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Caerus collected a below secondary containment liner sample immediately next to the loadout valve of tank 77 which failed. The soil sample collected indicates that all analytes comply with COGCC Table 910-1 standards, except for arsenic and pH. Caerus requests relief of COGCC Table 910-1 standards for arsenic based on the information provided below.

#### **FAQ 31 consideration**

The below liner soil sample identified an exceedance to the COGCC Table 910-1 concentration level for arsenic which is 0.39 mg/kg. The Colorado Department of Public Health and Environment (CDPHE) has prepared a risk management guidance document for evaluating arsenic concentrations in soil and has identified an average arsenic concentration within Colorado to be 11 mg/kg (CDPHE, <https://www.colorado.gov/pacific/cdphe/air-water-soil-remedial-objectives>). The study identified that if there is no reason to suspect arsenic or arsenic containing materials were used onsite, then an arsenic concentration below 11 mg/kg is not a chemical of concern. Based on process knowledge during the drilling, completion, and production process, Caerus does not use arsenic or arsenic containing materials. Caerus has analyzed produced water samples from multiple fields within the area which have not demonstrated elevated concentrations of arsenic to be found in produced water. Following the flowchart provided in the Risk management guidance, Caerus believes these elevated concentrations are due to background concentrations found in the soil. Caerus is requesting consideration for FAQ 31 and the CDPHE Risk Management Guidance for Evaluating Arsenic Concentrations in Soil as site and background soil samples have demonstrated naturally occurring arsenic in the soil above the COGCC Table 910-1 concentration levels.