

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 1527-13 & E 1527-21 Standard Practice for Environmental Site Assessments, *Phase I Environmental Site Assessment Process*, at the following location(s): 1639 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: 6430100005, the land associated with this parcel is approximately 26,109 ft². According to the El Paso County Assessor’s card, **Appendix G**, the main hotel structure was constructed in 1946 and is 5,334 ft². The main motel consists of twenty-four (24) guest rooms, the owner’s residence, laundry room, maintenance room, and a pool house. There is an exterior pool present which is currently not active but has standing water present. **Photographs are located in Appendix A.**

Parcel Number	Land Area	Building Square Footage ft ²	Year Built	Most Recent Use	Construction Type
6430100005	26,109 ft ²	5,334	1946	Circle S Hotel	Masonry construction with slab on grade foundation; interior finishes vary

The Subject Property operates as the Circle S Hotel. Below is an excerpt from their webpage:

“We take pride in providing our guests with outstanding service and making your stay with us a stress free as possible. Our regular customers particularly value our competitive rates and our newly remodeled rooms. All of our rooms currently have a microwave and refrigerator, and certain rooms contain kitchenettes and jetted tubs. Weekly rates are available, depending on the season, please call for current rates. We also provide our guests with over 100 channels of cable tv and wifi access to our guests free of charge.”

Observations/Site Reconnaissance:

APEC personnel began the site reconnaissance in room #4 of the Subject Property. The room is a typical motel room with carpet flooring, drywall walls and ceiling. The unit consists of a bedroom and bathroom. There is one bed and living furniture present in the bedroom. All other rooms entered: 5, 2, 8, 9, 12, 17, 18, 20, 11, 25, and 22 were identical to #4, except for rooms 2, 12, 18, and 20, as they have popcorn ceilings. ***Photograph documentation is available in Appendix A.*** The maintenance/utility room has a washer and dryer present. APEC personnel observed paint, detergent, pesticides, and other chemicals present. There is a 100-gallon and 75-gallon water heater present. On the day of reconnaissance, the 75-gallon water heater had an active leak from its piping. ***Photograph documentation is available in Appendix A.*** There is a floor drain and backflow preventer present. There is a storage room located underneath the stairs, APEC personnel observed stored linen, beverages, and personal items. ***Photograph documentation is available in Appendix A.*** The laundry room is located adjacent to the storage room and contains two (2) washers, two (2) dryers, an ice maker, sump pump, and a floor drain. ***Photograph documentation is available in Appendix A.*** The current owner's residence is located on the west region of the Subject Property motel. This is a typical residence with a dining area, kitchen and one bedroom. There are popcorn ceilings, textured plaster walls, and wood flooring. The Subject Property offices are located adjacent to the residence. ***Photograph documentation is available in Appendix A.*** The offices are typical motel offices with computers, paperwork, and room keys present. Located on the northwest corner of the Subject Property is the pool and pool house. The pool is currently inactive; however, there is water present from rainfall. ***Photograph documentation is available in Appendix A.*** The pool house is currently used for storage of small part, personal items, equipment, and landscaping supplies.

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: 38.80987467

Longitude: -104.82163997

UTM Northing: 4295693.62212 Meters

UTM Easting: 515485.760772 Meters

UTM Zone: UTM Zone 13S

Elevation: 5,928.72 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 there is one (1) apparent structure present on the Subject Property. The use of the structure is uncertain due to the poor image quality. The **1947** Historical Aerial Photograph indicates there is one (1) structure present on the Subject Property. It appears to have commercial use, but it is uncertain. The **1953** Historical Aerial Photograph's quality is too poor to make any assumptions on the Subject Property. The **1960** Historical Aerial Photograph indicates the Subject Property has three (3) apparent structures. These all appear to have a commercial and/or motel use. The **1969** Historical Aerial Photograph indicates there is a motel structure and pool present on the Subject Property. Said structure appears to be the present-day motel observed on the day of reconnaissance. There are no apparent changes in use to the Subject Property on the **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 the Subject Property operates as a motel. The present-day motel structure and pool are observed on the Historical Aerial Photograph. The **2004** Historical Aerial Photograph's quality is too poor to make any assumptions on the Subject Property. The **2005** Historical Aerial Photograph indicates the Subject Property operates as a motel. The present-day motel structure and pool are observed on the Historical Aerial Photograph. The Subject Property remains a motel on the remaining Historical Aerial Photographs: **2009, 2011, 2013, 2015, 2017, 2019, 2021, and 2022**

