.

May 26, 2022

Alex Huft
City of Commerce City
Community Development Department
7887 East 60th Avenue
Commerce City, CO 80022

RE: Leeper Industrial Park, 3741 and 3781 E. 64th Avenue, Z-544-91-94-19-22, D-409-19-22, MM-123-19-22
TCHD Case No. 7709

Dear Mr. Huft,

Thank you for the opportunity to review and comment on the resubmittal of a zone change, development plan, and minor modification for a variety of industrial uses located at 3741 and 3781 E. 64th Avenue (formerly 3740 and 3801 E. 64th Avenue). Tri-County Health Department (TCHD) staff previously reviewed the application and one for a concept plan and responded in letters dated December 4, 2018, October 22, 2019, July 1, 2020, and May 12, 2022. Tri-County Health Department (TCHD) staff has reviewed the applicant response dated May 18, 2022 for compliance with applicable environmental and public health regulations and principles of healthy community design. The applicant has responded satisfactorily to our comments.

Please feel free to contact me at 720-200-1575 or kboyer@tchd.org if you have any questions on TCHD's comments.

Sincerely,

Kathy Boyer, REHS
Land Use and Built Environment Specialist III

cc: Brian Hlavacek, Michael Weakley, Keith Homersham, Jeff McCarron, Warren Brown, TCHD
Fonda Apostolopoulos, CDPHE

Attachment: May 18, 2022 Letter

201 Fillmore Street, Suite 201 Denver, CO 80206 | 303.694.1085 | hamptonpartners.net

May 18, 2022

Kathleen Boyer
Tri-County Health Department
kboyer@tchd.org

Re: Leeper Industrial Park
TCHD Case No. 7660

Dear Ms. Boyer,

Thank you for your response to our May 3, 2022 letter. I believe we are making significant progress in addressing TCHD's concerns, and hope that the additional comments below will take us another step closer to resolution.

Environmental Site Assessment

TCHD has expressed concern that installation of the new water line would disturb landfill materials. The intention of the site plan is to take every measure possible as to not disturb the landfill area. Rule Engineering has been engaged to perform a series of borings to identify the boundary of the landfill area and the trenching for the water line will be outside of that boundary. The attached exhibit identifies the proposed borings.

Rule Engineering is also retained to oversee VCUP involvement on an ongoing basis. This should also address flammable gas control for existing buildings.

While not addressed in our last response, it is our plan to use portable LEL detectors when entering unoccupied buildings to ensure safety. We will also purchase and install signs to indicate that flammable gas may be present.

Water and Wastewater

OWTS is being searched for on the property and we will abandon per O-17, Section 6.8 and notify TCHD when this has been located, if located.

Vector Control

No further comment.

Aboveground or Underground Storage Tanks

No further comment.

Building Demolition

Demolition Notification Application Form will be sent to Colorado Department of Health and Environment prior to demolition.

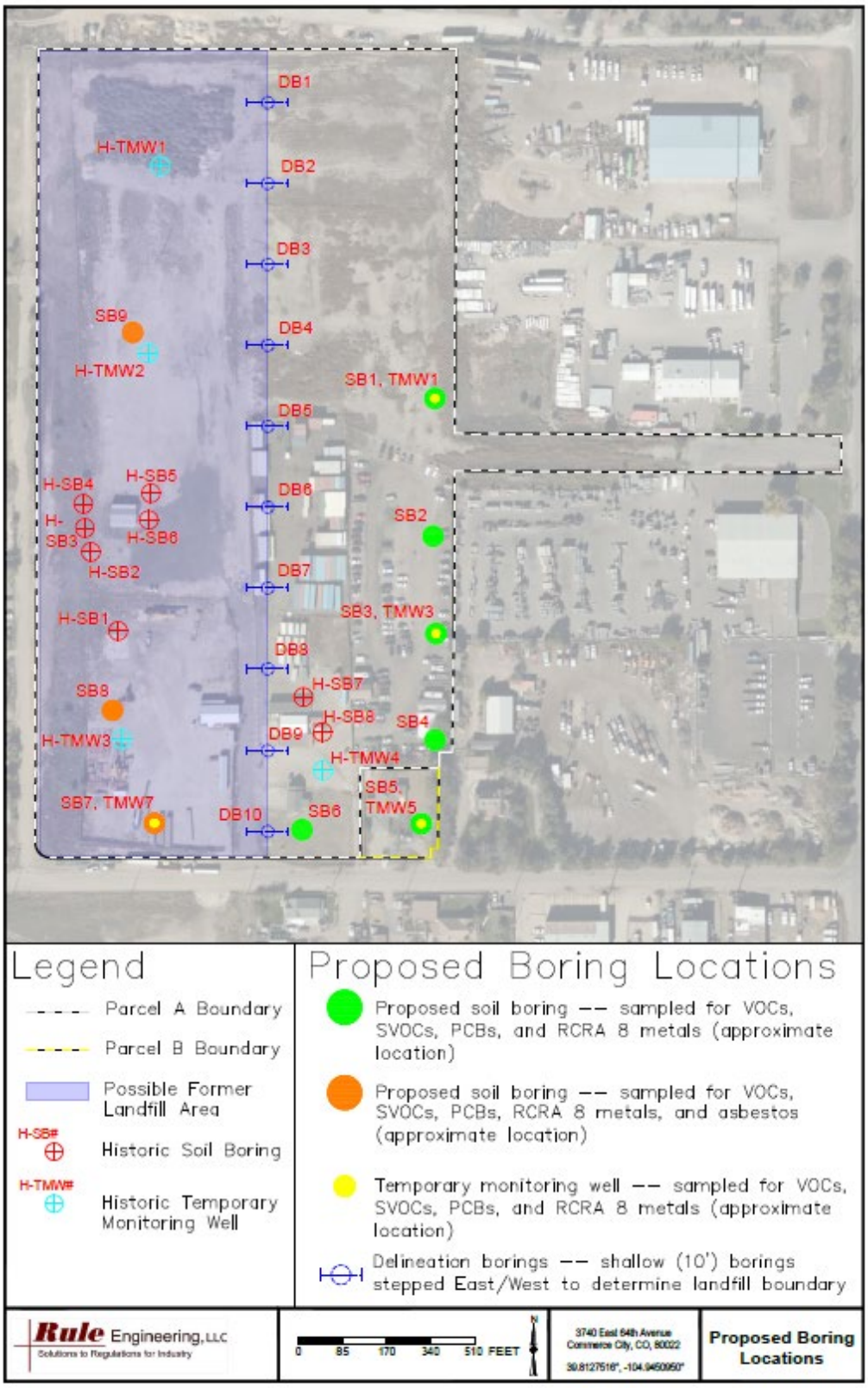
Pollution Prevention for Auto-related Businesses

We are agreeable to the suggestion and during periodic visits to the property, we will inspect for compliance with stated recommendations.

Sincerely,

Tucker Robinson
Manager
Hampton Yards
303-915-4937

Exhibit B:


DB1
H-TMW1
DB2
DB3
SB9
DB4
H-TMW2
SB1, TMW1
DB5
H-SB4
H-SB5
DB6
H-SB3
H-SB6
SB2
H-SB2
DB7
SB3, TMW3
H-SB1
DB8
H-SB7
SB8
H-SB8
SB4
H-TMW3
DB9
H-TMW4
SB5, TMW5
SB7, TMW7
DB10
SB6
Legend
Parcel A Boundary
Parcel B Boundary
Possible Former Landfill Area
H-SB#
Historic Soil Boring
H-TMW#
Historic Temporary Monitoring Well
Proposed Boring Locations
Proposed soil boring -- sampled for VOCs, SVOCs, PCBs, and RCRA 8 metals (approximate location)
Proposed soil boring -- sampled for VOCs, SVOCs, PCBs, RCRA 8 metals, and asbestos (approximate location)
Temporary monitoring well -- sampled for VOCs, SVOCs, PCBs, and RCRA 8 metals (approximate location)
Delineation borings -- shallow (10') borings stepped East/West to determine landfill boundary
Rule Engineering, LLC
Solutions to Regulations for Industry
0 85 170 340 510 FEET
3740 East 64th Avenue
Commerce City, CO, 80022
39.8127516°, -104.9450950°
Proposed Boring Locations

201 Fillmore Street, Suite 201 Denver, CO 80206 | 303.694.1085 | hamptonpartners.net

May 3, 2022

Kathleen Boyer
Tri-County Health Department
kboyer@tchd.org

Re: Leeper Industrial Park
TCHD Case No. 6304

Dear Ms. Boyer,

Thank you for your comments on the Leeper Industrial Park development plan submittal. Below are responses to your noted concerns as discussed on May 3rd, 2022.

Environmental Site Assessment

TCHD identified concern surrounding methane entering existing buildings and causing explosion or fire. Vapor monitors are to be installed/have been installed in all office buildings (Buildings B and C on the exhibit attached), and an additional monitor will be installed in Building A as it sits on top of the historical landfill. In addition to the monitors, the updated development plan also contemplates installation of stand pipe vents on west side of the site to allow for release of methane gas safely.

