

STATE OF COLORADO

John W. Hickenlooper, Governor
Larry Wolk, MD, MSPH
Executive Director and Chief Medical Officer

WATER QUALITY CONTROL COMMISSION

<http://www.colorado.gov/cdphe/wqcc>

4300 Cherry Creek Dr. South
Denver, Colorado 80246-1530
Phone (303) 692-3463
Fax (303) 691-7702



Colorado
Department
of Public Health
and Environment

NOTICE OF PUBLIC RULEMAKING HEARING BEFORE THE COLORADO WATER QUALITY CONTROL COMMISSION

SUBJECT:

For consideration of the adoption of revisions to the Site-Specific Water Quality Classifications and Standards for Ground Water, Regulation #42 (5 CCR 1002-42).

The revisions to Regulation #42 proposed by Lowry Assumption, LLC ("LAC"), along with a proposed statement of Basis, Specific Statutory Authority and Purpose, are attached to this notice as Exhibit 1. Proposed new language is shown with double-underlining and proposed deletions are shown with ~~strikeouts~~. Any alternative proposals related to the revisions proposed in Exhibit 1 and developed in response to those proposed revisions, will also be considered.

HEARING SCHEDULE:

DATE: Monday, May 12, 2014
TIME: 10:00 a.m.
PLACE: Florence Sabin Conference Room
Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, CO 80246

PUBLIC PARTICIPATION ENCOURAGED:

The Commission encourages all interested persons to provide their opinions or recommendations regarding the matters to be addressed in this rulemaking hearing, either orally at the hearing or in writing prior to or at the hearing. Although oral testimony from those with party status (see below) and other interested persons will be received at the hearing, the time available for such oral testimony may be limited.

Interested members of the public that do not have party status are encouraged to submit written submissions prior to the hearing. In order to be distributed to the Commission for review prior to the hearing, such submissions need to be received in the Commission Office or the Colorado Department of Public Health and Environment's (Department's) mail room by April 30, 2014. Written submissions received after this date will be distributed to the Commissioners at the hearing. However, for logistical reasons, the Commission office cannot guarantee that **electronic submissions** received after 1:00 p.m. Friday, May 9, 2014 will be provided to Commissioners. Interested persons wishing to submit comments or other documents after that date and time should bring paper copies to the hearing.

Oral testimony at the hearing should primarily summarize written material previously submitted. The hearing will emphasize Commission questioning of parties and other interested persons about their written prehearing submittals. Introduction of written material at the hearing by those with party status generally will not be permitted. The Commission requests that all interested persons submit to the Commission any available information that may be relevant in considering the noticed proposals.

PARTY STATUS:

Participation as a "party" to this hearing will require compliance with section 21.3(D) of the Procedural Rules, Regulation #21 (5 CCR 1002-21). It is not necessary to acquire party status in order to testify or comment. **For each request for party status, please provide the organization's name, a contact person, mailing address, phone number, and email address.** Written party status requests are due in the Commission Office on or before:

DATE: Tuesday, February 25, 2014
TIME: 5:00 p.m.

A single copy of the party status request may be transmitted as an email attachment to cdphe.wgcc@state.co.us, submitted by fax to 303-691-7702, mailed or otherwise conveyed so as to be received in the mail room of the Colorado Department of Public Health and Environment (Department) no later than this deadline.

ELIMINATION OF MAILING LIST STATUS:

On June 10, 2013, the Water Quality Control Commission approved revisions to the Procedural Rules, Regulation #21 (5 CCR 1002-21), which eliminate mailing list status.

PREHEARING STATEMENTS:

PLEASE NOTE that for this hearing two separate deadlines for prehearing statements are established:

- (1) A PDF version and one paper copy of a **Proponent's Prehearing Statement** from Lowry Assumption, LLC as the proponent of revisions proposed in Exhibit 1 attached to this notice, **including** written testimony and exhibits providing the basis for the proposals, must be emailed to cdphe.wgcc@state.co.us **AND** 13 paper copies of the Proponent's Prehearing Statement **without** written testimony and exhibits must be received in the Department's mail room no later than **March 4, 2014**; and
- (2) A PDF version and one paper copy of a **Responsive Prehearing Statement**, including any exhibits, written testimony, and alternative proposals of the Water Quality Control Division or **anyone seeking party status and intending to respond to the proponent's proposal** must be emailed to cdphe.wgcc@state.co.us **AND** 14 paper copies of the Responsive Prehearing Statement **without** exhibits and written testimony must be received in the Department's mail room no later than **March 25, 2014**.

As soon as prehearing statements are posted on the Commission's web site, the Commission office will email a link to the page containing the prehearing statements to proponents, parties and the Attorney General's Office representatives for the Commission and the Division.

Also **note** that the Commission has prepared an **updated version** of a document entitled "Information for Parties to Water Quality Control Commission Rulemaking Hearings". A copy of this document will be emailed to all persons requesting party status. It is also posted on the Commission's web site as Appendix C to the [Public Participation Handbook](#). Following the suggestions set forth in this document will enhance the effectiveness of parties' input for this proceeding. **Please note the request that all parties submit two-sided copies of all hearing documents on three-hole punch paper.**

REBUTTAL STATEMENTS:

Written rebuttal statements responding to the prehearing statements due on March 25, 2014 may be submitted by Lowry Assumption, LLC, the Division or anyone seeking party status. Any such rebuttal statements must be received in the Commission Office by **April 30, 2014**. A PDF version and one paper copy of written rebuttal statements **including** exhibits must be emailed to cdphe.wqcc@state.co.us **AND** 13 paper copies **without exhibits** must be received in the Department's mail room by this deadline. No other written materials will be accepted following this deadline except for good cause shown.

PREHEARING CONFERENCE:

DATE: Tuesday, April 22, 2014
TIME: 1:30 p.m.
PLACE: Sabin Conference Room
Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246

Attendance at the prehearing conference is mandatory for all persons requesting party status. An opportunity may be available to participate in this prehearing conference by telephone. Persons wishing to participate by telephone should notify the Commission Office as early as possible.

Any motions regarding the conduct of this rulemaking shall be submitted by Thursday, April 17, 2014, so that they can be considered at the prehearing conference. No motions will be accepted after April 17, 2014, except for good cause shown.

SPECIFIC STATUTORY AUTHORITY:

The provisions of sections 25-8-202, 25-8-203, 25-8-204 and 25-8-402, C.R.S. provide the specific statutory authority for consideration of the regulatory amendments proposed by this notice. Should the Commission adopt the regulatory language as proposed in this notice or alternative amendments, it will also adopt, in compliance with section 24-4-103(4) C.R.S., an appropriate Statement of Basis, Specific Statutory Authority, and Purpose.

NOTIFICATION OF POTENTIAL MATERIAL INJURY TO WATER RIGHTS:

In accordance with section 25-8-104(2)(d), C.R.S., any person who believes that the actions proposed in this notice have the potential to cause material injury to his or her water rights is requested to so indicate in the party status request submitted. In order for this potential to be considered fully by the Commission and the other agencies listed in the statute, persons must fully explain the basis for their claim in their prehearing statement which is due in the Commission Office on the date specified above. This explanation should identify and describe the water right(s), and explain how and to what degree the material injury will be incurred.

Dated this 23rd day of January 2014 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION

Trisha Oeth, Administrator

EXHIBIT 1
LOWRY ASSUMPTION, LLC

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 42

**SITE-SPECIFIC WATER QUALITY CLASSIFICATIONS AND STANDARDS FOR
GROUND WATER**

5 CCR 1002-42

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42.3 INDEX OF CLASSIFIED AREAS

