

1.0 EXECUTIVE SUMMARY

All-Phase Environmental Consultants, Inc. (APEC) performed a Phase I Environmental Site Assessment (ESA) for Harder Real Estate Development c/o Walter Harder in conformance with the scope and limitations of ASTM (American Society for Testing and Materials) Practice E 1527-21 Standard Practice for Environmental Site Assessments, *Phase I Environmental Site Assessment Process*, at the following location(s): 1629 S. Nevada, Colorado Springs CO 80905 in El Paso County. The above property is hereinafter referenced as the “Subject Property” in the following Phase I ESA. Any exceptions to, or deletions from, this ASTM practice are described in Section 2.0 of this report.

On December 15, 2022, the U.S. Environmental Protection Agency (EPA) published its **new final rule**, which amends 40 C.F.R Part 312 to recognize the ASTM’s updated E1527-21 standard (the “2021 Standard”) for conducting Phase I Environmental Site Assessments (“Phase Is”) as satisfactory to fulfill the “all appropriate inquiries” (AAI) requirement under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). After EPA **withdrew its direct final rule** in May 2022, it began work to review and **address the public comments** which led to the rule’s withdrawal in the first instance. The **final rule** amends the AAI requirement under CERCLA to reference compliance with the ASTM E1527-21 standard instead of the ASTM E1527-13 standard (The “2013 Standard”). The new rule is effective on February 13, 2023. The 2013 Standard will not automatically be deemed insufficient to meet AAI. Instead, the final rule provides for a sunset period for ASTM 1527-13 until December 15, 2023 (one year from the date of publication of the final rule) to allow time for consultants and users to become familiar with the new standard. A Phase I completed before December 15, 2023 using ASTM E1527-13 will be recognized as compliant with the AAI requirement.

An Environmental Professional should always be hired and/or consulted for any type of environmental investigation. We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in §312.10 of the 40 CFR 312. Brandice N. Eslinger meets these qualifications. This Phase I ESA was written by Brandice Eslinger.

On March 31, 2023, Brandice Eslinger, Environmental Professional (EP) of APEC and Joshua Glach, EP conducted the Subject Property reconnaissance, which included thorough written and photographic documentation of the entire Subject Property and adjoining properties, where visible.

The Subject Property investigation also included records research of the Subject Property and surrounding properties and interviews with local governmental officials and other parties connected to the Subject Property. Informational databases accessed during the records review process include, but not limited to the following: Environmental Risk Information Systems (ERIS); the Colorado Division of Oil and Public Safety (OPS) Storage Tank Information System (COSTIS), and USEPA Envirofacts Warehouse. A copy of the ERIS report is provided in Appendix H.

1.1 Subject Property Characteristics

There is one (1) parcel, according to the El Paso County Assessor webpage, that comprises the Subject Property - Parcel: *6430121001*, the land associated with this parcel is approximately 18,324 ft². According to the El Paso County Assessor’s card, **Appendix G**, the commercial structure was constructed in 1946 and is 2,547 ft². The Subject Property operates as a private social club and Metro PCS. The private club is located on the eastern region of the structure and the Metro PCS is located on the western region. There is a basement present which is utilized for storage and utilities. **Photographs are located in Appendix A.**

Parcel Number	Land Area	Building Square Footage ft ²	Year Built	Most Recent Use	Construction Type
<i>6430121001</i>	18,324 ft ²	2,547 ft ²	1946	Private Club and Metro PCS	Masonry construction with basement; interior finishes vary

Observations/Site Reconnaissance:

APEC personnel began the site reconnaissance by entering the private clubhouse from the east entrance. There is LVT flooring, drywall walls and a dropped ceiling present. There is a bar present with multiple beverage containers, a refrigerator, and bar supplies. The back room has furniture present and appears to function as a hangout area. There is a storage room with canned goods, paper goods, and clothing present. The room adjacent to the hangout room currently has no use as there has been significant water damage to the ceiling and walls. ***Photograph documentation is available in Appendix A.*** APEC personnel observed potential mold and water damage to the ceiling tiles, ceiling foundation, walls, and wood floor on the day of reconnaissance. APEC personnel entered the basement. There are damaged plaster walls throughout the basement. ***Photograph documentation is available in Appendix A.*** APEC observed HVAC ducting throughout the basement. There is a 75-gallon water heater and Whirlpool furnace present. Located in the “main” basement room is significantly damaged linoleum flooring. ***Photograph documentation is available in Appendix A.*** There are stairs leading into the Metro PCS area; however, the door was locked. The stairwell is currently used for storage of paint, light bulbs, and interior materials such as cove base. The Metro PCS was entered from the west entrance adjacent to Nevada Ave. The Subject Property Metro PCS is currently unoccupied but is being prepared for the opening of the store. There are phones, phones cases, computers, and other commercial electronic supplies present. ***Photograph documentation is available in Appendix A.*** There is a breakroom present which has a refrigerator and sink. APEC observed storage of paint and cleaning supplies throughout the unit being utilized in the preparation. ***Photograph documentation is available in Appendix A.***

Zoning:

The Subject Property is located in a C5 zone (Intermediate Business) zone. The Colorado Springs Planning and Zoning provides the following description:

“Each commercial zone allows certain uses from the less intense Office to the more intense Automotive Services. The OR and OC zones are generally located adjacent to residential developments and serve as a buffer to the more commercial zones of PBC, C-5 and C-6.”

Complete zone descriptions are available in Appendix I.

Property Coordinates:

Latitude: 38.81008507

Longitude: -104.82164274

UTM Northing: 4295716.96853 Meters

UTM Easting: 515485.474918 Meters

UTM Zone: UTM Zone 13S

Elevation: 5,927.92 ft

Slope Direction: NNE

1.2 Historical Summary

The historical research in this Phase I ESA has established the *obvious* uses of the Subject Property as observed on the Historical Aerial Photographs, Historical Topography Maps, Fire Insurance Maps and City Directories, where available.

Historical Aerial Photographs – Appendix C

The **1937** Historical Aerial Photograph indicates the Subject Property is apparent undeveloped land. The **1947** Historical Aerial Photograph indicates there is one (1) structure located on the Subject Property. The Structure is located on the western region, adjacent to Nevada Ave. The use of the structure is uncertain; however, it appears to be commercial. There is foliage present on the remainder of the Subject Property. The **1953** Historical Aerial Photograph's quality is too poor to make any assumptions on the Subject Property. The **1960** Historical Aerial Photograph indicates there is one (1) structure present on the Subject Property. Said structure appears to be the present-day structure observed on the day of reconnaissance. There is an apparent parking lot located on the east region. There are no changes in use on the **1969, 1972, and 1983** Historical Aerial Photographs. The **1988** Historical Aerial Photograph's quality is too poor to make any assumptions on the Subject Property. The **1999** Historical Aerial Photograph indicates there is one (1) structure present on the Subject Property. Said structure appears to be the present-day structure observed on the day of reconnaissance. The **2004** Historical Aerial Photograph's quality is too poor to make any assumptions on the Subject Property. The **2005** Historical Aerial Photograph indicates there is one (1) structure present on the Subject Property. Said structure appears to be the present-day structure observed on the day of reconnaissance. There is an apparent parking lot located on the east region. There are no changes in use on the **2009, 2011, 2013, 2015, 2017, 2019, 2021, and 2022** Historical Aerial Photographs.

Historical Topography Maps – Appendix D

The **1948, 1950, & 1951** Historical Topographic Maps indicate the Subject Property is located in Colorado Springs adjacent to the east of S Nevada Ave and ~1 mile south of Fountain Creek. There is one (1) structures present on the Subject Property. The **1961** Historical Topographic Map indicates the Subject Property is located in Colorado Springs adjacent to the east of S Nevada Ave and ~0.75 miles south of Interstate – 25. The Historical Topographic Map does not depict structures. Fountain Creek is ~1 mile north of the Subject Property. There are no changes in use on the remaining Historical Topographic Maps: **1961, 1974, 1994, 2013, 2016, and 2019.**

Fire Insurance Maps – Appendix E

The **1963 & 1964** Fire Insurance Maps indicate the first use of the Subject Property as a restaurant. The remainder of the Subject Property is apparently undeveloped.

