



On this day, March 30, 2026,

the U.S. Environmental Protection Agency Determines that

***41.05 Acres at the Fox Park Redevelopment Area Associated
with the Vasquez Boulevard and I-70 Superfund Site Are
Ready for Mixed Land Use, Including Residential***

A handwritten signature in brown ink, reading "Aaron Urdiales", written over a horizontal line.

Aaron Urdiales - DIRECTOR
Superfund and Emergency Management Division
U.S. EPA Region 8

This Ready for Reuse (RfR) Determination is for the 41.05-acre Fox Park Redevelopment Area associated with the Vasquez Boulevard and I-70 (VB/I-70) Superfund site located in Denver, Colorado. This RfR Determination provides that the U.S. Environmental Protection Agency (EPA) has made a technical determination that the subject area is ready for mixed land use, including residential, consistent with completion of the removal action. The Removal Action is defined in the Administrative Settlement Agreement for Removal Action and Payment of Response Cost by Bona Fide Prospective Purchaser (BFPPA) between Vita Fox North LP (Vita Fox) and EPA, docket number CERCLA-08-2022-0006, effective on April 11, 2022. EPA approved Vita Fox's Final Report on June 26, 2024, and EPA issued a Notice of Completion of Work to Vita Fox on July 1, 2024, pursuant to the BFPPA. This RfR Determination remains valid only as long as the requirements and use limitations specified in the Notice of Environmental Use Restrictions (NEUR) and Post-Removal Site Controls in the Materials Management Plan (MMP), which are included in appendices to the report, are followed in their entirety and no new information becomes available to suggest that conditions are no longer protective of human health and the environment. Limitations at the subject area include the following: The NEUR restricts access to the soil and waste that remains in place adjacent to and beneath the remaining portion of the historical Denver Post building. The MMP provides guidelines for the safe handling and disposal of waste materials encountered during any future subsurface activities within the area specified in the NEUR. The types of uses identified as protective in this RfR Determination remain subject to (i) applicable federal, state, and local regulations, including, but not limited to, zoning ordinances and building codes; and (ii) title documents, including, but not limited to, easements, restrictions, and institutional controls. This RfR Determination is an environmental status report and does not have any legally binding effect, nor does it expressly or implicitly create, expand, or limit any legal rights, obligations, responsibilities, expectations, or benefits of any party. EPA assumes no responsibility for reuse activities and/or any potential harm that might result from reuse activities. EPA retains any and all rights and authorities it has, including, but not limited to, legal, equitable, or administrative rights. EPA specifically retains any and all rights and authorities it has to conduct, direct, oversee, and/or require environmental response actions in connection with the subject area, including, but not limited to, instances when new or additional information has been discovered regarding the contamination or conditions at the subject area that indicate that the response and/or the conditions at the subject area are no longer protective of human health or the environment for the uses identified in the RfR Determination.

**Ready for Reuse Determination
Fox Park Redevelopment Area (41.05 acres) associated with
Vasquez Boulevard and I-70 (VB/I-70) Superfund Site**

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I. Executive Summary

This Ready for Reuse (RfR) Determination is for 41.05 acres of property located at the intersection of Interstate-25 and Interstate-70 in Denver, Colorado, hereafter referred to as the Fox Park Redevelopment Area (see Figure 1 and Figure 2). The Fox Park Redevelopment Area is located between Operable Unit 1 (OU1) and Operable Unit 3 (OU3) of the Vasquez Boulevard and I-70 (VB/I-70) Superfund site (Site), as designated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The property owner, Vita Fox North LP (Vita Fox), and the city and county of Denver are interested in redeveloping the Fox Park Redevelopment Area for commercial, recreational and residential purposes.

This RfR Determination is based on information provided to the U.S. Environmental Protection Agency, including:

- Vita Fox's June 2024 Final Report – Rev. 2.0 Fox Park Redevelopment Site.
- Vita Fox's June 2024 Proposal for Post-Removal Site Control, Rev 1.0.
- June 2025 Notice of Environmental Use Restrictions (NEUR).

Using data from multiple environmental due diligence assessments and remedial site characterization events conducted from 1992 to 2022, Vita Fox created a conceptual site model of the Fox Park Redevelopment Area to determine the human and environmental risks associated with using the Fox Park Redevelopment Area for commercial, recreational and residential purposes. The risks that were identified include human and environmental exposures to metals and polycyclic aromatic hydrocarbons (PAHs)/semi-volatile organic compounds (SVOCs) through soil. According to the EPA's 2007 OU3 Remedial Investigation (RI) Report, the cadmium plume associated with OU3 of the Site is not within the Fox Park Redevelopment Area (see Figure 3). According to Vita Fox's June 2024 Final Report, the Colorado Ground Water Quality Standards (CGWQS) exceedances of chloroform and selenium detected in groundwater within the Fox Park Redevelopment Area are associated with water utility and natural processes, and the presence of light nonaqueous phase liquid (LNAPL) is a result of nearby railyard operations. Groundwater use in the Fox Park Redevelopment Area is restricted by Colorado's 1965 Ground Water Management Act ([Colorado Revised Statutes \[C.R.S.\] 37-90-101 to 104](#)) and 1969 Water Right Determination and Administration Act ([C.R.S. 37-92-101 to 602](#)).

From 2022 to 2024, Vita Fox conducted a Removal Action at the Fox Park Redevelopment Area with oversight by the EPA and the Colorado Department of Public Health and Environment (CDPHE) pursuant to CERCLA, as amended. The Removal Action is defined in the Administrative Settlement Agreement for Removal Action and Payment of Response Cost by Bona Fide Prospective Purchaser (BFPPA) between Vita Fox and the EPA, docket number CERCLA-08-2022-0006, effective on April 11, 2022. The EPA approved Vita Fox's Final Report on June 26, 2024. The EPA issued a Notice of Completion of Work to Vita Fox on July 1, 2024, pursuant to the BFPPA. The EPA has concluded that the Fox Park Redevelopment Area is ready for mixed land use, including residential use, consistent with Vita Fox's completion of the soil cleanup work under the BFPPA, including implementation of the Notice of Environmental Use Restrictions (NEUR) and Post-Removal Site Controls.

EPA Region 8 issued this RfR Determination, effective March 30, 2026.

