

## **Final Meeting Summary for May 1, 2014 CAG Formation for the Colorado Smelter**

The following document is a high-level summary of the discussions that occurred during the May 1, 2014 meeting.

### **Key Topics Discussed:**

1. Listing on National Priorities List (NPL)
2. Proposed Removal Actions including: signs, fencing and community education
3. Beginning formation of the Citizens' Advisory Group (CAG)
4. Next Steps

### **1. Listing on the NPL**

Chris Wardell of EPA reported that EPA would formally propose that the Colorado Smelter be added to the NPL during the next week. He noted that then there would be a 60-day comment period. Comments can be provided in a number of ways, as noted in Attachment A. EPA will review all comments and draft a responsiveness summary, which is a summary of all comments received by EPA followed by an EPA response to the comment. This document will be publicly available. The Agency will not be sending out individual responses to comments.

### **2. Proposed Removal Actions including: signs, fencing, and community education**

Sabrina Forrest of EPA reported on the removal actions EPA is considering and solicited input from the group. "Removal actions" are short-term immediate actions that EPA takes to address hazardous substance problems that require expedited actions.

Prior to the meeting, Merrill Combes sent an email to the facilitator and asked that it be shared with the group, which it was. Mr. Combes' email is included here as Attachment B. He questions the need for removal actions unless EPA has evidence that the slag pile presents a risk to human health and the environment. Some community members raised similar questions, noting that the waste had been "around for 100 years and had not resulted in harm to anyone yet." Others disagreed noting that actions must be taken quickly to protect the children in the neighborhood.

Ms. Forrest stated that the science for understanding the human health impacts from exposure to lead have come a long way in the recent years. She noted

that EPA has \$300,000 from Asarco to address the slag pile, but that the funding needs to be used this calendar year.

After much discussion, the group provided the following advice to EPA:

- A detailed sampling plan is needed as soon as possible so that EPA and the community can better understand the health risks to the community.
- Proceeding with removal actions should not delay EPA's sampling or cleanup efforts.
- First and foremost, the group advised EPA to proceed as quickly as possible with a health education program. Education was the first priority of the group followed by signs around the area, and then perhaps a fence.
- The group provided advice regarding the wording for possible signs. A preference was expressed for "DANGER! NO TRESPASSING" and to investigate whether it is possible to include the municipal code language about trespassing. Individuals wrote detailed comments on different sample signs that EPA brought.
- The group expressed mixed feelings about repairing or replacing the fence along the back of Benedict Park given the vandalism that has occurred in the past. Sargent Taylor agreed to investigate increased patrolling in the area to address a variety of potentially illegal activities. EPA agreed to bring specific fence options for the group to consider at the next meeting and to contact the Parks and Recreation Office to solicit their input.

### **3. CAG Formation**

Mission Statement. The group discussed the type of language they would like to see in a CAG mission statement, including:

#### CAG role:

- ♦ Education of citizens and government
- ♦ Provide advice to Improved decision-making for all
- ♦ Diverse representation

#### Key topics:

- ♦ Health: Protection, ongoing testing, kids
- ♦ Cleanup: fast, fair, broadly defined (house, soils)
- ♦ Economics: jobs, housing values.

The facilitator will draft specific language for the group to consider at the next meeting. Once the Steering Committee agrees to language, it will be used to solicit CAG membership interest from those who have not been involved to

date. Once the membership of the CAG is finalized, the CAG will review, refine, and finalize the mission statement.

Membership. The group began to discuss how it would identify CAG members. They agreed that they would like to have an identified membership as oppose to having the CAG membership be defined by whoever is present at any particular meeting. However, it was noted that all CAG meetings would be open to the public and that meetings will always include public comment periods. In regard to selecting members, the group will begin to work through the following steps at the next meeting:

- Summarize the current state of things—who has been involved, what agencies have an interest, what does the community look like.
- Brainstorm the type of knowledge needed on the CAG and possible people who might bring this expertise. Based on this info, develop a rough matrix.
- ♦ Develop a very simple application process.
- ♦ Steering Committee selects members.

Attachment A: Instructions for Commenting on the NPL Listing

Attachment B: Email from Merrill Coomes regarding May 1 discussion

## Attachment A



### NOTICE OF PUBLIC COMMENT OPPORTUNITY

#### COLORADO SMELTER SITE

THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA)  
ANNOUNCES THE PROPOSAL  
TO LIST THE COLORADO SMELTER SITE  
IN PUEBLO COUNTY, CO  
ON THE NATIONAL PRIORITIES LIST (NPL)

The NPL is a list of sites across the nation that are contaminated with hazardous substances, commonly known as Superfund sites. The public is invited to comment on the proposal during a 60-day comment period from **May 12, 2014 through July 11, 2014**.

