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cc

bcc

Subject: VB-I70 Working Group -- Final Notes for 1-27-05 Meeting

Hello --

Attached are the final notes for the 1-27-05 VB-I70 Working Group Meeting.

I heard back this week from only two people with modifications:

- Page 3, Section 3, External Lead Based Paint Abatement, Victor Ketellapper's comments, second paragraph.
- Pages 5-6, Gene Hook's comments -- the ones in the indented paragraphs.

Please do not hesitate calling me if you have any suggestions on how we might improve our meetings, or want to discuss any related issues.

I will contact you within a couple of weeks to begin planning for the next scheduled meeting at the end of March.

Thanks for your participation.

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www.gwenvironmental.com FINAL Vasquez I-70 Wking Grp 1-27-05 Meeting Minutes 1.pdf

FINAL (2/18/05)
Vasquez I-70 Working Group
Meeting Notes

January 27, 2005
9:00 a.m. – 11:00 a.m.
Swansea Recreation Center
2650 East 49th Avenue
Denver, CO 80216

ATTENDING

Meeting Participants: Please see attachment.

Facilitator: George Weber, George Weber Inc. Environmental

Recorder: Michelle Smith, Project Resources Inc.

Note-taker: Jennifer Chergo, Region VIII EPA, Community Relations

BACKGROUND AND MEETING OBJECTIVES

Meeting called by: Vasquez I-70 Working Group

Type of meeting: Reporting and feedback

Distributed for participants to read prior to meeting: Lead Abatement Memo written by Victor Ketellapper, Site Program Manager, Region VIII EPA

Desired Outcomes: Participants:

1. Updated on status of Operating Units 1, 2 and 3;
2. Understand how EPA and CDPHE propose to address exterior lead based paint to protect residential soil, legal parameters, and how approach is derived from prior efforts of the Working Group; and
3. Updated on progress in carrying out the Community Health Program and provide feedback to Program staff

The meeting notes below are detailed and attribute the speaker, rather than summary without attributing the speaker, according to the wishes of the Working Group as expressed in the 'Final Meeting Summary 5/6/99'.

1. WELCOME AND INTRODUCTIONS

George Weber began by introducing himself as having been asked by the EPA Site Program Manager to assist in planning and facilitating the VB/I-70 Working Group meetings. He then asked each meeting participant to introduce themselves to the group.

2. OPERATING UNITS 1, 2 & 3: UPDATE AND Q&A

Victor Ketellapper, Site Program Manager, Region VIII EPA began by giving an update for OU 1. Soil removals should begin again in February. Soil sampling should begin sometime in late February. EPA is continuing to gather access agreements. Four hundred yards still need to be sampled.

Victor then updated the group about OU 2. Crews have started soil borings and started installing wells and taking soil samples. They will continue this work over the next few months. EPA is having some trouble gaining access from property owners.

Lorraine Granado asked who the property owners are.

Victor replied that they are primarily along Brighton Boulevard.

Karen Kellen mentioned that Pepsi is one property owner that has been addressed.

Victor said that the Risk Assessment (RA) and Remedial Investigation (RI) for OU 3 will be finished and available to the public this spring.

Lorraine asked about the Asarco settlement, saying that she saw something about it in the paper.

Karen explained that the consent decree calls for Asarco to clean up part of VB/I-70 OU 1. They will clean-up 100 residential properties and dispose of the removed soils at the Asarco Globe site. She said the goal is to make the Globe property beneficial to area residents.

Anthony Thomas asked about residential redevelopment of site.

Victor and Barb O'Grady reiterated that the State of Colorado has negotiated an environmental covenant with Asarco that bars future residential use of the Globe site. The environmental covenant is part of the Consent Decree signed by EPA, State, and Asarco in the fall of 2004.

James Chapman asked if residents will have an outlet to use for disposing of leaded paint that they are discarding.

George Weber noted that his question is a nice lead into the next agenda item – external lead-based paint.

3. EXTERIOR LEAD BASED PAINT ABATEMENT AND Q&A

Victor Ketellapper, Site Program Manager, Region VIII discussed the memo that he had provided to the group in an earlier email.

He said that Superfund was never designed to address exterior lead-based paint. However, EPA Headquarters recently issued a guidance allowing for exterior lead based paint abatement to be conducted under the Superfund Program to prevent recontamination of the soils with lead.

Victor said that Region VIII EPA considered the guidance and evaluated how much lead paint could peel and how it might affect the yard-wide average for lead contamination in developing the proposal described in the memo. EPA will need to evaluate each property that is remediated in order to justify addressing exterior lead based paint under the Superfund Program. Major features of the method are:

- Sample top 2, not 12 inches;
- 30 samples per yard, regardless of size;
- Average for the yard, not within a certain distance from the house; and
- Proposal is 'pushing the envelope' under CERCLA to address the issue of exterior lead based paint.