Water and Wastewater

As discussed, new water and wastewater taps will be purchased and installed in white building (Building B). While no sign of on-site wastewater treatment system exists, we will perform ground radar to determine if the septic tank is existent behind or on the side of Building C for evidence of abandoned OWTS. If not already done, we plan to crush and abandon OWTS if found.

Any water well that was in existence on site has been abandoned. Owner to check for any available abandonment report, although it is likely that property documentation of such abandonment did not occur.

Vector Control

No rodents have been identified on site; however, we will check the barn thoroughly for signs of infestation prior to its demolition.

Aboveground or Underground Storage Tanks

Although the Palmetto report identifies a storage tank used for heating Building B, no such tank has been found on site. There is a vault to the Northwest of Building B that likely contained a storage tank, but it has been filled with gravel prior to our involvement with the property.

Building Demolition

The only building to be removed is the barn (Building D) and it has been inspected and deemed not to have lead nor asbestos.

Pollution Prevention for Auto-related Businesses

All of the businesses currently at the property utilize cars/trucks for their operations. We will forward the suggestions of proper protocol to all tenants and have them implement into their procedures. Additionally, all future leases signed will include the same suggestions.

Thank you for your comments, we hope that this letter takes a big step towards addressing the issues on site. This property has been through a carousel of ownership, but we look forward to being the party to reach a conclusion to the saga. Please reach out if you have any questions or if any items need further clarification.

Sincerely,

Tucker Robinson
Manager
Hampton Yards
303-915-4937

Exhibit A:

July 1, 2020

Matt Post
City of Commerce City
Community Development Department
7887 East 60th Avenue
Commerce City, CO 80022

RE: Leeper Industrial Park, 3741 and 3781 E. 64th Avenue, Z-544-91-94-19, S-755-19, D-409-19-19, MM-123-19
TCHD Case No. 6304

Dear Mr. Post,

Thank you for the opportunity to review and comment on the resubmittal of a zone change, subdivision, development plan, and minor modification for a variety of industrial uses located at 3741 and 3781 E. 64th Avenue (formerly 3740 and 3801 E. 64th Avenue) Tri-County Health Department (TCHD) staff previously reviewed the application and one for a concept plan and responded in letters dated December 4, 2018 and October 22, 2019. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design, and did not see an applicant response to the following comments from October 22, 2019.

Environmental Site Assessment
A document totaling 3507 pages was included in the Concept Plan submittal. It included the following three Environmental Site Assessments (ESA):

1. An ESA prepared by Palmetto Environmental Group, LLC, (Palmetto) dated December 8, 2017
2. An ESA prepared by Pinyon Environmental, Inc. (Pinyon), dated December 13, 2013
3. An ESA prepared by Freedom Environmental Consultants Inc. (Freedom), dated February 11, 2015

The Findings, Conclusions, and Recommendations of each ESA are included as attachments to this letter.

TCHD generally concurs with the recommendations included in the Palmetto, Pinyon, and Freedom ESA's, and recommends that they be implemented as applicable.

TCHD's immediate concern is the risk of methane entering an existing building and causing an explosion or fire. Recommendation #3 in the Palmetto ESA states: "Installation of soil vapor monitoring points adjacent to on-Site structures and periodic sampling of soil gas levels of methane will ensure that methane does not present an explosive risk".

While the installation of vapor monitoring points will provide information regarding the presence of methane in the soil gas adjacent to the buildings, TCHD is concerned that this will not be sufficiently protective of building occupants. Consequently, TCHD recommends that all occupied buildings on the property be equipped with Lower Explosive Limit (LEL) detectors, and that

portable LEL detectors be utilized when personnel enter unoccupied (storage) buildings on the property in order to detect dangerous levels of flammable gas. This recommendation should be completed as soon as feasible.

Recommendation #2 in the Palmetto ESA states: “Palmetto recommends no additional structures be built on the property without adequate foundation venting.” TCHD recommends that we review and approve any plans for a flammable gas control system in any existing or new buildings.

Questions regarding this may be directed to Sheila Lynch at 720-200-1571 or slynch@tchd.org.

Water and Wastewater
The Pinyon report stated that an On-site Wastewater Treatment System (OWTS) was or is located to the north of “Building #9,” (residence on Parcel B, 3801 E. 64th Avenue), and that two water wells were present to the west of Building #1” (residence/office on Parcel A, 3740 E. 64th Avenue). According to Mr. Leeper, the property owner, the OWTS was in use from approximately 1958-1995, and the water wells were abandoned at least 30 years ago. Mr. Leeper stated that South Adams County and Sanitation District is the water provider for the property.

The case referral materials indicate that the existing residential water and sewer service for 3781(formerly 3801) E 64th Avenue will be upgraded to office/commercial standards; and that water and sewer services will be installed to 3741 (formerly 3740) E. 64th Avenue

On-Site Wastewater Treatment System (OWTS) Abandonment
Proper wastewater management promotes effective and responsible water use, protects potable water from contaminants, and provides appropriate collection, treatment, and disposal of waste, which protects public health and the environment.

Because the existing OWTS are no longer in use, and municipal sewer service is available, the existing OWTS shall be abandoned in accordance with Regulation No. O-17, Section 6.8. TCHD must be notified in writing once the system has been properly abandoned. For more information, or to submit the notification, the applicant may contact the Jeff McCarron in the TCHD Commerce City Office at (303) 439-5913. More information is available at http://www.tchd.org/269/Septic-Systems.

Water Source and Well Abandonment, 3741 (formerly 3740) E. 64th Avenue
According to the applicant, two water wells to the west of “Building #1” (residence/office on Parcel A) were abandoned 30 years ago. According to SACWSD, there is no water service to 3740 E. 64th Avenue. The case referral materials indicate that community water service will be provided to both office/residences.

Any well that is no longer being used, must be properly plugged and a Well Abandonment Report (GWS-09) must be filed with the Colorado Division of Water Resources. Please visit the DWR web site at http://water.state.co.us/groundwater/wellpermit/Pages/WellAbandonment.aspx for more information.

Vector Control
Rodents such as mice and rats carry diseases which can be spread to humans through contact with rodents, rodent feces, urine, or saliva, or through rodent bites. For example, Hantavirus Pulmonary Syndrome (HPS), a rare but potentially lethal viral infection, can be found in the droppings and urine of rodents commonly found in southwestern United States.

Items stored on the floor, tightly packed, and rarely moved provide potential harborage for rodents. Due to the variety of items stored at this site, TCHD recommends that the applicant create a plan for regular pest control. When cleaning up after rodents, TCHD recommends the applicant follow the guidelines found here https://www.cdc.gov/rodents/cleaning/index.html to reduce the possibility of exposure to Hantavirus.

When buildings are demolished, rodents can spread to surrounding properties and increase the risk of vector exposure to humans. Although no buildings are proposed to be demolished at this time, the applicant should plan for vectors and eliminate any known infestations prior to demolition. Information on rodent control can be found at http://www.tchd.org/400/Rodent-Control.

Aboveground or Underground Storage Tanks
Palmetto Finding 5 indicates an above or underground storage tank used for heating Building #1 may be present. Palmetto Finding 7 refers to a Leaking Underground Storage Tank event. Leaking aboveground or underground storage tanks have the potential to contaminate the soil and groundwater around the tank. The fuel storage tanks and piping shall comply with the regulations of the Environmental Protection Agency (EPA) and the Oil Inspections Section of the Colorado Department of Labor and Employment's Division of Oil and Public Safety. Compliance with these regulations will reduce the likelihood of a tank or piping leak and release of fuel, and provide for detection if a leak occurs. The Oil Inspections Section (OIS) can be reached at (303) 318-8547, or information can be obtained from the web site https://www.colorado.gov/ops.

Building Demolition
Although the application does not indicate any building demolition is planned, it does indicate the potential for lead and asbestos to exist on the property.

Fugitive Dust, Lead, and Asbestos
The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions. State air quality regulations require that precautions be taken prior to demolition of buildings to evaluate the presence of asbestos fibers that may present a health risk. If asbestos is present, actions must be taken to prevent their release into the environment. State regulations also address control of ozone depleting compounds (chlorofluorocarbons) that may be contained in air conditioning or refrigerating equipment. The applicant shall contact the APCD at (303) 692-3100 for more information. Additional information is available at http://www.cdphe.state.co.us/ap/asbestos.

Buildings constructed prior to 1978 may contain lead paint. Environmental Protection Agency's (EPA) 2008 Lead-Based Paint Renovation, Repair and Painting (RRP) Rule (as amended in 2010 and 2011), aims to protect the public from lead-based paint hazards associated with renovation, repair and painting activities. These activities can create hazardous lead dust when

surfaces with lead paint, even from many decades ago, are disturbed. More information can be found here https://www.epa.gov/lead/lead-renovation-repair-and-painting-program-rules and https://www.epa.gov/lead. The applicant may contact, and the Environmental Protection Agency EPA at 1-800-424-5323 for more information.