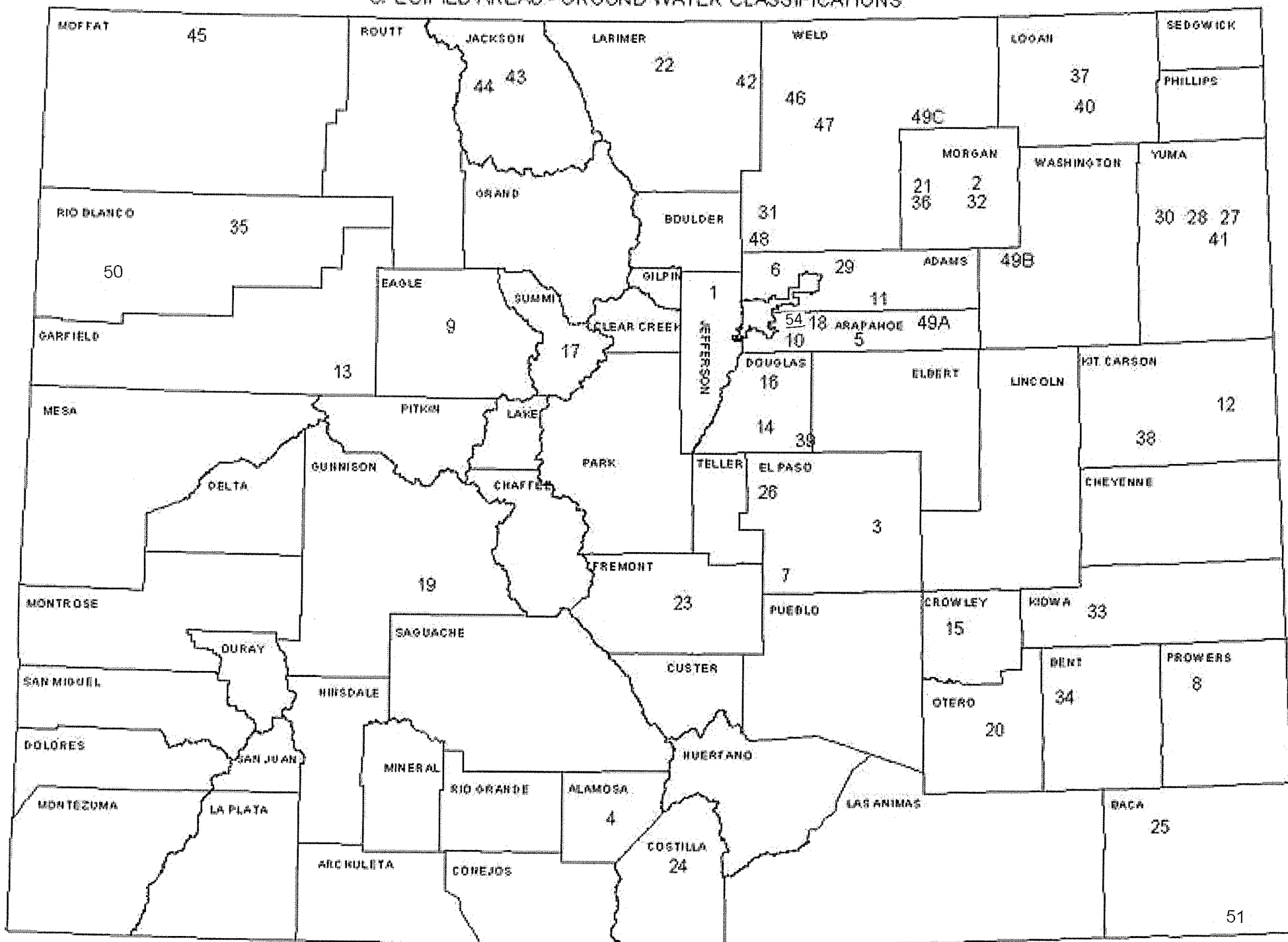
GROUND WATER TO WHICH THE WATER QUALITY CONTROL COMMISSION
HAS ASSIGNED USE CLASSIFICATIONS AND WATER QUALITY STANDARDS

LOCATION	COUNTY	DATE ADOPTED	FIGURE #	NARRATIVE PAGE #	FIGURE PAGE #
Alamosa	Alamosa	05/93	4	11	14
Bennett	Adams	06/94	11	22	24
Brighton	Adams	11/94	29	45	48
Brush	Morgan	05/91	2	11	12
Burlington	Kit Carson	06/94	12	25	26
Carbondale	Garfield	06/94	13	25	27
Castle Rock	Douglas	06/94	14	25	28
Co. Oil & Gas Fields	Logan, N Washington & NE Morgan	09/97	40	61	63
Crowley County	Crowley	06/94	15	29	30
Denver SE Suburban W & SD	Douglas	06/94	16	29	31
E. Cherry Creek Valley W & SD	Arapahoe	05/93	5	15	16
E. Dillon WD	Summit	06/94	17	29	32

LOCATION	COUNTY	DATE ADOPTED	FIGURE #	NARRATIVE PAGE #	FIGURE PAGE #
Eckley	Yuma	11/94	30	49	50
Federal Heights WD	Adams	05/93	6	15	17
Fort Lupton	Weld	11/94	31	49	51
Fort Morgan	Morgan	11/94	32	49	52
Fountain/Security/Stratmoor Hills/Widefield	El Paso	05/93	7	18	19
Glendale/Cherry Creek Valley W & SD	Arapahoe	06/94	18	33	34
Gunnison	Gunnison	06/94	19	33	35
Haswell	Kiowa	11/94	33	53	54
Lamar	Prowers	05/93	8	18	20
La Junta	Otero	06/94	20	33	36
Las Animas	Bent	11/94	34	53	55
<u>Lowry Air Force Base (Former)/City and County of Denver/City of Aurora</u>	<u>Arapahoe and Denver</u>	<u>06/14</u>	<u>54A/54B</u>	<u>87</u>	<u>89</u>
Meeker	Rio Blanco	11/94	35	53	56
Morgan County Qual WD	Morgan	06/94	21	37	38
“ “ “ “	“	11/94	36	57	58
No CO Water Assn	Larimer	06/94	22	37	39
Park Center WD	Fremont	06/94	23	37	40
Oil & Gas Fields	Larimer	12/99	42	64	66
Oil & Gas Fields East-Central Jackson County	Jackson	12/99	43	67	68
Oil & Gas Fields West-Central Jackson County	Jackson	12/99	44	67	69
Oil & Gas Fields Northern Moffat County	Moffat	12/99	45	70	71
Oil & Gas Fields Weld County	Weld	12/00	46	70	72
Oil & Gas Fields Weld County	Weld	12/00	47	73	74
Oil & Gas Fields Weld County	Weld	12/00	48	73	75

LOCATION	COUNTY	DATE ADOPTED	FIGURE #	NARRATIVE PAGE #	FIGURE PAGE #
Oil & Gas Fields Adams, Arapahoe	Adams, Arapahoe	12/00	49A	76	77
Morgan, Washington	Morgan, Washington	12/00	49B	76	78
Weld Counties	Weld	12/00	49C	76	79
Oil & Gas Fields Rio Blanco County	Rio Blanco	12/01	50	76	80
Oil & Gas Fields Baca County	Baca	09/02	51	81	82
Oil & Gas Fields Cheyenne and	Cheyenne	12/03	52A	83	84
Kit Carson Counties	Kit Carson	12/03	52B	83	85
Rangely Oil & Gas Field	Rio Blanco	04/98	41	64	65
Rocky Flats	Jeff/Boulder	02/91	1	7	9
San Luis W & SD	Costilla	06/94	24	41	42
SW Protection Area	Kit Carson	10/95	38	57	60
Springfield	Baca	06/94	25	41	43
Sterling	Logan	11/94	37	57	59
Upper Black Squirrel	El Paso	05/91	3	11	13
Upper Cherry Crk & Denver Basins	El Paso/Douglas/ Arapahoe	01/96	39	61	62
Vail Valley	Eagle	05/93	9	18	21
Willows/Centennial Class Area	Arapahoe & Douglas	05/93	10	22	23
Woodmore W&S	El Paso	06/94	26	41	44
Wray	Yuma	06/94	27	45	46
Yuma	Yuma	06/94	28	45	47

INDEX MAP SPECIFIED AREAS - GROUND WATER CLASSIFICATIONS



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(54) Former Lowry Air Force Base, City and County of Denver and City of Aurora, Arapahoe County, Colorado

(a) Specified Areas: The unconfined ground water in the following locations:

i. On-Base

1. Alluvial ground water underlying the areas illustrated and described in Figure 54A as HQ Plume, Main Plume On-Base, and 1432 Source Area.
2. The upper 50 feet of Denver Aquifer ground water underlying the areas illustrated and described in Figure 54B as HQ Plume, FTZ Plume, OFR Source Area, Main Plume On-Base, 1432 Source Area and CT Source Area.

ii. Off-Base

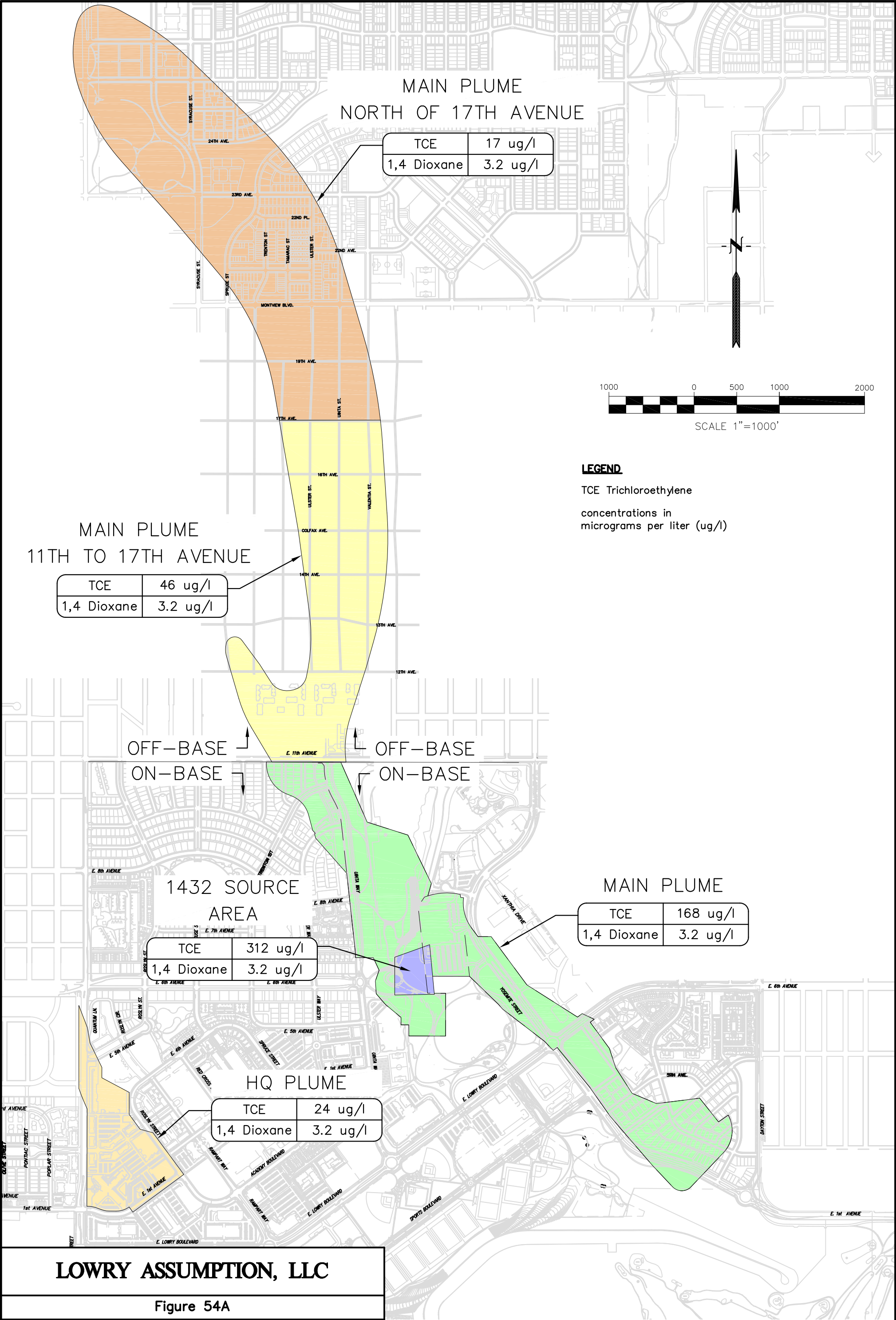
1. Alluvial ground water underlying the area illustrated and described in Figure 54A as 11th Avenue to 17th Avenue and North of 17th Avenue.
2. The upper 50 feet of the Denver Aquifer ground water underlying the area illustrated and described in Figure 54B as Main Plume Off-Base.