Dr. Michael Kosnett asked why EPA and the CDPHE are using the volume of soil from the entire yard (given composite sampling), i.e., an average for the whole yard, rather than just the first 3 to 6 feet from the structures, where most of lead based paint would fall. He suggested that this would result in fewer homes on large lots being addressed.

Victor replied that EPA is using the same process as was used when the yards were evaluated for lead and arsenic initially. He said that under the regulations that the program had to ask 'What conditions would enable EPA to re-evaluate?'

Michael still wanted to know, "Why would you look at the whole yard when contamination would occur within 4-6 feet of the house and a larger yard then would not qualify?"

Victor replied that the reason is because this is the methodology that was used for sampling the yards initially and that the methodology is technically defensible.

Barbara O'Grady stated that this isn't a poor plan and that it took a lot of work to accomplish it.

Michael reiterated that using the proposed plan will eliminate houses on larger lots from being addressed because of the larger yard area.

Richard Lotz asked if originally, when EPA took 30 samples per yard and found a hotspot, wouldn't the hotspot have triggered a clean-up?

Victor replied no, that the process used the yard-wide average.

Barbara noted that earlier, the process examined the issue of hotspots and that a small section of the Remedial Investigation Report addresses this. David Mallard challenged this approach, and the program went back and looked at 3 composite samples. They asked if there was enough of a discrepancy between the composites and hotspots and they were satisfied that there was not.

Michael pointed out that the program has placed uniform soil at all properties. "You are saying how would paint affect the average for the yard? Why would you consider the size of the yard which would favor a small yard?" (i.e., residences with small yards would be favored for treatment of exterior lead based paint)

Barbara said that in order for us to justify what we are doing, then we had to ask what would have to happen to kick this back to require a cleanup.

Michael said that he understood that rationale. But it's created an impractical scenario, he said. "I'm suggesting a practical approach. If there is peeling lead paint next to any fresh soil that you put down, in a practical sense, you are very satisfied saying we're going to protect this soil even if it's only 4-6 feet?"

Barbara said she understood but that she has to have a strategy that justifies our doing this.

Lorraine Granado said that though she is not a scientist, she does have common sense that tells her if exterior paint poses an issue to children, it has to be addressed. She asked if there is a law that says we can't do it. If so, she asked that it be provided.

Karen Kellen said the issue is a gray area in the law. Superfund does not cleanup 'household products'. Under the law, paint is considered a household product. "We are pushing the envelope here," she said.

Michael said that scientific rationale says that there will be a disproportionate impact of exterior lead paint near the house.

Victor said that the whole discussion to cleanup properties has been based on yard-wide average. It should identify hot spots.

Michael responded that that made sense to initiate this cleanup, "... but you don't have to use that process now".

James asked if EPA could encapsulate the eaves and soffits and replace things like window frames, etc.

Victor said that the Community Health Program, in which James will be involved with Jay (Salas) and Martha (Hoff), should help this issue through education. Victor added that personally he would like to clean it up, "... but under Superfund I'm restricted".

Gene Hook said:

> You might consider basing your decision on (theoretical) SAMPLING, since that's what drove the original cleanup decision, and make an assumption about the numbers of samples that might be collected next to a building, out of total number of samples. Then calculate a soil value averaging all the assumed values, using the soil next to a building that is loaded with lead-based paint for a subset of your samples (like in Bill's calculations), and a background lead concentration for your other samples. And that gets rid of the size of the yard from the equation, since all yards were sampled using the same number of samples originally.

He also said that with peeling paint it's not just the concentration, but amount coming off (i.e., "loading"). He suggested that we could add a step, dividing the results to take out any bias towards smaller lots.

Since reading the draft notes, Gene has offered this elaboration on his comments for the record:

> I suggested that the original cleanup decisions were made on yard-wide SAMPLING, i.e., 3 composite samples of 10 samples each, and NOT on a yardwide distribution of the contaminant. (Because the sampling data are just an estimate of the true yardwide average). So... rather than base the "lead paint to soil calculation" on the amount being distributed evenly across the yard (because this does not represent reality) I suggested we base the calculation on the amount of paint that would go to soil next to a building (as it that's where it would go in reality) and then make your "protect the remedy decision" based on the (theoretical) sampling results that you would obtain if you assumed x numbers of your composite samples would have been collected next to the building (for example, if you're collecting 10 samples (for one of your composites) to characterize a yardwide average, and x of the samples would have been collected next to the building, calculate the paint loading to the soil next to the building, assume x of your sampes equal the paint-loaded soil value, and the other y samples equal the background value (y=10 minus x) . I don't know which way this might alter the remedy decision, if at all, but at least it would better represent reality... and as I said, it would eliminate the size of the yard from the

equation (since you collect the same number of samples from each property, no matter its size).

