

## **What the Commissioners Aren't Telling You About Zebulon**

### **INTRO:**

**Because there seems to be a lack of transparency from our county government regarding the land Zebulon will be constructed on, I wanted to make the truth abundantly clear for anyone willing to look into this for themselves.**

**This document reflects hours of research by multiple community members — people who care deeply about the health and safety of this land, our children, and our future.**

**Please read it. Please share it. And please help others in our community get educated about what's really happening here.**

**When we're informed, we're empowered and this land, and our kids, are worth protecting.**

## Let's Start with the Letter the Commissioners Keep Referencing

The commissioners continue to point to this letter from CDPHE as supposed “proof” that the land at Zebulon is “clean-closed” and safe.

[Read that letter here:](#)

The commissioners are claiming this letter from CDPHE means the land is clean, safe, and closed. They're calling it a “green light.”

**But here's what this letter actually does and doesn't say:**



### **This Letter Wasn't Even Written for the County**

This letter was not written for Douglas County, the Parks Department, or the current developer.

It was written for Chemours, the previous owner of the property, a chemical company that had been actively cleaning up contamination on the land due to health and environmental risks.



### **Why Did CDPHE Issue This Letter?**

Chemours had been actively cleaning up the contamination on the property.

Once cleanup reached a certain acceptable level (not complete removal), CDPHE issued what's called a “conditional closure” letter.





This basically says:

“You've done enough cleanup for now. You may stop active remediation as long as the land stays restricted and isn't used in a way that could expose people to what's still there.”

In other words:

- The land still contains contamination.
- The land is now in a “maintenance mode,” not fully cleaned.
- The site is now under conditional closure, meaning it can’t be used freely or without regulation by CDPHE.
- The NEUR (Notice of Environmental Use Restrictions) remains in place and legally binding.

### **What This Letter Does Not Say:**

-  It does not mean the land is clean.
-  It does not give a “green light” for public parks, sports fields, or residential use.
-  It does not remove the land from CDPHE oversight.
-  It does not say it is safe for unrestricted development.

## **The Notice of Environmental Restrictions (NEURS)**

[Find the NEURS doc here](#)

(the first 5 pages will show you the contaminated zones and restrictions)

### **What Is a NEUR and Why Does It Matter?**

When CDPHE says the site is under a NEUR, they’re not saying the land is clean.

They’re saying it still contains contamination and must remain under strict use restrictions.

It is a legal instrument recorded in the property records that does three key things:

### 1. It Acknowledges the Presence of Contamination

A NEUR is only issued **when contamination remains** on a site.

It's a formal, legal acknowledgment that:

- There are **hazardous substances** still present.
- The site is **not considered safe for unrestricted use**.
- Certain activities (like digging, construction, or residential development) could **uncover or disturb** contaminated soil or materials.

### 2. It Imposes Legal Restrictions on How the Land Can Be Used

The NEUR places permanent or long-term **restrictions** on the property. These often include:

- No residential development
- No playgrounds or schools
- No soil disturbance without special permits and safety plans
- No use of groundwater

The goal is to **prevent human or environmental exposure** to what's left in the soil, groundwater, or structures on the site.

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### 3. It Keeps the Property Under CDPHE Oversight

Even after a conditional closure is issued, a NEUR ensures that:

- The property remains under the **supervision of CDPHE**
- **Any changes in use** (like building parks or sports fields) must be reviewed and approved by the state
- The developer is responsible for following specific safety regulations **before** any construction or disturbance happens

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### Bottom Line:

A NEUR means the site is **not clean**. It means the land still poses a potential risk and that's why state-enforced restrictions are required.

So when commissioners call this a "clean-closed site," they are **ignoring the fact** that a NEUR is still in place and **legally binding**.

This isn't just a technicality.

It's a public health and environmental safety issue and the public deserves transparency.

**PS. this reports evidence of Arsenic over EPA residential screening levels for residential soils**

 **The county had their own testing done**

[Find that testing here](#)

In August 2024, Douglas County hired ERO Resources Corporation to conduct a Phase II Limited Site Investigation on different areas of the land where Zebulon is proposed to go.

This report is not from years ago, it's from 2024 and reflects current data. It was conducted and reviewed with the County's approval.

You can view the report yourself, but here are the contaminants found in that report alone:

- PFOA (forever chemicals) over 100x the safe limit.
- PAHs- known carcinogens and highly toxic
- Lead- above EPA residential cleanup standards
- Asbestos- "Any soil disturbing activities must be performed under Colorado's solid-waste regulation"

**The report clearly states multiple times:**

**Additional testing is necessary to determine the extent of soil contamination and to design any remedial action.**

Reminder: this test was ordered by the county just last year.