Approved by:

**AARON
URDIALES** Digitally signed by
AARON URDIALES
Date: 2026.03.30
16:59:55 -06'00'

Aaron Urdiales - DIRECTOR
Superfund and Emergency Management Division
U.S. EPA Region 8

Documents pertaining to the Site may be found at Valdez-Perry Branch Library, 4690 Vine Street, Denver, Colorado 80216, and online at epa.gov/superfund/vb-i70. Additional information can be obtained from the Site's remedial project managers (RPMs) Meg Broughton and Becky Geyer. Meg Broughton can be reached at broughton.meg@epa.gov and (303) 312-6139. Becky Geyer can be reached at geyer.rebecca@epa.gov and (303) 312-6206.

II. Site and Parcel Location

This Ready for Reuse (RfR) Determination is for 41.05 acres adjacent to and southwest of the Interstate 70 (I-70) and Interstate 25 (I-25) interchange, hereafter referred to as the Fox Park Redevelopment Area (Figure 1).

The Fox Park Redevelopment Area includes 4400 North Fox Street, 4300 North Fox Street and 700 West 44th Avenue. It is comprised of tax parcels 0222213001000, 0222200090000, 0222211002000, 0222210004000, 0222209001000, 0222200085000, 0222200093000, 0222210002000, 0222200082000, 0222200089000, 0222200083000, 0222209003000, 0222200087000, 0222200086000, 0222210003000, 0222200081000, 0222212001000, 0222200092000, 0222213003000, 0222211001000, 0222200084000, 0222209002000, 0222209004000, 0222200091000, 0222210005000, 0222210006000, 0222200080000, 0222213006000, 0222213005000, 0222210001000, 0222213002000, 0222213004000 and 0222200088000 (Figure 2). At the time of this RfR Determination, the Fox Park Redevelopment Area consists of undeveloped land and the former Denver Post facility. It is zoned for mixed and residential use.

A small area of the Fox Park Redevelopment Area was previously included in Operable Unit 1 (OU1) of the Vasquez Boulevard and I-70 (VB/I-70) Superfund site (Site), as designated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The U.S. Environmental Protection Agency completed the OU1 residential soils Remedial Action in 2014 and deleted the OU from the National Priorities List (NPL) in 2019. In 2025, after the EPA issued the Notice of Completion of Work for the Removal Action, Vita Fox North LP (Vita Fox) requested that the EPA remove the Fox Park Redevelopment Area from the OU1 boundary and the OU3 study area. In 2026, the EPA fulfilled Vita Fox's request to remove the Fox Park Redevelopment Area from the OU1 boundary.

Another small portion of the property was previously included in the OU3 study area. At the time of this RfR Determination, OU3 is in the remedial investigation (RI) and feasibility study (FS) phase of the Superfund process and the EPA is investigating the cadmium-impacted groundwater at this OU. In December 2025, after evaluating the existing OU3 groundwater sampling data, the EPA updated the OU3 study area to better reflect the cadmium-impacted groundwater plume. Information about the known plume is in Figure 3. The plume at OU3 does not impact the Fox Park Redevelopment Area. The EPA will continue to update the OU3 study area as more information about the nature and extent of contamination becomes available during the next phase of the RI at OU3.

