

STATE OF COLORADO

Bill Ritter, Jr., Governor
James B. Martin, Executive Director

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

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Colorado Department
of Public Health
and Environment

September 12, 2007

Councilwoman Marcia Johnson
City Council District 5
City and County of Denver
6740 E. Colfax Avenue
Denver, Colorado 80220

Re: Landfill at the former Lowry Air Force Base, located north of Alameda Avenue, adjacent to the Mira Vista Golf Course and the Westerly Creek Dam, in Denver, Colorado.

Dear Councilwoman Johnson:

The Colorado Department of Public Health and the Environment (the "Department") has received your letter dated August 27, 2007 requesting information about the historic landfill at the former Lowry Air Force Base, located north of Alameda Avenue, adjacent to the Mira Vista Golf Course and the Westerly Creek Dam, in Denver, Colorado. Specifically your letter requests information as to whether the proposed redevelopment of the site for the "Lowry Vista" project, a mix of residential and commercial uses by International Risk Group, is compatible with the way the landfill was remediated to date.

In short, the answer is no. The landfill (also known as "Operable Unit 2" or "OU2") has been closed in accordance with state and federal requirements, and with the Department's approval. The plan for the closure and remediation is set forth in the "Final Closure Plan for OU2, Landfill Closure" dated August 29, 2003. The Department also approved the "Draft Completion Report for OU2, Landfill Closure" for this site dated March 22, 2005. These documents, which can be provided to you if requested, set forth the requirements for the installation of an engineered cover over the landfill, and a long-term plan for operation, maintenance, and monitoring. In addition, long-term use restrictions, have been placed on this property and memorialized in an environmental covenant, dated January 4, 2006, which has been recorded with the deed for the property.

The environmental covenant mandates that the landfill site may only be used as open space/non-irrigated park; there shall not be any use or activity on the site that will adversely affect a) the integrity of the cover, b) the effectiveness of the drainage or erosion controls, slope stability, or c) groundwater or gas monitoring or control systems. In addition, the covenant assures there shall be no extraction or utilization of the groundwater within the landfill site and that all long-term operation, maintenance, and monitoring requirements prescribed in the documents described above shall be strictly complied with.

Therefore, any proposed redevelopment of the landfill or change in use, including the proposed Lowry Vista redevelopment, is not consistent with the current remediation of the landfill. The proposed redevelopment or other changes in land use may be only be permitted if it can be demonstrated to the Department, and approved by the Department, that such actions would not increase the potential threat to human health or the environment, and that the landfill remedy remains safe for Denver residents and the environment.

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The Department has had conceptual discussions with International Risk Group related to the proposed Lowry Vista project. However, to date, no specific plans have been received or approved by the Department for any proposed changes in land use. Once Lowry Vista moves into a design phase, the Department could require modifications to the current remediation to meet the change in land use.

Please let me know if you have any additional questions, or would like to discuss this in further detail. I may be reached at 303-692-3388.

Sincerely,



Jeff Edson
Manager
Federal Facilities Remediation & Restoration Unit
Hazardous Materials and
Waste Management Division

cc: Adrienne Anderson, The Nuclear Nexus Project: Working to End Local Hazards and the Global Threat,
Rocky Mountain Peace and Justice Center
Thomas Markham, Lowry Redevelopment Authority
Monty Force, Lowry Redevelopment Authority
Davis B. Reinhart, IRG Assumptions, LLC
Marcus Pachner, The Pachner Company
Thom Billadeau, Lowry Community Master Association
Stacie Loucks, Lowry Community Master Association
Shaun Sullivan, City Attorney's Office
Alice Nightengale-Luhan, Denver Environmental Health