Pollution Prevention for Auto-related Businesses
Businesses that conduct auto maintenance and repair are at risk for leaking fluids such as fuels, antifreeze, brake fluids, and cleaning agents which may be harmful to exposed site workers, pollute the soil on the site, or be discharged into nearby water sources. The submittal indicates that several of the structures have been used historically, and are currently being used for automotive repair. For the safety of site workers and the public, we recommend that the applicant adopt any of the following practices that are not already in place:

1. As it is received, inspect each vehicle for potential leaks. The inspection should be conducted over an impervious area, e.g., a concrete slab with curbs, where spills and leaks will be contained and will not infiltrate into the ground. In addition, drip pans should be used pending repair of vehicles brought in for service, and absorbents should be on hand to clean up fluid leaks or spills that might occur. All repairs should be conducted indoors.

2. Develop a spill response plan to promptly repair any detected leaks. If a leak cannot be repaired, completely drain all fluid(s) from the vehicle before placing it in storage.

3. Develop a plan to recover and either recycle or properly dispose of waste automotive fluids and cleaning agents. Waste fluid management should include the following:

    a. Collection and recycling of waste petroleum-based products including used oil, transmission and brake fluids, and radiator coolants;

    b. Placement of these fluids in Department of Transportation (DOT) approved waste receptacles;

    c. Disposal of all waste fluids in accordance with applicable federal, state and local regulations;

    d. Place absorbents and rags used to clean up spills in DOT approved receptacles, store them so as to prevent fire hazards, and dispose of them regularly in accordance with applicable federal, state and local regulations.

    e. Installation of a sand/oil interceptor

4. Secondary containment is required for storage of automotive fluids

5. If painting occurs on site, an Air Pollution Emission Notes (APEN) to the Air Pollution Control Division (APCD) of Colorado Department of Public Health and Environment (CDPHE) is required.

TCHD cannot provide favorable recommendation for this project until the applicant provides satisfactory responses to the above comments. Please feel free to contact me at 720-200-1575 or kboyer@tchd.org if you have any questions on TCHD's comments.

Sincerely,

Kathy Boyer, REHS
Land Use and Built Environment Specialist III

cc: Sheila Lynch, Michael Weakley, Monte Deatrich, Jeff McCarron, TCHD

Attachments: Palmetto Findings and Recommendations
Pinyon Conclusions and Recommendations
Freedom Conclusions and Recommendations

conditions.

Findings

1. Hazardous materials and petroleum products have historically been used and stored at the Site since at least 1975. Observations and interviews made during the Site visit indicated historic and current use of several on-Site structures for automotive repair.

2. Depending on the handling and storage techniques of former and current tenants, the Site may have been impacted. Furthermore, indications of poor housekeeping were observed during the Site visit in and around Buildings #5 and #8. A Phase II ESA was conducted in 2014 that detected minor levels of metals, VOCs, and SVOCs in surficial soils in this area.

3. A landfill operated on the western and northern portion of the Site from approximately June to December 1975. Based on review previous reports, an investigation conducted in 1978-79 indicated the presence of methane at the Site.

4. The potential exists for asbestos-containing materials to be present in the on-Site soils.

5. A review of available records indicates that Building #1, a former residence, may have been heated by an on-Site oil source. The potential exists for an above- or underground storage tank to be present in this vicinity.

6. The adjoining property to the south also operated as a landfill from 1974 to 1978, with similar documented levels of methane to the landfill located on the Site.

7. The RGA LUST release related to Event ID 4363 occurred at the Site and received a NFA determination on November 4, 1994. Despite being listed as a *Closed* event, this release presents a *historical recognized environmental condition* to the Site.

8. Nevco Services, Inc. formerly stored used oil on the Site and resold the material to asphalt companies for use in asphalt production. The property was utilized for storage and transfer of used oil from at least 2004 through 2007. The operator was cited for a compliance advisory violation with the CDPHE; however, additional information regarding release events or environmental compliance was not available.

9. Den Commerce City-5, located at 3801 East 64th Avenue, the Site. The Site is listed in the COSTIS database associated with Event ID 4363. This event received a NFA determination on November 4, 1994 and is listed as *Closed* on the COSTIS database.

Other than these findings, no other *recognized environmental conditions* in connection with the property have been found.

Recommendations

1. According to the construction dates of the on-Site buildings, the potential exists for lead paint and asbestos containing material to be present. In the event that any on-Site structures are to be demolished as part of the proposed development, sampling for asbestos-containing materials should be conducted in accordance with applicable federal and state regulations.

2. Previous environmental assessments have confirmed the presence of a solid waste landfill on the western and northern portion of the Site. Elevated methane levels are found to be present. Palmetto recommends no additional structures be built on the property without adequate foundation venting. Additionally, no impervious surface cover, such as concrete or asphalt, should be applied to the Site.

3. Installation of soil vapor monitoring points adjacent to on-Site structures and periodic sampling of soil gas levels of methane will ensure that methane does not present an explosive risk.

4. The location of the heating oil tank which was previously noted to be associated with Building #1, the former residence, should be verified. If identified, soil samples should be collected from within and around the heating oil tank to assess the tank for possible impacts to surrounding soil. Additionally, it should be determined if the heating oil tank is still present in Building #1. If present, the heating oil tank should be emptied and properly closed.

Other than these recommendations, there are no other necessary actions that need to be taken prior to the property transaction activities.

document conditions associated with the on-Site landfill, in the vicinity of the automotive repair facilities, the subsurface pit in Building #2, and to identify the potential presence of an oil tank associated with Building #1.

Given the use of the western and northern portion of the Site as a former landfill, the potential exists for materials to be present in the subsurface which may require special handling and disposal. It is recommended that subsurface conditions be evaluated to document the presence and extent of the material. This investigation for potentially regulated hazardous materials could be completed in conjunction with geotechnical borings for foundation and building design. Furthermore, there is a potential that subsurface activities may encounter asbestos-containing materials (ACMs); recommendations regarding ACMs are provided in Section 5.6.1.

5.4 Data Gaps

Three data gaps were encountered for the Site.

1. The ASTM Standard requires that Site use be documented to 1940, or first use, whichever is earlier. For the purpose of the ASTM Standard, use includes agricultural use. Pinyon has documented that the Site was undeveloped in 1890; however, there is no detail on the map to evaluate whether or not the Site was used for agricultural purposes. Not all of the standard historical resources were used. In Pinyon's experience, the following are not reasonably attainable, or would not be available, for this Site, and were therefore not consulted:

    - Fire Insurance maps - were not identified for the Site; and
    - Recorded land title records - would not provide information useful in determining the Site use, and are not easily attainable in the time period available.

    Pinyon concludes data failure has occurred, a form of data gap. This is or is not considered a significant data gap.

2. Information from the South Adams County Fire Protection District and Commerce City Community Development Department has not yet been received. If information received changes the outcome of this report, Pinyon will submit an addendum letter. This data gap is not considered significant as it is unlikely additional information would change the outcome of this report.

3. Three of the nine on-Site buildings were inaccessible at the time of the visit. Some of these areas were able to be observed from the exterior of the building. This data gap is considered significant, as it is unknown what materials could be stored in these areas.

5.5 Conclusions

We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527 of Industrial Property, 3740 and 3801 East 64th Avenue Commerce City, Colorado, the Site. Any exceptions to, or deletions from, this practice are described in Section 7.1 of this report. This assessment has revealed evidence of recognized environmental conditions in connection with this property.

5.6 Conclusions and Recommendations Regarding Additional Services

5.6.1 Asbestos-Containing Materials and Lead Based Paint

According to the construction dates of the on-Site buildings, the potential exists for lead paint and asbestos-containing material to be present. In the event that any on-Site structures are to be demolished as part of the proposed development, sampling for asbestos-containing materials should be conducted in accordance with applicable federal and state regulations.

Furthermore, the potential exists for building materials to remain in the subsurface as a result of several former on-site structures (i.e., hog stalls, structures on the northeastern portion of the Site) and the presence of a former on-Site landfill. Given the proposed redevelopment of the property, it is likely that subsurface soils will be disturbed in some manner and that asbestos-containing materials (ACMs) may be encountered. It is recommended that an EPA- and state-accredited Asbestos Building Inspector with at least six months of asbestos in soil experience be present to evaluate potential ACMs identified during any subsurface activities in the vicinity of the former structures or on-Site landfill.

5.6.2 Radon

If future development includes subgrade living or office spaces, then a radon venting system should be installed at the Site.

5.6.3 Wetlands and Floodplains

The Site is not located within a floodplain, nor was wetland type vegetation observed.

Results of the VOC analysis from the groundwater samples (Table 7) identified multiple VOCs with four compounds above regulatory limits. In TMW1 vinyl chloride was detected at 1.1 micrograms per liter (µg/L) compared to a regulatory limit of 0.023 µg/L. From TMW3, benzene, PCE and trichloroethene (TCE) were detected at 11 µg/L, 7.0 µg/L, and 6.2 µg/L, respectively. Each has a regulatory limit of 5 µg/L. All other detected compounds were below regulatory limits.