(b) Classifications: The classification of each of the Specified Areas identified in Section 54(a), above is: Potentially Usable Quality.

(c) Ground Water Quality Standards: For each organic chemical identified below, the following site-specific standards shall apply in the Specified Areas and the organic chemical standard set forth in Table A, Section 41.5.C.3 of the Basic Standards for Ground Water (5 CCR 1002-41) shall not apply.

<u>Site Specific Concentrations and Classifications</u>				
<u>On-Base</u>				
<u>Area</u>	<u>Classification</u>	<u>Geologic Unit</u>	<u>Parameter</u>	<u>Site Specific Standard</u>
<u>HQ Plume</u>	<u>Potentially Usable Quality</u>	<u>Alluvium</u>	<u>Trichloroethylene</u>	<u>24 µg/l</u>
			<u>1,4-Dioxane</u>	<u>3.2 µg/l</u>
<u>Main Plume</u>		<u>Alluvium</u>	<u>Trichloroethylene</u>	<u>168 µg/l</u>
			<u>1,4-Dioxane</u>	<u>3.2 µg/l</u>
<u>1432 Source Area</u>		<u>Alluvium</u>	<u>Trichloroethylene</u>	<u>312 µg/l</u>
			<u>1,4-Dioxane</u>	<u>3.2 µg/l</u>
<u>HQ Plume</u>	<u>Potentially</u>	<u>Bedrock</u>	<u>Trichloroethylene</u>	<u>492 µg/l</u>

	<u>Usable Quality</u>		<u>1,4-Dioxane</u>	<u>3.2 µg/l</u>
<u>FTZ Plume</u>		<u>Bedrock</u>	<u>Trichloroethylene</u>	<u>34 µg/l</u>
			<u>1,4-Dioxane</u>	<u>3.2 µg/l</u>
<u>OFR Source Area</u>		<u>Bedrock</u>	<u>Trichloroethylene</u>	<u>1,200 µg/l</u>
	<u>1,4-Dioxane</u>		<u>3.2 µg/l</u>	
<u>Main Plume</u>	<u>Potentially Usable Quality</u>	<u>Bedrock</u>	<u>Trichloroethylene</u>	<u>180 µg/l</u>
<u>1,4-Dioxane</u>			<u>3.2 µg/l</u>	
<u>1432 Source Area</u>		<u>Bedrock</u>	<u>Trichloroethylene</u>	<u>1,200 µg/l</u>
			<u>1,1,1-Trichloroethane</u>	<u>14,000 µg/l</u> <u>(Existing State GW Standard)</u>
			<u>1,1,2-Trichloroethane</u>	<u>325 µg/l</u>
			<u>Methylene Chloride</u>	<u>1,200 µg/l</u>
			<u>1,1-dichloroethylene</u>	<u>32 µg/l</u>
			<u>1, 2-dichloroethane</u>	<u>62 µg/l</u>
<u>CT Source Area</u>		<u>Bedrock</u>	<u>1,4-Dioxane</u>	<u>3.2 µg/l</u>
			<u>Carbon Tetrachloride</u>	<u>56 µg/l</u>
			<u>Trichloroethylene</u>	<u>960 µg/l</u>
<u>Main Plume North of 17th Avenue</u>		<u>Alluvium</u>	<u>1,4-Dioxane</u>	<u>3.2 µg/l</u>
	<u>Trichloroethylene</u>		<u>17 µg/l</u>	
<u>Main Plume 11th Ave to 17th Avenue</u>	<u>Alluvium</u>	<u>1,4 Dioxane</u>	<u>3.2 µg/l</u>	
		<u>Trichloroethylene</u>	<u>46 µg/l</u>	
<u>Main Plume</u>	<u>Potentially Usable Quality</u>	<u>Bedrock</u>	<u>1,4 Dioxane</u>	<u>3.2 µg/l</u>
			<u>Trichloroethylene</u>	<u>180 µg/l</u>



LOWRY ASSUMPTION, LLC

Figure 54A

Alluvium
Site-Specific Standards

DESIGNED BY:	SCALE	DATE ISSUED: January 2014	SH1
DRAWN BY: JKB	HORIZ: 1"=1000'	SHEET NO. 1 OF 1 SHEETS	
CHECKED BY:	VERT: n/a		

URS 8181 E. Tufts Ave.
Denver, CO 80237
Tel: 303-740-2600

This exhibit does not represent a monumented survey.

DESCRIPTION - FIGURE 54A
HQ Plume

A part of the Northeast Quarter of Section 8 and a part of the West Half of Section 9, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado being more particularly described as follows:

Commencing at the West Quarter Corner of said Section 9;

thence North 00°10'10" East, along the west line of the Northwest Quarter of said Section 9, a distance of 37.00 feet;

thence South 89°49'04" East, parallel with the south line of said Northwest Quarter, a distance of 30.00 feet to the easterly line of Quebec Street and the **Point of Beginning**;

thence North 00°10'10" East, along said easterly line, a distance of 1,142.90 feet to a point of non-tangent curve;

thence along the arc of a curve to the right having a radius of 3125.00 feet, a central angle of 4°44'39", an arc length of 258.75 feet and whose chord bears North 22°08'58" West a distance of 258.68 feet;

thence North 00°00'00" East a distance of 973.55 feet;

thence South 21°07'18" East a distance of 278.47 feet to a corner on the west line of Area 4 as described at Reception Number 9800174373 in the Clerk and Records Office of said City and County of Denver;

thence along the southwesterly line of said Area 4 the following seven (7) courses:

1. South 09°41'03" East a distance of 185.07 feet;
2. South 26°06'15" East a distance of 317.47 feet;
3. South 00°30'20" West a distance of 120.51 feet;
4. South 61°54'11" East a distance of 363.78 feet;
5. South 00°01'05" East a distance of 258.88 feet;
6. South 36°27'47" East a distance of 216.39 feet;
7. South 74°49'56" East a distance of 156.06 feet to the northwest corner of a parcel of land as described at Reception Number 2000013500 in said Clerk and Records Office;

thence South 36°28'38" East, along the southwesterly line of said parcel of land described at Reception Number 2000013500, a distance of 608.42 feet to a point on the northerly line of Area 2 as described at Reception Number 9800087078 in said Clerk and Records Office;

thence along said northerly line of Area 2 the following eight (8) courses:

1. South 53°32'18" West a distance of 744.29 feet;
2. North 35°20'40" West a distance of 74.00 feet to a point of non-tangent curvature;
3. along the arc of a curve to the right having a central angle of 35°31'36", a radius of 263.00 feet, an arc length of 163.08 feet and whose chord bears South 72°25'08" West a distance of 160.48 feet;
4. North 89°49'04" West a distance of 81.42 feet to a point of curvature;
5. along the arc of a curve to the right having a central angle of 20°15'00", a radius of 263.00 feet, an arc length of 92.95 feet and whose chord bears North 79°41'34" West a distance of 92.47 feet;
6. North 69°34'04" West a distance of 52.93 feet to a point of curvature;
7. along the arc of a curve to the left having a central angle of 20°15'00", a radius of 337.00 feet, an arc length of 119.11 feet and whose chord bears North 79°41'34" West a distance of 118.49 feet;
8. North 89°49'04" West a distance of 4.92 feet to the **Point of Beginning**;

Containing 1,279,711 square feet or 29.378 acres, more or less.