City Directories – Appendix F

The City Directories (Appendix F) indicate the uses of the Subject Property address below:

1629 S Nevada Ave:

2022, 2020, 2016 – Clinic 5280, Unlimited Cellular

2012 – Unlimited Cellular, Unlimited Wireless

2007 – Unlimited Cellular

2003, 2000, 1996, 1990, 1986, 1980, 1975, 1970, 1965, 1960, 1955, 1951, 1945, 1940, 1935, 1930, 1925 – No Listing

1.3 Regulatory Database Findings

The Subject Property investigation included records research of the Subject Property and surrounding properties and interviews with local governmental officials and other parties connected to the Subject Property. Informational databases accessed during the records review process include the following: Environmental Risk Information Services (ERIS); the Colorado Division of Oil and Public Safety (OPS) Storage Tank Information System (COSTIS), and USEPA Envirofacts Warehouse. A copy of the ERIS report is provided in Appendix H. Supporting Documentation for each finding is in Appendix I and opinions and conclusions are addressed in Section 1.4.

Subject Property:

No Listings in the ERIS report in Appendix H, for the Subject Property.

Surrounding Properties:

Database listings for the surrounding/adjacent properties are detailed below, including the site ID, name, database listing, address, and map ID in the ERIS, Appendix H. Detailed information regarding the database, issues and/or violations, and the need for further action, if necessary, are detailed in Section 4.0.

Source	Company Name	Address
AIR PERMITS	CST METRO LLC DBA CORNER STORE #4067	1780 S NEVADA
ALT FUELS	CREEKWALK CREEKWALK GW 1	132 E Cheyenne Rd
ALT FUELS	CREEKWALK CREEKWALK GW 3	132 E Cheyenne Rd
ALT FUELS	CREEKWALK CREEKWALK GW 2	132 E Cheyenne Rd
ALT FUELS	CREEKWALK CREEKWALK GW 4	132 E Cheyenne Rd
ASBESTOS	ACUMEN ENVIRONMENTAL SERVICES, LLC	1638 S. NEVADA AVE
ASBESTOS	EARTHWISE DEMOLITION	1638 S. NEVEDA
ASBESTOS	IRON MOUNTAIN DEMOLITION	1624 S. NEVADA ST.
ASBESTOS	COLORADO HAZARD CONTROL LLC-DENVER	1624 S. NEVEDA AVE
ASBESTOS	ACUMEN ENVIRONMENTAL SERVICES, LLC	114 EAST RAMONA
ASBESTOS	COLORADO HAZARD CONTROL LLC-DENVER	1616-1618 S. NEVADA AVE.
ASBESTOS	COLORADO HAZARD CONTROL LLC	1703 S. NEVADA AVE.
ASBESTOS	ACUMEN ENVIRONMENTAL SERVICES, LLC	110 E. RAMONA
ASBESTOS	COLORADO HAZARD CONTROL LLC-DENVER	1608 S. NEVADA AVE.
ASBESTOS	COLORADO HAZARD CONTROL LLC-DENVER	1602 S. NEVADA AVE.
ASBESTOS	COLORADO HAZARD CONTROL LLC-DENVER	1608 S. NEVADA AVE
ASBESTOS	COLORADO HAZARD CONTROL LLC-DENVER	145 E. NAVAJO ST.
ASBESTOS	COLORADO HAZARD CONTROL LLC-DENVER	141 E. NAVAJO ST.
ASBESTOS	COLORADO HAZARD CONTROL LLC-DENVER	131 E. NAVAJO ST.
AST	All Star Rental	1644 S Tejon St Colorado Springs 80906
DRYCLEANERS	KARNES ENTERPRISE LLC	1638 S NEVADA
DRYCLEANERS	CONTINENTAL CLEANERS - CO SPRINGS	1638 S NEVADA AVE
DRYCLEANERS	KINGS CLEANERS	1536 S NEVADA AVE
DRYCLEANERS	ONE HOUR CLEANERS	1859 S NEVADA
DRYCLEANERS	ONE HOUR CLNRS	1859 S NEVADA AVE
FED BROWNFIELDS	1207 S Nevada Ave	1207 S Nevada Ave
FED DRYCLEANERS	CONTINENTAL CLEANERS - CO SPRINGS	1638 SOUTH NEVADA AVENUE
FED DRYCLEANERS	KINGS CLEANERS	1536 S NEVADA AVE
FED DRYCLEANERS	ONE HOUR CLNRS	1859 S NEVADA
HAZ CORRACT	SOUTHGATE DRY CLEANERS	4-66 SOUTHGATE RD

