



EARTHWORKS

March 8, 2024

Dear Mr. Fronczak,

I am writing to you on behalf of Earthworks, a 501-C3 organization focused on supporting communities impacted by issues relating to extraction. My involvement is based on outreach from residents of Colorado Springs who shared with us concerns regarding the oversight, transparency, and remediation of an orphaned mine site at Gold Hill Mesa. I understand that a May 2022 study of soil samples taken from Garner Street found an exceedance of arsenic, and on March 11th 2024, the EPA will meet with the Colorado Department of Public Health and Environment, and the City Council.

According to the MOA between CDPHE and EPA, and Colorado's Voluntary Cleanup and Redevelopment Act, this site is to receive no federal action under CERCLA unless one of three factors are present:

- the site is an "NPL Caliber" site or the site poses an imminent and substantial endangerment to public health, welfare or the environment and exceptional circumstances warrant EPA action;
- CDPHE's approval of the cleanup plan becomes void;
- the applicant fails to complete or materially comply with the cleanup plan as approved by CDPHE.

I appreciate your support in helping me to understand certain matters of oversight and transparency. Given the 2022 study found exceedances of arsenic, does the current management of the site materially comply with the approved clean up plan? Additionally, does this exceedance create potential for imminent risks to public health? Your explanation on this matter would be quite helpful.

Furthermore, I hope to better understand the accountability mechanisms of this agreement. How is public health being monitored relative to the known toxins, who has oversight of reporting this information to the public, and under what circumstances would the EPA intervene?

Thank you,

Ian Bigley
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Dedicated to protecting communities and the environment from the adverse impacts of mineral and energy development while promoting sustainable solutions.

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