DESCRIPTION - FIGURE 54A
Main Plume On-Base

A part of the South Half of Section 4, a part of the Northeast Quarter of Section 9, and a part of the Northwest Quarter of Section 10, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado being more particularly described as follows:

Commencing at the East Quarter Corner of said Section 4;
thence North 89°52'18" West, along the north line of the Southeast Quarter of said Section 4, a distance of 2370.92 feet;
thence South 00°07'42" West a distance of 30.00 feet to northerly line of Main TCE Plume-Groundwater within Parcel 4(A) described at Reception Number 2006011845 in the Clerk and Records Office of said City and County of Denver being the Northeast corner of Lowry Filing No. 11 of said City and County of Denver and the **Point of Beginning**;

thence along said northerly line and easterly line of said Main TCE Plume-Groundwater within Parcel 4(A) the following five (5) courses:

1. South 89°52'18" East a distance of 89.47 feet;
2. South 23°44'40" East a distance of 769.35 feet;
3. South 72°21'45" East a distance of 501.04 feet;
4. South 25°49'44" East a distance of 631.58 feet;
5. South 15°28'41" West a distance of 151.29 feet to a point of non-tangent curvature on the northerly line of a Parcel of Land described at Reception Number 2000137528 in said Clerk and Recorder's Office;

thence along said northerly line of a Parcel of Land described at Reception Number 2000137528 the following four (4) courses:

1. along the arc of a curve to the right having a central angle of 30°58'08", a radius of 712.50 feet, an arc length of 385.11 feet and whose chord bears North 87°23'44" East a distance of 380.44 feet;
2. South 06°32'39" East a distance of 34.74 feet;
3. South 89°50'19" East a distance of 35.51 feet to a point of non-tangent curvature;
4. along the arc of a curve to the left having a central angle of 43°39'25", a radius of 490.00 feet, an arc length of 373.36 feet and whose chord bears South 14°40'04" East a distance of 364.39 feet to the northwest corner of Main TCE Plume-Groundwater within Parcel 4(B) described at said Reception Number 2006011845;

thence along the northerly line, easterly line, southerly line and the westerly line of said Main TCE Plume-Groundwater within Parcel 4(B) the following twenty-six (26) courses:

1. South 36°29'47" East a distance of 128.17 feet;
2. South 90°00'00" East a distance of 155.49 feet;
3. South 36°29'47" East a distance of 704.82 feet;
4. South 57°31'52" East a distance of 703.51 feet;
5. North 53°24'05" East a distance of 68.43 feet;
6. South 64°33'43" East a distance of 156.02 feet;
7. South 53°27'42" West a distance of 58.01 feet;
8. South 36°17'24" East a distance of 381.43 feet;
9. South 17°56'49" East a distance of 238.64 feet;
10. South 32°44'51" East a distance of 356.26 feet;
11. South 67°06'32" East a distance of 309.90 feet;
12. North 82°51'23" East a distance of 511.06 feet;
13. South 38°32'02" East a distance of 355.36 feet;
14. North 55°13'32" East a distance of 139.45 feet to a point of non-tangent curve;

15. along the arc of a curve to the right having a central angle of 72°03'49", a radius of 380.00 feet, an arc length of 477.94 feet and whose chord bears South 07°29'33" West a distance of 447.06 feet;
16. South 43°31'28" West a distance of 549.19 feet to a point of curvature;
17. along the arc of a curve to the right having a central angle of 93°09'47", a radius of 150.00 feet, an arc length of 243.90 feet and whose chord bears North 89°53'39" West a distance of 217.91 feet;
18. North 43°18'45" West a distance of 343.85 feet;
19. North 40°43'41" West a distance of 761.58 feet;
20. North 35°04'31" West a distance of 417.42 feet;
21. North 39°16'25" West a distance of 600.98 feet;
22. South 53°24'05" West a distance of 58.18 feet;
23. North 43°35'10" West a distance of 146.09 feet;
24. North 52°26'55" West a distance of 623.56 feet;
25. North 41°13'02" West a distance of 75.00 feet;
26. North 45°55'58" West a distance of 470.27 feet to the southeast corner of a Parcel of Land described at Reception Number 2000137528 in said Clerk and Recorder's Office;

thence North 89°44'10" West, along the southerly line of said Parcel of Land described at Reception Number 2000137528, a distance of 433.18 feet;

thence North 05°24'59" West a distance of 371.02 feet;

thence South 70°19'10" West a distance of 434.55 feet;

thence South 00°00'00" East a distance of 444.24 feet;

thence North 88°55'43" East a distance of 464.42 feet;

thence North 05°24'59" West a distance of 12.49 feet to the easterly line of Main TCE Plume-Groundwater within Parcel 4(A) described at said Reception Number 2006011845;

thence along said easterly line, southerly line and the westerly line of said Main TCE Plume-Groundwater within Parcel 4(A) the following sixteen (16) courses:

1. South 89°44'10" East a distance of 134.18 feet;
2. South 00°04'42" West a distance of 502.15 feet;
3. North 89°44'58" West a distance of 431.06 feet;
4. North 00°19'49" West a distance of 130.06 feet;
5. North 89°57'23" West a distance of 91.72 feet;
6. North 00°00'00" West a distance of 87.47 feet;
7. North 50°16'15" West a distance of 238.52 feet;
8. North 40°45'51" West a distance of 165.09 feet;
9. North 03°40'12" West a distance of 150.35 feet;
10. North 19°29'51" East a distance of 132.64 feet;
11. North 24°50'04" West a distance of 162.56 feet;
12. North 89°36'09" West a distance of 210.32 feet;
13. North 00°28'46" East a distance of 12.84 feet to a point of curvature;
14. along the arc of a curve to the left having a central angle of 08°45'59", a radius of 734.75 feet, an arc length of 112.42 feet and whose chord bears North 03°54'13" West a distance of 112.31 feet;
15. North 06°12'02" West a distance of 630.98 feet;
16. North 06°12'02" West a distance of 238.38 feet to the most southerly corner of Main TCE Plume-Groundwater within Parcel 1 described at said Reception Number 2006011845;

thence along the westerly line and northerly line of said Main TCE Plume-Groundwater within Parcel 1 the following nine (9) courses:

1. North 41°30'47" West a distance of 553.53 feet;
2. North 12°41'48" West a distance of 49.74 feet to a point of non-tangent curvature;
3. along the arc of a curve to the right having a central angle of 1°09'17", a radius of 530.00 feet, an arc length of 10.68 feet and whose chord bears North 48°46'25" East a distance of 10.68 feet;

4. North 41°46'02" West a distance of 46.17 feet;
5. North 14°53'14" West a distance of 187.00 feet to a point of curvature;
6. along the arc of a curve to the left having a central angle of 53°13'20", a radius of 330.00 feet, an arc length of 306.54 feet and whose chord bears North 41°29'54" West a distance of 295.64 feet;
7. North 68°06'34" West a distance of 64.74 feet to a point of curvature;
8. along the arc of a curve to the right having a central angle of 71°39'12", a radius of 380.00 feet, an arc length of 475.22 feet and whose chord bears North 32°16'58" West a distance of 444.85 feet;
9. South 89°52'56" East a distance of 506.86 feet to the most westerly corner of Main TCE Plume-Groundwater within Parcel 4(A) described at said Reception Number 2006011845;

thence along the westerly line and northerly line of said Main TCE Plume-Groundwater within Parcel 1 the following two (2) courses:

1. South 89°52'56" East a distance of 6.99 feet;
2. South 89°52'18" East a distance of 268.42 feet to the **Point of Beginning**;

Containing 4,926,271 square feet or 113.092 acres, more or less.

DESCRIPTION - FIGURE 54A
1432 Source Area

A part of the Southeast Quarter of Section 4 and a part of the Northeast Quarter of Section 9, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado being more particularly described as follows:

Commencing at the South Quarter Corner of said Section 4;
thence South 82°44'48" East, a distance of 1012.91 feet to the Point of Beginning:

thence North 00°00'00" East a distance of 444.24 feet;
thence North 70°19'10" East a distance of 434.55 feet;
thence South 05°24'59" East a distance of 584.51 feet;
thence South 88°55'43" West a distance of 464.42 feet to the Point of Beginning:

Containing 226,222 square feet or 5.193 acres, more or less.

DESCRIPTION - FIGURE 54A
Main Plume Off-Base North of 17th Ave.

A part of the Southwest Quarter of Section 28, a part of the Southeast Quarter of Section 29, a part of the Northeast Quarter of Section 32 and a part of Section 33, Township 3 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