## **CDPHE in support of Zebulon email:**

At the initial zebulon approval meeting, Douglas County staff member Mr. Avery made the following statement on the record:

“I did speak with CDPHE as part of our process, and the response that I got from CDPHE was that this land can absolutely be used for an athletic facility. Future development of this kind would be welcomed and would be a wonderful thing — these are quotes from my conversation – and that the use of this land as a recreational complex would be supported by CDPHE.”

This statement was used to suggest that CDPHE gave a blanket endorsement of the project and that environmental health concerns were resolved.

But here is what CDPHE actually said in a written email to me:

“Tiffany, I confirm that I spoke to Dan (Mr. Avery) and related those things, but once again as we discussed it really ultimately depends on where they put everything. Then we evaluate what’s needed with regards to their redevelopment activities and any contamination/waste left in place. The locations of Solid Waste Management Units (SWMUs) and Areas of Contamination (AOCs) drive what will be required when the land is redeveloped. Based on initial proposals Douglas County is planning this complex to be positioned in the least/minimally impacted areas of the former EI DuPont/Chemours facility.”

### **What This Means:**

- CDPHE did not give unconditional approval of the entire site.

- CDPHE clearly stated that use of the land depends on exact placement of development and what toxins are present underneath.
- The project will need further review and possible remediation based on final construction plans and how they intersect with known Areas of Contamination (AOCs).
- CDPHE's conditional language directly contradicts how Mr. Avery represented their support in the hearing.

This is a critical nuance being left out of the public conversation and it matters when children's health, soil contamination, and environmental safety are on the line.



**“We’ve moved the boundary lines — the contamination is outside of the project now”**

The commissioners are now saying the boundaries of the project have been shifted and therefore, the complex is no longer overlapping the contamination.

**But here’s what you need to know:**

**Two areas on this land are now actively being remediated (cleaned).**

(weird if this land is already clean though, isn't it?)

This is not speculative, **this was confirmed directly by CDPHE**. That means cleanup will be occurring on the same parcel of land where they plan to build Zebulon.

**“Just Build Around It”? Why That’s Not Good Enough**

In a private conversation, CDPHE explained that technically, as long as Douglas County avoids directly building on the contaminated zones, they are legally allowed to develop the surrounding land.

But here’s why that’s a serious problem:

- **Toxins don’t respect property lines.** Just because a field or building doesn’t sit on top of a contaminated zone doesn’t mean it’s safe. Toxic materials can migrate through soil, water, or air — especially when land is disturbed during

construction.... Are you comfortable with trusting developers to maneuver around contamination properly, safely?

- This isn't a remote industrial site, it's a public space for kids. Proximity matters. The closer we build to known contamination, the more risk we take, especially if the land isn't fully remediated.
- AND IF IT IS FULLY REMEDIATED.... Guess who pays for it???

**(Reminder- WE ARE FOOTING THE BILL FOR THIS PROJECT WITHOUT EVER HAVING BEEN GIVEN THE OPTION TO VOTE ON IT.)**

This land is not just "buildable." It is bordered by contamination that is still being cleaned up and we are being told that's acceptable.

**But we don't want a sports complex next to toxic soil.**

We want — and deserve — full remediation of this land (if they insist this land is where it must be built...) not shortcuts or technical loopholes.

**Because when it comes to our kids' safety, and the long-term health of our community, "good enough" is not good enough.**

And this is what we plan to continue to advocate for:

**FURTHER TESTING AND FULL REMEDIATION IF THEY PLAN TO USE THIS LAND FOR A CHILDREN'S SPORTS COMPLEX.**

**In conclusion:**



In the end it comes down to this:

👉 Be honest with us...especially if you expect us to foot the bill for not only the construction of Zebulon, but any liability this land may hold in the future

👉 Protect our health, not just your plans. Whether or not this land was always intended to be developed, what matters now is that it contains (and borders) toxic contaminants. We are not comfortable being told that “nearby contamination” is acceptable — especially when children are involved.

👉 Stop cutting corners. What may be legally permissible is not the same as what is ethically right. The community deserves more than technical loopholes and vague reassurances. If this land requires remediation, remediate it. Fully.

👉 Put safety before speed. It’s okay if this project takes more time. It’s not okay to push it through without doing everything possible to ensure the health and safety of our community. The long-term risk is simply not worth the rush.

Thank you for taking the time to get educated around this issue.

Please share it as much as possible.

Always,

Colorado Wildlife Crossings

**Additional research I recommend reading:**

[Douglas County Lantern](#)

[Please sign this petition:](#)