

Final Meeting Summary
Colorado Smelter Community Advisory Group
February 10, 2015

On February 10, 2015, the Colorado Smelter Community Advisory Group (CAG) met at the Steelworkers Center of the West. Materials distributed at the meeting are attached to the end of this summary, including the Agenda for the meeting and Attachments A and C. No Attachment B was distributed. An attendance list from the meeting is included as Attachment D.

This summary is not intended as a detailed transcript of the meeting, but rather to highlight the decisions and discussions that occurred. It represents a summary of the facilitator's notes and is not intended to state formal EPA policy or decisions.

The key topics covered during the meeting included:

- CAG Business:
 - Finalize CAG Protocols
 - CAG membership issues
 - Future CAG meeting dates
- Sampling Process
- Updates
- Next Meeting Topics

Attachments to this summary include:

	CAG Agenda for February 10, 2015 Meeting
Attachment A	Final Proposed Protocols for the CAG
Attachment C	Facilitator's Tracking Document as of February 1, 2015
Attachment D	Attendance list for February 10, 2015 CAG meeting
Attachment E	Final Dialogue Protocols

CAG BUSINESS

Protocols

The CAG finalized their protocols. A clean copy of the final document can be found in Attachment E.

CAG Membership

The CAG requested that a Bessemer neighbor and a representative from the school district attend the meetings. Terry Hart reported that he has been working on both and expects additional information by the next meeting.

Future CAG Meetings

The CAG agreed to their meeting calendar for the remainder of 2015, including: March 10, April 14, May 12, June 9, July 14, August 11, September 8, October 13, and November 10. All meetings are scheduled to occur at the Steelworks Museum.

SAMPLING PROCESS

Charlie Partridge, an EPA toxicologist, discussed plans for upcoming sampling and bioavailability of lead. Dr. Partridge noted that sampling results are usually sent to residents within three months, but EPA is considering some onsite approaches that may be quicker. He and Chris Wardell of EPA responded to questions.

Members of the public noted that many community members in the area are living to 100 years old. EPA responded that lead exposure doesn't impact longevity of life but can affect the quality of life by impacting cognitive ability. Others asked if there is a clear lead standard that EPA is focused upon—that EPA will need to cleanup if the lead exposure is above this level. Dr. Partridge responded that EPA needs additional information about the site and bioavailability before this can be determined. For example, Dr. Partridge noted that lead baked into bricks is not bioavailable to humans or animals so a high lead level in these circumstances would not be much of a concern compared to a high level of lead dust in a children's sandbox.

Others asked whether the government will test people for lead levels in their blood before and after the cleanup. It was noted that the Agency for Toxic Substances Disease and Registry (ATSDR) often will do testing before and after. A CAG participant noted that there is some local data showing low/no lead levels of children in the area. After some discussion, it became clear that this data is newly available. Joe Kocman and Aaron Martinez agreed to review this new information together and report back to the CAG at the next meeting.

CAG participants ask what type of language might be added to property titles if contamination was or wasn't found on an individual's property. Chris Wardell of EPA noted that this type of decision is made on a site-by-site basis, and EPA will not focus on this topic until the Agency has much more information about contamination at the site. When it is time to make these types of decisions, he stated that EPA would seek input from the community and local government at that time. He noted that EPA might not record anything on property titles in the area, either positive or negative. However, he did note that if a property owner has their land sampled by EPA and it shows no contamination, the Agency will provide a letter stating that the land is clean.

Others asked about why property owners who did not have structures on their lots had not received information about sampling on their property. Chris Wardell responded that EPA's process for gathering requests for consent to sample is a fluid process. EPA's contractor sent out a first round of letters in October, which did not appear to include land without structures since the Agency first wants to focus on likely human exposure. Mr. Wardell stated that EPA will be canvassing the neighborhood and talking to community members to seek additional consent forms. This raised questions for some since those without houses on their properties may not even know they are within the area being considered for Superfund sampling. The group discussed how there may be two separate issues here: EPA's need for consent forms and the community's need to know. At this point, EPA has a very large number of homeowners and renters who have signed the consent to sample form and will work throughout the Superfund process to obtain consent for access from as many homeowners/renters as possible. Currently EPA has a sufficient number of homes where consent for access was granted to start sampling. It was discussed that a community newsletter may be a good tool for further engaging those who live in the area.

UPDATES

EPA reported that their attorney has reviewed the Community Involvement Plan and so things are moving along.

