

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2017 APR 10 PM 2:13

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:

Rocky Flats Industrial Park Site
Jefferson County, Colorado,

Columbine Strategies LLC,

Respondent.

FIRST AMENDMENT TO
ADMINISTRATIVE AGREEMENT
AND ORDER ON CONSENT FOR POST
REMOVAL SITE CONTROL
ACTIVITIES BY BONA FIDE
PROSPECTIVE PURCHASER

U.S. EPA Region 8
CERCLA Docket No. CERCLA-08-2015-0009

Proceeding Under sections 104, 106(a), 107
and 122 of the Comprehensive
Environmental Response, Compensation,
and Liability Act, as amended, 42 U.S.C. §§
9604, 9606(a), 9607 and 9622


1. On September 15, 2015, an Administrative Agreement and Order on Consent for Post Removal Site Control Activities by Bona Fide Prospective Purchaser (Agreement), EPA Docket No. CERCLA-08-2015-0009, was entered into by and among the United States on behalf of the U.S. Environmental Protection Agency (EPA), the Colorado Department of Public Health and Environment (CDPHE) and Columbine Strategics LLC (Purchaser) (collectively, “Parties”) under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. § 9601 *et seq.*
2. Under sub-paragraph 29.a of the Agreement, within six months of the Effective Date, Purchaser agreed to apply for a Treasurer’s Deed for the “Property,” consisting of approximately 5.1 acres in Tract 5 of the Rocky Flats Industrial District Filing One, and located at 17190 West State Highway 72, Arvada, in unincorporated Jefferson County, Colorado.
3. Under Sections VIII and X of the Agreement, if the Purchaser obtained a Treasurer’s Deed or otherwise obtained title to the Property, Purchaser agreed to perform certain work, including but not limited to, the filing with the Office of the Jefferson County Clerk and Recorder of a State-approved environmental covenant, in the form of that environmental covenant attached to the Agreement as Appendix C.
4. Paragraph 31 of the Agreement states:


If Purchaser has not obtained a Treasurers Deed or otherwise obtained title to the Property within one year of the Effective Date of this Agreement, this Agreement shall be null and void.
5. Under paragraph 74 of the Agreement, the Effective Date of the Agreement was the date upon which EPA issued written notice to Purchaser that EPA fully executed the Agreement, after review of and response to any public comments received. EPA issued such written notice to the Purchaser on December 31, 2015.
6. To date, the Purchaser has not obtained the Property by Treasurers Deed or otherwise. Therefore, by its terms, the Agreement expired on December 31, 2016.
7. Notwithstanding the above, the Parties to the Agreement wish to reinstate the Agreement and extend the expiration date of the Agreement. Therefore, by this First Amendment to the Agreement, the Parties agree that the expiration date of the Agreement shall be extended for a period of one year beyond the date of the signature of the last party to sign this Amendment.
6. All other terms, reservations, obligations, responsibilities, rights and other provisions of the Agreement are incorporated herein by reference and shall remain in effect as they appear in the Agreement as filed with the office of the EPA Region 8 Docket Clerk on September 15, 2015.

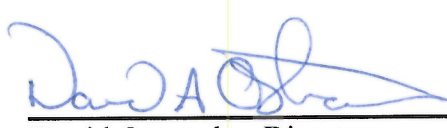
IT IS SO AGREED:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BY:

 4/10/2017
Date
Andrea Madigan
CERCLA Supervisory Attorney
CERCLA Response and Recovery Unit
U.S. EPA Region 8

 4/5/2017
Date
Aaron Urdiales, Director
CERCLA and RCRA Technical Enforcement Program
U.S. EPA Region 8

 4/4/2017
Date
David Ostrander, Director
Emergency Response and Preparedness Program
U.S. EPA Region 8

IT IS SO AGREED:

STATE OF COLORADO

BY:

Date
Gary Baughman, Director
Hazardous Materials and Waste Management Division
Colorado Department of Public Health and Environment

The undersigned representative of Purchaser certifies that he or she is fully authorized to enter into the terms and conditions of this Amendment and to bind the Purchaser to this Amendment.

IT IS SO AGREED:

COLUMBINE STRATEGICS, LLC

BY:

J. Kemper Will, Manager (Purchaser)

Date

IT IS SO AGREED:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BY:

Andrea Madigan
CERCLA Supervisory Attorney
CERCLA Response and Recovery Unit
U.S. EPA Region 8

Date

Aaron Urdiales, Director
CERCLA and RCRA Technical Enforcement Program
U.S. EPA Region 8

Date



David Ostrander, Director
Emergency Response and Preparedness Program
U.S. EPA Region 8

Date

IT IS SO AGREED:

STATE OF COLORADO

BY:

Gary Baughman, Director
Hazardous Materials and Waste Management Division
Colorado Department of Public Health and Environment

Date

The undersigned representative of Purchaser certifies that he or she is fully authorized to enter into the terms and conditions of this Amendment and to bind the Purchaser to this Amendment.

IT IS SO AGREED:

COLUMBINE STRATEGICS, LLC

BY:

J. Kemper Will, Manager 3/14/2017
J. Kemper Will, Manager (Purchaser) Date