

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 8

_____)	
IN THE MATTER OF:)	
)	
Sand Creek Superfund Site)	
Operable Units 3 & 6)	
Commerce City, Colorado)	CERCLA Docket No. CERCLA VIII-93-27
)	
Browning-Ferris Industries)	Withdrawal of Unilateral Administrative
of Colorado, Inc.)	Order for
)	Remedial Design/Remedial Action
Burlington Northern Railroad Co.)	
)	
RESPONDENTS.)	
_____)	

Whereas, on January 31, 1994, the U.S. Environmental Protection Agency (EPA) issued the Unilateral Administrative Order for Remedial Design/Remedial Action, CERCLA Docket No. CERCLA VIII-93-27 (UAO) to the Respondents pertaining to Operable Units 3 and 6 (OUs 3 and 6) of the Sand Creek Superfund Site (Site); and

Whereas, EPA is entering an Administrative Settlement Agreement for Response Costs and Payment of Response Costs By Prospective Purchaser (PPA) with Triangle Logistics Center, LLC (Purchaser) pertaining to OUs 3 and 6 of the Site; and

Whereas, the PPA requires the Purchaser to assume responsibilities previously required under the UAO for operation and maintenance activities and ensuring the long-term protectiveness of the implemented remedy for OUs 3 and 6;

Therefore, the UAO will be withdrawn as of the latter of: (1) when EPA issues written notice to Purchaser that the United State and State of Colorado have fully executed the Administrative Settlement Agreement for Response Action and Payment of Response Costs by Prospective Purchaser (CERCLA Docket No. CERCLA-08-2022-0005) after review of the response to any public comments received; and (2) Purchaser acquires the property consisting of five parcels, totaling approximately ninety-two acres, with Adams County Assessor numbers 0182317300008, 0182317300029, and City and County of Denver Assessor parcel numbers 01184-00-014-000, 01184-01-008-000, and 01184-01-007-000.

Notwithstanding the foregoing, EPA reserves and the withdrawal of the UAO is without prejudice to, the right to issue an administrative order or to institute proceedings in this action or in a new action seeking to compel Respondents to perform further response actions relating to the Site, to reimburse EPA for additional costs of response, or any combination thereof.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Betsy Smidinger, Division Director
Superfund and Emergency Management Division
U.S. Environmental Protection Agency, Region 8

Date

Christopher Thompson, Associate Regional Counsel for Enforcement
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 8

Date