Figure 1: Fox Park Redevelopment Area Location Map

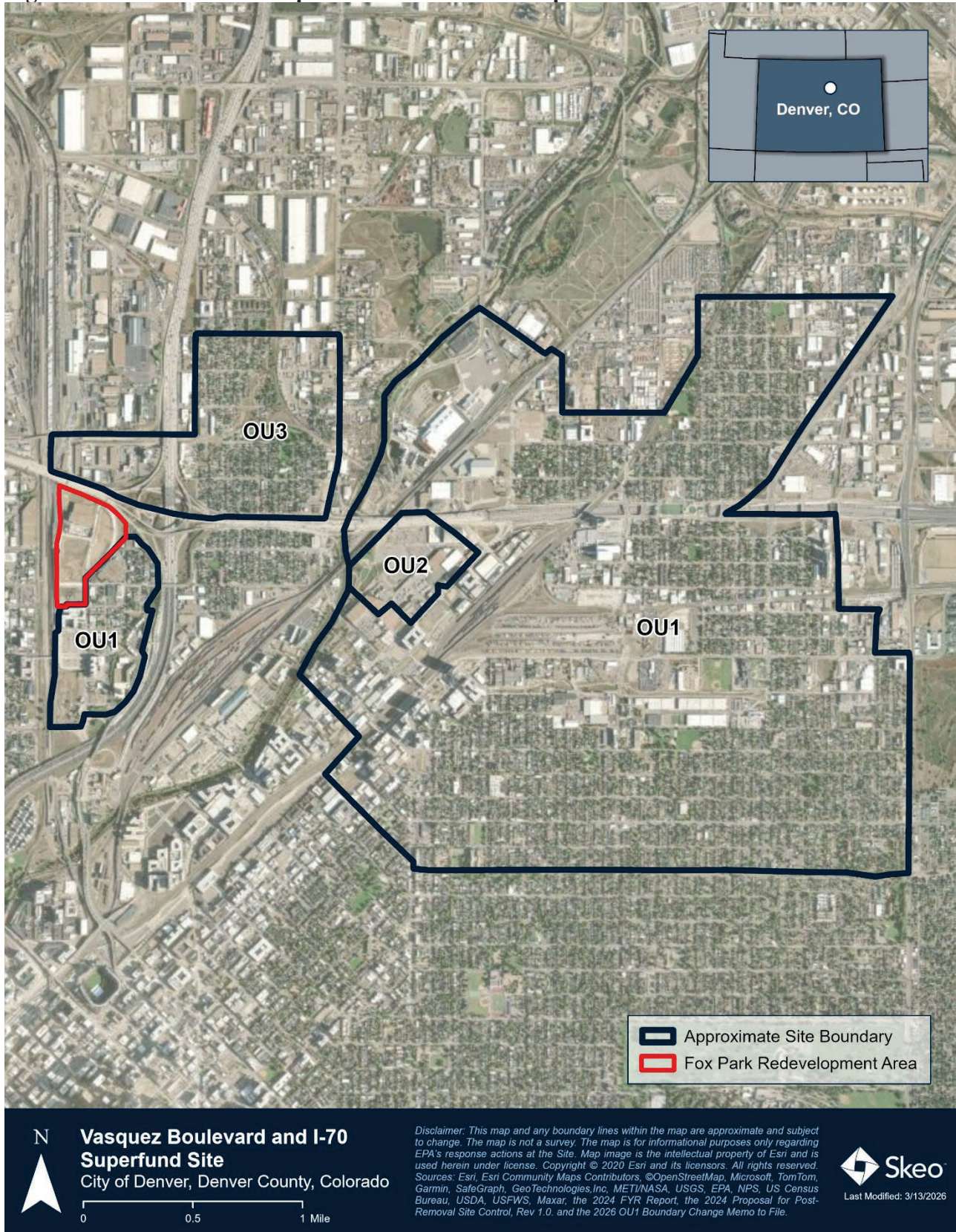


Figure 2: Fox Park Redevelopment Area Parcel Map



Figure 3: Groundwater Plume Map for VB/I-70 OU3



III. Site Summary

Site and Contaminant History

VB/I-70

The Site encompasses approximately 4.5 square miles in northeast Denver, Colorado. The area surrounding the Site was a major smelting center for the Rocky Mountain West. Two smelting plants, Omaha & Grant and Argo, operated on-site for varying lengths of time, beginning as early as the 1870s, refining gold, silver, copper, lead and zinc. As a result, heavy metals were deposited in soils at levels that, in some cases, posed a health risk to people living there. Groundwater was also impacted at the former smelter locations. In January 1999, the EPA listed the Site on the NPL. The EPA is the lead agency for Superfund activities at the Site, working collaboratively with the support agency, the Colorado Department of Public Health and Environment (CDPHE).

Today, the Site includes two commercial/industrial areas as well as residential properties in three OUs. OU1 is defined as residential yards within the OU1 study area with levels of lead or arsenic in soil that present an unacceptable risk to human health. This OU includes residential soils in more than 4,500 yards in all or part of the following six neighborhoods: Cole, Clayton, Swansea/Elyria, southwest Globeville and northern Curtis Park. This portion of the Site was deleted from the NPL in September 2019 after the EPA completed the OU1 Remedial Action.

OU2 is a study area defined as the location of the former Omaha & Grant Smelter and includes all environmental media impacted by releases of hazardous substances that resulted from the operation of that smelter. The OU2 study area includes the Denver Coliseum and surrounding businesses.

OU3 is the location of the former Argo Smelter and all environmental media impacted by releases of hazardous substances from that smelter. The OU3 study area includes the former Argo Smelter footprint and a commercial area adjacent to and northwest of the I-70 and I-25 interchange.

Fox Park Redevelopment Area

The Fox Park Redevelopment Area was developed as early as 1878, originally as the Boston and Colorado Smelting Company's Argo Smelter. The smelting operation used multiple roasting and smelting furnaces and refining facilities to process gold, silver and copper. The northern portion of the Fox Park Redevelopment Area includes a portion of an ore house/roaster house, an "old roaster," two coal shed structures, a vacant building and railroad spurs. The Argo Smelter was destroyed by fire on September 5, 1906, and smelting operations ceased. The Denver Sewer Pipe and Clay Company operated a clay sewer pipe factory and a brick factory south of the Argo Smelter as early as 1889. The clay manufacturing operation included four factories, numerous kilns, a clay pit mine and supporting facilities such as mechanical shops, oil storage for engines, chemical storage and vehicle oil storage and maintenance. Manufacturing was conducted at the Fox Park Redevelopment Area until approximately 1982. By 1986, the area had been redeveloped for the Denver Post operations. The Denver Post operated a printing facility on the

Fox Park Redevelopment Area from at least 1986 to 2007. The printing operation included the use of chemicals (solvents and inks), hydraulic equipment and vehicle maintenance.¹

The Fox Park Redevelopment Area also included fill of unknown disposition, according to the June 2024 Final Report.

Description of Risks

VB/I-70

The EPA identified lead and arsenic as the contaminants of concern (COCs) for OU1 residential soils in the 2003 OU1 Record of Decision (ROD). Lead and arsenic were also identified as COCs for OU2 in the EPA's 2009 OU2 RI Report. For OU3, the EPA identified aluminum, antimony, arsenic, barium, beryllium, cadmium, chromium, cobalt, copper, iron, lead, manganese, mercury, nickel, selenium, thallium, vanadium and zinc as contaminants of potential concern (COPCs) in the 2007 and 2018 OU3 RIs.

Fox Park Redevelopment Area

According to the June 2024 Final Report, the Fox Park Redevelopment Area's primary COCs were metals, including lead and arsenic, and polycyclic aromatic hydrocarbons (PAHs)/semi-volatile organic compounds (SVOCs). Secondary COCs were volatile organic compounds (VOCs), herbicides/pesticides, polychlorinated biphenyls (PCBs) and asbestos. COC concentrations in soil were found above EPA Regional Screening Levels (RSLs) throughout the Fox Park Redevelopment Area in discontinuous areas.

Vita Fox assessed groundwater during the CERCLA Removal Action and identified Colorado Ground Water Quality Standards (CGWQS) exceedances of chloroform and selenium, in addition to the presence of light nonaqueous phase liquid (LNAPL). According to the June 2024 Final Report, these contaminants are not associated with the Fox Park Redevelopment Area, as chloroform concentrations are likely related to water utility use in the area, and selenium concentrations are consistent with the naturally-occurring selenium in groundwater in the Front Range. The June 2024 Final Report also states that the presence of LNAPL is likely related to nearby railyard operations and was detected in residual quantities not considered recoverable.

Summary of Cleanup Activities

The EPA established the following soil cleanup goals for the Removal Action in the 2022 Administrative Settlement Agreement for Removal Action and Payment of Response Cost by Bona Fide Prospective Purchaser (BFPPA), consistent with future residential use:

- EPA RSLs for soil not to exceed the target cancer risk of 1×10^{-6} and a hazard quotient (HQ) of 1.0.

¹ An investigation, conducted by Enviro-Science during the printing operation, included observations of the use and storage of lubricants, hydraulic oil and grease, inks, cleaning solvents, photographic developers, fixers, stabilizer activators and bleaches. The investigation also observed battery cleaning and storage of hazardous waste within the building, along with electronically removed spent silver recovery units, prior to discharge to the sewer system. Additional information about the various investigations undertaken at the Fox Park Redevelopment Area can be found in the June 2024 Final Report. <https://semspub.epa.gov/src/document/08/2234848>

- A lead cleanup goal of 200 milligrams per kilogram (mg/kg).
- An arsenic cleanup goal of 11 mg/kg (Colorado background concentration).

