

**FINDING OF SUITABILITY TO
TRANSFER
(FOST)**

Pueblo Chemical Depot

Parcel 1

MARCH 2023

LIST OF ACRONYMS AND ABBREVIATIONS

700SRL	700 Series Buildings Rail Line
ACM	Asbestos-Containing Materials
AECOM	AECOM Technical Services, Inc.
API	American Petroleum Institute
AST	Aboveground Storage Tank
ASTM	American Society for Testing and Materials
AWS	Ammunition Workshop
BES	Bethel Environmental Solutions
BES-TLI-JV	Bethel Environmental Solutions-TLI Solutions Joint Venture
BRAC	Base Realignment and Closure
BRRM	Base Realignment and Redevelopment Manual
BTU	British thermal unit
CAA	Clean Air Act
CABI	Certified Asbestos Building Inspector
CAP	Corrective Action Plan
CCR	Code of Colorado Regulations
CDLE/OIS	Colorado Department of Labor and Employment, Oil Inspection Section
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CERFA	Community Environmental Response Facilitation Act
CDPHE	Colorado Department of Public Health and Environment
CFR	Code of Federal Regulations
CGWQS	Colorado Ground Water Quality Standard
CMI	Corrective Measures Investigation
CMS	Corrective Measures Study
COC	Contaminant of Concern
CWA	Clean Water Act
DA PAM	Department of the Army Pamphlet
DCE	Dichloroethene
DOD	Department of Defense
DMM	Discarded Military Munitions
DRMO	Defense Reutilization and Marketing Office
ECP	Environmental Condition of Property
EPP	Environmental Protection Provisions
ESRL	East-Side Rail Line
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
GPL	Groundwater Protection Level
GPS	Global Positioning System
IOW	Industrial Outdoor Worker
LBP	Lead Based Paint
LRA	Local Redevelopment Authority
MEC	Munitions and Explosives of Concern
NEPA	National Environmental Policy Act
NFA	No Further Action

OA	Open Area
OWS	Oil/Water Separator
PA	Preliminary Assessment
PAH	Polycyclic Aromatic Hydrocarbons
PCAPP	Pueblo Chemical Agent-Destruction Pilot Plant
PCB	Polychlorinated biphenyl
PCD	Pueblo Chemical Depot
ppm	parts per million
PVC	Polyvinyl Chloride
QASAS	Quality assurance specialist, ammunition surveillance
RBSL	Risk-Based Screening Level
RC	Remedy Complete
RCRA	Resource Conservation and Recovery Act
RDX	Royal Demolition Explosive
RFA	RCRA Facility Assessment
RFI	RCRA Facility Investigation
sq ft	square feet
SSRA	System Safety Risk Assessment
STS	Sewage Treatment System
SVOC	Semi-Volatile Organic Compound
SWMU	Solid Waste Management Unit
TLI	TLI Solutions
TNT	Trinitrotoluene
UMT	Unventilated Monitoring Test
U.S.	United States
USACE	U.S. Army Corps of Engineers
USC	United States Code
USEPA	U.S. Environmental Protection Agency
UST	Underground Storage Tank
UXO	Unexploded Ordnance
VOC	Volatile Organic Compound
WSRL	West-Site Rail Line
µg/L	micrograms per liter

**FINDING OF SUITABILITY TO TRANSFER
(FOST)
Pueblo Chemical Depot
Parcel 1
(FOST 1)
March 2023**

1.0 PURPOSE

The purpose of this Finding of Suitability to Transfer (FOST) is to document the environmental suitability of certain parcels or property at the Pueblo Chemical Depot (PCD), specifically Parcel 1 (5,109.15 acres), for transfer to the Local Redevelopment Authority (LRA), the Pueblo Depot Activity Development Authority, also known as PuebloPlex, consistent with Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 120(h) and Department of Defense (DOD) policy. In addition, the FOST includes the CERCLA Notice, Covenant, and Access Provisions and other Deed Provisions and the Environmental Protection Provisions (EPPs) necessary to protect human health or the environment after such transfer.

2.0 PROPERTY DESCRIPTION

The federal surplus land identified as Parcel 1 (the property), consists of approximately 5,109.15 acres, which includes 618 storage magazines (“igloos”), 23 miles of railroad tracks and approximately 23 buildings. None of the area is considered undisturbed land. The property was previously used as storage magazines, supply buildings and warehouses, recreational facilities, a helicopter pad, infrastructure maintenance facilities (water infrastructure), barracks, and a dining facility. The property is intended to be transferred as a mixed-use area and is consistent with the intended reuse of the property as set forth in the PuebloPlex Redevelopment Plan (2016). A site map of the property is attached (Enclosure 1).

3.0 ENVIRONMENTAL DOCUMENTATION

A determination of the environmental condition of the property was made based upon the Environmental Condition of Property (ECP) report dated 21 April 2016 (USACE 2016) and supplemented by an ECP Update report finalized in August 2022 (BES-TLI JV 2022). The information provided is a result of a comprehensive search of agency files during the development of these environmental surveys.

A list of documents providing information on environmental conditions of the property is attached (Enclosure 2).

4.0 ENVIRONMENTAL CONDITION OF PROPERTY (ECP)

Per the *Standard Classification of Environmental Condition of Property Area Types for Defense Base Closure and Realignment Facilities* (ASTM D5746 - 98(2010)), ECP categories for the property are as follows:

ECP Category 1: 1,410.07 Acres

ECP Category 2: 0.6 Acres

ECP Category 3: 19.25 Acres

ECP Category 4: 3,679.23 Acres

A summary of the ECP categories for parcel 1 property and the ECP category definitions are provided in Table 1 – Description of Property (Enclosure 3).

Category 1: Areas where no release or disposal of hazardous substances or petroleum products has occurred. (Including no migration of these substances from adjacent areas)

Category 2: Areas where only release or disposal of petroleum products or their derivatives has occurred.

Category 3: Areas where release, disposal, and/or migration of hazardous substances has occurred, but at concentrations that do not require a removal or remedial response.

Category 4: Areas where release, disposal, and/or migration of hazardous substances has occurred, and all removal or remedial actions to protect human health and the environment have been taken.

4.1 ENVIRONMENTAL REMEDIATION SITES

There were eight (8) RCRA Solid Waste Management Units (SWMUs) sites located on the Parcel 1 property, along with nine (9) sites where remedial actions were completed. All environmental soil and groundwater remediation activities on the property have been completed. A summary of each remediation site on the property is as follows and provided in Table 2 Notification of Hazardous Substances Storage, Release, or Disposal (Enclosure 4).

SWMU 23: Mercury Storage Igloos

SWMU 23 consists of three aboveground, concrete, earth-covered igloos. These igloos were used to house elemental mercury stored in lead containers placed on metal containment pallets from 1970 until 1991. Originally, the SWMU consisted of Igloos F101 and F102, while F103 was added by a permit modification in 1998. The 1987 interim RCRA facility assessment (RFA) found no evidence of a mercury

release, and the initial RCRA permit required no corrective action for Igloos F101 or F102. Previous investigations indicated that mercury levels in soil did not exceed the industrial risk-based screening level (RBSL). However, the RBSL became more conservative (decreased), and the reported mercury concentrations exceeded the industrial RBSL (2.94 milligrams per kilogram [mg/kg]) as well as the groundwater protection level (0.88 mg/kg) documented in the Decision Criteria and Methodology for Identification of No Further Action Solid Waste Management Units (NFA Methodology) (Revision 17) (AECOM 2016). As a result, approximately 8 cubic yards of the mercury-contaminated soil was excavated at Igloos F102 and F103 in July 2017. Composite confirmation soil samples were collected at each excavation and the analytical results indicated no further contamination above the industrial RBSL. The remedial action was summarized in a soil removal report (Summit 2018). CDPHE concurred with the NFA report in a letter dated March 19, 2018.

SWMU 30: Ammunition Storage Area

A total of 698 igloos are located within SWMU 30 and includes Blocks A, B, C D, E, F, H, and J. A portion of SWMU 30 is within Parcel 1 (618 igloos).

The igloo blocks also contained open storage sites, referred to as Y-Sites. The storage sites were composed of an earthen berm forming roughly a 90-foot by 110-foot horseshoe that had a narrow opening on the southern side. The Y-Sites are aligned in rows within spaces between igloos (Simmons and Simmons 1996).

SWMU 30, was primarily used for conventional munitions storage, and was granted an NFA by permit. (NUS 1987). During a System Safety Risk Assessment (SSRA) chemical munitions storage was discovered to have occurred in Igloo Blocks A and B, specifically igloos A-109, B-203, B-305, B-510, and B-610 (PCD 2003). In March 2016, PCD personnel conducted unventilated monitoring tests (UMTs) on Igloos B-203, B-305, B-510, and B-610 to demonstrate that these igloos had been successfully decontaminated to the General Population Limit (GPL) and are suitable for transfer to the public (PCD2016a, 2016b, 2016c, and 2016d). The results of the tests showed that Igloos B-203, B-305, B-510, and B-610 met the criteria for unrestricted use and may be released to the general public.

In December 2017, PCD personnel conducted an UMT on Igloo A-109 to demonstrate that this igloo had been successfully decontaminated to the GPL and is suitable for transfer to the public (PCD 2019). The results of the test showed that Igloo A-109 met the criteria for unrestricted use and may be released to the general public.

An April 1990 memorandum identified that propellant was present on the ground at Y-site F-203 with the plan to remove the propellant and 6 inches of soil (PCD 1990). A visual inspection of the Y-sites in 2018 identified propellant still present in Y-site F-203. With additional inspections identifying propellant in Y-sites F-204

and F-205 (BES-TLI JV 2019a). Remediation of the propellant and soil was conducted in accordance with an approved work plan and are documented in a remedy implementation report (BES-TLI JV, 2020a) which was approved by CDPHE in a letter dated February 19, 2020. Results from the rest of the inspection verified that all igloos and Y-sites in Blocks A, B, C, D, E, F, and H were free of MEC hazards (BES-TLI 2019a).

SWMU 35: Vehicle Maintenance (Building 595)

The Vehicle Maintenance Building 595 (SWMU 35) is located in the northwestern corner of the warehouse area. The SWMU includes Building 595, the drainage ditch to the east of the building, and the two storage areas north and northeast of the building. Building 595 contained steam cleaning and undercoating operations in support of the military vehicle maintenance program from 1949 through the early 1970s.

The SWMU 35 RCRA facility investigation (RFI) report was completed in 1994. Volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), pesticides, polychlorinated biphenyls (PCBs), and metals were detected in building sediment samples and in several surface and subsurface soil samples. VOCs, SVOCs, pesticides, and metals were detected in the underlying groundwater. Surface water was not encountered during the investigation. The building was decontaminated and demolished in 2001, and only the foundation remains. Supplemental RFI field work was completed in 2006. CDPHE approved the RFI report in 2008 and did not require a corrective measures study. An NFA justification was submitted in 2011 (Summit 2011) and approved in 2011. The property was not remediated to levels suitable for unrestricted use.