NEXT MEETING TOPICS

CAG participants identified the following topics as those they would like to cover at the March 10 meeting:

- Information about how the Sampling process affects decision-making at the site;
- An update on consent forms;
- An update on whether the City is going to allow sampling on their property;
- Clarity on the health data that Joe Kocman raised;
- Technical Assistance Needs Assessment - TAG and TASC Grants; and
- A tour of the museum

AGENDA

Community Advisory Group (CAG) for the Colorado Smelter

Tuesday, February 10, 2015, 5:30 p.m. to 7:30 p.m.

Steelworks Museum
215 Canal Street, Pueblo

- 5:30 p.m. Introductions, Agenda Review, and Logistics**
Kristi Parker Celico, Rocky Mountain Collaborative Solutions
- 5:35 p.m. CAG Business**
1. Finalize CAG Protocols (Attachment A)
 2. Member Update
 3. Proposed CAG meeting dates
 - a. March 10, 2015
 - b. April 14, 2015
 - c. May 12, 2015
 - d. June 9, 2015
 - e. July 14, 2015
 - f. August 11, 2015
 - g. September 8, 2015
 - h. October 13, 2015
 - i. November 10, 2015
- 5:50 p.m. Sampling Process (Attachment B)**
- Role of Sampling in EPA decision-making process, Charlie Partridge, EPA
 - What information regarding sampling and cleanup gets filed with local government and when? Chris Wardell, EPA
 - Discussion period
- 6:50 p.m. Updates**
- Technical assistance resources overview, Chris Wardell, EPA
 - Community Involvement Plan, Chris Wardell, EPA
- 7:15 p.m. Next Meeting**
- Review Action Items, (Attachment C)
 - Topics for the February Meeting
- 7:30 p.m. Adjourn**

ATTACHMENT A
Proposed Final Protocols
(As of February 1, 2015)

Proposed Protocols for the Colorado Smelter Community Advisory Group

The Colorado Smelter Community Advisory Group (CAG) is an independent, non-partisan group consisting of a balance of diverse interests affected by and concerned about the Colorado Smelter and its cleanup process. Participants include:

- **A diversity of the community**, including representatives from the Eilers' and Bessemer neighborhoods and its association, parents of small children, homeowners, renters, rental owners and business owners;
- **Local government**, including City Council and County Commissioners, and representatives from the Pueblo City-County Department and Pueblo Police Department and others as needed;
- **Other interested community members from various organizations** such as the from the Saint Mary's and Saint Joseph's parishes, Better Pueblo, and the Sierra Club; and
- **Other interested community members with important expertise and knowledge** such as backgrounds in real estate, environmental cleanup, environmental law, environmental health, community organizing, community integration and many others.

CAG Goal

The overarching goal of the CAG is to have an effective cleanup completed by 2019. The CAG defines an effective cleanup as:

- Not causing unacceptable health risk to residents or animals, regardless of their age or desire to play in the parks, garden in their yards, or dig for pirate treasure in the neighborhood;
- Restoring the habitat and preventing future ecological risk;
- Promoting the economic vitality of the neighborhood;
- Preserving the historical structures and integrity of the neighborhood; and
- Limiting personal liability related to the smelter remediation.

The CAG intends to assist in achieving this goal of an effective cleanup by 2019 by:

- Providing input to the EPA and the other government entities that play a role in the cleanup to improve decision-making for all;
- Sharing information, ideas, and concerns; and
- Serving as a conduit to the larger community.

Background

The Colorado Smelting Company smelter (also known as Colorado Smelter, Boston Smelter, Boston & Colorado Smelter, and Eiler's Smelter) began operating in 1883. It was constructed on a mesa and dumped waste slag into a ravine between Santa Fe Avenue and the Denver & Rio Grande railroad tracks. The smelter operated eight blast furnaces, two calcining furnaces, one fusing furnace and twenty kilns.

In 2011, Environmental Protection Agency (EPA) and the Colorado Department of Public Health and Environment (CDPHE) reported on elevated levels of lead and arsenic in residential soils and large slag

piles in the vicinity of the site. Health effects linked with being around arsenic for a long time are an increased risk for some types of cancer such as skin, lung, bladder, kidney, and liver cancers. The potential effects of higher levels of lead in children are hearing problems, lower IQ scores and delays in development. On May 12, 2014, the EPA proposed adding the former Colorado Smelter to the National Priorities List (NPL) of Superfund sites. The site was formally added to the list in December 2014. Superfund is the federal program that investigates and cleans up the most complex, uncontrolled or abandoned hazardous waste sites to protect public health and the environment.

In the summer of 2014, community members and local government leaders worked with EPA and the CDPHE to form the CAG. All interested parties were invited to participate and a large effort was made to reach out into the community in engage a diversity of those affected or likely to be affected by the Colorado Smelter and its cleanup.