Semi-Volatile Organic Compounds

Based on the laboratory results from the SVOC analysis of the soil samples (Table 6), several compounds were detected in the soil with five compounds identified above regulatory limits. B1 had concentrations of 1-Methlynaphthalene (93.2 mg/kg) above the residential use regulatory limit of 22 mg/kg, but below the industrial use regulatory limit of 99 mg/kg. Benzo(a)anthracene was identified in B1 (4.96 mg/kg) and TMW1 (1.27 mg/kg). Both concentrations are above the residential use regulatory limit of 0.15 mg/kg, but only the B1 concentration was above the industrial use limit of 2.1 mg/kg. Benzo(a)pyrene was detected above the residential use regulatory limit of 0.015 mg/kg in B1(4.17 mg/kg), B2 (0.0649 mg/kg), B3 (0.0152 mg/kg), and TMW1 (0.920 mg/kg). Both of the B1 and TMW1 concentrations were also above the industrial use limit of 0.21. In B1 and TMW1, benzo(b)fluoranthene was detected at 2.48 mg/kg and 0.993 mg/kg, respectively. Both concentrations are above the residential use limit of 0.15 mg/kg, while only the B1 concentration is above the industrial use limit of 2.1 mg/kg. Bis(2-Ethylhexyl)phthalate was identified in B1 (120 mg/kg) and TMW1 (109 mg/kg) above the residential use limit of 35 mg/kg, but both were below the industrial use limit of 1,200 mg/kg.

Results from the groundwater samples (Table 8) indicated one compound, 1,4-Dioxane, above the regulatory limit (0.35 µg/L) in two samples. TMW2 had a concentration of 6.87 µg/L and TMW3 had a concentration of 22.8 µg/L. None of the other detected compounds were identified above regulatory limits. This compound is a stabilizing additive found in chlorinated solvents such as trichloroethylene (TCE) and 1,1,1-trichloroethane (1,1,1-TCA). TCE detected in the groundwater sample from TMW3, but neither compound was detected in the groundwater from TMW2.

5.0 CONCLUSIONS AND RECOMMENDATIONS

Based on the laboratory data obtained for this assessment, the landfill that is beneath the western portion of the site appears to have resulted in both soil and groundwater impacts that represent an environmental concern. Several VOC and SVOC compounds were detected above regulatory limits in both soil and groundwater samples collected from borings/temporary monitoring wells completed in the area of the landfill. Landfill material was encountered as shallow as 2 feet bgs and extended to between 20 and 25 feet bgs.

It appears that the landfill is unlicensed and predated the current landfill regulations. Therefore, any potential cleanup liability is the responsibility of the property owner. This would include remediation of impacted groundwater on-site, and possibly, offsite.

FREEDOM spoke with both CDPHE Voluntary Cleanup Program (VCP) and CDPHE Solid Waste Management personnel regarding the presence of the compounds detected above regulatory limits and what might be required for future development or use of the site. Based on the period of operation (predated regulations), both agencies indicated that the site would

appear to fall under the jurisdiction of the VCP program. Agency representatives indicated that activities at the site which encounter or affect the landfill material would need VCP program oversight. This would generally involve submitting an application detailing the proposed activities, methods of disposal, any remedial activities, and vapor mitigation plans. This would also include installation of vapor intrusion mitigation systems for any new buildings constructed at the property.

In addition to the VCP program oversight, they also stated that potential development activities would need to be conducted according to the solid waste regulations established by the Solid Waste Management division. This would include managing all activities with respect to methane vapors and explosive environments.

In addition to the landfill impacts, relatively low TPH diesel and SVOC impacts were identified in the area of the former 55-gallon drum storage southwest of building 8 and residual PAH impacts were detected in the area of the former hydraulic oil containers west of building 8. Impacts to the soil in both locations were encountered at approximately 2 feet bgs and just above the level of the landfill material. In addition, there were several areas of surficial staining observed near building 8 that were not sampled for analytical testing due to the obvious indicated of contamination. The areas were generally no larger than several feet in diameter and extended a foot or less bgs. It is recommended that the soils in the area of the former 55-gallon drums, former hydraulic oil containers, and surficial staining areas be removed and properly disposed.

October 22, 2019

Robin Kerns
City of Commerce City
Community Development Department
7887 East 60th Avenue
Commerce City, CO 80022

RE: Leeper Industrial Park, 3741 and 3781 E. 64th Avenue, Z-544-91-94-19, S-755-19, D-409-19-19, MM-123-19
TCHD Case No. 5876

Dear Mr. Kerns,

Thank you for the opportunity to review and comment on the zone change, subdivision, development plan, and minor modification for a variety of industrial uses located at 3741 and 3781 E. 64th Avenue (formerly 3740 and 3801 E. 64th Avenue) Tri-County Health Department (TCHD) staff previously reviewed the application for the concept plan and responded in a letter dated December 4, 2018. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design, and has the following comments.

Environmental Site Assessment
A document totaling 3507 pages was included in the Concept Plan submittal. It included the following three Environmental Site Assessments (ESA):

1. An ESA prepared by Palmetto Environmental Group, LLC, (Palmetto) dated December 8, 2017
2. An ESA prepared by Pinyon Environmental, Inc. (Pinyon), dated December 13, 2013
3. An ESA prepared by Freedom Environmental Consultants Inc. (Freedom), dated February 11, 2015

The Findings, Conclusions, and Recommendations of each ESA are included as attachments to this letter.

TCHD generally concurs with the recommendations included in the Palmetto, Pinyon, and Freedom ESA's, and recommends that they be implemented as applicable.

TCHD's immediate concern is the risk of methane entering an existing building and causing an explosion or fire. Recommendation #3 in the Palmetto ESA states: "Installation of soil vapor monitoring points adjacent to on-Site structures and periodic sampling of soil gas levels of methane will ensure that methane does not present an explosive risk".

While the installation of vapor monitoring points will provide information regarding the presence of methane in the soil gas adjacent to the buildings, TCHD is concerned that this will not be sufficiently protective of building occupants. Consequently, TCHD recommends that all occupied buildings on the property be equipped with Lower Explosive Limit (LEL) detectors, and that portable LEL detectors be utilized when personnel enter unoccupied (storage) buildings on the

property in order to detect dangerous levels of flammable gas. This recommendation should be completed as soon as feasible.

Recommendation #2 in the Palmetto ESA states: “Palmetto recommends no additional structures be built on the property without adequate foundation venting.” TCHD recommends that we review and approve any plans for a flammable gas control system in any existing or new buildings.

Questions regarding this may be directed to Sheila Lynch at 720-200-1571 or slynch@tchd.org.

Water and Wastewater
The Pinyon report stated that an On-site Wastewater Treatment System (OWTS) was or is located to the north of “Building #9,” (residence on Parcel B, 3801 E. 64th Avenue), and that two water wells were present to the west of Building #1” (residence/office on Parcel A, 3740 E. 64th Avenue). According to Mr. Leeper, the property owner, the OWTS was in use from approximately 1958-1995, and the water wells were abandoned at least 30 years ago. Mr. Leeper stated that South Adams County and Sanitation District is the water provider for the property.

The case referral materials indicate that the existing residential water and sewer service for 3781(formerly 3801) E 64th Avenue will be upgraded to office/commercial standards; and that water and sewer services will be installed to 3741 (formerly 3740) E. 64th Avenue

On-Site Wastewater Treatment System (OWTS) Abandonment
Proper wastewater management promotes effective and responsible water use, protects potable water from contaminants, and provides appropriate collection, treatment, and disposal of waste, which protects public health and the environment.

Because the existing OWTS are no longer in use, and municipal sewer service is available, the existing OWTS shall be abandoned in accordance with Regulation No. O-17, Section 6.8. TCHD must be notified in writing once the system has been properly abandoned. For more information, or to submit the notification, the applicant may contact the Jeff McCarron in the TCHD Commerce City Office at (303) 439-5913. More information is available at http://www.tchd.org/269/Septic-Systems.

Water Source and Well Abandonment, 3741 (formerly 3740) E. 64th Avenue
According to the applicant, two water wells to the west of “Building #1” (residence/office on Parcel A) were abandoned 30 years ago. According to SACWSD, there is no water service to 3740 E. 64th Avenue. The case referral materials indicate that community water service will be provided to both office/residences.

Any well that is no longer being used, must be properly plugged and a Well Abandonment Report (GWS-09) must be filed with the Colorado Division of Water Resources. Please visit the DWR web site at http://water.state.co.us/groundwater/wellpermit/Pages/WellAbandonment.aspx for more information.

Vector Control
Rodents such as mice and rats carry diseases which can be spread to humans through contact with rodents, rodent feces, urine, or saliva, or through rodent bites. For example, Hantavirus Pulmonary Syndrome (HPS), a rare but potentially lethal viral infection, can be found in the droppings and urine of rodents commonly found in southwestern United States.