Source	Company Name	Address
LST	Barker Motor Co	1611 S Nevada Ave Colorado Springs 80906
LST	Gene Williams	1716 Mt Washington Ave Colorado Springs 80906
LST	Former Multi-Mile Tires	1602 S Nevada Ave Colorado Springs 80905
LST	7-Eleven #22562	1801 S Nevada Ave Colorado Springs 80906
LST	Burger King	217 E St Elmo Ave Colorado Springs 80905
LST	Corner Store - CO0008	1780 S Nevada Ave Colorado Springs 80906
LST	NR Gas #3 DBA Gas & Grass	1433 S Tejon St Colorado Springs 80905
LST	All Star Rental	1644 S Tejon St Colorado Springs 80906
LST	Everyday Store #5005	1502 S Tejon St Colorado Springs 80905
LST	Circle K #3155	1406 S Nevada Ave Colorado Springs 80906
LST	CDOT Colorado Springs	448 E Arvada St Colorado Springs 80906
LST	K & G Store #523	1802 Southgate Rd Colorado Springs 80906
LST	Jw Brewer Tire Co Inc	1207 S Nevada Ave Colorado Springs 80903
LST	Sears Roebuck & Co	100 Southgate Rd Colorado Springs 80906
LUST TRUST	7-Eleven #22562	1801 S Nevada Ave
LUST TRUST	Corner Store - CO0008	1780 S Nevada Ave
LUST TRUST	NR Gas #3 DBA Gas & Grass	1433 S Tejon St
LUST TRUST	NR Gas #3 DBA Gas & Grass	1433 S Tejon St
LUST TRUST	All Star Rental	1644 S Tejon St
LUST TRUST	Everyday Store #5005	1502 S Tejon St
LUST TRUST	Circle K #3155	1406 S Nevada Ave
LUST TRUST	K & G Store #523	1802 Southgate Rd
MRDS	GRAVEL PIT	EL PASO COUNTY
RCRA CORRACTS	SOUTHGATE DRY CLEANERS	4-66 SOUTHGATE RD
RCRA NON GEN	KARNES ENTERPRISE LLC	1638 S NEVADA
RCRA NON GEN	PORAK PROPERTIES	1611 S NEVADA AVE
RCRA NON GEN	AAMCO TRANSMISSION	1716 MT WASHINGTON AVE
RCRA NON GEN	EVC HD LLC	1608 S NEVADA AVE