Vita Fox removed soils with contamination that exceeded the Removal Action cleanup goals. According to Vita Fox's June 2024 Final Report, Vita Fox spent a total of 210 days excavating from January 2023 to March 2024 and removed 499,110 cubic yards of soil and debris, which were transported to Front Range Landfill in Erie, Colorado, and Foothills Landfill in Golden, Colorado. Vita Fox conducted confirmation soil sampling to evaluate the extent of the remedial excavation activities and confirm the removal of COCs in soil and waste. Decision units identified as needing remediation received confirmation sampling, and any area that failed to pass confirmation sampling was over-excavated, as many times as needed, until the confirmation soil sample results indicated concentrations below the cleanup goal. Final confirmation samples collected within the Huron Street right of way were reported below cleanup goals by confirmation sampling or by using statistical analysis. During cleanup, Vita Fox also sampled and excavated five test pits within the former building footprint north of the 45th Avenue right of way. This area had not previously been investigated. No contamination was found above cleanup goals.

As a part of the Removal Action, Vita Fox coordinated with CDPHE to record a Notice of Environmental Use Restrictions (NEUR) that complies with the Colorado Revised Statutes (C.R.S.) §§ 25-15-317 *et seq.* The NEUR restricts access to soil and waste that remains in place adjacent to and beneath the remaining portion of the former Denver Post building, which is in the northern portion of the Fox Park Redevelopment Area. The NEUR informs future property owners of the contamination left in place and requires future construction to comply with a Materials Management Plan (MMP) that is approved by CDPHE. The MMP provides guidelines for the safe handling and disposal of waste materials encountered during subsurface activities within the area specified in the NEUR. These activities may include utility work, foundation elements (e.g., piers, caissons, footers, etc.) and elevator shafts. Appendix B of this RfR Determination includes the complete NEUR, which is also discussed further in Section VII, Ongoing Limitations and Responsibilities. Figure 4 shows decision units with cleanup goal exceedances that required remediation, areas without cleanup goal exceedances where remediation was not required, and the area subject to the NEUR.

Figure 4: Fox Park Redevelopment Area Removal Action Areas Map



Table 1 summarizes relevant sampling and cleanup events in the Fox Park Redevelopment Area history.

Table 1: Chronology of Events

Event	Date
The Argo Smelter refined gold, silver and copper on OU3	1878 – 1906
The Denver Sewer Pipe and Clay Company operated a clay sewer pipe factory and a brick factory on a portion of the Site south of the Argo Smelter	1889 – 1982
The Argo Smelter was destroyed by fire; smelting operations ceased	September 5, 1906
The Denver Post redeveloped the former clay and sewer pipe factory and brick factory and operated a printing facility on a portion of the Site south of the former Argo Smelter	1986 – 2007
HWS Technologies Inc. prepared the Phase II Environmental Site Assessment (ESA) for the Fox Park Redevelopment Area	September 29, 1992
Enviro-Science, Inc. prepared the Phase I ESA, The Denver Post for the Fox Park Redevelopment Area	April 6, 1994
EPA began the OU1 RI/FS	December 17, 1998
EPA proposed the Site for listing on the NPL	January 19, 1999
EPA added the Site to the NPL	July 22, 1999
EPA signed the OU1 ROD	September 25, 2003
EPA began the OU1 remedial actions	March 31, 2004
EPA finalized the OU3 RI Report	September 2007
HWS Consulting Group prepared the Phase II ESA for the Fox Park Redevelopment Area	September 2007
Terracon prepared the Limited Site Investigation (LSI) Report for the Fox Park Redevelopment Area	February 6, 2008
Pickering, Cole, & Hivner, LLC prepared the Phase II LSI Report for the Fox Park Redevelopment Area	August 9, 2013
EPA issued the OU1 Explanation of Significant Differences	September 30, 2014
Terracon performed an LSI at the Fox Park Redevelopment Area	October 27, 2015
Terracon performed the Additional Site Investigation (ASI) at the Fox Park Redevelopment Area	October 30, 2015
EPA issued the final Remedial Action Report for OU1	February 22, 2017
Terracon prepared the Phase I ESA for the Fox Park Redevelopment Area	June 21, 2019
EPA published a Notice of Partial Deletion from the NPL for OU1	September 20, 2019
Terracon prepared an LSI for the Fox Park Redevelopment Area	February 12, 2020
Terracon performed ASI activities at the Fox Park Redevelopment Area	April 28 – 29, 2020 May 6, 2020
Terracon conducted remedial design characterization activities at the Fox Park Redevelopment Area	March 23 – 25, 2021
Terracon conducted additional sitewide assessment activities at the Fox Park Redevelopment Area	January 13 – March 7, 2022
Vita Fox North LP and EPA finalized the BFPPA	April 11, 2022
Terracon conducted additional sitewide assessment activities at the Fox Park Redevelopment Area	June 20 – 29, 2022
Terracon conducted excavation and off-site disposal of contaminated soil/debris at the Fox Park Redevelopment Area	January 2023 – March 2024
EPA issued a Notice of Completion of Work to Purchaser Vita Fox North LP for all work performed pursuant to the BFPPA	July 1, 2024

Event	Date
The post-construction MMP was finalized for the Fox Park Redevelopment Area	September 16, 2024
CDPHE recorded the NEUR for the Fox Park Redevelopment Area	June 24, 2025

Redevelopment/Reuse History

The Fox Park Redevelopment Area is owned by Vita Fox at the time of this RfR Determination. Since its use as a smelter, the area has consistently been used for commercial purposes. According to the Fox Park Denver Master Plan, last updated on October 3, 2025, Vita Fox intends to use the area to create a central urban hub that connects commercial, residential and recreational spaces for optimal city living. The 41.05-acre property will contain office and retail space, a grocer, an athletic club, a hotel, cultural spaces and a trail network connecting 14 acres of parks and green spaces. The community will also feature over 3,400 apartment units. Parking and utility infrastructure will be underground, below the community’s footprint. These uses are consistent with this RfR Determination.

IV. The EPA’s Basis for the Ready for Reuse (RfR) Determination

The EPA has determined the Fox Park Redevelopment Area is ready for mixed land uses, including residential. The EPA has relied on information contained in the following documents to support the RfR Determination findings:

- April 2022 Administrative Settlement Agreement for Removal Action and Payment of Response Costs by Bona Fide Prospective Purchaser, CERCLA Docket Number CERCLA-08-2022-0006. Vita Fox North LP completed the Removal Action as required in the April 2022 BFPPA (CERCLA Docket No. 08-2022-0006).
- June 2024 Proposal for Post-Removal Site Control, Rev 1.0.
- June 2024 Final Report – Rev. 2.0 Fox Park Redevelopment Site.
- July 2024 Notice of Completion of Work.
- June 2025 NEUR.