Items stored on the floor, tightly packed, and rarely moved provide potential harborage for rodents. Due to the variety of items stored at this site, TCHD recommends that the applicant create a plan for regular pest control. When cleaning up after rodents, TCHD recommends the applicant follow the guidelines found here https://www.cdc.gov/rodents/cleaning/index.html to reduce the possibility of exposure to Hantavirus.

When buildings are demolished, rodents can spread to surrounding properties and increase the risk of vector exposure to humans. Although no buildings are proposed to be demolished at this time, the applicant should plan for vectors and eliminate any known infestations prior to demolition. Information on rodent control can be found at http://www.tchd.org/400/Rodent-Control.

Aboveground or Underground Storage Tanks
Palmetto Finding 5 indicates an above or underground storage tank used for heating Building #1 may be present. Palmetto Finding 7 refers to a Leaking Underground Storage Tank event. Leaking aboveground or underground storage tanks have the potential to contaminate the soil and groundwater around the tank. The fuel storage tanks and piping shall comply with the regulations of the Environmental Protection Agency (EPA) and the Oil Inspections Section of the Colorado Department of Labor and Employment's Division of Oil and Public Safety. Compliance with these regulations will reduce the likelihood of a tank or piping leak and release of fuel, and provide for detection if a leak occurs. The Oil Inspections Section (OIS) can be reached at (303) 318-8547, or information can be obtained from the web site https://www.colorado.gov/ops.

Building Demolition
Although the application does not indicate any building demolition is planned, it does indicate the potential for lead and asbestos to exist on the property.

Fugitive Dust, Lead, and Asbestos
The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions. State air quality regulations require that precautions be taken prior to demolition of buildings to evaluate the presence of asbestos fibers that may present a health risk. If asbestos is present, actions must be taken to prevent their release into the environment. State regulations also address control of ozone depleting compounds (chlorofluorocarbons) that may be contained in air conditioning or refrigerating equipment. The applicant shall contact the APCD at (303) 692-3100 for more information. Additional information is available at http://www.cdphe.state.co.us/ap/asbestos.

Buildings constructed prior to 1978 may contain lead paint. Environmental Protection Agency's (EPA) 2008 Lead-Based Paint Renovation, Repair and Painting (RRP) Rule (as amended in 2010 and 2011), aims to protect the public from lead-based paint hazards associated with renovation, repair and painting activities. These activities can create hazardous lead dust when surfaces with lead paint, even from many decades ago, are disturbed. More information can be

found here https://www.epa.gov/lead/lead-renovation-repair-and-painting-program-rules and https://www.epa.gov/lead. The applicant may contact, and the Environmental Protection Agency EPA at 1-800-424-5323 for more information.

Pollution Prevention for Auto-related Businesses
Businesses that conduct auto maintenance and repair are at risk for leaking fluids such as fuels, antifreeze, brake fluids, and cleaning agents which may be harmful to exposed site workers, pollute the soil on the site, or be discharged into nearby water sources. The submittal indicates that several of the structures have been used historically, and are currently being used for automotive repair. For the safety of site workers and the public, we recommend that the applicant adopt any of the following practices that are not already in place:

1. As it is received, inspect each vehicle for potential leaks. The inspection should be conducted over an impervious area, e.g., a concrete slab with curbs, where spills and leaks will be contained and will not infiltrate into the ground. In addition, drip pans should be used pending repair of vehicles brought in for service, and absorbents should be on hand to clean up fluid leaks or spills that might occur. All repairs should be conducted indoors.

2. Develop a spill response plan to promptly repair any detected leaks. If a leak cannot be repaired, completely drain all fluid(s) from the vehicle before placing it in storage.

3. Develop a plan to recover and either recycle or properly dispose of waste automotive fluids and cleaning agents. Waste fluid management should include the following:

    a. Collection and recycling of waste petroleum-based products including used oil, transmission and brake fluids, and radiator coolants;

    b. Placement of these fluids in Department of Transportation (DOT) approved waste receptacles;

    c. Disposal of all waste fluids in accordance with applicable federal, state and local regulations;

    d. Place absorbents and rags used to clean up spills in DOT approved receptacles, store them so as to prevent fire hazards, and dispose of them regularly in accordance with applicable federal, state and local regulations.

    e. Installation of a sand/oil interceptor

4. Secondary containment is required for storage of automotive fluids

5. If painting occurs on site, an Air Pollution Emission Notes (APEN) to the Air Pollution Control Division (APCD) of Colorado Department of Public Health and Environment (CDPHE) is required.

TCHD cannot provide favorable recommendation for this project until the applicant provides satisfactory responses to the above comments. Please feel free to contact me at 720-200-1575 or kboyer@tchd.org if you have any questions on TCHD's comments.

Sincerely,

Kathy Boyer, REHS
Land Use and Built Environment Specialist III

cc: Sheila Lynch, Michael Weakley, Monte Deatrich, Jeff McCarron, TCHD

Attachments: Palmetto Findings and Recommendations
Pinyon Conclusions and Recommendations
Freedom Conclusions and Recommendations

conditions.

Findings

1. Hazardous materials and petroleum products have historically been used and stored at the Site since at least 1975. Observations and interviews made during the Site visit indicated historic and current use of several on-Site structures for automotive repair.

2. Depending on the handling and storage techniques of former and current tenants, the Site may have been impacted. Furthermore, indications of poor housekeeping were observed during the Site visit in and around Buildings #5 and #8. A Phase II ESA was conducted in 2014 that detected minor levels of metals, VOCs, and SVOCs in surficial soils in this area.

3. A landfill operated on the western and northern portion of the Site from approximately June to December 1975. Based on review previous reports, an investigation conducted in 1978-79 indicated the presence of methane at the Site.

4. The potential exists for asbestos-containing materials to be present in the on-Site soils.

5. A review of available records indicates that Building #1, a former residence, may have been heated by an on-Site oil source. The potential exists for an above- or underground storage tank to be present in this vicinity.

6. The adjoining property to the south also operated as a landfill from 1974 to 1978, with similar documented levels of methane to the landfill located on the Site.

7. The RGA LUST release related to Event ID 4363 occurred at the Site and received a NFA determination on November 4, 1994. Despite being listed as a *Closed* event, this release presents a *historical recognized environmental condition* to the Site.

8. Nevco Services, Inc. formerly stored used oil on the Site and resold the material to asphalt companies for use in asphalt production. The property was utilized for storage and transfer of used oil from at least 2004 through 2007. The operator was cited for a compliance advisory violation with the CDPHE; however, additional information regarding release events or environmental compliance was not available.

9. Den Commerce City-5, located at 3801 East 64th Avenue, the Site. The Site is listed in the COSTIS database associated with Event ID 4363. This event received a NFA determination on November 4, 1994 and is listed as *Closed* on the COSTIS database.

Other than these findings, no other *recognized environmental conditions* in connection with the property have been found.

Recommendations

1. According to the construction dates of the on-Site buildings, the potential exists for lead paint and asbestos containing material to be present. In the event that any on-Site structures are to be demolished as part of the proposed development, sampling for asbestos-containing materials should be conducted in accordance with applicable federal and state regulations.

2. Previous environmental assessments have confirmed the presence of a solid waste landfill on the western and northern portion of the Site. Elevated methane levels are found to be present. Palmetto recommends no additional structures be built on the property without adequate foundation venting. Additionally, no impervious surface cover, such as concrete or asphalt, should be applied to the Site.

3. Installation of soil vapor monitoring points adjacent to on-Site structures and periodic sampling of soil gas levels of methane will ensure that methane does not present an explosive risk.

4. The location of the heating oil tank which was previously noted to be associated with Building #1, the former residence, should be verified. If identified, soil samples should be collected from within and around the heating oil tank to assess the tank for possible impacts to surrounding soil. Additionally, it should be determined if the heating oil tank is still present in Building #1. If present, the heating oil tank should be emptied and properly closed.

Other than these recommendations, there are no other necessary actions that need to be taken prior to the property transaction activities.

document conditions associated with the on-Site landfill, in the vicinity of the automotive repair facilities, the subsurface pit in Building #2, and to identify the potential presence of an oil tank associated with Building #1.

Given the use of the western and northern portion of the Site as a former landfill, the potential exists for materials to be present in the subsurface which may require special handling and disposal. It is recommended that subsurface conditions be evaluated to document the presence and extent of the material. This investigation for potentially regulated hazardous materials could be completed in conjunction with geotechnical borings for foundation and building design. Furthermore, there is a potential that subsurface activities may encounter asbestos-containing materials (ACMs); recommendations regarding ACMs are provided in Section 5.6.1.

5.4 Data Gaps

Three data gaps were encountered for the Site.

1. The ASTM Standard requires that Site use be documented to 1940, or first use, whichever is earlier. For the purpose of the ASTM Standard, use includes agricultural use. Pinyon has documented that the Site was undeveloped in 1890; however, there is no detail on the map to evaluate whether or not the Site was used for agricultural purposes. Not all of the standard historical resources were used. In Pinyon's experience, the following are not reasonably attainable, or would not be available, for this Site, and were therefore not consulted:

    - Fire Insurance maps - were not identified for the Site; and
    - Recorded land title records - would not provide information useful in determining the Site use, and are not easily attainable in the time period available.