Source	Company Name	Address
RCRA NON GEN	KINGS CLEANERS	1536 S NEVADA AVE
RCRA NON GEN	ONE HOUR CLEANERS	1859 S NEVADA
RCRA NON GEN	OTERO SAVINGS	1810 S WAHSATCH AVE
RCRA NON GEN	SATURN OF COLORADO SPRINGS BODY SHOP	1504 S CORONA AVE
RCRA VSQG	FAMILY DOLLAR #10764	1520 S NEVADA AVE
RCRA VSQG	SHERWIN WILLIAMS COMPANY	1813 S NEVADA ST
RCRA VSQG	SPUI PAINT INC	1510 S CORONA AVE
RCRA VSQG	SHARPZ BODY WORK	427 E BROOKSIDE ST
RCRA VSQG	SAFEWAY STORE #2816	1920 S NEVADA AVE
SWF/LF	CSG Automotive dba South Nevada Big O Tires	1611 S. Nevada Ave
SWF/LF	Gray's Tire and Auto	1608 S. Nevada Ave.
SWF/LF	Wenco Industries Inc dba Midas Auto Service	1410 S Nevada
SWF/LF	Larry H Miller Corp - Colorado South - Toyota & Scion of Colorado Springs	15 E Motor Way
SWF/LF	Sears Auto Center # 6584 (Southgate Rd)	2050 Southgate Rd
TANKS	Burger King	217 E St Elmo Ave
UST	Barker Motor Co	1611 S Nevada Ave Colorado Springs 80906
UST	Gene Williams	1716 Mt Washington Ave Colorado Springs 80906
UST	Former Multi-Mile Tires	1602 S Nevada Ave Colorado Springs 80905
UST	7-Eleven #22562	1801 S Nevada Ave Colorado Springs 80906
UST	7-Eleven #13059	217 E St Elmo Colorado Springs 80906
UST	Corner Store - CO0008	1780 S Nevada Ave Colorado Springs 80906
UST	J & S Auto Sales Inc	1416 S Nevada Ave Colorado Springs 80906
UST	NR Gas #3 DBA Gas & Grass	1433 S Tejon St Colorado Springs 80905
UST	All Star Rental	1644 S Tejon St Colorado Springs 80906
UST	Everyday Store #5005	1502 S Tejon St Colorado Springs 80905
UST	Circle K #3155	1406 S Nevada Ave Colorado Springs 80906
ERNS		HWY 115
ERNS		COLORADO 115

Source	Company Name	Address
FINDS/FRS	S. NEVADA AVENUE ELECTRIC UNDERGROUNDING	NEVADA AVENUE BTWN ARVADA ST. AND CHEYENNE BLVD
LST	CDOT Colorado Springs	US 24 Bypass Colorado Springs 80909
SPILLS		HWY 115
SPILLS		COLORADO HWY 115, MM 34.2
SPILLS		HWY 115, SOUTH OF COLORADO SPRINGS; 1/10 MILE SOUTH OF MP 36
SPILLS		HWY 115
SPILLS		HWY 115

1.4 Findings, Conclusions & Opinions

We have performed a *Phase I Environmental Site Assessment* in conformance with the scope and limitations of ASTM Practice E 1527-13 & E 1527-21 Standard Practice for Environmental Site Assessments, *Phase I Environmental Site Assessment Process at the* property generally located at 1629 S Nevada Ave, Colorado Springs, CO 80905 in El Paso County, the Subject Property. Any exceptions to, or deletions from, this practice are described in Section 2.5 of this report. This assessment has revealed no evidence of *recognized environmental conditions* in connection with the property, *except where noted below*:

RECs are defined as:

The goal of the processes established by this practice, E1527-21, is to identify recognized environmental conditions. The term recognized environmental condition means (1) the presence of hazardous substances or petroleum products in, on, or at the subject property due to a release to the environment; (2) the likely presence of hazardous substances or petroleum products in, on, or at the subject property due to a release or likely release to the environment; or (3) the presence of hazardous substances or petroleum products in, on, or at the subject property under conditions that pose a material threat of a future release to the environment.

- None Noted

Historical REC:

Historical recognized environmental condition, n—a previous release of hazardous substances or petroleum products affecting the subject property that has been addressed to the satisfaction of the applicable regulatory authority or authorities and meeting unrestricted use criteria established by the applicable regulatory authority or authorities without subjecting the subject property to any controls (for example, activity and use limitations or other property use limitations). A historically recognized environmental condition is not a recognized environmental condition.

- None Noted

Controlled REC:

Controlled recognized environmental condition, n—recognized environmental condition affecting the subject property that has been addressed to the satisfaction of the applicable regulatory authority or authorities with hazardous substances or petroleum products allowed to remain in place subject to implementation of required controls (for example, activity and use limitations or other property use limitations).

- None Noted

Significant Data Gaps:

Significant Data Gaps are limitations in conducting the Subject Property reconnaissance, historical research, or any other aspect completing the Phase I Environmental Risk Assessment that impeded APEC's ability to identify recognized environmental conditions (RECs).

- None noted.