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 are two (2) 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 Circle Motel. Circle Motel appears to be a typical motel with 23 units present.

City Directories – Appendix F

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

1639 S Nevada Ave:

2022, 2020 – Circle S Motel, Divorce Family Law
2016, 2012, 2007, 2003, 2000, 1996, 1990, 1986 – Circle S Motel
1980 – Circle S Motel, Joe Zuzich
1975, 1970 – Circle S Motel
1965, 1960, 1955 – Circle S Motel, Joe Beaver
1951 – Jas Imboden, Dinner Bell Inn Restaurant, Bell Court Tourist Camp
1945 – Country Cupboard Restaurant
1940 – Wimpy Inn Lunches, Teler Mead
1935 – Sarah MacLean, W Sabol
1930, 1925 – W Williamson

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	1703 S. NEVADA AVE.
ASBESTOS	COLORADO HAZARD CONTROL LLC-DENVER	1616-1618 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	POWERS ENVIRONMENTAL, LLC	120 METZLER PLACE APT. #7
ASBESTOS	COLORADO HAZARD CONTROL LLC-DENVER	141 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

Source	Company Name	Address
HAZ CORRACT	SOUTHGATE DRY CLEANERS	4-66 SOUTHGATE RD
LST	Barker Motor Co	1611 S Nevada Ave Colorado Springs 80906
LST	Gene Williams	1716 Mt Washington Ave Colorado Springs 80906
LST	Corner Store - CO0008	1780 S Nevada Ave Colorado Springs 80906
LST	7-Eleven #22562	1801 S Nevada Ave Colorado Springs 80906
LST	Burger King	217 E St Elmo Ave Colorado Springs 80905
LST	Former Multi-Mile Tires	1602 S Nevada Ave Colorado Springs 80905
LST	Everyday Store #5005	1502 S Tejon St Colorado Springs 80905
LST	All Star Rental	1644 S Tejon St Colorado Springs 80906
LST	NR Gas #3 DBA Gas & Grass	1433 S Tejon St Colorado Springs 80905
LST	Circle K #3155	1406 S Nevada Ave Colorado Springs 80906
LST	K & G Store #523	1802 Southgate Rd Colorado Springs 80906
LST	CDOT Colorado Springs	448 E Arvada St Colorado Springs 80906
LST	Sears Roebuck & Co	100 Southgate Rd Colorado Springs 80906
LST	Jw Brewer Tire Co Inc	1207 S Nevada Ave Colorado Springs 80903
LUST TRUST	Corner Store - CO0008	1780 S Nevada Ave
LUST TRUST	7-Eleven #22562	1801 S Nevada Ave
LUST TRUST	Everyday Store #5005	1502 S Tejon St
LUST TRUST	All Star Rental	1644 S Tejon St
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	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

Source	Company Name	Address
RCRA NON GEN	EVC HD LLC	1608 S NEVADA AVE
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 VSQG	SHERWIN WILLIAMS COMPANY	1813 S NEVADA ST
RCRA VSQG	FAMILY DOLLAR #10764	1520 S NEVADA AVE
RCRA VSQG	SPUI PAINT INC	1510 S CORONA AVE
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	Corner Store - CO0008	1780 S Nevada Ave Colorado Springs 80906
UST	7-Eleven #22562	1801 S Nevada Ave Colorado Springs 80906
UST	7-Eleven #13059	217 E St Elmo Colorado Springs 80906
UST	Former Multi-Mile Tires	1602 S Nevada Ave Colorado Springs 80905
UST	J & S Auto Sales Inc	1416 S Nevada Ave Colorado Springs 80906
UST	Everyday Store #5005	1502 S Tejon St Colorado Springs 80905
UST	All Star Rental	1644 S Tejon St Colorado Springs 80906
UST	NR Gas #3 DBA Gas & Grass	1433 S Tejon St Colorado Springs 80905
ASBESTOS	EARTHWISE DEMOLITION	NORTH NEVADA AVE.