Comments may be submitted using one of the following methods:

Go to [www.regulations.gov](http://www.regulations.gov) and follow the online instructions for submitting comments using FDMS Docket # EPA-HQ-SFUND-2014-0318

For written documents, please send the original and three copies to the following address:

Docket Coordinator, Headquarters  
U.S. Environmental Protection Agency  
CERCLA Docket Office (Mail Code – 5350T)  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Hand Delivery or Express Mail:

Docket Coordinator, Headquarters  
U.S. Environmental Protection Agency  
CERCLA Docket Office  
1301 Constitution Avenue, NW  
EPA West, Room 3334  
Washington, DC 20004  
(8:30 a.m. – 4:30 p.m. Mon – Fri)

Email address – [superfund.docket@epa.gov](mailto:superfund.docket@epa.gov)

The documents regarding the proposal to list the Colorado Smelter Site are published in the Federal Register and may be found at the EPA Region 8 website:

**[www2.epa.gov/region8/colorado-smelter](http://www2.epa.gov/region8/colorado-smelter)**

Or at the following locations:

EPA Superfund Records Center  
1595 Wynkoop Street  
Denver, CO 80202-1129

To request copies of administrative record documents call:  
303-312-7273 or  
800-227-8917 ext. 312-7273 (toll free Region 8 only)

Pueblo City County Library  
Rawlings Branch  
100 East Abriendo Ave.  
Pueblo, CO 81004  
719-562-5600  
Mon -Thu 9 a.m. – 9 p.m.  
Fri -Sat 9 a.m. – 6 p.m.  
Sun 1 – 5 p.m.

For questions or additional information, contact:

Sabrina Forrest, Site Assessment Manager, at 800-227-8917, ext. 312-6484  
Chris Wardell, Community Involvement Coordinator, at 800-227-8917, ext. 312-6062

## Attachment B

**MERRIL COOMES**

May  
1

**May 1, 2014**

to me, Pam, David, Eiler

Kristi,

Thank you for considering the following comments and questions related to the May 1, 2014 CAG meeting agenda. I recommend they be circulated to all CAG members for discussion.

Merril

I cannot attend the Thursday May 1 meeting due to a scheduling conflict and have written these comments regarding the topics in your email agenda for the meeting.

The meeting topic explores fencing off areas to control exposure to smelter slag (I believe that is the primary topic.) My Single question is: What evidence does EPA have that it is necessary to control exposure to slag around the slag piles or to control exposure at Benedict Park? Existing EPA Pueblo Smelter Site documents, cited below, do not support the position that slag presents a hazard to human health or to the environment (Arkansas River).

1. Source:

ANALYTICAL RESULTS REPORT

BOSTON SMELTER

PUEBLO COLORADO

TDD#T08-9503-020

Prepared by Ecology and Environment, Inc

Submitted July 20, 1995

“5.0 CONCLUSION

The highest levels of lead were found in the slag piles located at the former site of the Boston and Colorado Smelter. The high levels of lead appear to be concentrated in the glass of the slag. While the glass slag is not as susceptible to air migration or ingestion such as dust, the lead is prone to release by leaching. Lead levels observed in the residential neighborhoods were primarily in the 200 to 300 mg/kg range, with only a few samples points exceeding 500 mg/kg. Arsenic was undetected in 36 out of the 38 SRF *in situ* analyses performed and appears to be unimportant relative to the prospects of soil contamination.”

2. Source:

Colorado Department of Health

Sample Report

Santa Fe Avenue Bridge Culvert, Pueblo, Colorado COD #982572513

Revised February 22, 1994.

“It should be noted that the arsenic concentrations in the contaminated soils are higher than the arsenic found in either the slag, seep or culvert discharge. This points to perhaps another source in the area or long term atmospheric deposition.”

Note that lead arsenate was a popular insecticide in the past.

3. Source:

PRELIMINARY Assessment

COLORADO SMELTER

Pueblo, Colorado CERCLIS #: CON000802700

April 28, 2008

It is stated in the Preliminary assessment that: "Pueblo historian Eleanor Fry recounted the history of the Colorado Smelter waste pile. According to her 1990 article in the *Pueblo Lore*, the "slag dumps of the old Eiler smelter were disappearing during the spring of 1927. Hundreds of carloads of slag were loaded and hauled to all parts of the West and Southwest to ballast railroad tracks. Trainloads also were being hauled to the Mississippi Valley to repair flood damage to railroad rights of way. The solid cliffs of slag were broken up by blasting and steam shovels loaded the loose material into the railroad cars. Twenty five to fifty cars were shipped out daily."

LEADVILLE

EPA Region 8 smelter slag has not remediated smelter slag piles (Leadville). Only one slag pile was removed, and that was at the request of Leadville citizens. That pile was at the entrance to town and was an eyesore. I spoke with the Lake County Assessor and he (nor anyone in the local government) seemed to know how EPA disposed of the eyesore slag pile. I have attached photos of slag piles in the Leadville area, some of which are close to residential areas and/or businesses. Apparently, EPA Region 8 did not determine that Leadville smelter slag piles were a hazard to human health or the environment. Many slag piles were left without institutional controls (photos 3012 and 3014 - there are many more photos available)

In addition, there are attached photos of the "remediated" slag pile and slag piles near businesses and residential lots (photos 3017a and 3065a). Note that significant amount of slag chunks remain on the ground for the pile that was removed (photos 3062a and 3063a). The drainage in the area was improved. It appears clear that EPA does not classify smelter slag as a hazardous waste or material that poses an unacceptable threat to human health.

Please identify the data that supports Colorado Smelter slag as a health hazard that is sufficient to impose institutional controls.

QUESTION 2:

My question concerns the potential Superfund liability of persons or organizations that remove contaminated material from a Superfund Site. It is my experience that they are held accountable by EPA and identified as PRPs (example – the city of Bartlesville at the Bartlesville Oklahoma Superfund site). What is EPA's position on the Rail Roads and State of Colorado Department of Transportation for removing Colorado Smelter Slag and using in railroad and highway construction? Are they potential PRPs?