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July 14, 2020

Governor Jared Polis
State Capitol Building
200 E. Colfax Avenue, Suite 136
Denver, CO 80203

RE: Redevelopment of the Thornton Shopping Center

Dear Governor Polis,

I write on behalf of the citizens of Thornton, and with the full support of the Thornton City Council, to ask for your help with our efforts to redevelop the Thornton Shopping Center, an important commercial area located in original Thornton. We understand that Jay Brown, on behalf of his company that owns the shopping center, wrote you a letter dated May 8, 2020 asking you to intervene for his benefit and delay the enforcement efforts of the Colorado Department of Public Health and Environment (CDPHE). As explained below, the City of Thornton emphatically opposes a request for delay. In contrast to Mr. Brown's self-serving request, the City appreciates the CDPHE's efforts, offers support for CDPHE's continuing enforcement efforts, including financial support, and respectfully suggests some next steps at the conclusion of this letter.

The Thornton Shopping Center is today a large, blighted, and rapidly decaying site in the midst of vibrant residential and light commercial neighborhoods. The soil and groundwater under portions of the shopping center are also severely contaminated with hazardous chemicals left behind by now-closed dry cleaning businesses.

Our City's goal is to redevelop the Thornton Shopping Center so it can again become a valuable and important economic asset in our community. But environmental contamination has blocked our redevelopment efforts for more than ten years. As a result, the shopping center continues to deteriorate and contaminated groundwater continues to spread beneath neighboring homes and businesses and the residents are beyond frustrated.

Thornton asks for your help to pave a way through regulatory State processes that might impede our redevelopment efforts. We offer our City's cooperation and partnership with the State – including the commitment of significant City financial resources – to transform this blighted, economically harmful area into a fully functioning and productive part of our community.

The City of Thornton already has spent large sums of public monies and substantial senior staff efforts to assure this cleanup takes place correctly and rapidly. We commit to you, as a part of a partnership with the State moving forward, the City is prepared to devote considerably more resources to this effort.

The State of Colorado occupies the central regulatory role in the correct and timely environmental cleanup of the shopping center. The Colorado Department of Public Health and Environment, through its Hazardous Materials and Waste Management Division, has struggled for years to force Mr. Brown, the shopping center owner, to clean his property. The City appreciates CDPHE's many efforts, but so far, Mr. Brown has delayed effective cleanup for more than ten years. Indeed, substantial evidence of his continued, protracted delay is obvious in the litany of woes he recites in his May 8 letter to you. Mr. Brown has shown the same resistance to complying with Thornton's building code for the shopping center, as he currently faces citations for more than 100 building code violations to which he has admitted.

Because of two fundamental problems with Mr. Brown's current cleanup plan, the City believes that more is needed, not less. First, and most important by far, the City's environmental consultant, ERO Resources, tells us that Mr. Brown's cleanup plan – which is currently approved by CDPHE – is unlikely to work even if it is fully implemented. Other independent consultants have studied that plan and agree it is insufficient. This unfortunate plan is a roadmap to failure because, to the City's surprise and consternation, Mr. Brown does not intend to excavate and remove the ongoing source of contamination. Second, despite its many efforts, CDPHE has faced substantial interference caused by Mr. Brown's continued evasions and delays. The unfortunate result? Meaningful progress toward actual, on the ground cleanup of this contamination, is nonexistent.

The City's staff has discussed these fundamental environmental concerns with CDPHE staff. The City intends to continue to press the need (1) for a new CDPHE cleanup plan that will have a much better chance to succeed, and (2) for Mr. Brown to fulfil his responsibilities without delay. CDPHE already has before it other, much better cleanup plans for this site. Simultaneously, and maybe a better path to success, the City respectfully asks you to encourage the CDPHE to allow a new owner to clean the site under the Voluntary Cleanup Program (VCUP) or similar relief such as a Covenant-Not-to-Sue. The City intends to request a meeting with CDPHE leadership to discuss these matters, and the City asks for your help and support as it continues these discussions with CDPHE. Without CDPHE's careful and sustained attention to these problems, the City is concerned that environmental protections and real redevelopment and economic progress in this part of Thornton will not be possible.

Finally, the City also has approached the U.S. Environmental Protection Agency about the shopping center. It has discussed with EPA the possibility of support from that Agency's Brownfields Program to assist the City with the cleanup of contamination and other aspects of redevelopment of the shopping center.

The City's hopes to forge a positive and productive partnership with the you, CDPHE, and EPA to break the environmental logjam that has stymied the productive redevelopment of the Thornton Shopping Center for more than ten years. We promise to bring to that partnership substantial City' resources in order to reach that worthy goal. Again, we ask for your help and support in our effort.

Thank you for your attention to our City's concerns.

A handwritten signature in cursive script that reads "Jan Kulmann".

Jan Kulmann, Mayor