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 1639 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. Material Safety Data Sheets

Material Data Safety Sheets (MSDS) were not present on the Subject Property at the time of the investigation on site. MSDS provide important information such as human health hazards associated with a specific chemical, appropriate first aid measures to be taken should an on-site employee suffer a hazardous level of exposure, emergency contact information, etc. These sheets help to ensure the proper storage and handling of on-site chemicals and subsequently the safety of on-site employees. MSDS should be organized and kept in designated areas readily accessible to employees who are exposed to hazardous chemicals. MSDS manuals should be collaborated for all chemicals, (both new and used and including chemicals utilized for the pool) that are stored on-site. ***An annual review of the contents should be conducted by the owner to ensure that all chemicals and substances are listed. Additionally, due to the presence of chemicals utilized to operate the swimming pool is suggested that a Hazardous Communication Plan and/or a Health and Safety Plan be implemented to ensure the proper handling and storage of such chemicals; as well as what procedures to implement in the event of a “spill”.***

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 ten (10) 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 four (4) Resource Conservation and Recovery Act (RCRA) Very Small Quantity Generator (VSQG) facilities and seven (7) 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 currently 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. is not responsible for any mishandling of information, materials, or the removal of materials from a Subject Property. The Subject Property owner/operator and/or the buyer of the property will use their discretion in carrying out the above recommendations. The above recommendations are those of APEC personnel and are not necessarily required by law or regulations. The current buyer or interest(s) in the above referenced Subject Property are responsible to carry-out all steps necessary to ensure due diligence. All-Phase Environmental Consultants, Inc. is not responsible for the exactness of any information received regarding the past uses or conditions of the Subject Property, including information received from various city officials and those most knowledgeable regarding conditions of the Subject Property, or any historical documentation. Our findings are based on information that is generally available to the public for review.

2.0 INTRODUCTION

2.1 Purpose

The purpose of this practice is to define good commercial and customary practice in the United States of America for conducting an environmental site assessment of a parcel of commercial real estate with respect to the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. §9601 (35)(B)) and petroleum products. As such, this practice is intended to permit a *User* to satisfy one of the requirements to qualify for the innocent landowner, contiguous property owner, or bona fide prospective purchaser limitations on CERCLA liability (hereinafter, the “landowner liability protections,” or “LLPs”): that is, the practice that constitutes all appropriate inquiries into the previous ownership and uses of the property consistent with good commercial or customary practice” as defined at 42 U.S.C. § 9601(35)(B). Controlled substances are not included within the scope of the practice. (Reference ASTM Standard E 1527-21).

The goal of the Phase I ESA is to identify the presence of Recognized Environmental Conditions (RECs), including those items defined as hazardous substances under CERCLA and SARA (Superfund Amendments Reauthorization Act), as well as petroleum products. This practice is intended to permit a user to satisfy one of the requirements to qualify for the innocent landowner defense to CERCLA liability;

RECs are defined as:

The (1) presence of hazardous substances or petroleum products in, on, or at the subject property due to a release to the environment; (2) or likely presence of any hazardous substance 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.

De minimis conditions are defined as:

Per ASTM E 1527-21, 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 the appropriate governmental agencies. A condition determined to be a de minimis conditions is not a recognized environmental condition nor a controlled recognized environmental condition.

Historical REC:

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 historical recognized environmental condition is not a recognized environmental condition.