Commencing at the South Quarter Corner of said Section 33;
thence North 31°22'38" East a distance of 1552.30 feet to a point 1325.00 feet north of the south line of the Southeast Quarter of said Section 33 and the Point of Beginning;

thence South 89°58'46" West, parallel with and 1325.00 feet north of said south line of the Southeast Quarter of Section 33, a distance of 1187.41 feet;
thence North 09°46'56" West a distance of 335.67 feet to a point of curve;
thence along the arc of a curve to the left having a radius of 2900.00 feet, a central angle of 30°17'20", an arc length of 1533.06 feet and whose chord bears North 24°55'36" West a distance of 1515.27 feet;
thence North 40°04'16" West a distance of 792.77 feet;
thence North 41°38'26" West a distance of 972.28 feet to a point of curve;
thence along the arc of a curve to the right having a radius of 2500.00 feet, a central angle of 22°50'51", an arc length of 996.92 feet and whose chord bears North 30°13'00" West a distance of 990.32 feet to a point of compound curve;
thence along the arc of a curve to the right having a radius of 1300.00 feet, a central angle of 33°47'26", an arc length of 766.68 feet and whose chord bears North 01°53'52" West a distance of 755.62 feet to a point of compound curve;
thence along the arc of a curve to the right having a radius of 350.00 feet, a central angle of 18°07'24", an arc length of 110.71 feet and whose chord bears North 24°03'33" East a distance of 110.25 feet to a point of compound curve;
thence along the arc of a curve to the right having a radius of 270.00 feet, a central angle of 67°42'57", an arc length of 319.10 feet and whose chord bears North 66°58'43" East a distance of 300.85 feet to a point of compound curve;
thence along the arc of a curve to the right having a radius of 575.00 feet, a central angle of 20°48'09", an arc length of 208.77 feet and whose chord bears South 71°31'48" East a distance of 207.62 feet;
thence South 61°07'44" East a distance of 184.24 feet to a point of curve;
thence along the arc of a curve to the right having a radius of 3000.00 feet, a central angle of 15°24'06", an arc length of 806.43 feet and whose chord bears South 53°25'41" East a distance of 804.01 feet;
thence South 45°43'38" East a distance of 1161.69 feet to a point of curve;
thence along the arc of a curve to the right having a radius of 3665.00 feet, a central angle of 29°14'21", an arc length of 1870.32 feet and whose chord bears South 31°06'28" East a distance of 1850.09 feet;
thence South 16°29'17" East a distance of 850.36 feet to a point of curve;
thence along the arc of a curve to the right having a radius of 6000.00 feet, a central angle of 9°58'50", an arc length of 1045.16 feet and whose chord bears South 11°29'52" East a distance of 1043.84 feet to the Point of Beginning.

Containing 7,201,575 square feet or 165.325 acres, more or less.

DESCRIPTION - FIGURE 54A
Main Plume Off-Base 11th to 17th Ave.

A part of Section 4 and a part of the South Half of Section 33, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

Commencing at the North Quarter corner of said Section 4;

thence North 31°22'38" East a distance of 1552.30 feet to a point 1325.00 feet north of the north line of said Northeast Quarter of Section 4 and the **Point of Beginning**:

thence along the arc of a curve to the right having a radius of 6000.00 feet, a central angle of 2°47'10", an arc length of 291.77 feet and whose chord bears South 5°06'52" East a distance of 291.74 feet;

thence South 03°43'17" East a distance of 800.48 feet to a point of curve;

thence along the arc of a curve to the right having a radius of 4500.00 feet, a central angle of 19°27'27", an arc length of 1528.19 feet and whose chord bears South 06°00'27" West a distance of 1520.86 feet;

thence South 15°44'10" West a distance of 294.78 feet;

thence South 17°45'05" West a distance of 639.10 feet to a point of curve;

thence along the arc of a curve to the left having a radius of 1200.00 feet, a central angle of 25°03'48", an arc length of 524.93 feet and whose chord bears South 05°13'11" West a distance of 520.75 feet;

thence North 89°52'18" West, parallel with and 30.00 feet south of the south line of said Northeast Quarter of Section 4, a distance of 419.51 feet;

thence North 89°52'56" West, parallel with and 30.00 feet south of the south line of the Northwest Quarter of said Section 4, a distance of 450.35 feet;

thence North 30°49'24" West a distance of 463.33 feet;

thence along the arc of a curve to the right having a radius of 1500.00 feet, a central angle of 14°30'57", an arc length of 380.03 feet and whose chord bears North 23°33'55" West a distance of 379.01 feet;

thence North 16°18'26" West a distance of 512.11 feet to a point of curve;

thence along the arc of a curve to the right having a radius of 300.00 feet, a central angle of 28°46'36", an arc length of 150.67 feet and whose chord bears North 01°55'08" West a distance of 149.10 feet to a point of compound curve;

thence along the arc of a curve to the right having a radius of 105.00 feet, a central angle of 131°07'49", an arc length of 240.31 feet and whose chord bears North 78°02'04" East a distance of 191.19 feet;

thence South 36°24'02" East a distance of 347.82 feet;

thence South 32°39'29" East a distance of 250.06 feet to a point of curve;

thence along the arc of a curve to the left having a radius of 215.00 feet, a central angle of 65°16'55", an arc length of 244.97 feet and whose chord bears South 65°17'57" East a distance of 231.93 feet;

thence North 82°03'36" East a distance of 35.54 feet;

thence along the arc of a curve to the left having a radius of 200.00 feet, a central angle of 69°29'20", an arc length of 242.56 feet and whose chord bears North 47°18'55" East a distance of 227.97 feet;

thence North 12°34'15" East a distance of 8.49 feet to a point of curve;

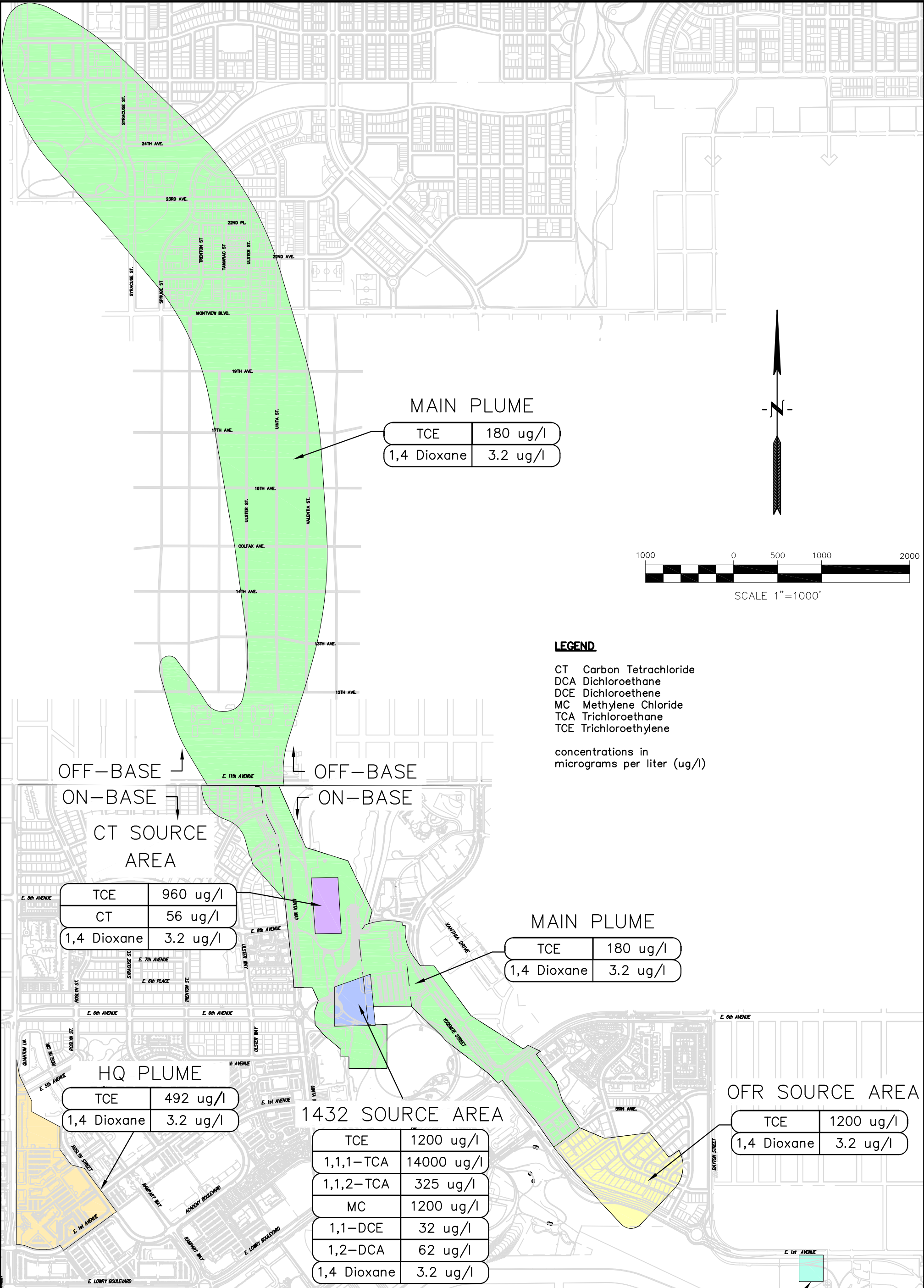
thence along the arc of a curve to the left having a radius of 2150.00 feet, a central angle of 20°16'07", an arc length of 760.57 feet and whose chord bears North 02°26'12" East a distance of 756.61 feet;

thence North 07°41'52" West a distance of 958.60 feet;

thence North 09°46'56" West a distance of 1318.05 feet;

thence North 89°58'46" East, parallel with and 1325.00 feet north of said north line of the Northeast Quarter of Section 4, a distance of 1187.41 feet to the **Point of Beginning**.

Containing 4,221,670 square feet or 96.916 acres, more or less.



LOWRY ASSUMPTION, LLC

Figure 54B

Bedrock
Site-Specific Standards

DESIGNED BY:	SCALE	DATE ISSUED: January 2014	SH1
DRAWN BY: JKB	HORIZ: 1"=1000'	SHEET NO. 1 OF 1 SHEETS	
CHECKED BY:	VERT. n/a		

URS 8181 E. Tufts Ave.
Denver, CO 80237
Tel: 303-740-2600

This exhibit does not represent a monumented survey.