    Pinyon concludes data failure has occurred, a form of data gap. This is or is not considered a significant data gap.

2. Information from the South Adams County Fire Protection District and Commerce City Community Development Department has not yet been received. If information received changes the outcome of this report, Pinyon will submit an addendum letter. This data gap is not considered significant as it is unlikely additional information would change the outcome of this report.

3. Three of the nine on-Site buildings were inaccessible at the time of the visit. Some of these areas were able to be observed from the exterior of the building. This data gap is considered significant, as it is unknown what materials could be stored in these areas.

5.5 Conclusions

We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527 of Industrial Property, 3740 and 3801 East 64th Avenue Commerce City, Colorado, the Site. Any exceptions to, or deletions from, this practice are described in Section 7.1 of this report. This assessment has revealed evidence of recognized environmental conditions in connection with this property.

5.6 Conclusions and Recommendations Regarding Additional Services

5.6.1 Asbestos-Containing Materials and Lead Based Paint

According to the construction dates of the on-Site buildings, the potential exists for lead paint and asbestos-containing material to be present. In the event that any on-Site structures are to be demolished as part of the proposed development, sampling for asbestos-containing materials should be conducted in accordance with applicable federal and state regulations.

Furthermore, the potential exists for building materials to remain in the subsurface as a result of several former on-site structures (i.e., hog stalls, structures on the northeastern portion of the Site) and the presence of a former on-Site landfill. Given the proposed redevelopment of the property, it is likely that subsurface soils will be disturbed in some manner and that asbestos-containing materials (ACMs) may be encountered. It is recommended that an EPA- and state-accredited Asbestos Building Inspector with at least six months of asbestos in soil experience be present to evaluate potential ACMs identified during any subsurface activities in the vicinity of the former structures or on-Site landfill.

5.6.2 Radon

If future development includes subgrade living or office spaces, then a radon venting system should be installed at the Site.

5.6.3 Wetlands and Floodplains

The Site is not located within a floodplain, nor was wetland type vegetation observed.

Results of the VOC analysis from the groundwater samples (Table 7) identified multiple VOCs with four compounds above regulatory limits. In TMW1 vinyl chloride was detected at 1.1 micrograms per liter (µg/L) compared to a regulatory limit of 0.023 µg/L. From TMW3, benzene, PCE and trichloroethene (TCE) were detected at 11 µg/L, 7.0 µg/L, and 6.2 µg/L, respectively. Each has a regulatory limit of 5 µg/L. All other detected compounds were below regulatory limits.

Semi-Volatile Organic Compounds

Based on the laboratory results from the SVOC analysis of the soil samples (Table 6), several compounds were detected in the soil with five compounds identified above regulatory limits. B1 had concentrations of 1-Methlynaphthalene (93.2 mg/kg) above the residential use regulatory limit of 22 mg/kg, but below the industrial use regulatory limit of 99 mg/kg. Benzo(a)anthracene was identified in B1 (4.96 mg/kg) and TMW1 (1.27 mg/kg). Both concentrations are above the residential use regulatory limit of 0.15 mg/kg, but only the B1 concentration was above the industrial use limit of 2.1 mg/kg. Benzo(a)pyrene was detected above the residential use regulatory limit of 0.015 mg/kg in B1(4.17 mg/kg), B2 (0.0649 mg/kg), B3 (0.0152 mg/kg), and TMW1 (0.920 mg/kg). Both of the B1 and TMW1 concentrations were also above the industrial use limit of 0.21. In B1 and TMW1, benzo(b)fluoranthene was detected at 2.48 mg/kg and 0.993 mg/kg, respectively. Both concentrations are above the residential use limit of 0.15 mg/kg, while only the B1 concentration is above the industrial use limit of 2.1 mg/kg. Bis(2-Ethylhexyl)phthalate was identified in B1 (120 mg/kg) and TMW1 (109 mg/kg) above the residential use limit of 35 mg/kg, but both were below the industrial use limit of 1,200 mg/kg.

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5.0 CONCLUSIONS AND RECOMMENDATIONS

Based on the laboratory data obtained for this assessment, the landfill that is beneath the western portion of the site appears to have resulted in both soil and groundwater impacts that represent an environmental concern. Several VOC and SVOC compounds were detected above regulatory limits in both soil and groundwater samples collected from borings/temporary monitoring wells completed in the area of the landfill. Landfill material was encountered as shallow as 2 feet bgs and extended to between 20 and 25 feet bgs.

It appears that the landfill is unlicensed and predated the current landfill regulations. Therefore, any potential cleanup liability is the responsibility of the property owner. This would include remediation of impacted groundwater on-site, and possibly, offsite.

FREEDOM spoke with both CDPHE Voluntary Cleanup Program (VCP) and CDPHE Solid Waste Management personnel regarding the presence of the compounds detected above regulatory limits and what might be required for future development or use of the site. Based on the period of operation (predated regulations), both agencies indicated that the site would

appear to fall under the jurisdiction of the VCP program. Agency representatives indicated that activities at the site which encounter or affect the landfill material would need VCP program oversight. This would generally involve submitting an application detailing the proposed activities, methods of disposal, any remedial activities, and vapor mitigation plans. This would also include installation of vapor intrusion mitigation systems for any new buildings constructed at the property.

In addition to the VCP program oversight, they also stated that potential development activities would need to be conducted according to the solid waste regulations established by the Solid Waste Management division. This would include managing all activities with respect to methane vapors and explosive environments.

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December 4, 2018

Robin Kerns
City of Commerce City
Community Development Department
7887 East 60th Avenue
Commerce City, CO 80022

RE: Leeper Industrial Park, 3740 and 3801 E. 64th Avenue, D-409-18
TCHD Case No. 5255

Dear Mr. Kerns,

Thank you for the opportunity to review and comment on the Concept Plan to continue outdoor storage, reduce or remove FAR requirements, rezone from Agricultural to Industrial, and remove current zoning conditions, at 3740 and 3801 E. 64th Avenue. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design.

Environmental Site Assessment
A document totaling 3507 pages was included in the submittal. It included the following three Environmental Site Assessments (ESA):

1. An ESA prepared by Palmetto Environmental Group, LLC, (Palmetto) dated December 8, 2017
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TCHD generally concurs with the recommendations included in the Palmetto, Pinyon, and Freedom ESA's, and recommends that they be implemented as applicable.

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While the installation of vapor monitoring points will provide information regarding the presence of methane in the soil gas adjacent to the buildings, TCHD is concerned that this will not be sufficiently protective of building occupants. Consequently, TCHD recommends that all occupied buildings on the property be equipped with Lower Explosive Limit (LEL) detectors, and that portable LEL detectors be utilized when personnel enter unoccupied (storage) buildings on the property in order to detect dangerous levels of flammable gas. This recommendation should be completed as soon as feasible.

Recommendation #2 in the Palmetto ESA states: "Palmetto recommends no additional structures be built on the property without adequate foundation venting." TCHD recommends that we review and approve any plans for a flammable gas control system in any existing or new buildings.

Questions regarding this may be directed to Sheila Lynch at 720-200-1571 or slynch@tchd.org.

Water and Wastewater

The Pinyon report stated that an On-site Wastewater Treatment System (OWTS) was or is located to the north of "Building #9," (residence on Parcel B, 3801 E. 64th Avenue), and that two water wells were present to the west of Building #1" (residence/office on Parcel A, 3740 E. 64th Avenue). According to Mr. Leeper, the property owner, the OWTS was in use from approximately 1958-1995, and the water wells were abandoned at least 30 years ago. Mr. Leeper stated that South Adams County and Sanitation District is the water provider for the property.

The applicant's submittal indicates that a sewer line is available only to the residence at 3801 E. 64th Avenue (residence on Parcel B). According to South Adams County Water and Sanitation District (SACWSD), 3801 E. 64th Avenue is connected to the municipal water and sewer system.

On-Site Wastewater Treatment System (OWTS) Abandonment, 3801 E. 64th Avenue

Proper wastewater management promotes effective and responsible water use, protects potable water from contaminants, and provides appropriate collection, treatment, and disposal of waste, which protects public health and the environment.

Because the existing OWTS on Parcel B is no longer in use, and municipal sewer service is available, the existing OWTS shall be abandoned in accordance with Regulation No. O-17, Section 6.8. TCHD must be notified in writing once the system has been properly abandoned. For more information, or to submit the notification, the applicant may contact the TCHD Commerce City Office. More information is available at http://www.tchd.org/269/Septic-Systems.

On-Site Wastewater Treatment System (OWTS) Use Permit, 3740 E. 64th Avenue
According to SACWSD, there is no sewer service at 3740 E. 64th Avenue (residence/office on Parcel A). Based on this, it is probable that this building is served by an OWTS. TCHD has no record of an OWTS at this address. The applicant shall clarify the method of sewage disposal for the residence/office at 3740 E. 64th Avenue. If it is confirmed that this building is served by an OWTS, TCHD will require a Use Permit for the OWTS.