V. Ongoing Limitations and Responsibilities

Institutional and Engineering Controls

On June 24, 2025, CDPHE recorded a NEUR in the chain of title for the Fox Park Redevelopment Area with the city and county of Denver Clerk and Recorder’s Office, and an associated MMP. Appendix B of this RfR Determination includes the recorded NEUR. In general, the NEUR restricts access to the soil and waste that remains in place adjacent to and beneath the remaining portion of the historical Denver Post building. The MMP provides guidelines for the safe handling and disposal of waste materials encountered during any future subsurface activities within the area specified in the NEUR. These activities may include utility work, foundation elements (e.g., piers, caissons, footers, etc.) and elevator shafts. The implementation of the processes and protocols described in the MMP are intended to mitigate worker exposure to potentially contaminated materials and the potential for a release.

According to the EPA's 2007 OU3 RI Report, the cadmium plume associated with OU3 of the Site is not within the Fox Park Redevelopment Area. According to Vita Fox's June 2024 Final Report, CGWQS exceedances of chloroform and selenium in groundwater are associated with water utility and natural processes, and the presence of LNAPL is a result of nearby railyard operations. Groundwater use in the Fox Park Redevelopment Area is restricted by Colorado's 1965 Ground Water Management Act ([C.R.S. 37-90-101 to 104](#)) and 1969 Water Right Determination and Administration Act ([C.R.S. 37-92-101 to 602](#)).

Operations and Maintenance Requirements

As part of the CERCLA Removal Action, Vita Fox was required to develop a Proposal for Post-Removal Site Control, Rev 1.0, which is included as Appendix C. This proposal includes information about the implementation of the NEUR and the MMP. This RfR Determination is subject to full compliance with the NEUR and MMP in their entirety.

VI. Provisos

This Ready for Reuse Determination is a technical document and does not have any legally binding effect. Further, it does not expressly or implicitly change, create, expand, or limit any legal rights, obligations, responsibilities, expectations, or benefits of any party. The EPA assumes no responsibility for reuse activities and/or for any potential harm that might result from reuse activities. The EPA retains any and all rights and authorities it has, including, but not limited to, legal, equitable, or administrative rights. The EPA specifically retains any and all rights and authorities it has to conduct, direct, oversee and/or require environmental response actions in connection with the VB/I-70 Superfund site including the Fox Park Redevelopment Area.

The types of uses identified as protective in this RfR Determination remain subject to: (i) applicable federal, state and local regulation; and to (ii) title documents, including, but not limited to, easements, restrictions and institutional controls (ICs).

This RfR Determination is based on all the information currently available to the EPA. Should conditions change or new information become available that indicates re-evaluation is necessary, this RfR Determination will no longer be valid.

APPENDIX A

ACRONYMS AND ABBREVIATIONS

ASI: Additional Site Investigation
BFPPA: Administrative Settlement Agreement for Removal Action and Payment of Response Cost by Bona Fide Prospective Purchaser
CDPHE: Colorado Department of Public Health and Environment
CERCLA: Comprehensive Environmental Response, Compensation, and Liability Act (Superfund)
CGWQS: Colorado Ground Water Quality Standards
COC: Contaminant of Concern
COPC: Contaminant of Potential Concern
EPA: U.S. Environmental Protection Agency
ESA: Environmental Site Assessment
FS: Feasibility Study
HQ: Hazard Quotient
I-70: Interstate 70
I-25: Interstate 25
IC: Institutional Controls
LNAPL: Light Nonaqueous Phase Liquid
LSI: Limited Site Investigation
mg/kg: Milligram per Kilogram
MMP: Materials Management Plan
NEUR: Notice of Environmental Use Restrictions
NPL: National Priorities List
OU: Operable Unit
PAHs: Polycyclic Aromatic Hydrocarbons
PCBs: Polychlorinated Biphenyls
RfR: Ready for Reuse
RI: Remedial Investigation
ROD: Record of Decision
RPM: Remedial Project Manager
RSL: Regional Screening Level
SVOCs: Semi-Volatile Organic Compounds
Site: Vasquez Boulevard and I-70 Superfund Site
VB/I-70: Vasquez Boulevard and I-70 Superfund Site
VOCs: Volatile Organic Compounds

APPENDIX B

NEUR



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06/24/2025 12:55 PM
City & County of Denver
Electronically Recorded

R \$53.00

NTC

D \$0.00

This property is subject to a notice of environmental use restrictions imposed by the Colorado Department of Public Health and Environment pursuant to section 25-15-321.5, Colorado Revised Statutes

Notice of Environmental Use Restrictions

Whereas, Vita Fox North LP (“Owner”) is the owner of certain property commonly known as “the Denver Post Building” and currently located at 4400 N. Fox Street, State of Colorado, particularly depicted in Attachment A, attached hereto, and described in Attachment B, attached hereto and incorporated herein by reference as though fully set forth (hereinafter referred to as “the Property”); and

Whereas, the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and the Environment (“the Department”), which is located at 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530, is authorized to issue Notices of Environmental Use Restrictions (a/k/a “Restrictive Notices”) pursuant to § 25-15-320(4)(a) of the Colorado Hazardous Waste Act, § 25-15-101, et seq., C.R.S.; and

Whereas, for purposes of indexing in the County Clerk and Recorder’s office Grantor-Grantee index only, Vita Fox North LP shall be considered the Grantor, and the Department shall be considered the Grantee. Nothing in the preceding sentence shall be construed to create or transfer any right, title or interest in the Property; and

Whereas, pursuant to an Administrative Agreement For Removal Action And Payment of Response Costs By Bona Fide Prospective Purchaser, In the Matter of Vasquez Boulevard & Interstate 70 Superfund Site, Denver, Colorado, CERCLA Docket No. CERCLA-08-2022-0006, the Property is the subject of enforcement and remedial action pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § § 9601, et seq.; and

Whereas, the purpose of this Restrictive Notice is to ensure protection of human health and the environment by requiring compliance with a materials management plan for soil disturbing activity on the property; and

Whereas, Vita Fox North LP has requested that the Department approves this Restrictive Notice as provided in Article 15 of Title 25, Colorado Revised Statutes;

Now, therefore, the Department approves this Restrictive Notice pursuant to § 25-15-321.5, C.R.S. The Property described in Attachment A shall hereinafter be subject to the following requirements set forth in paragraphs 1 through 13 below,

which shall be binding on Owner and all persons now or subsequently having any right, title or interest in the Property, or any part thereof, and any persons using the land, as described herein. As used in this Restrictive Notice, the term Owner means the then current record owner of the Property and, if any, any other person or entity otherwise legally authorized to make decisions regarding the transfer of the Property or placement of encumbrances on the Property, other than by the exercise of eminent domain.

