

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**
- Update by City Health Department, Alicia Solis, Pueblo City-County Public Health Department
 - 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.

Roles

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.
- Explicitly inform other CAG participants of any conflicts of interests.

Responsibilities of state, federal, and local agency CAG Participants:

- Serve as ex-officio members of the CAG.
- Work closely with the full CAG to assist in achieving its goals, but abstain from participating in the CAG decision-making process.
- 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.
- Ensure an efficient and fair process.
- Make the process and issues understandable to all participants.
- Address all logistical needs.
- Remain impartial towards the substance of the issues under discussion.

Input and Decision Making Process

The creation of the CAG does not reduce or alter the legal decision-making authority of any agencies or organizations participating in this effort. The CAG is an advisory group that provides input but is not the decision-maker. However, EPA and the State value the knowledge and expertise of the CAG and fully understand that CAG support is likely to lead to better decisions that are publicly supported.

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.

In most instances, CAG input and consensus recommendations will be heard by the implementing agencies at CAG meetings. Similarly, the agencies will respond during CAG meetings as to whether or not they will accept the advice. If they decide not to accept the advice, they will provide a rationale for the CAG. This feedback will also be documented in meeting summaries. In very rare instances, the nongovernmental entities may choose to write a formal letter to EPA and/or the State to emphasize their recommendation. In these cases, the EPA/State will respond to the CAG in writing stating the Agency decision and reasoning, if requested by the CAG.

Meetings

CAG meetings shall normally occur on a regular monthly basis as needed and be open to the public. Meeting will be held in or near the community. All meetings will have opportunity for public comment.

CAG Tools

The CAG will use the following tools to track its work:

- Timeline. EPA will develop a detailed short-term timeline and a general overall timeline of major anticipated decisions and actions for the site. EPA will include all major critical decisions on this timeline regardless of whether or not the CAG will provide input on the topic.
- CAG Meeting Agenda and Attachments. The facilitator will provide CAG members with a copy of the meeting agenda and attachments at least three days in advance of meetings.
- Input Requests. Government agencies requesting CAG input will indicate the following for each request: type of input desired, non-negotiables, and due date.
- Meeting Summaries. The facilitator will produce meeting summaries noting the key discussion points, commitments, and recommendations.
- Tracking Tool. The facilitator will produce a document for tracking key recommendations and general agency responses.

CAG Communication

Most communication between CAG members will happen at CAG meetings. Documents that CAG members would like shared with the full CAG should be sent to the facilitator to ensure distribution to the most updated mailing list. Unless specifically requested otherwise, the facilitator will share substantive communication with the full CAG to ensure a common level of understanding. CAG members are discouraged from sending emails on process and policy questions to individual government CAG members if the topic can be addressed with the full CAG, as this creates an uneven level of knowledge within the CAG. Due to limited time and resources, government staff will generally respond to questions during CAG meetings rather than preparing written responses.

Interactions with the Media

All CAG members are free to speak about their own views and the views of their organizations with the media. CAG members should avoid trying to characterize the views of others or the deliberations of the CAG itself.

Evaluation and Termination of the CAG

It is the responsibility of all CAG members to notify the facilitator of concerns regarding or suggestions for improving the activities of the CAG. Each September, the CAG will evaluate its success and usefulness to the community and government agencies. At this time, the CAG will evaluate the need for continuing the activities of the CAG.

CAG Membership as of February 2015

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
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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.)

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. <u>EPA met with Ms. Gutierrez during the week of 2/2.</u>	
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	John Cordova Sr. attended the January CAG meeting and will serve as a CAG member.	Completed 1/15

	engagement in the CAG		
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.	
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.	<u>EPA meet with NeighborWorks during the week of 2/2</u>	
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	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

	buyers of the Superfund status.		
<u>2-5-15</u>	<u>David Webb asked EPA to provide additional information regarding what information EPA will file with the County when properties are sampled and after cleanup.</u>	<u>EPA is researching this and hopes to provide some information at the 2/10/15, if possible.</u>	