Tri-County Health Department Regulation Number O-17, Section 4.2 requires a Use Permit be obtained when a property changes in use from residential to commercial, when a property is sold, or when there is no record of an existing OWTS.

To obtain a Use Permit, the OWTS will need to be inspected by a National Association of Wastewater Technicians (NAWT) Certified Use Permit Inspector. A list of Certified Inspectors is available here http://www.nawt.org/search.html. If it is determined by the inspector that the system has deficiencies that require repair, these repairs must be completed prior to TCHD issuing a Use Permit.

In order to obtain a Use Permit, the applicant may contact the TCHD Commerce City Office, 4201 E. 72nd Avenue, (303) 288-6816. More information is available at http://www.tchd.org/269/Septic-Systems under the Use Permit tab.

Methane in soils may pose a risk to the OWTS inspector. Consequently, we recommend that the owner have the OWTS inspector contact TCHD **prior to conducting the inspection** so that we can inform the inspector of the risks associated with the inspection. The OWTS inspector should contact Michael Weakley, Water Program Supervisor, at (720) 200-1593, or mweakley@tchd.org.

If the OWTS is to remain in use, it may be used for domestic waste only. No industrial waste shall be discharged to the OWTS.

Water Source and Well Abandonment, 3740 E. 64th Avenue
According to the applicant, two water wells to the west of "Building #1" (residence/office on Parcel A) were abandoned 30 years ago. According to SACWSD, there is no water service to 3740 E. 64th Avenue. The applicant shall clarify the source of water for 3740 E. 64th Avenue (Parcel A).

Any well that is no longer being used, must be properly plugged and a Well Abandonment Report (GWS-09) must be filed with the Colorado Division of Water Resources. Please visit the DWR web site at http://water.state.co.us/groundwater/wellpermit/Pages/WellAbandonment.aspx for more information.

Vector Control
Rodents such as mice and rats carry diseases which can be spread to humans through contact with rodents, rodent feces, urine, or saliva, or through rodent bites. For example, Hantavirus Pulmonary Syndrome (HPS), a rare but potentially lethal viral infection, can be found in the droppings and urine of rodents commonly found in southwestern United States.

Items stored on the floor, tightly packed, and rarely moved provide potential harborage for rodents. Due to the variety of items stored at this site, TCHD recommends that the applicant create a plan for regular pest control. When cleaning up after rodents, TCHD recommends the applicant follow the guidelines found here https://www.cdc.gov/rodents/cleaning/index.html to reduce the possibility of exposure to Hantavirus.

When buildings are demolished, rodents can spread to surrounding properties and increase the risk of vector exposure to humans. Although no buildings are proposed to be demolished at this time, the applicant should plan for vectors and eliminate any known infestations prior to demolition. Information on rodent control can be found at http://www.tchd.org/400/Rodent-Control.

Aboveground or Underground Storage Tanks
Palmetto Finding 5 indicates an above or underground storage tank used for heating Building #1 may be present. Palmetto Finding 7 refers to a Leaking Underground Storage Tank event. Leaking aboveground or underground storage tanks have the potential to contaminate the soil and groundwater around the tank. The fuel storage tanks and piping shall comply with the regulations of the Environmental Protection Agency (EPA) and the Oil Inspections Section of the Colorado Department of Labor and Employment's Division of Oil and Public Safety. Compliance with these regulations will reduce the likelihood of a tank or piping leak and release of fuel, and provide for detection if a leak occurs. The Oil Inspections Section (OIS) can be reached at (303) 318-8547, or information can be obtained from the web site https://www.colorado.gov/ops.

Building Demolition
Although the application does not indicate any building demolition is planned, it does indicate the potential for lead and asbestos to exist on the property.

Fugitive Dust, Lead, and Asbestos
The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions. State air quality regulations require that precautions be taken prior to demolition of buildings to evaluate the presence of asbestos fibers that may present a health risk. If asbestos is present, actions must be taken to prevent their release into the environment. State regulations also address control of ozone depleting compounds (chlorofluorocarbons) that may be contained in

air conditioning or refrigerating equipment. The applicant shall contact the APCD at (303) 692-3100 for more information. Additional information is available at http://www.cdphe.state.co.us/ap/asbestos.

Buildings constructed prior to 1978 may contain lead paint. Environmental Protection Agency's (EPA) 2008 Lead-Based Paint Renovation, Repair and Painting (RRP) Rule (as amended in 2010 and 2011), aims to protect the public from lead-based paint hazards associated with renovation, repair and painting activities. These activities can create hazardous lead dust when surfaces with lead paint, even from many decades ago, are disturbed. More information can be found here https://www.epa.gov/lead/lead-renovation-repair-and-painting-program-rules and https://www.epa.gov/lead. The applicant may contact, and the Environmental Protection Agency EPA at 1-800-424-5323 for more information.

Pollution Prevention for Auto-related Businesses
Businesses that conduct auto maintenance and repair are at risk for leaking fluids such as fuels, antifreeze, brake fluids, and cleaning agents which may be harmful to exposed site workers, pollute the soil on the site, or be discharged into nearby water sources. The submittal indicates that several of the structures have been used historically, and are currently being used for automotive repair. For the safety of site workers and the public, we recommend that the applicant adopt any of the following practices that are not already in place:

1. As it is received, inspect each vehicle for potential leaks. The inspection should be conducted over an impervious area, e.g., a concrete slab with curbs, where spills and leaks will be contained and will not infiltrate into the ground. In addition, drip pans should be used pending repair of vehicles brought in for service, and absorbents should be on hand to clean up fluid leaks or spills that might occur. All repairs should be conducted indoors.

2. Develop a spill response plan to promptly repair any detected leaks. If a leak cannot be repaired, completely drain all fluid(s) from the vehicle before placing it in storage.

3. Develop a plan to recover and either recycle or properly dispose of waste automotive fluids and cleaning agents. Waste fluid management should include the following:

    a. Collection and recycling of waste petroleum-based products including used oil, transmission and brake fluids, and radiator coolants;

    b. Placement of these fluids in Department of Transportation (DOT) approved waste receptacles;

c. Disposal of all waste fluids in accordance with applicable federal, state and local regulations;

d. Place absorbents and rags used to clean up spills in DOT approved receptacles, store them so as to prevent fire hazards, and dispose of them regularly in accordance with applicable federal, state and local regulations.

e. Installation of a sand/oil interceptor

4. Secondary containment is required for storage of automotive fluids

5. If painting occurs on site, an Air Pollution Emission Notes (APEN) to the Air Pollution Control Division (APCD) of Colorado Department of Public Health and Environment (CDPHE) is required.

TCHD cannot provide favorable recommendation for this project until the applicant provides satisfactory responses to the above comments. Please feel free to contact me at 720-200-1575 or kboyer@tchd.org if you have any questions on TCHD's comments.

Sincerely,

Kathy Boyer, REHS
Land Use and Built Environment Specialist III

cc: Sheila Lynch, Michael Weakley, Monte Deatrich, TCHD

Attachments: Palmetto Findings and Recommendations
Pinyon Conclusions and Recommendations
Freedom Conclusions and Recommendations

Attachments:

conditions.

Findings

1. Hazardous materials and petroleum products have historically been used and stored at the Site since at least 1975. Observations and interviews made during the Site visit indicated historic and current use of several on-Site structures for automotive repair.

2. Depending on the handling and storage techniques of former and current tenants, the Site may have been impacted. Furthermore, indications of poor housekeeping were observed during the Site visit in and around Buildings #5 and #8. A Phase II ESA was conducted in 2014 that detected minor levels of metals, VOCs, and SVOCs in surficial soils in this area.

3. A landfill operated on the western and northern portion of the Site from approximately June to December 1975. Based on review previous reports, an investigation conducted in 1978-79 indicated the presence of methane at the Site.

4. The potential exists for asbestos-containing materials to be present in the on-Site soils.

5. A review of available records indicates that Building #1, a former residence, may have been heated by an on-Site oil source. The potential exists for an above- or underground storage tank to be present in this vicinity.

6. The adjoining property to the south also operated as a landfill from 1974 to 1978, with similar documented levels of methane to the landfill located on the Site.

7. The RGA LUST release related to Event ID 4363 occurred at the Site and received a NFA determination on November 4, 1994. Despite being listed as a *Closed* event, this release presents a *historical recognized environmental condition* to the Site.

8. Nevco Services, Inc. formerly stored used oil on the Site and resold the material to asphalt companies for use in asphalt production. The property was utilized for storage and transfer of used oil from at least 2004 through 2007. The operator was cited for a compliance advisory violation with the CDPHE; however, additional information regarding release events or environmental compliance was not available.

9. Den Commerce City-5, located at 3801 East 64th Avenue, the Site. The Site is listed in the COSTIS database associated with Event ID 4363. This event received a NFA determination on November 4, 1994 and is listed as *Closed* on the COSTIS database.

Other than these findings, no other *recognized environmental conditions* in connection with the property have been found.