Other Environmental Considerations/Business Risks:

These may warrant discussion, but do not qualify as RECs as defined in the ASTM Standard Practice E1527-13 (21). These include, but are not limited to, de minimis conditions and/or environmental considerations that may be non-scope, such as the presence of ACMs, LBP, radon, mold and lead in drinking water, which can affect the liabilities and subsequently the financial obligations of the client, the health and safety of potential occupants or workers, and ultimately the market value of the Subject Property. The ASTM E1527-21 definition of de minimis is as follows:

de minimis condition, n—a condition related to a release that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. A condition determined to be a de minimis condition is not a recognized environmental condition nor a controlled recognized environmental condition.

The following are those identified environmental considerations associated with the Subject Property and adjacent properties.

Subject Property:

1. Non-Scope Considerations – Asbestos Testing for Renovations and/or demolition

There are potential asbestos-containing materials (ACMs) throughout the Subject Property structure, (e.g., ceiling tiles, flooring, texturing). If renovations and/or demolition occur in any structure it needs to be inspected for asbestos containing building materials PRIOR to work being conducted in the structure as is required per Colorado Regulation 8 standards and/or any applicable OSHA (29 CFR 1926.1101) and EPA standards. Per Colorado Department of Public Health & Environment's (CDPHE) Regulation 8, a Colorado Certified Asbestos Inspector should conduct an asbestos inspection prior to any building materials being disturbed, including demolition, renovations and/or repairs to the structures. All confirmed asbestos containing building materials (ACBM) should be handled according to EPA, State, OSHA, and local regulations.

2. Non-Scope Consideration – Lead-Based - Paint

There is potential for lead-based paint in the buildings. The RRP (renovation, repair and paint) rule states the following (not a complete description) Lead- based paint testing should be done per Colorado Regulation 19 and or it should be assumed that the hazard of lead paint exists:

EPA Requirements

Common renovation activities like sanding, cutting, and demolition can create hazardous lead dust and chips by disturbing lead-based paint, which can be harmful to adults and children.

To protect against this risk, on April 22, 2008, EPA issued the Renovation, Repair and Painting Rule. It requires that firms performing renovation, repair, and painting projects that disturb lead-based paint in pre-1978 homes, childcare facilities and schools be certified by EPA and that they use certified renovators who are trained by EPA-approved training providers to follow lead-safe work practices. Individuals can become certified renovators by taking an eight-hour training course from an EPA-approved training provider.

Contractors must use lead-safe work practices and follow these three simple procedures:

Contain the work area.

Minimize dust.

Clean up thoroughly.

Read EPA's Regulations on Residential Property Renovation at 40 CFR 745, Subpart E.

3. Non-Scope Consideration – Radon

According to the US EPA, the radon zone level for the area is Zone 1, which is projected to have an indoor screening level over 4 pCi/L the EPA action level. According to the ERIS Physical Settings Report, the arithmetic mean in El Paso County is ~4.7 pCi/L. This is over the recommended indoor level of 4 pCi/L. ***APEC personnel recommends radon testing in the Subject Property structure if it is to be utilized as a residential property.*** Radon information for this area is located in the ERIS Physical Setting Report in Appendix H.

4. Flood Zone

According to the FEMA Map, the Subject Property is located in a Special flood zone. This is described as a 0.2% annual chance flood hazard by FEMA. Appropriate measures should be taken to ensure that the structural integrity of any future buildings will meet the requirements for these conditions. ***Additionally, specific insurance may need to be obtained based on this finding and the lending institution's policies.***

5. Water Damage – Potential Mold

There was evidence of water damage observed to the ceilings and walls of the private club. APEC personnel observed the growth of black mold on the drywall and wood framing. **Photograph documentation available in Appendix A.** There was no apparent leaking water the day of the site reconnaissance from the roof or any active plumbing leaks. If water leaks are found, the source of the staining (e.g., leaking roof, leaking plumbing) should be mitigated by a qualified professional and the damaged/stained building material replaced to prevent the growth of mold. **APEC personnel recommends a certified industrial hygienist conduct an indoor air quality test to identify the types of molds present and the amount. After testing, APEC personnel recommends a certified mold remediation company be employed to remove all mold present throughout the structure.**

