

# AGENDA



## **Community Advisory Group (CAG) for the Colorado Smelter**

Tuesday, November 18, 5:30 p.m. to 7:30 p.m.

Steelworks Museum

215 Canal Street

(Draft as of November 14)

- 5:30 p.m. Introductions, Agenda Review, and Logistics**  
*Kristi Parker Celico, Facilitator, Rocky Mountain Collaborative Solutions*
- 5:35 p.m. CAG Education**  
Overview of Superfund Steps, Chris Wardell
- EPA Role, Chris Wardell
  - CDPHE Role, Alissa Schultz
  - Health Department Role, Chad Wolgram
- CAG Support: TAG and TASC, Jasmin Guerra
- 6:15 p.m. Functioning of the CAG**  
*Kristi Parker Celico*
- Finalize CAG Protocols (Attachment A)
  - CAG monthly due dates (Attachment B)
  - Tracking Document for CAG Action Items (Attachment C)
- 6:45 p.m. Review of Action Items and Updates**  
Review of Action Items (Attachment C)  
Updates:
- Fence and Signs schedule, Sabina Forrest
  - Sampling Update
    - Consent Form Responses to Date, Sabrina Forrest
    - Sampling on City Property, Sabrina Forrest
    - Debrief from Sampling Workgroup, Pam Kocman
  - NPL Process and Public Briefing Process, Chris Wardall
  - Update on HUD grant
- 7:15 p.m. Next Steps**
- Next Steps for Health Workgroup
  - Next Steps for Public Outreach

- Topics for the December 9<sup>th</sup> meeting:

**7:30 p.m.**

**Adjourn**

For those who would like to stay after the meeting, we will play a video that shows a demonstration of the soil sampling process. The video is less than 10 minutes.

## ATTACHMENT A

### Proposed Revisions Based on Comments at the October 13 CAG meeting and afterwards

#### 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 Eiler's neighborhood and its association, parents of small children, homeowners, renters, rental owners and business owners;
- **Local government**, including City Council and County Commissioners, and Health 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.

**Comment [FS1]:** Suggest we work further to add a Bessemer participant. Also, suggest we talk to the Police Department about adding them as an ex-officio.

#### 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 health damage~~ 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; Restoring the environment to its natural state;~~
- Promoting the economic vitality of the neighborhood; ~~and~~
- ~~Revitalizing and Pp~~preserving the historical ~~structures and integrity of -assets 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 found~~ 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 ssible~~ 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. On November 2014, the EPA added the former Colorado Smelter to the National Priorities List (NPL) of Superfund sites.~~ 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 and Federal 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.

**Comment [KC2]:** Note from Merrill: I know that arsenic was detected in soil in the area. However, I commented to EPA in a June 11, 12, 2013 public meeting that the population of arsenic concentrations near the Colorado smelter was no different than the population of arsenic concentrations identified by CSU Pueblo for the general area of Pueblo. The analysis was performed using EPA's statistical procedures in EPA Data Quality Assessment guidance. EPA a subsequent public meeting that their statistician had examined the data and determined the populations were different. Documentation of the results has not been made available and would be of interest to the CAG.

**Comment [FS3]:** Did you mean to put May 2014, the site was proposed to the NPL? We can't have a date for finalization to the NPL until the Response to Comments document is complete and a few other tasks with EPA HQ administrative staff are signed off on.

- 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.

**Role of Subcommittees:**

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

**Role of the Facilitator:**

- Work for the entire CAG.
- 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.

**Comment [FS4]:** This is the piece I need us to move away from. Chris and I cannot respond to all individual input that comes in; the CAG needs a process to determine what needs responded to.

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 monthly basis 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 made discussion points, commitments, and recommendations.
- Tracking Tool. The facilitator will produce a document for tracking key recommendations and general agency responsesactions.

Comment [FS5]: Is that enough time?

### 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 the CAG meetings rather than preparing written responses.

### Interactions with the Media

~~The CAG may appoint two members to serve as liaisons with the media. Other members contacted by the media should encourage the media representative to seek information from the designated media liaison.~~—All CAG members are free to speak about their own views and the views of their organizations with the media. ~~Other than the liaisons,~~ CAG members should ~~be careful to present only their own views and~~ 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 ~~October 10, 2014~~ October 16, 2014

1. Andrew Baca, Neighbor
2. Merrill Coomes, Background in Superfund, risk assessment, and project planning
3. Sandy Daff, ~~City Council Member~~, NeighborWorks
4. Karen Fortner, Neighbor
5. Kiera Hatton, Better Pueblo
6. Joe Kocman, Neighbor, Eilers Heights Neighborhood Association
7. Pam Kocman, Neighbor, Eilers Height Neighborhood Association
8. Beritt Odom, Neighbor, City of Pueblo, Planner
9. Charlotte Plutt, Community ~~public outreach~~ ~~coordinator~~
- ~~10. Pueblo City-County Health Department~~
- ~~11. Nadine Triste, Community organizing~~
- ~~12. Tim Hawkins, Steelworks Center of the West ~~Bessemer Historical Society~~~~
- ~~13. Terry Hart, County Commissioner~~
- ~~14. Harric VanderValk, Neighbor~~
- ~~15. Ross Vincent, Sierra Club, Chemical Engineer~~
- ~~16. David R.G. Webb, Pueblo Association of Realtors, ~~Real estate agent,~~  
tenant and owner in neighborhood~~
- ~~17. James and Julianne Williamson, Neighbors, Parents~~
- ~~18. Aaron Martinez, Alicia Solis, and Chad Wolgram, Pueblo City-County  
Health Department~~

<p><b>State and Federal Government Membership (Ex-officio) as of October 10, 2014</b></p>
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1. Sabrina Forrest, EPA
2. Chris Wardell, EPA
3. Jasmin Guerra, EPA
4. Charlie Partridge, EPA, as needed
5. Alissa Schultz and Jeannine Natterman, CDPHE
6. David Dorian, ATSDR, as needed
7. Raj Goyal, CDPHE, as needed

**ATTACHMENT B**  
**CAG Monthly Due Dates**

- Tuesday before CAG meeting: EPA, State, Kristi conference call on agenda
- Friday before CAG meeting: Kristi send out agenda and materials, finalized meeting summary from prior month.
- **2<sup>ND</sup> Tuesday of month: CAG Meeting**
- Monday after CAG meeting: Draft meeting summary sent out

**ATTACHMENT C**  
**Facilitator's Tracking Document**

Date of Input	CAG Input	Government Response	Topic 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 reached out to Sandy. Waiting on response. Will follow-up again.	
10-14-14	Request by Mr. Perko to see PWT contract.	Believe Mr. Perko and EPA lawyer have resolved this issue, but am verifying.	