SWMUs 39-3 and 39-23: Septic Tank Systems

The SWMU 39 Septic Tank System consists of 23 septic tanks systems (STSs) that are associated with various buildings throughout PCD, of which two are located within Parcel 1 (39-3 and 39-23). Each STS consisted of a septic tank, drainage piping, and leach field and were used to receive sanitary wastewater discharge. An initial investigation of the tanks was completed in 1998 and a supplemental RFI was completed in 2008.

The STS at SWMU 39-3 was associated with Building 150. For the remedy, the system was emptied, cleaned, rendered useless, and abandoned in place (Summit, 2014). The remedy completion report was approved by CDPHE on September 3, 2014.

The STS at SWMU 39-23 was associated with Building 158. Based on the investigation SWMU 39-23 was determined to not require remediation and an NFA

justification was prepared (Summit 2012) and approved by CDPHE on November 28, 2012.

SWMU 40-6: Oil/Water Separator

SWMU 40-6 is one of 11 oil/water separators included in SWMU 40. Only SWMU 40-6 is located on Parcel 1; all the other oil/water separators of SWMU 40 are outside of Parcel 1. Former SWMU 40-6 was located north of Building 595 near the northwestern corner of the primary warehouse area at PCD. No further action is required at this oil/water separator since it was removed and disposed of (AECOM 2011). CDPHE approved the NFA Justification for SWMU 40-6 on December 8, 2011.

SWMU 43: Vehicle Staging and Storage Area

SWMU 43 was used for staging and storage of parts and damaged vehicles, including jeeps, personnel carriers, 2.5-ton trucks, and tanks from approximately 1945 to 1979. Vehicle maintenance activities conducted at the site could have included discharge of vehicle fluids into the drainage ditches that run along the northern and southern boundaries, and through the middle of the SWMU. Aerial photograph analysis showed activities in 1948 and 1949 consistent with the increased vehicle maintenance and rebuilding mission of PCD following World War II (AECOM 2013). A portion of SWMU 43 is included in Parcel 1.

An RFI was conducted at SWMU 43 in 1997 and 1998. Surface and subsurface soil, sediment and groundwater samples were collected and analyzed. Several chemicals exceeded screening levels (AECOM 2013). The final remedy for SWMU 43 was excavation and off-site disposal of contaminated soil and sediment. The remedy was conducted in 2012 and included removal of approximately 580 cubic yards of contaminated soil and sediment. CDPHE considered the remedy for SWMU 43 complete on March 3, 2014. The property was not remediated to levels suitable for unrestricted use.

SWMU 48: Old Photo Lab/Firing Range

SWMU 48, which covers approximately 6.5 acres, consists of the former Old Photo Laboratory (Building 144) site (0.6 acre), the nearby Former Firing Range (2 acres) and surrounding area, and is located north of the Community Club (Building 125) in the western portion of PCD. According to the Revised Draft Final Justification Documentation for No Further Action (Earth Tech 2006), the photo lab was used for recreational photographic development and processing. The firing range was used for recreational trap shooting and target practice and was located to the northwest of the photo lab. Photo lab chemicals were disposed of in the laboratory waste sink which drained directly to a sump/tank. Waste disposal procedures are unknown; however, it is suspected that the sump allowed for collection and

recovery of silver waste. The building was connected to a sanitary sewer. The extent of the former firing range was approximated from evidence of shell casings and clay pigeon pieces.

In April 1997, the structures were decontaminated and demolished. Confirmation soil samples were collected around the area. Screening and evaluation of the data indicated that the constituents present at SWMU 48 do not pose an unacceptable risk to human health or the environment. SWMU 48 was granted an NFA designation in 2006. The property was not remediated to levels suitable for unrestricted use.

Possible Trenches and Disturbance Feature

Aerial photographs from 1948/49 had notations that indicated possible trenches and a disturbance feature were located in the D- and E-Block areas, and the visual site inspection confirmed that depressions were present.

Reconnaissance geophysical investigations were performed at these locations in order to determine whether historic burial pits or trenches were present. The geophysical survey results for all sites suggest there is no presence of any significant metallic burial pits (USACE 2019).

Y-Site Survey and Propellant at Y-Site F-203

During the ECP site reconnaissance, propellant was observed at Y-Site F-203 (See Enclosure 1). An April 1990 memorandum identified that propellant was present on the ground at Y-site F-203 with the plan to remove the propellant and 6 inches of soil (PCD 1990). A visual inspection of the Y-sites in 2018 identified propellant still present in Y-site F-203. With additional inspections identifying propellant in Y-sites F-204 and F-205 (BES-TLI JV 2019a). Remediation of the propellant and soil was conducted in accordance with an approved work plan and are documented in a remedy implementation report (BES-TLI JV, 2020a) which was approved by CDPHE in a letter dated February 19, 2020.

Propellant at Loading Dock 303

During the ECP site reconnaissance, Loading Dock 303 was inspected by a UXO technician who identified a notable amount of propellant scattered along the length of the pad, within the debris/soil pile, and up to 20 feet from the pile. Based on these findings, a work plan to remove the propellant was submitted to CDPHE and approved. Remedy implementation was completed at Loading Dock 303 to remove the propellant and surrounding soil and asphalt and documented in a letter report (BES-TLI JV 2020b) which was approved by CDPHE on March 4, 2020.

Former Fluorspar and Manganese Oxide Stockpiles

In 1976, the Defense Logistics Agency began stockpiling manganese oxide and fluorspar in this area (Jacobs 1991) – referred to as National Stockpiles. A rectangular feature is shown on the 1985 Master Plan Map (Pueblo Depot Activity 1985) with a notation of “Fluorspar”, which is located northwest of Building 164, along the railway.

The 1990 Enhanced PA indicates that fluorspar was stored on two open lots, located south of the igloos, and north of the Warehouse area (Ebasco 1990). The fluorspar was stored next to a manganese oxide pile on an asphalt slab surrounded by a raised curb.

These areas were investigated in July 2019 because fluorspar generally occurs with a number of metallic ores including sulfides of barium, copper, lead, silver, tin, and zinc (BES-TLI JV 2019c). Soil samples were collected from all the various stockpile locations and analyzed for RCRA 8 metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver) plus copper, tin, and zinc, and TCLP RCRA 8 metals. Based on an evaluation of the detections it was determined that the soils at the former stockpile location do not appear to be adversely impacted from the historic stockpiling activities (BES-TLI JV 2019d).

Building 630

There have been at least two documented previous investigations at the B630 site. An Enhanced Preliminary Assessment (PA) was conducted by Ebasco in 1990. Another was performed by BES-TLI JV, which assessed both the building and adjacent area. It consisted of a review of historical data, collection of surface and shallow subsurface soil samples, groundwater samples, a sediment sample, and subsequent sample analysis. The RFA concluded that there was no risk to human health or the environment at Building 630 (former pesticide mixing area) associated with the former use as a pesticide storage area (BES-TLI JV 2019b). The Draft-Final Building 630 RCRA Facility Assessment Report was approved by CDPHE on 6 January 2020. Additionally, asphalt shingles from the roof were evident on the ground and transite shingles were missing from the exterior walls and were visible on the ground. Corrective actions were completed to remove the Asbestos Containing Materials (ACM) debris from the area (CAPE 2022).

4.2 STORAGE, RELEASE, OR DISPOSAL OF HAZARDOUS SUBSTANCES

Hazardous substances were stored for one year or more, released, or disposed of on the property in excess of reportable quantities specified in Title 40 Code of Federal Regulations (CFR) Part 373. All hazardous substance storage operations have been

terminated on the property. The release or disposal of these hazardous substances was addressed at the time of the discovery of the release as an immediate spill response or as part of cleanup activities under the RCRA program. A summary of the buildings or areas in which hazardous substance activities occurred is provided in Table 2 – Notification of Hazardous Substance Storage, Release, or Disposal (Enclosure 4).

The CERCLA 120(h)(3) Notice, Description, and Covenant in Enclosure 6 will be included in the deed.

4.3 PETROLEUM AND PETROLEUM PRODUCTS

4.3.1 UNDERGROUND AND ABOVEGROUND STORAGE TANKS (UST/AST)

Current UST/AST – There is one AST northwest of Building 592 that is empty and remains in place. The 1,000-gallon AST stored diesel and has been out of service since at least 2014. There is no evidence of petroleum release at this site.

Former UST/AST Sites – There were seven underground and four aboveground petroleum storage tanks located on Parcel 1 that have been removed. A summary of the UST/AST petroleum product activities which occurred at Parcel 1 is provided in Table 3 – Notification of Petroleum Products Storage, Release or Disposal (Enclosure 5).

Petroleum product storage occurred at the following UST sites:

- Building 125 – A 6,000-gallon diesel storage tank was located at Building 125. The tank was removed in 2012 and no Benzene, Toluene, Ethylbenzene, and Xylenes (BTEX) or total extractable hydrocarbons (TEPH) was detected. TCLP Metals analysis indicated trace concentrations of barium and mercury, but all concentrations were below regulatory standards (GSC 2012).
- Building 612 - this structure was serviced by a 110-gallon gasoline UST that was installed around 1951. The tank was about 16 feet east of the building. The tank was removed in 1992 and was reported to be in poor condition (OHM 1992). No contamination was encountered when the tank was removed.

Petroleum product releases occurred at the following UST sites:

- Building 510 was reported to have five USTs (tank id#: 15, 16, 17, 18, and 19) for vehicle fueling. Building 510 was a pump house (RMS Corporation 1989) and has been demolished. The area presently consists of an abandoned fueling island with two dispensers.

Four of the USTs were installed in 1944. The fifth tank was installed in 1974. On December 14, 1991, Tanks 15, 16, 17, and 18 were observed to be corroded and leaking during the UST removal activities (OHM 1992). Tank 19 was found to be in good condition. When they were removed, Tank 15 still contained 9,825 gallons of gasoline; Tank 16 contained 12,000 gallons of gasoline; Tank 17 contained 120 gallons of kerosene; Tank 18 contained 230 gallons of kerosene; and Tank 19 contained 17 gallons of kerosene (Black and Veatch Waste Science Inc. [B&V] 1994). The amount of product released is not known. A total of 882 cubic yards of contaminated soil was removed and disposed of off-site during the removal of the five tanks. Soil samples indicated PAHs concentrations were below the current OPS Tier 1 RBSLs for PAHs. Groundwater has been sampled at Building 510 from 1992 to 2018. No further action (NFA) was requested and subsequently approved by the Colorado Department of Labor and Employment – Division of Oil and Public Safety on 31 May 2019.

Petroleum product storage occurred at the following AST sites:

- Buildings 167 and 168 – Both buildings (Quonset huts) had a 500-gallon oil AST associated with them that was used for heating. There is no record as to the date the tanks were removed. However, in 1996, a visual site inspection was conducted of buildings in the DRMO area, which included Buildings 167 and 168. The visual site inspection reported that these buildings have had the ASTs removed. No signs of contamination were observed in the bermed areas where the tanks had been located (Kiefer 1996).