6. Tank, Buckets, Containers

There are six 5-gallon containers that contain oil-based products and a ~250 gallon storage tank located on the east exterior of the Subject Property. **Photograph documentation is available in Appendix A.** All containers should be labeled to ensure that the contents are not used or mixed improperly and are stored and, when applicable, disposed of correctly. If the containers store hazardous waste, they must be labeled according to Occupational Safety and Health Administration (OSHA) and/or Colorado Department of Public Health and Environment (CDPHE) regulations. At a minimum, hazardous waste containers, where applicable, should display the following information:

- a) The words “hazardous waste;”
- b) The major risks associated with the waste. Examples of major risks are *Flammable, Corrosive, Poison, Reactive, Toxic, or Persistent.*
- c) Date the waste was first generated.
- d) A description of the waste in terms workers understand (e.g., *spent antifreeze, waste oil, spent hydraulic fluid, etc.*).
Before transporting hazardous waste off-Site, the following information must be added:
- e) The generator’s name and address.
- f) The manifest document number (provided by waste transporter/disposal company).

Only waste disposal companies with the proper Colorado Department of Transportation (CDOT) licensing for the transport of hazardous waste can legally dispose of hazardous waste. The 250-gallon storage tank appeared to be empty on the day of reconnaissance, but it is uncertain. All containers that are to remain should be labeled and stored according to state and federal regulations & guidelines. If the containers are to be removed from the Subject Property, all containers should be properly characterized to determine the contents, then labeled and disposed of by a licensed waste hauling company. Copies of the manifests should be kept for a period of at least three years. All containers, chemicals, and materials should be removed off site and/or disposed of per regulations, prior to the transfer of the Subject Property.

Surrounding or Adjacent Properties:

1. Leaking Storage Tanks (LST's)

Leaking Storage Tank properties may pose a threat to the environmental condition of the Subject Property if the Subject Property is down-gradient of the LST facility, if depth to groundwater is relatively shallow, if the contaminants are dangerous to human health and/or the environment, and/or if the radius of influence of the plume is large enough to impact the Subject Property.

The ERIS, Appendix H, lists fourteen (14) Leaking Storage Tank facilities within a ½ mile radius. Colorado Petroleum guidance states the following for LTANK facilities: Closure of a release event and issuance of an NFA (No Further Action) determination is based on the risk of exposure to any remaining contamination via the exposure pathways. OPS has developed a four-tiered closure approach for petroleum releases:

- A. Multiple remedial actions may need to be completed to meet Tier I or II closure criteria, and it is possible that the petroleum release will not meet all of the criteria. Tier III or Tier IV closure criteria may be considered for a petroleum release that cannot achieve Tier I or II closure criteria.
- B. The requirements for the appropriate tiers must be met prior to requesting NFA.

All listed facilities in the ERIS have received either Tier I, Tier II or NFA letters with the exception of Everyday Store #5005, Gas & Grass and Corner Store – CO0008. ***APEC does not recommend further investigation at this time regarding these findings as these sites are regulated by the OPS. All COSTIS information is located in Appendix I.***

2. LUST/TRUST

The Division of Oil and Public Safety of the Colorado Department of Labor and Employment (CDLE) manages a Petroleum Storage Tank Fund (The Fund) that receives and processes applications to the Fund for reimbursement of costs related to assessment and cleanup of petroleum contaminated sites.

The ERIS, Appendix H, lists eight (8) LUST/TRUST facilities within a ½ mile radius. These facilities are those that receive funds from the State of Colorado for remediation efforts related to underground fuel storage tanks. **APEC does not recommend further action currently regarding these findings as the responsible parties for clean-up have been identified.**

3. **Underground/Aboveground Storage Tank/TANKS**

There are eleven (11) underground storage tank (UST) facilities, one (1) aboveground storage tank (AST) facility (All Star Rental) and one (1) TANKS facility (Burger King) within 1/4-mile of the Subject Property. All active facilities tanks and contents are available in section 4.2. **APEC does not recommend further investigation into these findings as the responsible parties for remediation are the owners and operators of the tanks.**

4. **RCRA**

The ERIS Database Report, Appendix H, indicates there are five (5) Resource Conservation and Recovery Act (RCRA) Very Small Quantity Generator (VSQG) facilities and eight (8) Non-Generator facilities within ¼ mile of the Subject Property. None of the listed facilities have violations within the past 5 years according to ECHO (Appendix I). **APEC does not recommend further investigation at this time regarding these findings.**