1. **Use restrictions.** No excavation, drilling, grading, tilling or any other soil-disturbing activity is permitted on the Property unless conducted in accordance with the Department-approved Materials Management Plan and any amendments thereto. The Department-approved Materials Management Plan, and any amendments thereto are on file at the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division Records Center. (Attachment C provides instructions on how to obtain the most current version of the Materials Management Plan on file at the Department's Records Center)
2. **Modifications.** This Restrictive Notice shall remain in full force and effect unless modified or terminated in accordance with this paragraph and pursuant to § 25-15-321.5, C.R.S. or any successor statute. Owner may request that the Department approve a modification or termination of the Restrictive Notice. The request shall contain information showing that the proposed modification or termination shall, if implemented, ensure protection of human health and the environment. The Department shall review any submitted information, and may request additional information. If the Department determines that the proposal to modify or terminate the Restrictive Notice will ensure protection of human health and the environment, it shall approve the proposal. No modification or termination of this Restrictive Notice shall be effective unless the Department has approved such modification or termination in writing. Information to support a request for modification or termination may include one or more of the following:
 - a. proposal to perform additional remedial work;
 - b. new information regarding the risks posed by the residual contamination;
 - c. information demonstrating that residual contamination has diminished;
 - d. information demonstrating that an engineered feature or structure is no longer necessary;
 - e. information demonstrating that the proposed modification would not adversely impact the remedy and is protective of human health and the environment; and
 - f. other appropriate supporting information.

3. **Conveyances.** Owner shall notify the Department at least fifteen (15) days prior to any conveyance of any interest in any or all of the Property. Within thirty (30) days after any such conveyance, Owner shall provide the Department with the name, mailing address and telephone number of the new Owner.
4. **Notice to Lessees.** Owner agrees to incorporate either in full or by reference the restrictions of this Restrictive Notice in any leases, licenses, or other instruments granting a right to use the Property.
5. **Notification for proposed construction and land use.** Owner shall notify the Department simultaneously when submitting any application to a local government for a building permit or change in land use.
6. **Inspections.** The Department, including its authorized employees, agents, representatives and independent contractors, shall have the right of entry to the Property at reasonable times with prior notice for the purpose of determining compliance with the terms of this Restrictive Notice.
7. **Third Party Beneficiary.** The Owner of the Property is a third party beneficiary with the right to enforce the provisions of this Restrictive Notice as provided in § 25-15-322, C.R.S.
8. **No Liability.** The Department does not acquire any liability under State law by virtue of issuing this Restrictive Notice.
9. **Enforcement.** The Department may enforce the terms of this Restrictive Notice pursuant to § 25-15-322, C.R.S. against Owner and may file suit in district court to enjoin actual or threatened violations of this Restrictive Notice.
10. **Owner's Compliance Certification.** Owner shall execute and return a certification form provided by the Department, on an annual basis, detailing Owner's compliance, and any lack of compliance, with the terms of this Restrictive Notice.
11. **Severability.** If any part of this Restrictive Notice shall be decreed to be invalid by any court of competent jurisdiction, all of the other provisions hereof shall not be affected thereby and shall remain in full force and effect.
12. **Notices.** Any document or communication required under this Restrictive Notice shall be sent or directed to:

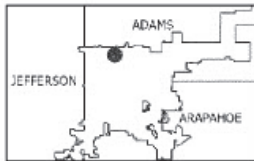
Fonda Apostolopoulos
Remediation Program
Hazardous Materials and Waste Management Division
Colorado Department of Public Health and the Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

13. **Subdivision of Property.** At least 90 days prior to any subdivision of the Property, Owner shall submit a plan addressing the certification of compliance set forth in paragraph (10) of this Restrictive Notice. The plan may provide for contractual assignment of such obligations to, and assumption of such obligations by, a property management entity charged with managing the Property (including but not limited to a homeowner's association of multiple Owners). The Department shall approve the plan if it determines that the plan reasonably will ensure continued compliance with the requirements of this Restrictive Notice. Any Department notice of disapproval shall include the Department's rationale for its decision, including any additional information or changes to the plan that the Department requires before the plan can be approved. Any appeal of a Department notice of disapproval shall be taken in accordance with section 25-15-305(2), C.R.S. If Owner fails to obtain approval of such plan prior to subdividing the Property, the owner of each subdivided parcel shall be responsible for certifying its own compliance with the restrictions set forth in paragraph (1) of this Restrictive Notice.

Attachment "A" to the Notice of Environmental Use Restrictions Property Description



Notice of Environmental Use Restrictions: Fox Park



 Restriction Area

0 250 500 US Feet



COLORADO
Department of Public
Health & Environment

Attachment "B"
to the
Notice of Environmental Use Restrictions
Property Description

A PARCEL OF LAND BEING PORTION OF LOTS 1, 2, 3 AND 4, BLOCK 1 AND A PORTION OF TRACT A FOX PARK RECORDED AT RECEPTION NO. 2023101860 IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, CITY AND COUNTY OF DENVER, STATE OF COLORADO, SITUATED IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 south, range 66 WEST, SIXTH PRINCIPAL MERIDIAN, SAID CITY, COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1 WHENCE THE NORTHERLY LINE OF SAID LOT 1 BEARS NORTH 79°00'00" WEST, A DISTANCE OF 424.46 FEET;
THENCE NORTH 43°42'43" WEST, A DISTANCE OF 6.70 FEET TO THE POINT OF BEGINNING;
THENCE SOUTH 09°03'38" WEST, A DISTANCE OF 329.82 FEET;
THENCE SOUTH 54°06'25" WEST, A DISTANCE OF 95.30 FEET;
THENCE NORTH 73°23'49" WEST, A DISTANCE OF 409.06 FEET;
THENCE NORTH 11°02'39" EAST, A DISTANCE OF 163.06 FEET;
THENCE NORTH 23°18'02" EAST, A DISTANCE OF 197.15 FEET;
THENCE SOUTH 79°29'23" EAST, A DISTANCE OF 418.96 FEET TO THE POINT OF BEGINNING.
CONTAINING AN AREA OF 3.933 ACRES, (171,300 SQUARE FEET), MORE OR LESS.
ALL LINEAL DISTANCES ARE REPRESENTED IN U.S. SURVEY FEET.