Petroleum product releases occurred at the following AST sites:

- March 18, 1993 – Progressive rust in the bottom of a 500-gallon diesel AST outside of Building 166 (Defense Reutilization Marketing Office [DRMO] yard) caused an estimated 150 to 175 gallons to spill. The tank was pumped out into an adjacent tank, and 55-gallon drums were placed under the leaking tank while it was being drained to catch spillage. The empty tank and concrete protection berm were then removed to complete cleanup. An area of contaminated soil, approximately 16- by 12-foot wide and 2.5-foot deep, was removed and taken to a volatilization area to dry out (Connell 1993).
- Laboratory Building 299 was located north of Igloo Block A near the northern boundary of PCD. An aboveground fuel storage tank was located on the southwest side of the building. There is no record as to the date this tank was removed. However, when the building was demolished around 2000, the tank was not present. An RFI in 1994 detected TPHs at 9.5 ft. Based on this it is assumed a petroleum release may have occurred. The

deepest sample (27ft) did not indicate the presence of TPHs, however it is assumed the hydrocarbons are present, but not entering the groundwater. (Black & Veatch 1994) (PCD 1999).

The release of these petroleum products, if reported, was remediated at the time of the release or as a part of UST/AST closure.

4.3.2 NON-UST/AST STORAGE, RELEASE, OR DISPOSAL OF PETROLEUM PRODUCTS

There was non-UST/AST storage of petroleum products in excess of 55 gallons for 1 year or more on the property. The petroleum was used for the following types of activities: fuel supply lines. All non-UST/AST petroleum product storage operations have been terminated on the property. A summary of the non-UST/AST petroleum activities is provided in Table 3 – Notification of Petroleum Products Storage, Release, or Disposal (Enclosure 5). There were non-UST/AST petroleum product releases that occurred at the following sites within Parcel 1:

- January 14 and 15, 1989 – a diesel spill occurred on 14/15 January 1989 when a fuel supply line that served the boiler at Building 125 broke, and an unknown amount of diesel fuel was released. (Environmental Resources Management, Inc.1994) The fuel filled a sump in the boiler room, which triggered the sump pump. The fuel was pumped out of the boiler room, to the asphalt parking apron on the west side of the building, where it ran across the parking apron and off the edge and soaked into the sandy soil. PCD personnel removed approximately 6 tons of contaminated soil and it was disposed in accordance with local, state, and federal disposal regulations.
- November 12, 1991 – Approximately 25 gallons of kerosene was released during a fuel transfer operation at Building 519. Sand was placed over the spill to absorb the fuel. Contaminated dirt and sand were removed (PCD 2014).
- July 31, 2001 – A truck was high-centered on railroad tracks near Building 184 when a hydraulic line was severed. More than 25 gallons of hydraulic fluid spilled. Contaminated soils were taken to a 90-day storage yard until it was disposed of (PCD 2014).

4.4 POLYCHLORINATED BIPHENYLS (PCBs)

There is no evidence that PCB-containing equipment is currently located on the property. There is evidence of releases from the PCB-containing equipment at the following sites: Buildings 111, DRMO west yard (PCD 1997). The PCBs were remediated at the time of the release or as part of the installation restoration program.

A 1997 report indicates that a PCB release had occurred in the DRMO west yard (area of Buildings 152, 165, 166, 167, and 168). The report indicated a non-reportable PCB spill was caused by a forklift moving a transformer and the PCB spill was cleaned up immediately. Soil samples taken from this area showed no PCB contamination requiring further cleanup (PCD 1997).

The 2016 ECP report noted that a transformer oil leak occurred at the electrical substation west of Building 111 on May 28, 1991. Two to three gallons of PCB-contaminated fluid spilled. The transformer was repaired, and the contamination was removed (PCD 2006).

PCD has actively managed transformers and removed or replaced all transformers containing PCBs. The deed will include a PCB Notice and Covenant as identified in Enclosure 7, Environmental Protection Provisions.

4.5 ASBESTOS

4.5.1 Asbestos Building Survey

Asbestos-containing material (ACM) was identified in the following buildings: Buildings 118/123, 119,122, 125, 150, 152 153, 154, 164, 166, 167, 168, 190, 190A, 519, 596, 630 and Igloos A103, A508, B202, B607, E102, E103, F408, F803 J516 and J612. The ACM includes floor tiles, insulation, roofing shingles, cement board, orange peel texture, black roofing sealant, yellow mirror adhesive, window glazing, paneling, caulking and black mastic and metal doors (CAPE 2022).

Any remaining friable asbestos that has not been removed or encapsulated will not present an unacceptable risk to human health because the transferee assumes responsibility for abatement or management of any ACM in accordance with applicable federal, state, and local requirements. The deed will include an asbestos warning and covenant (EPPs Enclosure 7).

4.5.2 Asbestos in Soil

The Army completed a Parcel 1 asbestos in soil survey in July 2020 in order to further refine the extent and density of potential ACM and ACM debris for 13 asbestos areas identified during the 2018 Parcel 1 ECP visual site reconnaissance (BES-TLI 2021). In response to the discovery of these sites, a contract was awarded to complete corrective actions to remove the ACM identified in the ECP survey along with the associated soil in these areas, as well as any additional ACM observed in these areas. The asbestos removal activities were completed between October 2021 and March 2022 using either hand removal for areas with lower density ACM debris, or mechanical removal for areas with high-density ACM debris. The ACM debris and associated soil were removed in accordance with Title 6 Code of Colorado Regulations (CCR) 1007-2, Part 1, Regulations Pertaining to Solid Waste Sites and Facilities, Section 5.5. All areas were visually inspected and

cleared by a certified asbestos building inspector (CABI) prior to backfilling (where appropriate) or completion of removal activities (Cape 2022).

Any remaining friable asbestos that has not been removed or encapsulated will not present an unacceptable risk to human health because the transferee assumes responsibility for abatement or management of any ACM in accordance with applicable federal, state, and local requirements.

4.6 LEAD-BASED PAINT

Most facilities and buildings at PCD were constructed before the DOD ban on the use of lead-based paint (LBP) in 1978 and are likely to contain one or more coats of such paint. The deed will include the LBP warning and covenant. The transferee does not intend to use the property for residential purposes in the future.

4.7 RADIOLOGICAL MATERIALS

The following building was used for radiological activities: Building 596. There is no evidence of any release of radiological materials at that building.

A Historical Site Assessment and Building Survey Memorandum for Record (MFR) dated 21 May 2002 (McCormick 2002) provides a summary of radiological material storage and use at PCD. The memorandum identifies conclusions and suggested actions based on review of site records and limited radiological surveys. Areas at Parcel 1 are summarized below.

Building 596 was reportedly used for commodity storage, including radium dials stored in a metal cabinet. Based on the 2002 Historical Site Assessment and Building Survey a radiological closeout survey was not conducted for this building (McCormick 2002).

There is no evidence of any release of radiological materials at this building.

4.8 RADON

A radon survey was completed at PCD in 1993. Only one building in this survey recorded a measurement above the U.S. Environmental Protection Agency (EPA) residential action level of 4.0 picocuries per liter. This building is not within the Parcel 1 property boundary.

4.9 MUNITIONS AND EXPLOSIVES OF CONCERN (MEC)

Based on a review of existing records and available information, there is no evidence that munitions and explosives of concern (MEC) are present on the property. The term MEC means specific categories of military munitions that may pose unique explosives safety risks and includes (1) unexploded ordnance (UXO), as defined in 10 United States Code (U.S.C.) Sections 101 (e)(5)(A) through (C); (2) discarded military munitions (DMM), as

defined in 10 U.S.C. Section 2710(e)(2); or (3) munitions constituents (for example, trinitrotoluene [TNT] or royal demolition explosive [RDX]), as defined in 10 U.S.C. Section 2710(e)(3), present in high enough concentrations to pose an explosive hazard (32 CFR 179.3).

PCD was previously used for production of munitions, munitions components and demilitarization operations. The Army completed a comprehensive records search and, based on that search, has undertaken and completed statistical and physical testing of areas within Parcel 1 where MEC may potentially present an explosive hazard. Any deed conveying the property or portion thereof will contain a notice of the potential presence of munitions and explosives of concern.

4.10 OTHER PROPERTY CONDITIONS

In 1998, a Hantavirus survey was conducted at PCD, during which rodents tested positive for Hantavirus. No cases of Hantavirus in the human population have been reported in Pueblo County from 1993-2021 (<https://cdphe.colorado.gov/hantavirus>). Hantavirus is generally transmitted to humans by disturbances of rodent excrement; therefore, PuebloPlex has been notified that all sites with this potential should be cleaned in accordance with procedures described in the Environmental Assessment, dated May 1997. Also, pigeon excrement poses a health concern and should also be cleaned appropriately. PCD does not consider rodent or pigeon excrement an environmental contamination issue, but it is a normal operations safety concern for which the Land Use Authority must protect employees and tenants (PCD 2006).

5.0 ADJACENT PROPERTY CONDITIONS

The following other potentially hazardous conditions exist on adjacent property:

5.1 SWMU 1

SWMU 1 (North Demolition Area) is located in northwestern corner of PCD. Fourteen unlined demolition pits covering approximately 60 acres served to demilitarize conventional munitions. Munitions ranged from 20-mm projectiles to 44,000-pound bombs. The kick-out area for SWMU 1 extends to the boundary of Parcel 1. Based on the remediation not being complete and its proximity to Parcel 1, the boundary of Parcel 1 is bordered by a fence with Munition and Explosives of Concern Warning signs installed on the fence at 50-foot increments. It is not anticipated that SWMU 1 would pose an environmental concern to Parcel 1 with respect to MEC.

5.2 SWMU 24

SWMU 24 (Zinc Chlorate/Chromate Burial Area) is located near the northwest corner of Parcel 1 (Figure 1-2). According to the 2016 ECP, approximately 5,000 cans of zinc

chlorate and chromate were discovered in the North Burn Area (SWMU 6), in the 1960s and reportedly moved to a location east of the burn area (suspected of being SWMU 24). Investigations in this area in 2004 did not confirmed the presence of the burial site (EarthTech, 2004). Based on this investigation CDPHE approved a NFA status in June 2004. This SWMU is located within an area formerly used for Open Burn/Open Detonation of explosive ordnance. This area is considered to potentially be impacted by MEC. Future geophysical investigations are planned for this area. It is not anticipated that SWMU 24 would pose an environmental concern to Parcel 1.

5.3 SWMU 52

SWMU 52 (Area South of B-Block) is located in an open area on the east side of the railroad tracks and south of Igloo Block B (Figure 1-2). The site has no structures and is an open area that is flat and sparsely vegetated. SWMU 52 was historically used for surface storage of munitions and burning of dunnage. MEC clearance activities have been completed at SWMU 52, along with confirmation soil sampling for MC. Various munitions items were found within SWMU 52. Items found in the northern portion of SWMU 52 were located within approximately 300 feet of the Parcel 1 boundary. A Supplemental RCRA Facility Investigation (RFI) pertaining to MEC, Material Potentially Presenting an Explosive Hazard (MPPEH), and munitions constituents (MC) in soil; and implementation of a Presumptive Remedy Work Plan that addressed an area of soil with lead and mercury contamination was completed from 2018 to 2020. The investigation and remediation work were conducted pursuant to the PCD's RCRA Hazardous Waste Permit No. CO-13-12-23, subsequent permit modifications, and compliance orders. In 2021 a Final Remedy Completion Report, Supplemental RCRA Facility Investigation Report was submitted to CDPHE (TLI, 2021) and subsequently approved by CDPHE in April 2021 (CDPHE, 2021). It is not anticipated that SWMU 52 would pose an environmental concern to Parcel 1 with respect to MEC.