5. **CORRACTS/Haz CORRACTS**

The ERIS lists one (1) Resource Conservation and Recovery Act Corrective Action (CORRACTS) facility and HAZ CORRACTS facility, Southgate Dry Cleaners, within a 1-mile radius of the Subject Property. Both CORRACTS and Haz CORRACTS facilities are those where contamination of soil and/or groundwater is or was present at a level that is a potential threat to human health and/or the environment. Remediation of these facilities is required and regulated by the Colorado Department of Public Health and Environment (CDPHE) and/or the US Environmental Protection Agency (EPA). The EPA Envirofacts detailed facility report indicates the property has been closed and no longer operable within the past 5 years. **APEC does not currently recommend further investigation regarding these findings.**

6. **SWF/LF**

The ERIS database, Appendix H, indicates there are five (5) SWF/LF facilities within a ½ mile radius of the Subject Property. All facility types are “Generator of Motor Vehicle and Trailer Waste Tires”. **APEC does not currently recommend further investigation regarding these findings as the Subject Property is not listed as a SWF/LF.**

7. **Asbestos**

The ERIS, Appendix H, lists fourteen (14) Asbestos permits within a ~.25 mile radius of the Subject Property. Asbestos permits listings are sites that are found in the Asbestos Abatement and Demolition Projects made available by the Colorado Department of Public Health and Environment (CDPHE), Air Pollution Control Division. **No further action is necessary regarding this finding as the permits are not applicable to the Subject Property.**

8. Dry Cleaners/FED Dry Cleaners

There are four (4) Dry Cleaner/FED Dry Cleaner facilities within ¼ mile of the Subject Property, Continental Cleaners, Kings Cleaners, Karnes Enterprise LLC, and One Hour Cleaners. These facilities are active dry-cleaning facilities with no violations listed within the past 5 years according to the ECHO documentation, **Appendix I**. Drycleaner facilities can emit pollution, the main source of pollution from dry cleaners is the solvent used in the cleaning process, the most common solvents are perchloroethylene and petroleum solvents. Dry-cleaning facilities are required to have yearly inspections to ensure compliance with reporting and disposal requirements. **APEC does not recommend further investigation at this time regarding these findings as these sites are regulated by the EPA and/or CDPHE.**

9. Mineral Resource Data System

The ERIS database report indicates there is one (1) MRDS (Mineral Resource Data System) facility, Gravel Pit within a 1 -mile radius of the Subject Property. Gravel Pit has a listed commodity of Sand & Gravel. The USGS information is available in Appendix I. **APEC does not recommend any further action.**

10. ALT Fuels

The ERIS report lists four (4) Alternate Fueling station within a ¼ mile radius of the Subject Property located at 132 E Cheyenne Rd. Said listings are indicated to be electrical car charging stations according to the ERIS database report (Appendix H). **APEC does not recommend further investigation currently regarding these findings.**

11. Air Permits

The ERIS Database Report, Appendix H, lists one (1) Air Permit facility, CST Metro LLC dba Corner Store #4067, within a ~0.12 mile radius of the Subject Property. CST Metro LLC dba Corner Store #4067 has not had any violations within the past 5 years according to ECHO. **APEC does not recommend further investigation regarding these findings.**

12. FED Brownfields/Brownfields:

The ERIS report, Appendix H, lists one (1) FED Brownfield facility, Discount Exhaust Works (current entity) within a 1-mile radius of the Subject Property. The EPA's listing of Brownfields properties from the Cleanups in My Community program, which provides information on Brownfields properties for which information is reported back to EPA, as well as areas served by Brownfields grant programs. The ERIS report, Appendix H, indicates Discount Exhaust Works has operated as a filling station, automotive repair, and car wash since its development in ~1925. Although all recorded releases on the Subject Property have achieved NFA, more assessments are needed to identify potential contamination. **APEC does not recommend further investigation regarding these findings.**

*All-Phase Environmental
Consultants, Inc.*

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