

downgradient wells to MW-6 do not exhibit equivalent concentrations of metals indicates that the groundwater quality has not been impacted by the fine tailings contained behind the tailings dam.

Potential pathways of the metals in soils, such as arsenic and lead, to receptors on the property include consumption and dermal contact. Vapor inhalation is not considered an exposure pathway given the absence of VOCs on the property. The consumption and dermal pathways are considered incomplete for the following reasons:

- Given the planned development, the property will be supplied with water from the City of Colorado Springs. No future anticipated use of the shallow groundwater is anticipated and likely will not be permitted by the Colorado Division of Water Resources.
- Asphalt, concrete and localized fill areas to support vegetation is being placed on the property to allow for new building construction as identified on the Conceptual Site Master Plan (Figure 2 of the attached application). These development features (i.e., the employment of an asphalt/concrete and soil cover cap) provide a viable barrier between residual tailings and the end user of the site. As such, the consumptive and dermal pathways for exposure are not complete. To provide an added protective measure, an identification barrier will be placed in areas where hardscape asphalt and/or concrete are not present and consist primarily of grass and plants, which require irrigation. This barrier will be a synthetic fabric that will warn any person performing an intrusive activity that they are about to contact residual tailings and also to control the infiltration of precipitation or irrigation water before it has a chance to contact tailings. As the development plan calls for a significant area of 'hardscaping' due to the presences of structures, streets and sidewalks, the surface water flow on the property is being converted from infiltration to a sheet flow which will limit the amount of water introduced to the subsurface. This feature has been employed with success on other redevelopment projects when construction has occurred over tailings and other types of contamination.
- In addition to these development features, deed restrictions on the use of soils in areas of known tailings will be enforced to prevent the installation of gardens and unnecessary irrigation. Some irrigation to support vegetative growth in planned xeroscaped areas will be necessary. These areas will not require the synthetic fabric described due to the limited quantity of irrigation required to sustain vegetative growth.
- Enforcement of these restrictions will be through covenants and code enforcement controlled by a Home Owners Association.

Based on this information, a request is made to the CDPHE for approval of this Voluntary Cleanup Application for the Property.