5.4 SWMU 3

SWMU 3 (Unexploded Ordnance Area) is located in an open area located on the central eastern side of Parcel 1. The site has no structures and is an open area that is flat and sparsely vegetated. SWMU 3 was used in the 1940s for outdoor storage of 75-millimeter (mm) high explosive (HE) rounds. On August 6, 1948, a lightning strike occurred that resulted in detonation and scattering of the ordnance and its components. Various MEC clearances and investigation activities have been completed at SWMU, but a final remedy has not been implemented and MEC remains. Based on the remediation not being complete and its proximity to Parcel 1, the boundary of Parcel 1 is bordered by a fence with Munition and Explosives of Concern Warning signs installed on the fence at 50-foot increments. It is not anticipated that SWMU 3 would pose an environmental concern to Parcel 1 with respect to MEC.

5.5 Pueblo Chemical Agent-Destruction Pilot Plant (PCAPP)

The surrounding property in the northeastern portion of the depot, which contains the Pueblo Chemical Agent-Destruction Pilot Plant (PCAPP), is regarded as adjacent property based on the fact that this area is not excessed property under Base Realignment and Closure (BRAC) legislation. PCAPP and the surrounding property are known to contain a number of SWMUs (including 4, 16, 20, 26, 30 [partial], 32, 33 [partial], and 51), as well as at least one former UST. However, based on well-established engineered and institutional controls, migration of contaminants from PCAPP and the surrounding property onto Parcel 1 is not likely.

5.6 SWMU 11

SWMU 11 (Deactivation Incinerator) is located south of SWMU 3, and near the northwest corner of the 700 Series buildings (Figure 1-2). According to the 2016 ECP, the furnace was used to deactivate outdated and off-specification small arms ammunition. Existing equipment and debris were removed. Soil characterization sampling was completed, along with excavation and removal of contaminated soil and collection of confirmation samples. CDPHE accepted closure (remedy complete) of SWMU 11 in 1997. SWMU 11 does not pose an environmental concern to Parcel 1.

5.7 SWMUs 53, 54, 55, and 57

SWMUs 53, 54, 55, and 57 are all located south of SWMU 3, and within the 700 Series buildings.

SWMU 53 consists of Building 761, which was used as a standard magazine, and was later remodeled into an Ammunition Operational center for abrasive blasting and painting of bombs according to the 2016 ECP. Soil sampling data collected during field activities as part of an RFI completed for the 700 Series Buildings were screened and evaluated in accordance with current NFA Methodology at that time. The results indicated that concentrations of lead remaining in soil were below the industrial RBSL. SWMU 53 was granted an NFA in 2007 and does not pose an environmental concern to Parcel 1.

SWMU 54 consists of Building 746, which was used as a standard magazine, and was later remodeled into an Ammunition Operational center for abrasive blasting and painting of bombs according to the 2016 ECP. Soil sampling data collected during field activities as part of an RFI completed for the 700 Series Buildings were screened and evaluated in accordance with current NFA Methodology at that time. The results indicated that concentrations of chromium and lead remaining in soil are not likely to result in unacceptable risks to human receptors from leaching to groundwater. SWMU 54 was granted an NFA in 2004 and does not pose an environmental concern to Parcel 1.

SWMU 55 (Vacuum Cyclone Buildings Associated with the 700 Series Buildings) consists of two outbuildings that housed vacuum systems and cyclones to collect propellants and explosives extracted from munitions. Soil sampling data collected during field activities as part of an RFI completed for the 700 Series Buildings were screened and evaluated in accordance with current NFA Methodology at that time. The results indicated that concentrations of explosives remaining in soil were below the industrial RBSLs. SWMU 55 was granted an NFA in 2007 and does not pose an environmental concern to Parcel 1. SWMU 57 (Area around Buildings 701, 706, and 731) consists of Buildings 701, 706, and 731, which were used for the repacking of small arms ammunition. Building 731 housed the laundry facilities used to clean work uniforms of employees working in the 700 Series Buildings and also housed the boilers and air compressors that serviced buildings in the 700 Series area. Investigation activities were completed as part of an RFI that indicated the PAHs, diesel range organics, lead and PCBs were present in soil, and PCBs and PAHs were present in the sediment within cleanout boxes and ditches near these buildings. Remediation was completed in 2013 and included the removal of contaminated soil, process piping, and cleanout boxes. Confirmation data were screened and evaluated in accordance with current NFA Methodology at that time, and the concentrations of remaining constituents found in soil were below the industrial RBSLs, or determined to not be leaching to groundwater. CDPHE accepted closure (remedy complete) of SWMU 57. This SWMU does not pose an environmental concern to Parcel 1.

5.8 SWMUs 17, 18, 19, 22, and 44

SWMUs 17, 18, 19, 22, and 44 are all located east of the Ammunition Workshop Pond. The TNT Washout Facility and Discharge System (SWMU 17) is located in the southwestern portion of PCD at the former AWS. This facility was used from the late 1940s to 1974, and it is the source area for the SWT groundwater contaminant plume (CB&I 2014), which is discussed in Section 3.6. Remediation of groundwater at SWMU 17 is ongoing. Groundwater flow in this area is to the south and therefore does not pose an environmental concern to Parcel 1.

Two SWMUs were used as propellant washout disposal areas. SWMU 18 functioned as the UDMH Washout Disposal Area and SWMU 19 functioned as the RFNA Washout Disposal Area. Soil and groundwater samples were collected at SWMU 18, and no constituents in soil were found to pose unacceptable risk to human health, and that although there were various contaminants (explosives) detected in groundwater, the NFA Methodology screening indicated that the groundwater medium did not pose a risk to humans based on direct exposure for wildlife land reuse. Various phases of investigation were completed at SWMU 19, which included soil and groundwater sample collection. Although there were various contaminants (explosives) detected in groundwater, the NFA Methodology screening indicated that the groundwater medium did not pose a risk to humans based on direct exposure for wildlife land reuse. SWMU 18 received an NFA from

CDPHE in 2007, and SWMU 19 was granted an NFA in 2012. SWMU 22 (West Lagoon) were located near the AWS area. The lagoon was designed to receive wastewater from the TNT washout process; however, the washout facility had not been in operation after the lagoon was installed. Therefore, boiler blow-down was the only waste discharged to the lagoon. RFI sampling data were screened and evaluated in accordance with current NFA Methodology at that time, and no contaminants of concern were identified. SWMU 22 received an NFA from CDPHE in 2004.

SWMU 44 (Industrial Waste lagoons) are located south of SWMU 17. Soil and groundwater investigation data were screened and evaluated in accordance with current NFA Methodology at that time. Constituents detected in soil were less than the industrial RBSLs and groundwater GPLs, and SWMU 44 was granted an NFA from CDPHE in 2004. The former lagoons were backfilled with approval from CDPHE in 2015.

SWMUs 18, 19, 22, and 40 do not pose an environmental concern to Parcel 1. The presence of hazards on adjacent property do not present an unacceptable risk to human health and the environment because most areas have either completed the environmental remediation phase or are fenced with appropriate signage every 50 feet to restrict access.

6.0 ENVIRONMENTAL REMEDIATION AGREEMENTS

The following environmental orders/agreements are applicable to the property: RCRA permit CO-12-12-23-01. All remediation activities on Parcel 1, required by such agreements or orders, are completed or in place. The deed will include a provision reserving the Army's right to conduct remediation activities (Enclosure 7).

7.0 REGULATORY/PUBLIC COORDINATION

CDPHE and the public were notified of the initiation of this FOST. Regulatory and public comments received during the public comment period will be reviewed and incorporated, as appropriate. A copy of the regulatory and public comments and the Army responses will be included in Enclosures 8 & 9.

8.0 NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE

The environmental impacts associated with the proposed transfer of Parcel 1 have been analyzed in accordance with the National Environmental Policy Act (NEPA). The results of this analysis are documented in the Final Environmental Assessment for Base Realignment and Closure Actions at Pueblo Chemical Depot, Pueblo, Colorado (USACE 2017). There were no encumbrances or conditions identified in the NEPA analysis as necessary to protect human health or the environment. The Finding of No Significant Impact was signed in January 2018 (BRAC 2018).

9.0 FINDING OF SUITABILITY TO TRANSFER

Based on the above information, I conclude that all removal or remedial actions necessary to protect human health and the environment have been taken and the ECP Category 1 portion of the property, containing approximately 1,410.07 acres, is transferrable under CERCLA Section 120(h)(4) and the remainder of the property is transferable under CERCLA Section 120(h)(3). In addition, all Department of Defense requirements to reach a finding of suitability to transfer have been met, subject to the terms and conditions set forth in the attached Environmental Protection Provisions that shall be included in the deed for the property. The deed will also include the CERCLA 120(h)(3) Notice, Covenant, and Access Provisions and the CERCLA 120(h)(4) Covenant and Access provisions, as applicable, and the Other Deed Provisions. Finally, the hazardous substance notification (Table 2, Enclosure 4) shall be included in the deed as required under the CERCLA Section 120(h) and DOD FOST guidance.