Recommendations

1. According to the construction dates of the on-Site buildings, the potential exists for lead paint and asbestos containing material to be present. In the event that any on-Site structures are to be demolished as part of the proposed development, sampling for asbestos-containing materials should be conducted in accordance with applicable federal and state regulations.

2. Previous environmental assessments have confirmed the presence of a solid waste landfill on the western and northern portion of the Site. Elevated methane levels are found to be present. Palmetto recommends no additional structures be built on the property without adequate foundation venting. Additionally, no impervious surface cover, such as concrete or asphalt, should be applied to the Site.

3. Installation of soil vapor monitoring points adjacent to on-Site structures and periodic sampling of soil gas levels of methane will ensure that methane does not present an explosive risk.

4. The location of the heating oil tank which was previously noted to be associated with Building #1, the former residence, should be verified. If identified, soil samples should be collected from within and around the heating oil tank to assess the tank for possible impacts to surrounding soil. Additionally, it should be determined if the heating oil tank is still present in Building #1. If present, the heating oil tank should be emptied and properly closed.

Other than these recommendations, there are no other necessary actions that need to be taken prior to the property transaction activities.

document conditions associated with the on-Site landfill, in the vicinity of the automotive repair facilities, the subsurface pit in Building #2, and to identify the potential presence of an oil tank associated with Building #1.

Given the use of the western and northern portion of the Site as a former landfill, the potential exists for materials to be present in the subsurface which may require special handling and disposal. It is recommended that subsurface conditions be evaluated to document the presence and extent of the material. This investigation for potentially regulated hazardous materials could be completed in conjunction with geotechnical borings for foundation and building design. Furthermore, there is a potential that subsurface activities may encounter asbestos-containing materials (ACMs); recommendations regarding ACMs are provided in Section 5.6.1.

5.4 Data Gaps

Three data gaps were encountered for the Site.

1. The ASTM Standard requires that Site use be documented to 1940, or first use, whichever is earlier. For the purpose of the ASTM Standard, use includes agricultural use. Pinyon has documented that the Site was undeveloped in 1890; however, there is no detail on the map to evaluate whether or not the Site was used for agricultural purposes. Not all of the standard historical resources were used. In Pinyon's experience, the following are not reasonably attainable, or would not be available, for this Site, and were therefore not consulted:

    - Fire Insurance maps - were not identified for the Site; and
    - Recorded land title records - would not provide information useful in determining the Site use, and are not easily attainable in the time period available.

    Pinyon concludes data failure has occurred, a form of data gap. This is or is not considered a significant data gap.

2. Information from the South Adams County Fire Protection District and Commerce City Community Development Department has not yet been received. If information received changes the outcome of this report, Pinyon will submit an addendum letter. This data gap is not considered significant as it is unlikely additional information would change the outcome of this report.

3. Three of the nine on-Site buildings were inaccessible at the time of the visit. Some of these areas were able to be observed from the exterior of the building. This data gap is considered significant, as it is unknown what materials could be stored in these areas.

5.5 Conclusions

We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527 of Industrial Property, 3740 and 3801 East 64th Avenue Commerce City, Colorado, the Site. Any exceptions to, or deletions from, this practice are described in Section 7.1 of this report. This assessment has revealed evidence of recognized environmental conditions in connection with this property.

5.6 Conclusions and Recommendations Regarding Additional Services

5.6.1 Asbestos-Containing Materials and Lead Based Paint

According to the construction dates of the on-Site buildings, the potential exists for lead paint and asbestos-containing material to be present. In the event that any on-Site structures are to be demolished as part of the proposed development, sampling for asbestos-containing materials should be conducted in accordance with applicable federal and state regulations.

Furthermore, the potential exists for building materials to remain in the subsurface as a result of several former on-site structures (i.e., hog stalls, structures on the northeastern portion of the Site) and the presence of a former on-Site landfill. Given the proposed redevelopment of the property, it is likely that subsurface soils will be disturbed in some manner and that asbestos-containing materials (ACMs) may be encountered. It is recommended that an EPA- and state-accredited Asbestos Building Inspector with at least six months of asbestos in soil experience be present to evaluate potential ACMs identified during any subsurface activities in the vicinity of the former structures or on-Site landfill.

5.6.2 Radon

If future development includes subgrade living or office spaces, then a radon venting system should be installed at the Site.

5.6.3 Wetlands and Floodplains

The Site is not located within a floodplain, nor was wetland type vegetation observed.

Results of the VOC analysis from the groundwater samples (Table 7) identified multiple VOCs with four compounds above regulatory limits. In TMW1 vinyl chloride was detected at 1.1 micrograms per liter (µg/L) compared to a regulatory limit of 0.023 µg/L. From TMW3, benzene, PCE and trichloroethene (TCE) were detected at 11 µg/L, 7.0 µg/L, and 6.2 µg/L, respectively. Each has a regulatory limit of 5 µg/L. All other detected compounds were below regulatory limits.

Semi-Volatile Organic Compounds

Based on the laboratory results from the SVOC analysis of the soil samples (Table 6), several compounds were detected in the soil with five compounds identified above regulatory limits. B1 had concentrations of 1-Methlynaphthalene (93.2 mg/kg) above the residential use regulatory limit of 22 mg/kg, but below the industrial use regulatory limit of 99 mg/kg. Benzo(a)anthracene was identified in B1 (4.96 mg/kg) and TMW1 (1.27 mg/kg). Both concentrations are above the residential use regulatory limit of 0.15 mg/kg, but only the B1 concentration was above the industrial use limit of 2.1 mg/kg. Benzo(a)pyrene was detected above the residential use regulatory limit of 0.015 mg/kg in B1(4.17 mg/kg), B2 (0.0649 mg/kg), B3 (0.0152 mg/kg), and TMW1 (0.920 mg/kg). Both of the B1 and TMW1 concentrations were also above the industrial use limit of 0.21. In B1 and TMW1, benzo(b)fluoranthene was detected at 2.48 mg/kg and 0.993 mg/kg, respectively. Both concentrations are above the residential use limit of 0.15 mg/kg, while only the B1 concentration is above the industrial use limit of 2.1 mg/kg. Bis(2-Ethylhexyl)phthalate was identified in B1 (120 mg/kg) and TMW1 (109 mg/kg) above the residential use limit of 35 mg/kg, but both were below the industrial use limit of 1,200 mg/kg.

Results from the groundwater samples (Table 8) indicated one compound, 1,4-Dioxane, above the regulatory limit (0.35 µg/L) in two samples. TMW2 had a concentration of 6.87 µg/L and TMW3 had a concentration of 22.8 µg/L. None of the other detected compounds were identified above regulatory limits. This compound is a stabilizing additive found in chlorinated solvents such as trichloroethylene (TCE) and 1,1,1-trichloroethane (1,1,1-TCA). TCE detected in the groundwater sample from TMW3, but neither compound was detected in the groundwater from TMW2.

5.0 CONCLUSIONS AND RECOMMENDATIONS

Based on the laboratory data obtained for this assessment, the landfill that is beneath the western portion of the site appears to have resulted in both soil and groundwater impacts that represent an environmental concern. Several VOC and SVOC compounds were detected above regulatory limits in both soil and groundwater samples collected from borings/temporary monitoring wells completed in the area of the landfill. Landfill material was encountered as shallow as 2 feet bgs and extended to between 20 and 25 feet bgs.

It appears that the landfill is unlicensed and predated the current landfill regulations. Therefore, any potential cleanup liability is the responsibility of the property owner. This would include remediation of impacted groundwater on-site, and possibly, offsite.

FREEDOM spoke with both CDPHE Voluntary Cleanup Program (VCP) and CDPHE Solid Waste Management personnel regarding the presence of the compounds detected above regulatory limits and what might be required for future development or use of the site. Based on the period of operation (predated regulations), both agencies indicated that the site would

appear to fall under the jurisdiction of the VCP program. Agency representatives indicated that activities at the site which encounter or affect the landfill material would need VCP program oversight. This would generally involve submitting an application detailing the proposed activities, methods of disposal, any remedial activities, and vapor mitigation plans. This would also include installation of vapor intrusion mitigation systems for any new buildings constructed at the property.

In addition to the VCP program oversight, they also stated that potential development activities would need to be conducted according to the solid waste regulations established by the Solid Waste Management division. This would include managing all activities with respect to methane vapors and explosive environments.

In addition to the landfill impacts, relatively low TPH diesel and SVOC impacts were identified in the area of the former 55-gallon drum storage southwest of building 8 and residual PAH impacts were detected in the area of the former hydraulic oil containers west of building 8. Impacts to the soil in both locations were encountered at approximately 2 feet bgs and just above the level of the landfill material. In addition, there were several areas of surficial staining observed near building 8 that were not sampled for analytical testing due to the obvious indicated of contamination. The areas were generally no larger than several feet in diameter and extended a foot or less bgs. It is recommended that the soils in the area of the former 55-gallon drums, former hydraulic oil containers, and surficial staining areas be removed and properly disposed.