DESCRIPTION - FIGURE 54B

HQ Plume

A part of the West Half of Section 9, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado being more particularly described as follows:

Commencing at the West Quarter Corner of said Section 9;

thence North 00°10'10" East, along the west line of the Northwest Quarter of said Section 9, a distance of 37.00 feet;

thence South 89°49'04" East, parallel with the south line of said Northwest Quarter, a distance of 30.00 feet to the easterly line of Quebec Street and the **Point of Beginning**;

thence North 00°10'10" East, along said easterly line, a distance of 2,096.27 feet to a corner on the west line of Area 4 as described at Reception Number 9800174373 in the Clerk and Records Office of said City and County of Denver;

thence along the southwesterly line of said Area 4 the following seven (7) courses:

1. South 09°41'03" East a distance of 185.07 feet;
2. South 26°06'15" East a distance of 317.47 feet;
3. South 00°30'20" West a distance of 120.51 feet;
4. South 61°54'11" East a distance of 363.78 feet;
5. South 00°01'05" East a distance of 258.88 feet;
6. South 36°27'47" East a distance of 216.39 feet;
7. South 74°49'56" East a distance of 156.06 feet to the northwest corner of Area 9 as described at Reception Number 2000013500 in said Clerk and Records Office;

thence South 36°28'38" East, along the southwesterly line of said Area 9, a distance of 608.42 feet to a point on the northerly line of Area 2 as described at Reception Number 9800087078 in said Clerk and Records Office;

thence along said northerly line the following eight (8) courses:

1. South 53°32'18" West a distance of 744.29 feet;
2. North 35°20'40" West a distance of 74.00 feet to a point of non-tangent curvature;
3. along the arc of a curve to the right having a central angle of 35°31'36", a radius of 263.00 feet, an arc length of 163.08 feet and whose chord bears South 72°25'08" West a distance of 160.48 feet;
4. North 89°49'04" West a distance of 81.42 feet to a point of curvature;
5. along the arc of a curve to the right having a central angle of 20°15'00", a radius of 263.00 feet, an arc length of 92.95 feet and whose chord bears North 79°41'34" West a distance of 92.47 feet;
6. North 69°34'04" West a distance of 52.93 feet to a point of curvature;
7. along the arc of a curve to the left having a central angle of 20°15'00", a radius of 337.00 feet, an arc length of 119.11 feet and whose chord bears North 79°41'34" West a distance of 118.49 feet;
8. North 89°49'04" West a distance of 4.92 feet to the **Point of Beginning**;

Containing 1,183,575 square feet or 27.171 acres, more or less.

DESCRIPTION - FIGURE 54B
FTZ Plume (North)

A part of the Southeast Quarter of Section 10, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

Commencing at the East Quarter Corner of said Section 10;
thence South 87°19'15" West a distance of 1324.81 feet to the **Point of Beginning**;

thence South 89°53'34" East a distance of 275.00 feet to the easterly line of the City and County of Denver also being the east line of the Northwest Quarter of said Southeast Quarter of Section 10;

thence South 00°06'26" West, along said east line a distance of 300.00 feet;

thence North 89°53'34" West a distance of 275.00 feet;

thence North 00°06'26" East a distance of 300.00 feet to the **Point of Beginning**.

Containing 82,500 square feet or 1.894 acres, more or less.

DESCRIPTION - FIGURE 54B
FTZ Plume (South)

A part of the Southeast Quarter of Section 10, Township 4 South, Range 67 West of the Sixth Principal Meridian, City of Aurora, County of Arapahoe, State of Colorado, more particularly described as follows:

Commencing at the East Quarter corner of said Section 10;
thence South 49°32'32" West a distance of 1583.91 feet to the **Point of Beginning**;

thence South 89°53'34" East a distance of 225.00 feet;
thence South 00°06'26" West a distance of 225.00 feet;
thence North 89°53'34" West a distance of 225.00 feet;
thence North 00°06'26" East a distance of 225.00 feet to the **Point of Beginning**;

Containing 50,625 square feet or 1.162 acres, more or less.

DESCRIPTION - FIGURE 54B
OFR Source Area

A part of the Northwest Quarter of Section 10, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado being more particularly described as follows:

Commencing at the Northwest Corner of said Section 10;

thence South 42°12'35" East a distance of 1714.55 feet to the intersection of the centerline of 5th Avenue and the easterly line of Main TCE Plume-Groundwater within Parcel 4(B) described at Reception Number 2006011845 in the Clerk and Records Office of said City and County of Denver and the **Point of**

Beginning:

thence along said easterly line and southerly line of said Main TCE Plume-Groundwater within Parcel 4(B) the following ten (10) courses:

1. South 67°06'32" East a distance of 307.11 feet;
2. North 82°51'23" East a distance of 511.06 feet;
3. South 38°32'02" East a distance of 355.36 feet;
4. North 55°13'32" East a distance of 139.45 feet;
5. along the arc of a curve to the right having a central angle of 72°03'49", a radius of 380.00 feet, an arc length of 477.94 feet and whose chord bears South 07°29'33" West a distance of 447.06 feet;
6. South 43°31'28" West a distance of 549.19 feet to a point of curvature;
7. along the arc of a curve to the right having a central angle of 93°09'47", a radius of 150.00 feet, an arc length of 243.90 feet and whose chord bears North 89°53'39" West a distance of 217.91 feet;
8. North 43°18'45" West a distance of 343.85 feet;
9. North 40°43'41" West a distance of 761.58 feet;
19. North 35°04'31" West a distance of 59.86 feet to said centerline of 5th Avenue;

thence North 53°27'42" East, along said centerline, a distance of 367.97 feet to the **Point of Beginning:**

Containing 978,055 square feet or 22.453 acres, more or less.

DESCRIPTION - FIGURE 54B
Main Plume On-Base

A part of the South Half of Section 4, a part of the Northeast Quarter of Section 9, and a part of the Northwest Quarter of Section 10, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado being more particularly described as follows:

Commencing at the East Quarter Corner of said Section 4;
thence North 89°52'18" West, along the north line of the Southeast Quarter of said Section 4, a distance of 2370.92 feet;
thence South 00°07'42" West a distance of 30.00 feet to northerly line of Main TCE Plume-Groundwater within Parcel 4(A) described at Reception Number 2006011845 in the Clerk and Recorders Office of said City and County of Denver being the Northeast corner of Lowry Filing No. 11 of said City and County of Denver and the Point of Beginning;

thence along said northerly line and easterly line of said Main TCE Plume-Groundwater within Parcel 4(A) the following five (5) courses:

1. South 89°52'18" East a distance of 89.47 feet;
2. South 23°44'40" East a distance of 769.35 feet;
3. South 72°21'45" East a distance of 501.04 feet;
4. South 25°49'44" East a distance of 631.58 feet;
5. South 15°28'41" West a distance of 151.29 feet to a point of non-tangent curvature on the northerly line of a Parcel of Land described at Reception Number 2000137528 in said Clerk and Recorder's Office;

thence along said northerly line of a Parcel of Land described at Reception Number 2000137528 the following four (4) courses:

1. along the arc of a curve to the right having a central angle of 30°58'08", a radius of 712.50 feet, an arc length of 385.11 feet and whose chord bears North 87°23'44" East a distance of 380.44 feet;
2. South 06°32'39" East a distance of 34.74 feet;
3. South 89°50'19" East a distance of 35.51 feet to a point of non-tangent curvature;
4. along the arc of a curve to the left having a central angle of 43°39'25", a radius of 490.00 feet, an arc length of 373.36 feet and whose chord bears South 14°40'04" East a distance of 364.39 feet to the northwest corner of Main TCE Plume-Groundwater within Parcel 4(B) described at said Reception Number 2006011845;

thence along the northerly line, easterly line, southerly line and the westerly line of said Main TCE Plume-Groundwater within Parcel 4(B) the following twenty-six (26) courses:

1. South 36°29'47" East a distance of 128.17 feet;
2. South 90°00'00" East a distance of 155.49 feet;
3. South 36°29'47" East a distance of 704.82 feet;
4. South 57°31'52" East a distance of 703.51 feet;
5. North 53°24'05" East a distance of 68.43 feet;
6. South 64°33'43" East a distance of 156.02 feet;
7. South 53°27'42" West a distance of 58.01 feet;
8. South 36°17'24" East a distance of 381.43 feet;
9. South 17°56'49" East a distance of 238.64 feet;
10. South 32°44'51" East a distance of 356.26 feet;
11. South 67°06'32" East a distance of 309.90 feet;
12. North 82°51'23" East a distance of 511.06 feet;
13. South 38°32'02" East a distance of 355.36 feet;
14. North 55°13'32" East a distance of 139.45 feet to a point of non-tangent curve;

15. along the arc of a curve to the right having a central angle of 72°03'49", a radius of 380.00 feet, an arc length of 477.94 feet and whose chord bears South 07°29'33" West a distance of 447.06 feet;
16. South 43°31'28" West a distance of 549.19 feet to a point of curvature;
17. along the arc of a curve to the right having a central angle of 93°09'47", a radius of 150.00 feet, an arc length of 243.90 feet and whose chord bears North 89°53'39" West a distance of 217.91 feet;
18. North 43°18'45" West a distance of 343.85 feet;
19. North 40°43'41" West a distance of 761.58 feet;
20. North 35°04'31" West a distance of 417.42 feet;
21. North 39°16'25" West a distance of 600.98 feet;
22. South 53°24'05" West a distance of 58.18 feet;
23. North 43°35'10" West a distance of 146.09 feet;
24. North 52°26'55" West a distance of 623.56 feet;
25. North 41°13'02" West a distance of 75.00 feet;
26. North 45°55'58" West a distance of 470.27 feet to the southeast corner of a Parcel of Land described at Reception Number 2000137528 in said Clerk and Recorder's Office;

thence North 89°44'10" West, along the southerly line of said Parcel of Land described at Reception Number 2000137528, a distance of 433.18 feet;

thence North 05°24'59" West a distance of 371.02 feet;

thence South 70°19'10" West a distance of 434.55 feet;

thence South 00°00'00" East a distance of 444.24 feet;

thence North 88°55'43" East a distance of 464.42 feet;

thence North 05°24'59" West a distance of 12.49 feet to the easterly line of Main TCE Plume-Groundwater within Parcel 4(A) described at said Reception Number 2006011845;

thence along said easterly line, southerly line and the westerly line of said Main TCE Plume-Groundwater within Parcel 4(A) the following sixteen (16) courses:

1. South 89°44'10" East a distance of 134.18 feet;
2. South 00°04'42" West a distance of 502.15 feet;
3. North 89°44'58" West a distance of 431.06 feet;
4. North 00°19'49" West a distance of 130.06 feet;
5. North 89°57'23" West a distance of 91.72 feet;
6. North 00°00'00" West a distance of 87.47 feet;
7. North 50°16'15" West a distance of 238.52 feet;
8. North 40°45'51" West a distance of 165.09 feet;
9. North 03°40'12" West a distance of 150.35 feet;
10. North 19°29'51" East a distance of 132.64 feet;
11. North 24°50'04" West a distance of 162.56 feet;
12. North 89°36'09" West a distance of 210.32 feet;
13. North 00°28'46" East a distance of 12.84 feet to a point of curvature;
14. along the arc of a curve to the left having a central angle of 08°45'59", a radius of 734.75 feet, an arc length of 112.42 feet and whose chord bears North 03°54'13" West a distance of 112.31 feet;
15. North 06°12'02" West a distance of 630.98 feet;
16. North 06°12'02" West a distance of 238.38 feet to the most southerly corner of Main TCE Plume-Groundwater within Parcel 1 described at said Reception Number 2006011845;

thence along the westerly line and northerly line of said Main TCE Plume-Groundwater within Parcel 1 the following nine (9) courses:

1. North 41°30'47" West a distance of 553.53 feet;
2. North 12°41'48" West a distance of 49.74 feet to a point of non-tangent curvature;
3. along the arc of a curve to the right having a central angle of 1°09'17", a radius of 530.00 feet, an arc length of 10.68 feet and whose chord bears North 48°46'25" East a distance of 10.68 feet;

4. North 41°46'02" West a distance of 46.17 feet;
5. North 14°53'14" West a distance of 187.00 feet to a point of curvature;
6. along the arc of a curve to the left having a central angle of 53°13'20", a radius of 330.00 feet, an arc length of 306.54 feet and whose chord bears North 41°29'54" West a distance of 295.64 feet;
7. North 68°06'34" West a distance of 64.74 feet to a point of curvature;
8. along the arc of a curve to the right having a central angle of 71°39'12", a radius of 380.00 feet, an arc length of 475.22 feet and whose chord bears North 32°16'58" West a distance of 444.85 feet;
9. South 89°52'56" East a distance of 506.86 feet to the most westerly corner of Main TCE Plume-Groundwater within Parcel 4(A) described at said Reception Number 2006011845;

thence along the westerly line and northerly line of said Main TCE Plume-Groundwater within Parcel 1 the following two (2) courses:

1. South 89°52'56" East a distance of 6.99 feet;
2. South 89°52'18" East a distance of 268.42 feet to the **Point of Beginning**;

Containing 4,926,271 square feet or 113.092 acres, more or less.

Excepting therefrom (CT Source Area):

A part of the Southeast Quarter of Section 4, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado being more particularly described as follows:

Commencing at the South Quarter Corner of said Section 4;

thence North 40°32'20" East, a distance of 1211.63 feet to the **Point of Beginning**;

thence North 04°07'47" West a distance of 635.58 feet;

thence North 88°59'02" East a distance of 303.02 feet;

thence South 03°29'14" East a distance of 638.04 feet;

thence South 89°31'37" West a distance of 296.02 feet to the **Point of Beginning**;

Containing 190,459 square feet or 4.372 acres, more or less.

Excepting therefrom (OFR Source Area):

A part of the Northwest Quarter of Section 10, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado being more particularly described as follows:

Commencing at the Northwest Corner of said Section 10;

thence South 42°12'35" East a distance of 1714.55 feet to the intersection of the centerline of 5th Avenue and the easterly line of Main TCE Plume-Groundwater within Parcel 4(B) described at Reception Number 2006011845 in the Clerk and Records Office of said City and County of Denver and the **Point of Beginning**;

thence along said easterly line and southerly line of said Main TCE Plume-Groundwater within Parcel 4(B) the following ten (10) courses:

1. South 67°06'32" East a distance of 307.11 feet;
2. North 82°51'23" East a distance of 511.06 feet;
3. South 38°32'02" East a distance of 355.36 feet;
4. North 55°13'32" East a distance of 139.45 feet;
5. along the arc of a curve to the right having a central angle of 72°03'49", a radius of 380.00 feet, an arc length of 477.94 feet and whose chord bears South 07°29'33" West a distance of 447.06 feet;
6. South 43°31'28" West a distance of 549.19 feet to a point of curvature;
7. along the arc of a curve to the right having a central angle of 93°09'47", a radius of 150.00 feet, an arc length of 243.90 feet and whose chord bears North 89°53'39" West a distance of 217.91 feet;
8. North 43°18'45" West a distance of 343.85 feet;
9. North 40°43'41" West a distance of 761.58 feet;
10. North 35°04'31" West a distance of 59.86 feet to said centerline of 5th Avenue;

thence North 53°27'42" East, along said centerline, a distance of 367.97 feet to the **Point of Beginning**;

Containing 978,055 square feet or 22.453 acres, more or less.

Resulting Area contains 3,757,757 square feet or 86.267 acres, more or less.

DESCRIPTION - FIGURE 54B
1432 Source Area

A part of the Southeast Quarter of Section 4 and a part of the Northeast Quarter of Section 9, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado being more particularly described as follows:

Commencing at the South Quarter Corner of said Section 4;
thence South 82°44'48" East, a distance of 1012.91 feet to the **Point of Beginning**:

thence North 00°00'00" East a distance of 444.24 feet;
thence North 70°19'10" East a distance of 434.55 feet;
thence South 05°24'59" East a distance of 584.51 feet;
thence South 88°55'43" West a distance of 464.42 feet to the **Point of Beginning**:

Containing 226,222 square feet or 5.193 acres, more or less.

DESCRIPTION - FIGURE 54B
CT Source Area

A part of the Southeast Quarter of Section 4, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado being more particularly described as follows:

Commencing at the South Quarter Corner of said Section 4;
thence North 40°32'20" East, a distance of 1211.63 feet to the **Point of Beginning**:

thence North 04°07'47" West a distance of 635.58 feet;
thence North 88°59'02" East a distance of 303.02 feet;
thence South 03°29'14" East a distance of 638.04 feet;
thence South 89°31'37" West a distance of 296.02 feet to the **Point of Beginning**:

Containing 190,459 square feet or 4.372 acres, more or less.

DESCRIPTION - FIGURE 54B
Main Plume Off-Base

(Main Plume Off-Base North of 17th Ave.):

A part of the Southwest Quarter of Section 28, a part of the Southeast Quarter of Section 29, a part of the Northeast Quarter of Section 32 and a part of Section 33, Township 3 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

Commencing at the South Quarter Corner of said Section 33;

thence North 31°22'38" East a distance of 1552.30 feet to a point 1325.00 feet north of the south line of the Southeast Quarter of said Section 33 and the **Point of Beginning**:

thence South 89°58'46" West, parallel with and 1325.00 feet north of said south line of the Southeast Quarter of Section 33, a distance of 1187.41 feet;

thence North 09°46'56" West a distance of 335.67 feet to a point of curve;

thence along the arc of a curve to the left having a radius of 2900.00 feet, a central angle of 30°17'20", an arc length of 1533.06 feet and whose chord bears North 24°55'36" West a distance of 1515.27 feet;

thence North 40°04'16" West a distance of 792.77 feet;

thence North 41°38'26" West a distance of 972.28 feet to a point of curve;

thence along the arc of a curve to the right having a radius of 2500.00 feet, a central angle of 22°50'51", an arc length of 996.92 feet and whose chord bears North 30°13'00" West a distance of 990.32 feet to a point of compound curve;

thence along the arc of a curve to the right having a radius of 1300.00 feet, a central angle of 33°47'26", an arc length of 766.68 feet and whose chord bears North 01°53'52" West a distance of 755.62 feet to a point of compound curve;

thence along the arc of a curve to the right having a radius of 350.00 feet, a central angle of 18°07'24", an arc length of 110.71 feet and whose chord bears North 24°03'33" East a distance of 110.25 feet to a point of compound curve;

thence along the arc of a curve to the right having a radius of 270.00 feet, a central angle of 67°42'57", an arc length of 319.10 feet and whose chord bears North 66°58'43" East a distance of 300.85 feet to a point of compound curve;

thence along the arc of a curve to the right having a radius of 575.00 feet, a central angle of 20°48'09", an arc length of 208.77 feet and whose chord bears South 71°31'48" East a distance of 207.62 feet;

thence South 61°07'44" East a distance of 184.24 feet to a point of curve;

thence along the arc of a curve to the right having a radius of 3000.00 feet, a central angle of 15°24'06", an arc length of 806.43 feet and whose chord bears South 53°25'41" East a distance of 804.01 feet;

thence South 45°43'38" East a distance of 1161.69 feet to a point of curve;

thence along the arc of a curve to the right having a radius of 3665.00 feet, a central angle of 29°14'21", an arc length of 1870.32 feet and whose chord bears South 31°06'28" East a distance of 1850.09 feet;

thence South 16°29'17" East a distance of 850.36 feet to a point of curve;

thence along the arc of a curve to the right having a radius of 6000.00 feet, a central angle of 9°58'50", an arc length of 1045.16 feet and whose chord bears South 11°29'52" East a distance of 1043.84 feet to the **Point of Beginning**.