Date: _____

Signature: _____

Name
Title

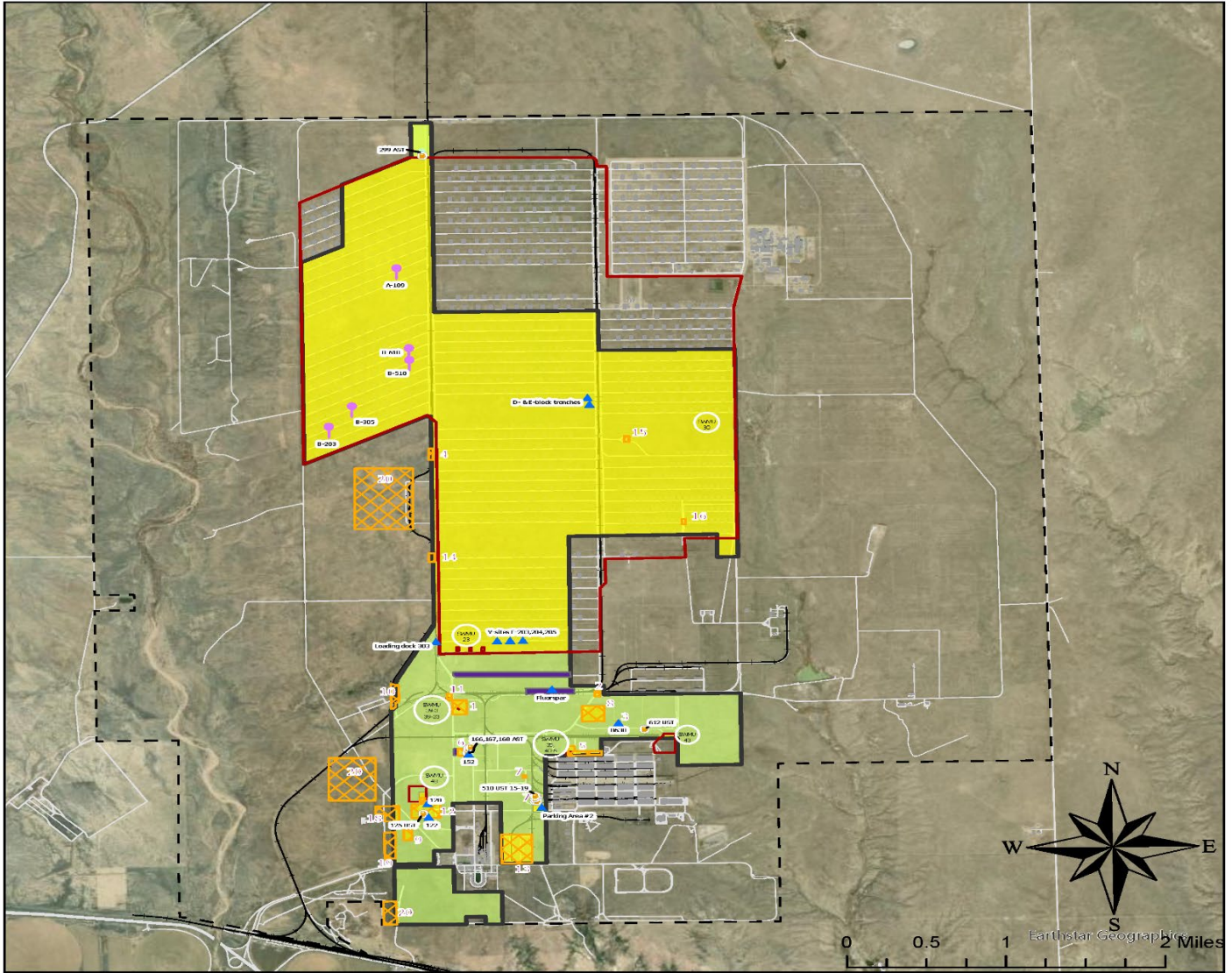
LIST OF ENCLOSURES

9 Enclosures

- Enclosure 1 – Site Map of Property
- Enclosure 2 – Environmental Documentation
- Enclosure 3 – Table 1 Description of Property – Environmental Condition of Property
- Enclosure 4 – Table 2 Notification of Hazardous Substance Storage, Release, or Disposal
- Enclosure 5 – Table 3 Notification of Petroleum Product Storage, Release, or Disposal
- Enclosure 6 – CERCLA Notice, Covenant, and Access Provisions and Other Deed Provisions
- Enclosure 7 – Environmental Protection Provisions
- Enclosure 8 – Regulatory/Public Comments
- Enclosure 9 – Army Response

Enclosure 1

Site Map of Parcel 1 Property



Legend

- | | | | |
|--|----------------------------------|--|--------------|
| | Corrective Action Points | | ECP Type 2 |
| | AST or UST | | ECP Type 3 |
| | Mustard-filled munitions storage | | ECP Type 4 |
| | Asbestos Areas | | PCD Boundary |
| | SWMU | | Building |
| | Parcel 1 | | Railway |
| | ECP Area Type 1 | | Roads |



U.S. Army Materials Command Activity
Pueblo Chemical Depot

Parcel 1 FOST Site Map

Enclosure 2

Environmental Documentation

- AECOM. 2011. Justification Documentation for No Further Action at 7 Solid Waste Management Unit 40 Oil Water Separators, Pueblo Chemical Depot, Pueblo, Colorado. November.
- AECOM. 2013. Remedy Completion Report Former Historical Vehicle Staging and Storage Area Solid Waste Management Unit 43. AECOM Technical Services, Inc. Final, December 2013.
- AECOM. 2016. Final Decision Criteria and Methodology for Identification of No Further Action Solid Waste Management Units, Pueblo Chemical Depot, Pueblo, Colorado. Revision 17. July.
- BES-TLI JV 2019a. Draft Final Parcel 1 Y-site Survey Letter Report. September
- BES-TLI JV 2019b. Draft Final Building 630, Former Pesticide Mixing Area Resource Conservation and Recovery Act Facility Assessment Report, Pueblo Chemical Depot, Pueblo, Colorado. December.
- BES-TLI JV 2019c. Final Former Fluorspar Stockpile Investigation Letter Work Plan. July
- BES-TLI JV 2019d. Final Former Fluorspar Stockpile Investigation Letter Report. August
- BES-TLI JV 2020a. Final Y-site F203 Remedy Implementation Letter Report. January
- BES-TLI JV 2020b. Final Loading Dock 303 Remedy Implementation Letter Report. February
- BES-TLI. 2021. Final Parcels 1-3 Asbestos Survey Report. January.
- BES-TLI. 2023. Revision 1, Environmental Condition of Property Update Report, Parcel 1, Pueblo Chemical Depot, Pueblo, Colorado. February 2023.
- BRAC. 2018. Finding of No Significant Impact, Implementation of Base Realignment and Closure Actions at Pueblo Chemical Depot, Pueblo, Colorado. January.
- Cape. 2022. Final Parcel 1 Completion Summary Report, Pueblo Chemical Depot, Pueblo, Colorado. May.
- Cape. 2022. Asbestos Survey Report on Buildings on Parcels 1, 2 & 3, Pueblo Chemical Depot, Pueblo, Colorado. May.

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- CDPHE. 2006. SWMU 48 Justification Documentation for No Further Action, Pueblo Chemical Depot, Pueblo, Colorado. From Susan Chaki, Federal Facilities Corrective Action Unit. To Kathryn Cain, Environmental Management Office. Reference to no further action required at SWMU 48. 13 April
- CDPHE. 2011. CDPHE Review of the Draft Final Justification Documentation for No Further Action at SWMU 35, Revision 1, Pueblo Chemical Depot, Pueblo, Colorado. From Margaret Talbott, Federal Facilities Remediation and Restoration Unit. To Kathryn Cain, Environmental Management Office. Reference to no further action required at SWMU 35. 13 April.
- CDPHE. 2012. CDPHE Review of the Draft Final Justification Document for No Further Action at 6 Solid Waste Management Unit 39 Septic Tank Systems, Pueblo Chemical Depot, Pueblo, Colorado. From H. Roland Chubb, Federal Facilities Remediation and Restoration Unit. To Chris Pulskamp, Environmental Management Office. Reference to remedy completion at SWMU 39-23. 28 November.
- CDPHE. 2013. Hazardous Waste Permit Number CO-13-12-23-01, Pueblo Chemical Depot (EPA ID Number: CO8213820725). Issued 23 December 2013.
- CDPHE. 2014a. SWMU 43 Remedy Completion Report Approval. From Deb Anderson, Federal Facilities Remediation and Restoration Unit. To Chris Pulskamp, Environmental Management Office. Reference to remedy completion at SWMU 43. 3 March.
- CDPHE. 2014b. CDPHE Review of the Remedy Completion Report, Solid Waste Management Unit 39 Septic Tank Systems, Pueblo Chemical Depot, Pueblo, Colorado. From H. Roland Chubb, Federal Facilities Remediation and Restoration Unit. To Chris Pulskamp, Environmental Management Office. Reference to remedy completion at SWMU 39. 3 September.
- CDPHE. 2014c. CDPHE Review of the Draft Final Remedy Completion Report, Solid Waste Management Unit 40 Oil Water Separators, Pueblo Chemical Depot, Pueblo, Colorado. From H. Roland Chubb, Federal Facilities Remediation and Restoration Unit. To Chris Pulskamp, Environmental Management Office. Reference to remedy completion at SWMU 40. 2 December.
- CDPHE. 2018. Draft Final SWMU 23 Contaminated Soil Removal Report Approval. From Deb Anderson, Federal Facilities Remediation and Restoration Unit. To Chris Pulskamp, Environmental Management Office. Reference to no further action required at SWMU 23. 19 March.

- CDPHE. 2019. No Further Action (NFA) Determination at U.S. Army Pueblo Chemical Depot, 45825 Hwy. 96 E., Pueblo, Pueblo County, Colorado. (Event ID #3325, Facility ID #11600). From Jane Bral, Petroleum Program. To Chris Pulskamp, Environmental Management Office. Reference to five underground fuel storage tanks removed from an area adjacent to Building 510 in 1991. Letter dated 31 May.
- CDPHE. 2000. Hazardous Waste Inspection Report. Hazardous Materials and Waste Management Division. 13 July.
- CDPHE. 2021. SWMU 52 Remedy Completion Report (RCR) Approval. Pueblo Chemical Depot, Pueblo, CO. From Jeffrey R. Swanson. To Chris Hambric, Base Realignment and Closure. 6 April.
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- Earthtech, 2003. Building Demolition Project Completion Report, Pueblo Chemical Depot, Pueblo, CO. February.
- Earth Tech. 2006. Justification Documentation for No Further Action at Solid Waste Management Unit 48, Old Photo Laboratory and Former Firing Range. May
- Ebasco, 1990. Enhanced Preliminary Assessment Report, Pueblo Depot Activity, Pueblo, Colorado. Prepared for U.S. Army Toxic and Hazardous Materials Agency by Ebasco Environmental. March.
- GSC 2012. Tank Closure Report, Conducted at Pueblo Chemical Depot – Building 125, Tank No. 8788-5. Pueblo Chemical Depot, Pueblo, CO. 1 November.
- McCormick, L. 2002. Historical Site Assessment and Building Survey, Pueblo Chemical Depot, Pueblo, Colorado. Memorandum for record. 21 May.
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- PCD. 1997. Environmental Baseline Survey, 73 Buildings Previously Listed in Phases Two, Three, and Four Plus Building 529, Pueblo Chemical Depot, Pueblo, Colorado. 10 April.

- PCD 2003. Memorandum: System Safety Risk Assessment #02-3, Monitoring Storage Structures for 3X Certification. 24 Jul 2003. Pueblo Chemical Depot, Pueblo, Colorado.
- PCD. 2006. Environmental Baseline Survey Buildings 535, 560, Building foundation slabs 111, 112, and 113 and Railroad track, Pueblo Chemical Depot, Pueblo, Colorado. 30 April.
- PCD. 2007. Environmental Baseline Survey Building 519 and 2,400 Feet of Railroad, Pueblo Chemical Depot, Pueblo, Colorado. 7 November.
- PCD. 2014. Pueblo Chemical Depot Land Use Control Plan Revision 11. Environmental Management Office. March.
- PCD. 2016a. Unventilated Monitoring Test, Certification Data Package (UMT CDP) for Igloo B-0203. 29 August.
- PCD. 2016b. Unventilated Monitoring Test, Certification Data Package (UMT CDP) for Igloo B-0305. 29 August.
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- PuebloPlex. 2016. PuebloPlex Redevelopment Plan. February.
- Pickering Environmental Consultants. 1990. Final Asbestos Survey Report for Pueblo Army Depot, Pueblo, Colorado. 14 December.
- RMS Corporation. 1989. Real Property Utilization Survey, Pueblo Depot Activity, Pueblo, Colorado. August.
- Rust Environment and Infrastructure. 1998. Draft Final RCRA Facility Investigation Report, SWMUs 2, 3, 34, 39, 40, 41, 42, 43, 44, and 45. Volume II. Pueblo Chemical Depot, Pueblo, Colorado. July.
- SUMMIT Technical Resources, Inc. (SUMMIT). 2011. Justification Documentation for No Further Action at Solid Waste Management Unit 35 Vehicle Maintenance Building 595. Draft Final Revision 1. March.
- SUMMIT. 2012. Draft Final Justification Document for No Further Action at 6 SWMU 39 Septic Tank Systems. January
- SUMMIT. 2014. Draft Final Remedy Completion Report, Septic Tank Systems, Solid Waste Management Unit 39. January.