CAG Membership

It is the responsibility of the CAG to ensure that its membership reflects the concerns and interests of the community and the regulatory authorities. New CAG members can be added to the group, after a demonstrated commitment of attending three consecutive meetings. CAG members who miss three consecutive meetings will be dropped from the CAG list.

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Responsibilities of All CAG Participants:

- Abide by these established Protocols and allow the facilitator to enforce them.
- Provide an explanation for all objections and propose an alternative.
- Avoid destructive language and personal attacks.
- Assume personal responsibility for staying informed about CAG activities, particularly if meetings are missed.
- Respect the time and efforts of the CAG work to date and productively build on this work.
- Proactively work to keep constituents, colleagues, and managers informed about the work of the CAG.
- Avoid surprises. To the extent possible, avoid surprising other CAG members with news regarding major policy decisions, lawsuits, media releases, protests, etc.
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- Serve as ex-officio members of the CAG.
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- Provide information and resources to the CAG as reasonable.
- Immediately inform the CAG of any options the group is considering that conflict with federal or state law or policy.
- Not use the CAG as the sole source of public input.
- A full list of ex-officio members can be seen at the end of this document.

Role of Workgroups:

- Evaluate specific issues and make recommendations to the full CAG.

Role of the Facilitator:

- Work for the entire CAG, including both community and government members.
- Assist the CAG in accomplishing its goals in a timely fashion.
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EPA and the State shall inform the CAG of key decisions that are upcoming in the CERCLA process in sufficient time for the CAG to learn about and provide input into the decisions. The government entities will state the timeline for input. Because all CAG participants appreciate the need for expediency in this process, government actions will not be delayed awaiting CAG input.

In most cases, the non-governmental CAG members will provide individual input to the EPA and State. In some cases, the non-governmental CAG members may choose to make consensus recommendations. Consensus does not necessary mean unanimity. Some parties may strongly endorse a particular solution while others may accept it as a workable agreement. If there are issues the CAG members cannot resolve through consensus decision making after participating in a good faith effort, the facilitator will summarize the issues and document the remaining differences. The implementing agencies will use this summary to advance their decision-making.

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- Input Requests. Government agencies requesting CAG input will indicate the following for each request: type of input desired, non-negotiables, and due date.
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- Tracking Tool. The facilitator will produce a document for tracking key recommendations and general agency responses.

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Evaluation and Termination of the CAG

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Merril Coomes, Background in Superfund, risk assessment, and project planning
 John B. Cordova, Sr., City Council Member
 Karen Fortner, Neighbor
 Kiera Hatton, Better Pueblo
 Joe Kocman, Neighbor, Eiler Heights Neighborhood Association
 Pam Kocman, Neighbor, Eiler Height Neighborhood Association
 Beritt Odom, Neighbor, City of Pueblo, Planner
 Charlotte Plutt, Community public outreach
 Nadine Triste, Community organizing
 Tim Hawkins, Steelworks Center of the West
 Terry Hart, County Commissioner
 Harric VanderValk, Neighbor
 Ross Vincent, Sierra Club, Chemical Engineer
 David R.G. Webb, Pueblo Association of Realtors, tenant and owner in neighborhood
 James and Julianne Williamson, Neighbors, Parents

Government Agency Membership (Ex-officio) as of February 2015

Sabrina Forrest, EPA

Chris Wardell, EPA

Jasmin Guerra, EPA

Charlie Partridge, EPA, as needed

Alissa Schultz, CDPHE

Jeannine Natterman, CDPHE

Raj Goyal, CDPHE, as needed

Aaron Martinez, Alicia Solis, and Chad Wolgram, Pueblo City-County Health Department

David Dorian, ATSDR, as needed

Roman Castro, Pueblo Police Officer, as needed

ATTACHMENT B

(EPA will distribute at the 2/10/15 meeting.)

No document was distributed.

ATTACHMENT C
Facilitator's Tracking Document
(As of February 1, 2015)