Containing 7,201,575 square feet or 165.325 acres, more or less.

Together with (Main Plume Off-Base 11th to 17th Ave.):

A part of Section 4 and a part of the South Half of Section 33, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

Commencing at the North Quarter corner of said Section 4;

thence North 31°22'38" East a distance of 1552.30 feet to a point 1325.00 feet north of the north line of said Northeast Quarter of Section 4 and the **Point of Beginning**:

thence along the arc of a curve to the right having a radius of 6000.00 feet, a central angle of 2°47'10", an arc length of 291.77 feet and whose chord bears South 5°06'52" East a distance of 291.74 feet;
thence South 03°43'17" East a distance of 800.48 feet to a point of curve;
thence along the arc of a curve to the right having a radius of 4500.00 feet, a central angle of 19°27'27", an arc length of 1528.19 feet and whose chord bears South 06°00'27" West a distance of 1520.86 feet;
thence South 15°44'10" West a distance of 294.78 feet;
thence South 17°45'05" West a distance of 639.10 feet to a point of curve;
thence along the arc of a curve to the left having a radius of 1200.00 feet, a central angle of 25°03'48", an arc length of 524.93 feet and whose chord bears South 05°13'11" West a distance of 520.75 feet;
thence North 89°52'18" West, parallel with and 30.00 feet south of the south line of said Northeast Quarter of Section 4, a distance of 419.51 feet;
thence North 89°52'56" West, parallel with and 30.00 feet south of the south line of the Northwest Quarter of said Section 4, a distance of 450.35 feet;
thence North 30°49'24" West a distance of 463.33 feet;
thence along the arc of a curve to the right having a radius of 1500.00 feet, a central angle of 14°30'57", an arc length of 380.03 feet and whose chord bears North 23°33'55" West a distance of 379.01 feet;
thence North 16°18'26" West a distance of 512.11 feet to a point of curve;
thence along the arc of a curve to the right having a radius of 300.00 feet, a central angle of 28°46'36", an arc length of 150.67 feet and whose chord bears North 01°55'08" West a distance of 149.10 feet to a point of compound curve;
thence along the arc of a curve to the right having a radius of 105.00 feet, a central angle of 131°07'49", an arc length of 240.31 feet and whose chord bears North 78°02'04" East a distance of 191.19 feet;
thence South 36°24'02" East a distance of 347.82 feet;
thence South 32°39'29" East a distance of 250.06 feet to a point of curve;
thence along the arc of a curve to the left having a radius of 215.00 feet, a central angle of 65°16'55", an arc length of 244.97 feet and whose chord bears South 65°17'57" East a distance of 231.93 feet;
thence North 82°03'36" East a distance of 35.54 feet;
thence along the arc of a curve to the left having a radius of 200.00 feet, a central angle of 69°29'20", an arc length of 242.56 feet and whose chord bears North 47°18'55" East a distance of 227.97 feet;
thence North 12°34'15" East a distance of 8.49 feet to a point of curve;
thence along the arc of a curve to the left having a radius of 2150.00 feet, a central angle of 20°16'07", an arc length of 760.57 feet and whose chord bears North 02°26'12" East a distance of 756.61 feet;
thence North 07°41'52" West a distance of 958.60 feet;
thence North 09°46'56" West a distance of 1318.05 feet;
thence North 89°58'46" East, parallel with and 1325.00 feet north of said north line of the Northeast Quarter of Section 4, a distance of 1187.41 feet to the **Point of Beginning**.

Containing 4,221,670 square feet or 96.916 acres, more or less.

Total Area contains 11,434,245 square feet or 262.241 acres, more or less.

LOWRY ASSUMPTION, LLC PROPOSED

42.34 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE: MAY 12, 2014 RULEMAKING; EFFECTIVE DATE JULY 31, 2014

The provisions of C.R.S. sections 25-8-202; 25-8-203; 25-8-204; 25-8-402, provide the specific statutory authority for adoption of this regulation. The Commission also adopted, in compliance with section 24-4-103(4) the following statement of basis and purpose.

BASIS AND PURPOSE

As a result of this hearing, the Commission applied the classification of potentially usable quality to the unconfined alluvial ground water and upper 50 feet of Denver Aquifer ground water located beneath specified areas within the City and County of Denver and the City of Aurora, Arapahoe County, Colorado.

Site-Specific Classifications

The alluvial ground water beneath the Specified Areas is in communication with Sand Creek, a surface water. However, historical ground water monitoring data demonstrated that prior to remedial actions: 1) the ground water contamination was not impacting surface water; 2) substantial treatment of the ground water caused the contaminant plumes to shrink and reduced the mass and concentration of contaminants in ground water; 3) areas of contaminant concentrations in excess of the Table A standards are limited to the Specified Areas; and 4) ground water monitoring demonstrates the contaminants are not moving beyond the Specified Areas in concentrations exceeding statewide ground water standards. Therefore, evidence in the record demonstrates that surface waters are not threatened by the plumes.

The ground water plumes are divided into two general categories: the On-Base plumes and the Off-Base plumes. On-Base plumes are located within the historical boundaries of the Air Force Base, and are subject to a statutory environmental covenant or a deed restriction (with a small exception). The Off-Base plume extends north beyond the historical Base boundary and is not subject to an environmental covenant.

On-Base Specified Areas

Use of ground water beneath the Specified Areas located On-Base is controlled by an environmental covenant, a deed restriction or, in the limited extent of these plumes where neither exists, by current and reasonably foreseeable property uses. Based on the evidence on the record, the Commission concluded that the risk of human exposure to contaminated ground water beneath the On-Base Specified Area is very low, due to the fact that: (1) Either a statutory environmental covenant or a deed restriction prohibits withdrawal and use of ground water beneath most of the On-Base Specified Areas, except upon approval of CDPHE; and (2) In the limited location where one of the On-Base Specified Area ground water plumes extends a short distance beyond the historical western boundary of the base, the area lies beneath the public right-of-way for Quebec Street and is not likely to be used in the future.

Off-Base Specified Areas

The Commission found that ground water beneath the Off-Base Specified Area is not currently used and is unlikely to be used in the future. Most significantly, the Off-Base Specified Area is within the Denver Water service area. Thus, there is little or no incentive to withdraw ground water for use within this area. Moreover, the ground water is presumed to be tributary to surface streams and therefore is subject to the Colorado prior appropriation system and the Water Right

Determination and Administration Act (C.R.S. § 37-92-101, *et seq.*). To withdraw the ground water for use, a water right decree, including a plan for augmentation, would need to be obtained from the Water Court or an exempt well permit would need to be obtained from the State Engineer. Because the property is located within the over-appropriated South Platte River Basin and is within the Denver Water service area, it is unlikely that a decree would be sought for a well in this area. In addition, the Colorado legislature has expressly stated a policy that well exemptions are intended for "less densely populated areas . . . where other water supplies are not available," (C.R.S. § 37-92-602(6)). That policy is further expressed in State Engineer Guideline 2003-5, Regarding the Use of Wells Within Water Service Areas.

Site-Specific Numeric Standards

In setting water quality standards, including site-specific standards, the Commission must consider the factors set forth in C.R.S. § 25-8-204(4). The Commission considered those factors and concluded that: (1) trichloroethylene ("TCE"); carbon tetrachloride ("CT"); 1,4-Dioxane; 1,1,1-trichloroethane ("1,1,1-TCA"); 1,1,2-Trichloroethane; 1,1-dichloroethylene ("1,1-DCE"); 1,2-dichloroethane ("1,2-DCA"); and methylene chloride ("MC") are pollutants that are subject to state-wide standards; as explained above, those contaminants have been treated and remediated to the extent practically, technically and economically feasible; (2) the areas and concentrations of ground water plumes have decreased substantially since remediation began; (3) the concentrations and mass of residual pollutants will continue to decline through natural processes over an extended period of time; (4) there are no current or anticipated future beneficial uses of ground water in the Specified Areas; (5) the contaminant plumes resulted from operation of the Lowry Air Force Base by the United States Air Force; and (6) the site-specific standards adopted by the Commission, which are based on current concentrations, are more protective of ground water than the ambient quality at the time Lowry Air Force Base closed in 1994.

The Commission also determined, as a matter of policy, that the risk of exposure to pollutants is limited and acceptable. In particular, the On-Base Subject Areas are subject to an environmental covenant or a deed restriction that minimizes the risk of use and exposure to contaminated ground water. While such restrictions are not in place for the Off-Base Subject Areas, there are no current beneficial uses of the ground water and, because the Specified Areas are within Denver Water's service area, no anticipated future uses of the water.