- SUMMIT. 2018. Draft Final Site Assessment and Contaminated Soil Removal Report, Mercury Storage Igloos, SWMU 23. February.
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- USACE. 2017. Final Environmental Assessment for Base Realignment and Closure Actions at Pueblo Chemical Depot, Colorado. June.

Enclosure 3

TABLE 1 – DESCRIPTION OF PROPERTY

Building Number and/or Property Description	ECP Parcel Designation	Condition Category*	Remedial Actions
Entire Property, excluding areas described below	Entire Property, excluding areas described below	1	None Required.
SWMU 23 – Mercury Storage Igloos; F-101, F-102, F-103	Refer to Site Map	4	8 cubic yards of the mercury-contaminated soil was excavated at Igloos F102 and F103 in July 2017. Composite confirmation soil samples were collected at each excavation and the analytical results indicated no further contamination above the industrial RBSL. CDPHE concurred with the NFA report in a letter dated March 19, 2018.
SWMU 30 – Ammunition Storage Area which includes Igloo Blocks A, B, D, E, F, H, and J, Loading Docks	Refer to Site Map	4	<p>RCRA NFA by Permit in 1994. However, several remediation projects were completed as a result of further investigations. In March 2016 (B-block) and 2017 (A-block), PCD personnel conducted unvented monitoring tests on Igloos B-203, 305, 510, and 610 as well as A109 to demonstrate that these igloos had been successfully decontaminated to the General Population Limit and are suitable for transfer to the public.</p> <p>Additionally, corrective actions were completed to address items identified during the Parcel 1 site reconnaissance in support of the Environmental Condition of Property. (Propellant/trench investigation).</p>
Propellant in a Y-Site within F-Block (SWMU 30)	Refer to Site Map	4	Propellant and soil removal activities were completed on 17 September 2019 at Y-sites F-203, F-204, and F-205. The propellant was removed by hand until no visible grains were present, and then the soil was excavated from the propellant locations.
Propellant at a loading dock (SWMU 30)	Refer to Site Map	4	Removal of propellant, soil, asphalt, and debris at Loading Dock 303 was completed on

Building Number and/or Property Description	ECP Parcel Designation	Condition Category*	Remedial Actions
			18 September 2019. Propellant was removed by hand until no visible grains were present. Soil, asphalt, and debris were then removed from the propellant locations.
Notations of historic trenches of unknown use (SWMU 30)	Refer to Site Map	4	Reconnaissance geophysical investigations were performed at these locations in order to determine whether historic burial pits or trenches were present. The geophysical survey results for all sites suggest there is no presence of any significant metallic burial pits.
SWMU 35: Vehicle Maintenance (Building 595)	Refer to Site Map	4	The SWMU 35 RCRA investigation (RFI) report was completed in 1994. The building was decontaminated and demolished in 2001, and only the foundation remains. Supplemental RFI field work was completed in 2006. CDPHE approved the RFI report in 2008 and did not require a corrective measures study. The NFA justification was approved in 2012.
SWMUs 39-3 and 39-23: Septic Tank Systems	Refer to Site Map	4	The STS at SWMU 39-3 was associated with Building 150. The system was emptied, cleaned, rendered useless, and abandoned in place. The STS at SWMU 39-23 was associated with Building 151 and based on the RFI did not require remediation. An NFA justification was approved in 2012.
SMWU 40-6: Oil/Water Separator	Refer to Site Map	4	No further action is required at this oil/water separator since it was removed and disposed of. The NFA justification was approved in 2011.
SWMU 43: Vehicle Staging and Storage Area	Refer to Site Map	4	The final remedy for SWMU 43 was excavation and off-site disposal of contaminated soil and sediment. The remedy was conducted in 2012 and included removal of approximately 580 cubic yards of contaminated soil and sediment. The remedy completion was approved in 2014.
SWMU 48	Refer to Site Map	4	Photo Lab was decontaminated and demolished in 1997. The NFA justification was approved in 2006.

Building Number and/or Property Description	ECP Parcel Designation	Condition Category*	Remedial Actions
Former Fluorspar and Manganese Oxide Stockpiles	Refer to Site Map	3	Soil samples were collected from all the various stockpile locations and analyzed for RCRA 8 metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver) plus copper, tin, and zinc, and TCLP RCRA 8 metals. The soils at the former stockpile locations were determined to have not been impacted from the historic stockpiling activities.
Progressive rust in the bottom of a 500-gallon diesel AST outside of Building 166 (Defense Reutilization Marketing Office [DRMO] yard) caused an estimated 150 to 175 gallons to spill.	Refer to Site Map	2	The tank was pumped out into an adjacent tank, and 55-gallon drums were placed under the leaking tank while it was being drained to catch spillage. The empty tank and concrete protection berm were then removed to complete cleanup. An area of contaminated soil, approximately 16-by 12-feet wide and 2.5-feet deep, was removed and taken to a volatilization area to dry out.
Diesel fuel supply line at Building 125	Refer to Site Map	2	The diesel was pumped out of the boiler room and ran approximately 100 feet downgradient into the sandy soil. Following the spill, depot personnel dug out and replaced the contaminated soil. An estimated 6 tons of soil was removed.
25 gallons of kerosene was released during a fuel transfer operation at Building 519	Refer to Site Map	2	Contaminated dirt and sand were removed.
More than 25 gallons of hydraulic fluid spilled. A truck was high-centered on railroad tracks near Building 184 when a hydraulic line was severed.	Refer to Site Map	2	Contaminated soils were taken to a 90-day storage yard until disposed of.

Building Number and/or Property Description	ECP Parcel Designation	Condition Category*	Remedial Actions
PCB release had occurred in the DRMO west yard (area of Buildings 152, 165, 166, 167, and 168). The report indicated a non-reportable PCB spill was caused by a forklift moving a transformer and the PCB spill was cleaned up immediately.	Refer to Site Map	4	Soil samples taken from this area showed no PCB contamination requiring further cleanup.

*Category 1: Areas where no release or disposal of hazardous substances or petroleum products has occurred. (Including no migration of these substances from adjacent areas).

Category 2: Areas where only release or disposal of petroleum products or their derivatives has occurred.

Category 3: Areas where release, disposal, and/or migration of hazardous substances has occurred, but at concentrations that do not require a removal or remedial response.

Category 4: Areas where release, disposal, and/or migration of hazardous substances has occurred, and all removal or remedial actions to protect human health and the environment have been taken.

Enclosure 4

TABLE 2 – NOTIFICATION OF HAZARDOUS SUBSTANCES STORAGE, RELEASE, OR DISPOSAL

Building Number or Property Description	Hazardous Substance	Date of Storage, Disposal or Release	Remedial Action
SWMU 23 (Igloos F-101, 102, and 103)	Mercury	1970-1991	Mercury contaminated soil was excavated and disposed of in accordance RCRA Permit CO-13-12-23-01.
SWMU 30 which includes Igloo Blocks A, B, D, E, F, H, and J, Loading Docks	Mustard-filled munitions storage (Igloos A-109, B203, 305, 510 and 610) Presence of propellant at Y-Site F203; presence of a small, leaking drum; and ACM debris in the soil.	1951-1977 Unknown	In 2016 (B-block) and 2017 (A-block), PCD personnel conducted UMT on Igloos A-109, B-203, B-B-305, B-510, and B-610 to demonstrate that these igloos had been successfully decontaminated to the GPL and are suitable for transfer to the public. Corrective actions were completed to address items identified during the Parcel 1 site activities and historical document review. (See Table 1).
SWMU 35 – Bldg 595	VOCs/SVOCs	1949-1970	Building was decontaminated and demolished. Supplemental RFI field work was completed in 2006. CDPHE approved the RFI report in 2008 and did not require a corrective measures study. An NFA justification was submitted and approved in 2011
SWMU 39-3	Septic Tank System	1948/49-2014	System was emptied, cleaned, rendered useless and abandoned in place.

SWMU 39-23	Septic Tank System	1948/49-2012	No evidence of release was found during the RFI and NFA was granted in NFA in 2012.
SWMU 40-6 (Bldg 595)	Oil/Water Separator	1949-1970	Separator was removed.
SWMU 43	PAH/Diesel range organics/1,1,2,2-tetracholorethene	1945-1979	The final remedy for SWMU 43 was excavation and off-site disposal of contaminated soil and sediment. The remedy completion was approved in 2014.
SWMU 48	Photo processing chemicals/clay pigeons	1948/49-1997	Photo Lab was decontaminated and demolished in 1997. The NFA justification was approved in 2006.
Various open areas	Transite (asbestos) debris	N/A	Cleaned per 6 CCR 1007-2, Part 1, Regulation 5.5.
Building 630	Pesticides and herbicides	1957-2019	RCRA facility assessment found no contamination in soil or groundwater.

Notes:

The information contained in this notice is required under the authority of regulations promulgated under Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or “Superfund”) 42 U.S.C. Section 9620(h). This table provides information on the storage of hazardous substances for 1 year or more in quantities greater than or equal to 1,000 kilograms or the hazardous substances’ CERCLA reportable quantity (whichever is greater). In addition, it provides information on the known release of hazardous substances in quantities greater than or equal to the substances’ CERCLA reportable quantity. See 40 CFR Part 373.

CCR Code of Colorado Regulations
CFR Code of Federal Regulations
RCRA Resource Conservation and Recovery Act
SWMU Solid Waste Management Unit
U.S.C. United States Code

Enclosure 5

TABLE 3 – NOTIFICATION OF PETROLEUM PRODUCT STORAGE, RELEASE OR DISPOSAL

Building or Associated Building	Name of Petroleum Product(s)	Date of Storage, Release, or Disposal	Remedial Actions
125 ^a	Diesel	1987 – 2012	The tank was removed in October 2012, sampled and disposed of in accordance with American Petroleum Institute (API) Guidelines and Procedures for Entering and Cleaning Petroleum Storage Tanks.
166	Diesel	1968 – 2016	The tank was removed in 2016. The tank was pumped out and then the empty tank and concrete protection berm were removed to complete cleanup. An area of contaminated soil, approximately 16- by 12-foot wide and 2.5 feet deep, was removed and taken to a volatilization area to dry out.
167	Diesel	1968 – 1996	There is no record as to the date these tanks were removed. However, in 1996, a visual site inspection was conducted of buildings in the DRMO area, which included Buildings 167 and 168. The visual site inspection reported that no ASTs were present, and no signs of contamination were observed in the bermed areas where the tanks had been located.
168	Diesel	1968 – 1996	
299	Gasoline	1948-1999	There is no record as to the date this tank was removed. However, when the building was demolished around 2000, the tank was not present. An RFI in 1994 detected TPHs at 9.5 ft. Based on this it is assumed a petroleum release may have occurred. The deepest sample (27ft) did not indicate the presence of TPHs, however it is assumed the hydrocarbons are present, but not entering the groundwater.
510 – Tank 15	Gasoline	1944 – 1991	

510 – Tank 16	Gasoline	1944 – 1991	NFA was requested and subsequently approved by the Colorado Department of Labor and Employment – Division of Oil and Public Safety on 31 May 2019. A total of 882 cubic yards of contaminated soil was removed and disposed of off-site during the removal of the five tanks. Soil samples indicated PAHs concentrations were below the current OPS Tier 1 RBSLs for PAHs. Groundwater has been sampled at Building 510 since 1992.
510 – Tank 17	Kerosene	1944 – 1991	
510 – Tank 18	Kerosene	1944 – 1991	
510 – Tank 19	Kerosene	1974 – 1991	
519	Kerosene		Sand was placed over the spill to absorb the fuel. Contaminated dirt and sand were removed.
612	Gasoline	1951 – 1992	The tank was removed in 1992 and was reported to be in poor condition. No contamination was encountered when the tank was removed.