Attachment "C"
to the
Notice of Environmental Use Restrictions
Instructions to Obtain the Materials Management Plan

The Materials Management Plan is available here:

<https://oitco.hylandcloud.com/CDPHERMPop/docpop/docpop.aspx?clienttype=html&docid=33726167>

The Materials Management Plan can also be found in the Hazardous Materials and Waste Management Division's Records under Use Restriction IC-00142. To locate this document on the public records portal, go to:

<https://oitco.hylandcloud.com/CDPHERMPublicAccess/index.html>

and select Search Type "CDPHERM HAZ Search by Address/City" from the dropdown menu at the top of the page. In the field "CDPHERM Use Restriction," type in this number to retrieve documents associated with this Use Restriction.

APPENDIX C

Proposal for Post-Removal Site Control, Rev 1.0

Proposal for Post-Removal Site Control, Rev 1.0

Fox Park Redevelopment Site

June 25, 2024 | Project Number: 25227342



Nationwide
Terracon.com

- Facilities
- Environmental
- Geotechnical
- Materials



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Exhibit

Exhibit 1 – Post-Removal Site Control

1.0 Introduction

The overall Fox Park redevelopment site (the Property) includes 4400 North Fox Street, 4300 North Fox Street and 700 West 44th Avenue in Denver, Colorado encompassing 41.050 acres.

Historically, the site was part of the Boston and Colorado Smelting Company's Argo Smelter. The smelting operation processed gold, silver, and copper using multiple roasting and smelting furnaces and refining facilities. The smelter structures on the northern portion of the Property include a portion of an ore house/roaster house, an "old roaster," two coal shed structures, a vacant building, and railroad spurs. The Argo Smelter was destroyed by fire on September 5, 1906, and smelting operations ceased.

As early as 1889, the portion of the Property south of the smelter was operated as a clay sewer pipe factory and a brick factory, both operated by the Denver Sewer Pipe and Clay Company. The clay manufacturing operation included four factories, numerous kilns, a clay pit mine, and supporting facilities, such as mechanical shops, oil storage for engines, chemical storage, and vehicle oil storage and maintenance. Manufacturing was conducted at the Property until approximately 1982.

The Property was subsequently redeveloped with the current building by 1986, which is when the former Denver Post operations began. The Denver Post operated as a printing facility from at least 1986 to 2007.

1.1 Prior Removal Action

The Work under the Removal Action was performed as defined in the *Administrative Settlement Agreement for Removal Action and Payment of Response Cost by Bona Fide Prospective Purchaser* (BFPPA) between Vita Fox North (Purchaser) and the U.S. Environmental Protection Agency (EPA), effective April 11, 2022. Based on the BFPPA, Work is defined as "all activities and obligations Purchaser is required to perform..." and generally includes the implementation of the remediation, and preparation and submittal of documents stipulated in the BFPPA. Additionally, Removal Action was the excavation and offsite disposal of soil, historical fill, and debris impacted above the remedial goals. Metals including arsenic, lead, and manganese, and several PAH compounds were identified as the constituents of concern (COCs) in the unconsolidated soil and fill above the bedrock at the Property. The parties entered into the BFPPA to facilitate the redevelopment of the entire Property, of which a portion is within the mapped Vasquez Boulevard and Interstate-70 (VB/I-70) Superfund Site, Operable Unit 3 Preliminary Study Area (OU3). The purpose of the BFPPA, is to provide performance measures for the Removal Action, including establishing the remedial goals and documentation requirements. Additionally, the BFPPA's purpose "is to resolve Purchaser's potential CERCLA [Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601-9675] liability in accordance with the covenants not to sue." For additional details, refer to the BFPPA.

Remediation activities were completed under the purview of the EPA due to the portion of OU3 on the northern portion of the Property. Note that the OU3 boundary is not finalized and may change in the future, following further EPA-led activities. The remediation was conducted as removal action



to include removal and off-site disposal of known impacted soil and management of unanticipated environmental conditions encountered during the redevelopment activities. The removal action applied to the entire Property to allow for redevelopment of the Property for residential land use and limited to no use restrictions.

2.0 Proposal for Post-Removal Site Control

On behalf of Vita Fox North, L.P. (Vita Fox North), Terracon Consultants, Inc. (Terracon) has prepared this Proposal for Post-Removal Site Control to provide information concerning environmental conditions and best management practices (BMPs) associated with impacted soil, historical fill material, debris, and impacted groundwater that may be encountered during soil disturbing activities that may be necessary within the Restrictive Notice Area defined in the Notice of Environmental Use Restriction (NEUR) that will be recorded in the chain of title for the Property with the City and County of Denver's Clerk & Recorder's Office. Refer to Exhibit 1 for the Restrictive Notice Area, which was inaccessible during the site-wide soil and fill remediation performed at the site. The material left in place may be contaminated and the use restriction defined in the NEUR will be to implement the Post-Removal Materials Management Plan (MMP).

2.1 NEUR Information

The survey that will be provided in the NEUR defined the Proposal for Post-Removal Site Control as follows:

A PARCEL OF LAND BEING PORTION OF LOTS 1, 2, 3 AND 4, BLOCK 1 AND A PORTION OF TRACT A FOX PARK RECORDED AT RECEPTION NO. 2023101860 IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, CITY AND COUNTY OF DENVER, STATE OF COLORADO, SITUATED IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 66 WEST, SIXTH PRINCIPAL MERIDIAN, SAID CITY, COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1 WHENCE THE NORTHERLY LINE OF SAID LOT 1 BEARS NORTH 79°00'00" WEST, A DISTANCE OF 424.46 FEET;

THENCE NORTH 43°42'43" WEST, A DISTANCE OF 6.70 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 09°03'38" WEST, A DISTANCE OF 329.82 FEET;

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THENCE SOUTH 79°29'23" EAST, A DISTANCE OF 418.96 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 3.933 ACRES, (171,300 SQUARE FEET), MORE OR LESS.

ALL LINEAL DISTANCES ARE REPRESENTED IN U.S. SURVEY FEET.

In addition to the requirement to follow the Post-Removal MMP, the NEUR will require notification to the EPA and the Colorado Department of Public Health and Environment (CDPHE) prior to subsurface work within the area identified in the NEUR. Notification requirements are also included for conveyances, lessees, and proposed construction and land use.

