

# STATE OF COLORADO

## OFFICE OF THE GOVERNOR

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John W. Hickenlooper  
Governor

January 21, 2014

Mr. Shaun McGrath  
Regional Administrator  
United States Environmental Protection Agency, Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

Dear Mr. McGrath:

We are writing to express our conditional support, per the Superfund law, of designating a smelter site in Pueblo, Colorado, as a Superfund site eligible for cleanup and assistance.

As you and the staff at the regional office of the U.S. Environmental Protection Agency (EPA) know, Pueblo was once home to five ore smelters. Some of these smelters have resulted in a legacy of residual contamination. In 2009 and 2010, the Colorado Department of Public Health and Environment (CDPHE), in coordination with the EPA, performed Superfund site assessments of the former Blende and Colorado Smelter sites, respectively. Site assessment sampling results revealed lead and arsenic present in residential soil in the vicinity of both smelters at concentrations in excess of EPA and CDPHE health-protective benchmarks. We appreciate EPA's response to CDPHE's referral of the Blende Smelter site. Using its Emergency Response authority, in 2011 EPA removed nearly 19,000 tons of contaminated soil from eleven residential properties within the footprint of the historic smelter.

The former Colorado Smelter site consists of a large slag pile and encompasses portions of a residential community. The soil sampling results indicate that a cleanup is necessary to protect the health of current and future residents. Based on the complexity and anticipated costs, the best program to undertake the cleanup is the Comprehensive Environmental Response Compensation and Liability Act or Superfund. The City of Pueblo and Pueblo County have requested that this site be added to the Superfund National Priorities List. We support this listing, as long as certain protections are put in place to be responsive to the concerns of the local community that would be affected the most by designation of a federal Superfund site.

We stress the importance of EPA addressing the concerns and expectations raised by the Eiler Heights and Bessemer community in the January 9, 2014 letter (attached) and the included Guidelines for the Superfund Designation developed at the January 6, 2014 neighborhood association meeting. We also share for your consideration the handwritten comments from residents and business owners. In addition, we urge EPA to address the concerns raised by elected officials in the December 31, 2013 letter (attached). It is critical that EPA continue to work with the community and that you keep the community apprised of actions to be taken and progress made. The community desires a significant level of involvement in the Superfund process, especially where decisions are made that could impact them directly, such as soil remediation levels and Superfund liability.

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The community is concerned about a site remaining on the list for years without the cleanup being completed. If the site is listed, it is imperative to fund the project through completion without interruption to avoid any delays. We support tackling the highest risk areas first and delivering an effective health education program to reduce potential human exposure while the investigation and cleanup are underway.

The community is also concerned about associated costs to local governments, local businesses and residents. EPA should continue to assuage these concerns by providing information about EPA liability guidance and policy. The Superfund cleanup can improve the historic Eiler and Bessemer neighborhoods and boost the local economy. Every effort should be made to alert local businesses to contracting opportunities related to the Superfund investigation, design and remediation. We encourage EPA to use contracting methods and offer job training grants that maximize the potential for local employment in the Superfund cleanup process.

The Superfund process provides for significant community involvement. We expect the high level of community involvement efforts to continue, and for EPA to coordinate with the state, elected officials and the local health department. The EPA should proceed with forming a community advisory board as soon as practical.

CDPHE has been directed to provide assistance to the EPA in addressing community concerns and implementing the investigation, design and cleanup. The Colorado Department of Transportation has also been directed to coordinate with EPA and CDPHE to maximize efficiency.

In response to the city and county's request, we support listing the Colorado Smelter site on the National Priorities List, provided that the EPA incorporates the concerns identified above, and agrees to conduct the cleanup in a timely, effective and collaborative fashion. With close coordination and careful consideration and response to local concerns, cleanup of the Colorado Smelter site should be accomplished efficiently with minimum disruption of the local community. Thank you for your consideration of the concerns of the citizens of Colorado.

Sincerely,



John W. Hickenlooper  
Governor

Enclosures

cc: Dave Balsick, President, Bessemer Association for Neighborhood Development, Inc.  
Ed Brown, Pueblo City Council Representative, District 3  
Gary Baughman, HMWMD Director, CDPHE  
Sandy Daff, Pueblo City Council Representative, District 4

Terry Hart, Pueblo County Commissioner, District 1  
Jane Hann, Environmental Programs Branch Manager, CDOT  
Don Hunt, Executive Director, CDOT  
Chris Kaufman, Pueblo City Council Representative, At Large  
Pam Kocman, President, Eiler Heights Neighborhood Association  
Liane "Buffie" McFadyen, Pueblo County Commissioner, District 2  
Eva Montoya, Pueblo City Council Representative, District 2  
Ami Nawrocki, Pueblo City Council Representative, District 1  
Steve Nawrocki, Pueblo City Council Representative, President  
Christine Nevin-Woods, DO, MPH, Executive Director, PCCHD  
Chris Nicoll, Pueblo City Council Representative, Vice President  
Sal Pace, Pueblo County Commissioner, District 3  
Martha Rudolph, Director of Environmental Programs, CDPHE  
Larry Wolk, MD, MSPH, Executive Director and Chief Medical Officer, CDPHE  
Tom Wrona, CDOT, Region 2, Regional Transportation Director