Notes:

- a Includes the fuel supply line from the AST to a boiler

Enclosure 6

CERCLA NOTICE, COVENANT, AND ACCESS PROVISIONS AND OTHER DEED PROVISIONS

I. Category 1 Property:

For the Property identified in Enclosure 1 as ECP Type 1 Property the following CERCLA Notice, Covenant, and Access Provisions, along with the other deed provisions, will be placed in the deed to ensure protection of human health and the environment and to preclude any interference with ongoing or completed remediation activities.

A. Property Covered by Covenant and Access Rights Made Pursuant to Section 120(h)(4)(D) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(4)(D)):

For Category 1 areas of the Property, the Grantor provides the following covenants and retains the following access rights:

B. Covenant Pursuant to Section 120(h)(4)(D)(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(4)(D)(i)):

Pursuant to section 120(h)(4)(D)(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(4)(D)(i)), the United States warrants that any response action or corrective action found to be necessary after the date of this deed for contamination existing on the property prior to the date of this deed shall be conducted by the United States.

C. Access Rights Pursuant to Section 120(h)(4)(D)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(4)(D)(ii)):

The United States retains and reserves a perpetual and assignable easement and right of access on, over, and through the property, to enter upon the property in any case in which an environmental response or corrective action is found to be necessary on the part of the United States, without regard to whether such environmental response or corrective action is on the property or on adjoining or nearby lands. Such easement and right of access includes, without limitation, the right to perform any environmental investigation, survey, monitoring, sampling, testing, drilling, boring, coring, test-pitting, installing monitoring or pumping wells or other treatment facilities, response action, corrective action, or any other action necessary for the United States to meet its responsibilities under applicable laws and as provided for in this instrument. Such easement and right of access shall be binding on the grantee and its successors and assigns and shall run with the land.

In exercising such easement and right of access, the United States shall provide the grantee or its successors or assigns, as the case may be, with reasonable notice of its intent to enter upon the property and exercise its rights under this clause, which notice may be severely curtailed or even eliminated in emergency situations. The United States shall use reasonable means to avoid and to minimize interference with the grantees and the grantee's successors and assigns' quiet enjoyment of the property. At the completion of work, the work site shall be reasonably restored. Such easement and right of access includes the right to obtain and use utility services, including water, gas, electricity, sewer, and communications services available on the property at a reasonable charge to the United States. Excluding the reasonable charges for such utility services, no fee, charge, or compensation will be due the grantee, nor its successors and assigns, for the exercise of the easement and right of access hereby retained and reserved by the United States.

In exercising such easement and right of access, neither the grantee nor its successors and assigns, as the case may be, shall have any claim at law or equity against the United States or any officer, employee, agent, contractor of any tier, or servant of the United States based on actions taken by the United States or its officers, employees, agents, contractors of any tier, or servants pursuant to and in accordance with this clause: Provided, however, that nothing in this paragraph shall be considered as a waiver by the grantee and its successors and assigns of any remedy available to them under the Federal Tort Claims Act.

II. Category 2, 3, and 4 Property:

For the Property identified in Enclosure 1 as ECP Type 2, 3, and 4 Property, the following CERCLA Notice, Covenant, and Access Provisions, along with the other deed provisions will be placed in the deed in a substantially similar form to ensure protection of human health and the environment and to preclude any interference with ongoing or completed remediation activities.

A. Property Covered by Notice, Description, Access Rights, and Covenant Made Pursuant to Section 120(h)(3)(A) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)):

For Category's 2, 3 & 4 of the Property, the Grantor provides the following notice, description, and covenant and retains the following access rights:

B. Notices Pursuant to Section 120(h)(3)(A)(i)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §§ 9620(h)(3)(A)(i)(I) and (II)):

Pursuant to sections 120(h)(3)(A)(i)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §§ 9620(h)(3)(A)(i)(I) and (II)), available information regarding the type, quantity, and location of hazardous substances and the time at which such substances were stored, released, or disposed of, as

defined in section 120(h), is provided in **Exhibit ____**, attached hereto and made a part hereof.

C. Description of Remedial Action Taken, if Any, Pursuant to Section 120(h)(3)(A)(i)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(III)):

Pursuant to section 120(h)(3)(A)(i)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(III)), a description of the remedial action taken, if any, on the property is provided in Exhibit ____.

D. Covenant Pursuant to Sections 120(h)(3)(A)(ii) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §§ 9620(h)(3)(A)(ii) and (B)):

Pursuant to sections 120(h)(3)(A)(ii) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §§ 9620(h)(3)(A)(ii) and (B)), the United States warrants that –

1. all remedial action necessary to protect human health and the environment with respect to any hazardous substance identified pursuant to section 120(h)(3)(A)(i)(I) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 remaining on the Property has been taken before the date of this deed, and
2. any additional remedial action found to be necessary after the date of this deed shall be conducted by the United States.

E. Access Rights Pursuant to Section 120(h)(3)(A)(iii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(iii)):

The United States retains and reserves a perpetual and assignable easement and right of access on, over, and through the Property, to enter upon the Property in any case in which a remedial action or corrective action is found to be necessary on the part of the United States, without regard to whether such remedial action or corrective action is on the Property or on adjoining or nearby lands. Such easement and right of access includes, without limitation, the right to perform any environmental investigation, survey, monitoring, sampling, testing, drilling, boring, coring, test-pitting, installing monitoring or pumping wells or other treatment facilities, response action, corrective action, or any other action necessary for the United States to meet its responsibilities under applicable laws and as provided for in this instrument. Such easement and right of access shall be binding on the Grantee and its successors and assigns and shall run with the land.

In exercising such easement and right of access, the United States shall provide the Grantee or its successors or assigns, as the case may be, with reasonable notice of its intent to enter upon the property and exercise its rights under this clause, which notice may be severely curtailed or even eliminated in emergency situations. The United States shall use reasonable means to avoid and to minimize interference with the Grantee's and the Grantee's successors and assigns' quiet enjoyment of the property. At the completion of work, the work site shall be reasonably restored. Such easement and right of access includes the right to obtain and use utility services, including water, gas, electricity, sewer, and communications services available on the property at a reasonable charge to the United States. Excluding the reasonable charges for such utility services, no fee, charge, or compensation will be due the Grantee, nor its successors and assigns, for the exercise of the easement and right of access hereby retained and reserved by the United States.

In exercising such easement and right of access, neither the Grantee nor its successors and assigns, as the case may be, shall have any claim at law or equity against the United States or any officer or employee of the United States based on actions taken by the United States or its officers, employees, agents, contractors of any tier, or servants pursuant to and in accordance with this clause: Provided, however, that nothing in this paragraph shall be considered as a waiver by the Grantee and its successors and assigns of any remedy available to them under the Federal Tort Claims Act.

III. OTHER DEED PROVISIONS:

A. "AS IS" Condition

The Grantee acknowledges that it has inspected or has had the opportunity to inspect the Property and accepts the condition and state of repair of the Property. The Grantee understands and agrees that the Property is conveyed "AS IS" without any representation, warranty, or guaranty by the Grantor as to quantity, quality, title, character, condition, size, or kind, or that the same is in a suitable condition or fit to be used for the purposes intended by the Grantee, and no claim for allowance or deduction upon such grounds shall be considered.

No warranties, either express or implied, are given with regard to the condition of the Property including, without limitation, whether the Property does or does not contain asbestos or lead-based paint. The Grantee shall be deemed to have relied solely on its own judgment in assessing the condition of the Property including, without limitation, any asbestos, lead-based paint, mold, pesticides, PCBs, or other conditions on the Property. Any failure of the Grantee to inspect or to exercise due diligence to be fully informed as to the condition of the Property shall not constitute grounds for any claim or demand against the Grantor.

Nothing in this “As Is’ Condition” provision shall be construed to modify or negate the Grantor’s obligation under the “Covenant Pursuant to Sections 120(h)(3)(A)(ii) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §§ 9620(h)(3)(A)(ii) and (B))” or any other statutory obligations.

B. Indemnify and Hold Harmless

To the extent authorized by law, the Grantee, for itself, its successors and assigns, covenants and agrees to indemnify and hold harmless the Grantor, its officers, agents, and employees from (1) any and all claims, damages, judgments, losses, and costs, including fines and penalties, arising out of the violation of the covenants, conditions, and restrictions in this deed by the Grantee, its successors or assigns, and (2) any and all claims, damages, and judgments, losses, and costs arising out of, or in any manner predicated upon, exposure to asbestos, lead-based paint, mold, pesticides, PCBs, or other condition on the Property after the date of the conveyance herein.

The Grantee, for itself, its successors and assigns, covenants and agrees that the Grantor shall not be responsible for any costs associated with modification or termination of the covenants, conditions, and restrictions in this deed including, without limitation, any costs associated with additional investigation or remediation of asbestos, lead-based paint, mold, pesticides, PCBs, or other condition on any portion of the Property.

Nothing in this “Indemnify and Hold Harmless” provision shall be construed to modify or negate the GRANTOR’s obligation under the “Covenant Pursuant to Sections 120(h)(3)(A)(ii) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §§ 9620(h)(3)(A)(ii) and (B))” or any other statutory obligations.

C. Post-transfer Discovery of Contamination and Release of Liability

If a release or threatened release of a hazardous substance is discovered on the Property after the date of the conveyance herein, the Grantee, its successors or assigns shall be responsible for such newly discovered release or threatened release of a hazardous substance unless the Grantee or its successors or assigns is able to demonstrate that such release or threatened release of a hazardous substance was due to the Grantor’s activities, use, or ownership of the Property. If the Grantee or its successors or assigns believe the newly discovered hazardous substance is due to Grantor’s activities, use or ownership of the Property, the Grantee, or its successors or assigns shall immediately secure the site and notify the Grantor of the existence of the release or threatened release of the hazardous substance and the Grantee, its successors and assigns shall not further disturb or allow the disturbance of such hazardous substance without the prior written permission of the Grantor.