2.2 MMP Information (Intrusive Site Inspections)

During potential subslab construction/renovation activities, the removal action of soil and fill above bedrock, the completed or potentially completed exposure pathways will be the following:

- Soil dermal contact;
- Soil ingestion; and
- Inhalation of particulates.

These exposure pathways apply to workers during the construction/renovation activities who will have direct contact with the soil and fill material. Additionally, the inhalation of particulates may apply to the downwind public.

Historically, in groundwater samples, selenium and chloroform have been identified at the Property at concentrations that exceed Colorado Groundwater Quality Standard (CGWQS). Selenium is naturally occurring along the Front Range, and the detected concentrations may be indicative of background. The detections of chloroform, a common disinfection byproduct, are likely attributable to potable water use. The Property is currently and will continue to be serviced by a municipal water supply, and groundwater will not be used. Consequently, further evaluation of the groundwater ingestion exposure route is not proposed.

The environmental exposure scenarios considered applicable to this MMP are workers in contact with contaminated materials during construction/renovation activities (i.e., subslab utility work, additional structural support installation, etc.) of the existing former Denver Post building and the public if potentially contaminated materials are not properly managed.

The MMP will be provided to the General Contractor(s) and their subcontractors on-site during subslab excavation activities as notification of the documented contamination in soil and fill due to historical operations at the Property, the completion of soil remediation excavation as the Removal Action, and the potential for additional contamination and fill that may be encountered.

This MMP provides information for use in complying with employer obligations such as employee right-to-know, worker safety, and other regulatory programs while providing general guidelines for reducing potential exposures of workers to chemically impacted environmental media. However, each employer remains responsible for the health and safety of its own workers. This MMP is not intended for direct, unmodified use by employers to protect workers. Rather, it is intended to provide general considerations

and procedures for modification and incorporation by employers into their existing worker safety programs. Additionally, the GC and its subcontractors must inform and educate their respective workers to be alert for new or undiscovered conditions that could potentially pose risk.

Elements of the MMP include the following:

- Site access control per CERCLA §§ 101(40)(B)(iv)(III), 107(q)(1)(A)(iii)(III), and 101(35)(B)(i)(II)(cc);
- Agency Notification;
- Requirements for site inspections and oversight by a qualified environmental field professional;
- A description of potential soil characteristics (hazardous waste, non-hazardous waste, non-impacted soil);
- Management of Regulated Asbestos-Containing Soils;
- Dust control measures;
- Field screening for changed conditions;
- Stockpiling and waste characterization guidance;
- Hauling and disposal guidance;
- Management of hazardous waste guidance;
- Soil import characterization;
- Stormwater and groundwater management requirements; and
- Documentation requirements.

2.3 Non-Intrusive Site Inspections

The NEUR includes a provision to allow the CDPHE entry to the Property at reasonable times with prior notice for the purpose of determining compliance with the terms of this Restrictive Notice. Annually, the Property owner is required to execute and return a certification form provided by the CDPHE detailing Owner's compliance, and any lack of compliance, with the terms of this Restrictive Notice. It is anticipated that this certification will document that any subsurface work was performed in compliance with the MMP.

3.0 Limitations

3.1 Standard of Care

Terracon's services were performed in a manner consistent with generally accepted practices of the profession undertaken in similar studies in the same geographical area during the same time period. Please note that Terracon does not warrant the work of laboratories, regulatory agencies or other third parties supplying information used in the preparation of the report. These services were performed in accordance with the scope of work agreed to by Vita Fox North, L.P.

3.2 Additional Scope Limitations

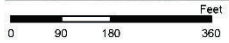
Findings, conclusions, and recommendations resulting from these services are based upon information derived from the on-site activities and other services performed under this scope of work; such information is subject to change over time. Certain indicators of the presence of hazardous substances, petroleum products, or other constituents may have been latent, inaccessible, unobservable, nondetectable or not present during these services, and Terracon cannot represent that the property contains no hazardous substances, toxic materials, petroleum products, or other latent conditions beyond those identified during the investigation. Subsurface conditions may vary from those encountered at specific borings or wells or during other surveys, tests, assessments, investigations, or exploratory services; the data, interpretations, findings, and our recommendations are based solely upon data obtained at the time and within the scope of these services.

3.3 Reliance

This report has been prepared for the exclusive use of Vita Fox North L.P. Any authorization for use or reliance by any other party (except a governmental entity having jurisdiction over the property) is prohibited without the express written authorization of Vita Fox North L.P. and Terracon. Any unauthorized distribution or reuse is at the client's sole risk. Notwithstanding the foregoing, reliance by authorized parties will be subject to the terms, conditions and limitations stated in Terracon's Services Agreement and associated reports.

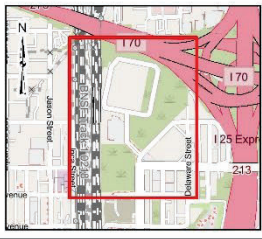


EXHIBIT



DATA SOURCES:
ESRI - BaseMaps

- Property Boundary
- Removal Action Status
- Sampled, results below regulatory standard
- Parcel ID
- ▨ Restrictive Notice Area



Note: The Restrictive Notice Area as depicted on this figure may appear slightly different than ground truth due to the photographed angle of available aerial imagery. The actual extents outlined in the filed legal description are to be used for construction.

Project No.: 25227342
Date: Apr 2024
Drawn By: PJS
Reviewed By: JDA

Terracon
10525 W 170 Frontage Rd N
Wheat Ridge, CO
PH. 303-423-3300 terracon.com

Post-Removal Site Control
Fox Park Redevelopment Site
4300 & 4400 Fox St & 700 W 44th Ave
Denver, Colorado

Exhibit
1

APPENDIX D

References

Citizen's Guide to Colorado Water Law, Third Edition. 2009.

Colorado's 1969 Adjudication and Administration Act: Settling In, 3 U. Denv. Water L. Rev. 1. 1999.

Final Report – Rev. 2.0 Fox Park Redevelopment Site Denver, Colorado. June 2024.

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Fox Park Denver, Master Plan, www.foxpark.com/master-plan. October 3, 2025.

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Remedial Investigation Report, Vasquez Boulevard/Interstate 70 Superfund Site, Operable Unit 3 Denver, Colorado. 2007.

Third Five-Year Review Report for Vasquez Boulevard and I-70 Superfund Site Denver, Colorado. September 2019.