Date of Input	CAG Input/Decision	Government Response	Task Completed
9-9-14	Some CAG members request that EPA drop dust sampling from the consent form for now. Others request that EPA create two separate consents, one for dust sampling and one for soil sampling.	EPA altered the consent form such that there are two separate consents, one for dust sampling and one for soil sampling.	October, 2014
10-14-14	Facilitator should reach out to Latino Chamber of Commerce to see about CAG speaking to group for education purposes and to inquire about Latino community members joining the CAG	Kristi and EPA reached out to Sandy Gutierrez of the Chamber. Ms. Gutierrez will identify a time for a Chamber Colorado Smelter presentation. EPA met with Ms. Gutierrez during the week of 2/2.	
10-14-14	Request by Mr. Perko to see PWT contract.	Mr. Perko and EPA attorney discussed the issue. Mr. Perko learned that it was possible to request the contract through a Freedom of Information Act (FOIA) request. However, Mr. Perko did not make a formal request for production as he independently obtained adequate information about EPA insurance and liability policy to form an opinion as to whether or not landowners should sign the consent form.	Completed 11/14
11-18-14	Facilitator work to add Police officer to CAG as an ex-officio member.	Officer Roman Castro attended the January CAG meeting and will serve as an exofficio member.	Completed 1/15
11-18-14	Pam Kocman and Terry Hart will speak to the City Council about City engagement in the CAG	John Cordova Sr. attended the January CAG meeting and will serve as a CAG member.	Completed 1/15
11-18-14	Terry Hart and Charlotte Plutt will reach out to Bessemer residents and School District 60 to encourage their engagement in the CAG.	Terry Hart has made some reached out to both and will provide an update at the February meeting.	

Date of Input	CAG Input/Decision	Government Response	Task Completed
11-18-14	<p>Workgroups: The CAG requested 4 workgroups be set up to support their effort:</p> <ul style="list-style-type: none"> • Economic impact; • Public involvement; • Health; and • Sampling. 	<p>Due to limited staff time and resources, EPA cannot support four ongoing workgroups at this time. Instead, EPA encourages the community to proceed with workgroups on their own and EPA will support as able. At this time:</p> <ul style="list-style-type: none"> • Health, Sampling, and Public Involvement issues will be addressed in the full group; • Charlie will continue to meet with a small sampling group to provide input on the Sampling Plan. • The community will lead the economic impact group with support from EPA's Redevelopment office, as needed. • Small groups may be formed to discuss some public involvement efforts. 	
1-13-15	EPA or Facilitator will contact NeighborWorks and discuss CAG with new leadership.	EPA meet with NeighborWorks during the week of 2/2	
1-13-15	David Webb asked that EPA provide a list of addresses that received the EPA letter asking for consent to sample. Mr. Webb stated that this information would be very valuable to real estate agents in the area so that they can inform potential buyers of the Superfund status.	EPA will only be providing the map of the area where residents received letters. The Agency is not comfortable sharing personally identifiable information of home addresses and feels as though the map should give him the information he needs.	Completed 2/1/15
2-5-15	David Webb asked EPA to provide additional information regarding what information EPA will file with the County when properties are sampled and after cleanup.	EPA is researching this and hopes to provide some information at the 2/10/15, if possible.	

ATTACHMENT D

Attendance at the February 10, 2015 Meeting

CAG Membership

First Name	Last Name	10-Feb-15
Bob	Blazich	x
Kristi	Celico	
Merril	Coomes	
Fran	Costanzi	
Sandy	Daff	
David	Dorian	
Sabrina	Forrest	
Karen	Fortner	
Raj	Goyal	
Jasmin	Guerra	
Terry	Hart	x
Kiera	Hatton	
Tim	Hawkins	x
Joe and Pam	Kocman	x
Aaron	Martinez	x
Jeannine	Natterman	x
Beritt	Odom	x
Maureen	O'Reilly	
Charlie	Partridge	x
Charlotte	Plutt	
Alissa	Schultz	x
Steve	Singer	
Alicia	Solis	x
Nadine	Triste	
Harric	Vander Valk	
Ross	Vincent	x
Christopher	Wardell	x
David	Webb	x
Michael	Wenstrom	
Steve	Wharton	
Ken	Williams	
Julianne and James	Williamson	
Robin	Witt	
Chad	Wolgram	

CAG Guests for February meeting.

First Name	Last Name	10-Feb-15
Pam	DiFatta	
David	Barber	
Margaret	Barber	
Demetri	Barton	
Frank	Beltran	x
Autumn	Black	x
Ed	Brown	
Doug	Fitzgerald	x
Larry	Flari	
Kelly	Gehlhoff	x
Frances	Horrah	
Richard	Koetting	
Greg	McCain	
Chris	Messer	x
Barbara	Nabors	
michelle	Nedini	x
Tony	Percoitte	x
Tony	Perko	x
Melissa	RathSue	x
George	Rivera	
Phyllis	Sowell	
Sarah	Stakaly	
Dave	Talbert	
Manuel	Trujllo	
Ruth	Trusty Von Stein	x
Rose Mary	Zupanai Flari	

ATTACHMENT E Final Protocols

Colorado Smelter Community Advisory Group

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Aaron Martinez, Alicia Solis, and Chad Wolgram, Pueblo City-County Health Department

David Dorian, ATSDR, as needed

Roman Castro, Pueblo Police Officer, as needed