The Grantee for itself, its successors and assigns, as part of the consideration for the conveyance of the Property, hereby releases the Grantor from any liability or responsibility for any claims arising solely out of the release or threatened release of any hazardous substance on the Property occurring after the date of the conveyance herein where such hazardous substance was placed on the Property by the Grantee, or its successors, assigns, employees, invitees, agents, contractors, or any person other than the Grantor after the date of the conveyance herein. This “Post-Transfer Discovery of Contamination and Release of Liability” provision shall not affect the Grantor’s responsibilities to conduct response actions or corrective actions that are required by applicable laws, rules and regulations or the Grantor’s obligations under the “Covenant Pursuant to Sections 120(h)(3)(A)(ii) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §§ 9620(h)(3)(A)(ii) and (B))”.

D. ENVIRONMENTAL PROTECTION PROVISIONS

The Grantee shall neither transfer the Property, lease the Property, nor grant any interest, privilege, or license whatsoever in connection with the Property without including the environmental protection provisions set forth in Exhibit __, attached hereto and made a part hereof, and shall require the said provisions be included in all subsequent deeds, easements, transfers, leases, or grant of any interest, privilege, or license in, of, on, or to the Property or any portion thereof.

Enclosure 7

ENVIRONMENTAL PROTECTION PROVISIONS

The following conditions, notifications, and covenants will be attached, in a substantially similar form, as an exhibit to the deed and be incorporated therein by reference in order to ensure protection of human health and the environment.

I. NOTICE OF ENVIRONMENTAL USE RESTRICTIONS

The Grantee is hereby notified that the Property is subject to notices of environmental use restrictions imposed by the Colorado Department of Public Health and Environment (CDHPE) pursuant to section 25-15-321.5, Colorado Revised Statutes, and recorded in the land records of Pueblo County, Colorado, as reception numbers 2033257 and 2033258 on April 6, 2016, described in further detail below.

SWMU 35 – Vehicle Maintenance Building 595 (RN #RSNOT00020).

Land use controls for SWMU 35 are:

- Residential use is prohibited. For the purposes of this provision, residential use includes, but is not limited to, single family or multi-family residences; childcare facilities; and nursing home or assisted living facilities; and any type of educational purpose for children in grades kindergarten through 12.
- Property use is restricted to industrial use.
- No excavation, drilling, grading, digging, tilling, or any other soil-disturbing activity is allowed within the SWMU 35 boundary, except as authorized in a remedial decision document, environmental sampling plan, or Materials Management Plan approved by the CDPHE Director.
- Nothing in the preceding shall prohibit the installation or use of wells as authorized in a remedial decision document or environmental sampling plan approved by the CDPHE Director.

SWMU 43 – Vehicle Staging/Storage Areas, Building 594.

Land use controls for SWMU 43 are:

- Residential use is prohibited. For the purposes of this provision, residential use includes, but is not limited to, single family or multi-family residences; childcare facilities; and nursing home or assisted living facilities; and any type of educational purpose for children in grades kindergarten through 12.
- Property use is restricted to industrial use.

- No excavation, drilling, grading, digging, tilling, or any other soil-disturbing activity is allowed within the SWMU 35 boundary, except as authorized in a remedial decision document, environmental sampling plan, or Materials Management Plan approved by the CDPHE Director.
- Nothing in the preceding shall prohibit the installation or use of wells as authorized in a remedial decision document or environmental sampling plan approved by the CDPHE Director.

SWMU 48 – Old Photo Lab/Firing Range (RN #RSNOT00019).

Land use controls for SWMU 48 are:

- Residential use is prohibited. For the purposes of this provision, residential use includes, but is not limited to, single family or multi-family residences; childcare facilities; and nursing home or assisted living facilities; and any type of educational purpose for children in grades kindergarten through 12.
- Property use is restricted to wildlife and natural resource management.
- No excavation, drilling, grading, digging, tilling, or any other soil-disturbing activity is allowed within the SWMU 48 boundary, except as authorized in a remedial decision document, environmental sampling plan, or Materials Management Plan approved by the CDPHE Director.
- Nothing in the preceding shall prohibit the installation or use of wells as authorized in a remedial decision document or environmental sampling plan approved by the CDPHE Director.

SWMU’s 23 – Mercury Storage Igloos, 30 – Ammunition Storage Area, 39-3, 39-23 - Septic Tank Systems and 40-2 - Oil/Water Separator have no additional land use restrictions.

Land use controls for SWMU’s 23 are:

- Residential use is prohibited. For the purposes of this provision, residential use includes, but is not limited to, single family or multi-family residences; childcare facilities; and nursing home or assisted living facilities; and any type of educational purpose for children in grades kindergarten through 12.

II. NOTICE OF THE POTENTIAL PRESENCE OF MUNITIONS AND EXPLOSIVES OF CONCERN AND RESERVATION OF ACCESS

The Grantee is hereby notified that due to the former use of the Property as a military installation, the Property may contain munitions and explosives of concern (“MEC”). The term

“MEC” means specific categories of military munitions that may pose unique explosives safety risks and includes: (1) unexploded ordnance (UXO), as defined in 10 U.S.C. §101(e)(5); (2) discarded military munitions (DMM), as defined in 10 U.S.C. §2710(e)(2); or (3) munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C. §2710(e)(3), present in high enough concentrations to pose an explosive hazard (32 CFR § 179.3).

The Grantor represents that, to the best of its knowledge, no MEC is currently present on the Property. Notwithstanding the Grantor’s determination, the Grantor and Grantee acknowledge that there is a possibility that MEC may exist on the Property. If the Grantee, its successors or assigns or any other person should find any MEC on the Property, they shall immediately stop any intrusive or ground-disturbing work in the area or in any adjacent areas and shall not attempt to disturb, remove, or destroy it, but shall immediately notify the local police department so that appropriate explosive ordnance disposal personnel can be dispatched to address such MEC as required under applicable law and regulations.

The Grantor reserves a perpetual and assignable easement and right of access on, over, and through the Property, to access and enter upon the Property in any case in which a munitions response action is found to be necessary, or such access and entrance is necessary to carry out a munition’s response action on adjoining property. Such easement and right of access includes, without limitation, the right to perform any additional investigation, sampling, testing, test-pitting, surface and subsurface clearance operations, or any other munitions response action necessary for the Grantor to meet its responsibilities under applicable laws and as provided for in this deed. This right of access shall be binding on the Grantee, its successors and assigns, and shall run with the land.

In exercising this easement and right of access, the Grantor shall give the Grantee, or the then record owner, reasonable notice of the intent to enter on the Property, except in emergency situations. The Grantor shall use reasonable means, without significant additional cost to the Grantor, to avoid or minimize interference with the Grantee’s and the Grantee’s successors and assigns’ quiet enjoyment of the Property. Such easement and right of access includes the right to obtain and use utility services, including water, gas, electricity, sewer, and communications services available on the property at a reasonable charge to the Grantor. Excluding the reasonable charges for such utility services, no fee, charge, or compensation will be due the Grantee nor its successors and assigns, for the exercise of the easement and right of access hereby retained and reserved by the Grantor.

In exercising this easement and right of access, neither the Grantee nor its successors or assigns, as the case maybe, shall have any claim at law or equity against the Grantor or any officer, employee, agent, contractor of any tier, or servant of the Grantor based on actions taken by the Grantor or its officers, employees, agents, contractors of any tier, or servants pursuant to and in accordance with this “Notice of the Potential Presence of Munitions and Explosives of Concern

(MEC)” provision. The Grantee covenants for itself, its successors and assigns, not to interfere or permit interference with any munition’s response action conducted by the Grantor on the Property.

III. NOTICE OF THE PRESENCE OF ASBESTOS AND COVENANT

The Grantee is hereby informed and does acknowledge that friable and non-friable asbestos or asbestos-containing material (“ACM”) has been found on the Property. The Property may contain improvements, such as buildings, facilities, equipment, and pipelines, above and below the ground, that contain non-friable asbestos or ACM. The Occupational Safety and Health Administration (OSHA) and the U.S. Environmental Protection Agency (EPA) have determined that unprotected or unregulated exposure to airborne asbestos fibers increases the risk of asbestos-related diseases, including certain cancers that can result in disability or death.

The Grantee covenants and agrees for itself, its successors and assigns, forever, that its use and occupancy of the Property will be in compliance with all applicable laws and regulations relating to asbestos. The Grantee shall be responsible for any remediation or abatement of asbestos found to be necessary on the Property, including ACM in or on buried pipelines, that may be required under applicable law or regulation.

The Grantee performed an ACM survey in May of 2022 of Army controlled buildings on the Property. This report contained information on friable and non-friable asbestos. In cases where the report noted friable and damaged ACM, the Army performed remediation on those areas. The Grantee acknowledges that it has inspected or has had the opportunity to inspect the Property as to its asbestos and ACM condition and any hazardous or environmental conditions relating thereto. The Grantee shall be deemed to have relied solely on its own judgment in assessing the condition of the Property including, without limitation, any asbestos or ACM hazards or concerns.

IV. NOTICE OF THE PRESENCE OF LEAD-BASED PAINT AND COVENANT LIMITING THE USE OF THE PROPERTY FOR RESIDENTIAL PURPOSES

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller’s possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

The Grantee is informed and does acknowledge that all buildings on the property which were constructed prior to 1978 are known or presumed to contain lead-based paint.

The following records or reports available to the Grantor pertaining to lead-based paint or lead-based paint hazards on the Property have been provided to the Grantee: Environmental Condition of Property report dated 21 April 2016.

The Grantee hereby affirms receipt of the records or reports identified herein and the lead hazard information pamphlet required under 15 U.S.C. § 2686.

The Grantee hereby acknowledges that it has conducted or has had the opportunity to conduct the risk assessment or inspection required by 24 C.F.R. § 35.90(a) with regard to the Property. The Grantee shall be deemed to have relied solely on its own judgment in assessing the condition of the Property with regard to lead-based paint and any lead-based paint hazards.

The Grantee covenants and agrees for itself, its successors and assigns that it shall not permit the occupancy or use of any buildings or structures on the Property as a residential dwelling, as defined under 24 C.F.R. § 35.86, without complying with all applicable laws and regulations pertaining to lead-based paint and lead-based paint hazards. Prior to permitting the occupancy of any building or structure on the Property where its use subsequent to the conveyance herein is intended for residential habitation, the Grantee specifically agrees to perform, at its sole expense, the Army's abatement responsibilities under Title X of the Housing and Community Development Act of 1992 (Residential Lead-Based Paint Hazard Reduction Act of 1992), as amended.

V. PESTICIDE NOTICE AND COVENANT

The Grantee is hereby notified and acknowledges that registered pesticides have been applied to the Property conveyed herein and may continue to be present thereon. The Grantor and Grantee know of no use of any registered pesticide in a manner (1) inconsistent with its labeling or with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. § 136, et. seq.) and other applicable laws and regulations, or (2) not in accordance with its intended purpose.

The Grantee covenants and agrees that if the Grantee takes any action with regard to the Property, including demolition of structures or any disturbance or removal of soil that may expose, or cause a release of, a threatened release of, or an exposure to, any such pesticide, Grantee assumes all responsibility and liability therefor.

ENCLOSURE 8

REGULATORY AND PUBLIC COMMENTS

*The public comment period ran from X to X.
A copy of the public notice is included below.
Comments and responses are included in Enclosure 10.*

ENCLOSURE 9

REGULATORY AND PUBLIC COMMENT RESPONSE

*The public comment period ran from X to X.
Comments and responses to be added.*