George Weber asked if Michelle Smith was capturing the main issues on the flip chart. Michelle said that basically the issues were utilizing the drip line only for lead paint analysis and finding certification for subcontractors to do abatement.

Barbara said that she had very little leeway on this issue.

George asked if she could say that she was 'locked-in' by law.

Michael asked why that would be when it's an EPA rule.

Victor and Barbara said that it does affect the state because there is sharing of responsibility and finances by the State and EPA.

Michael said that it is basically a policy decision. "There is no one who will fault you if you try to protect soil within 6 feet of the house, and you would have strong community support. If we can help you with your management, we will," he said.

Victor said that a letter to his and Barbara's management would be helpful and could be the next step.

Lorraine said that CEASE would help with this.

Barb asked the group to keep in mind that the plan presented "is not nothing", it's sound and would address a lot of homes.

Victor added that, personally, they both really struggled with this.

Lorraine said that nothing should be personalized. Everyone there believes they (Barbara and Victor) do good work.

Barbara asked again that the group consider what she and Victor have presented.

Lorraine asked that likewise Barb and Victor should consider their position to protect children. That's our job for participating, she said.

Gloria Scherer asked if the problem is the drip-line, then do we have to remove the whole yard?

Karen clarified that this is all after the soil cleanup, so there is no need to remove soil at all.

Victor said EPA has no funding authority to provide resources to address exterior lead based paint. He suggested that community groups could take action to obtain help from

other programs and tools like HUD through North East Denver Housing, and education, which is a powerful way for people to address the problem.

Martha indicated that community health workers will provide information/educational materials to residents regarding lead-based paint abatement. As this will be an existing avenue of contact, community organizations/CDPHE/EPA may want to consider what additional information related to lead-based paint, especially abatement, they would like to see discussed/distributed during home visits.

James clarified that what Gloria was getting at was, 'Is there a way to remediate homes over the long-term?'

Victor said yes, namely Northeast Denver Housing.

Karen said that EPA has no funds for this kind of cleanup. "HUD is all we know of," she said. "It's a huge problem that is not being adequately addressed."

James said that there is some assistance facilitated through community groups to give people assistance to paint eaves and downspouts, etc. "It would be beneficial for the community to get a new yard and paint job," he said.

Gloria asked if we have testing results along drip-lines.

Victor said that we do not.

Anthony Thomas asked why we are putting the cart before the horse by cleaning soil before cleaning external paint?

George, noting that the discussion of this agenda item had run past the time scheduled, suggested that the group move on to the next agenda item, and for people who wanted to and could stay, return to this discussion at the conclusion of the meeting.

Michael was opposed to the suggestion, saying that the external paint discussion is vital and the rest of the agenda is just an update.

Karen concurred and the group continued on the subject of external lead based paint abatement.

Gene asked how far can you stretch this under Superfund? He said we must inform all residents, according to the EPA guidance. "Can we offer all residents free inspections?" he asked.

Victor said that we are providing that under the Community Health Program (CHP).

Celia VanDerLoop said that the contract for the CHP will go through Northeast Denver Housing to do that work.

Jay Salas noted that he and Martha Hoff saw the need for CHP workers to educate folks on risks and issues of lead contaminated soils as a big piece of their education activities.

Bob Litle said that he needed "to share a minority view". As a PRP, he said, you look at things differently than you do otherwise. The reality is that Superfund sues PRPs to fund clean-ups. EPA put blinders on to other potential sources of lead and all their efforts to prove air emissions as the source to get the PRPs. So, now it's hard to prove that exterior lead paint is the source. This is new in the Superfund process.

Gloria asked if we could just clean-up the dripline.

Karen responded that we can only evaluate paint to see if it is recontaminating so we're not doing additional soil cleanups.

Gene asked Bob facetiously if Asarco would like to be sued to address lead paint, based on Bob's earlier comment. Bob replied that Asarco was not a paint manufacturer, "so go right ahead," he replied, jokingly.

Michael again asked 'why sample the whole property rather than just within 3 – 6 feet from building? He also indicated that he wanted to raise two additional issues. Coordination – could an owner coordinate activity to address internal lead based paint while he/she is addressing external lead based paint. He acknowledged that EPA cannot pay the cost of addressing internal lead based paint. He suggested that EPA could coordinate abatement to be done with a homeowner to address other interior paint issues. "Has EPA made any progress on coordinating that?" he asked.

Victor said that he personally hasn't looked into that. He suggested that maybe it's something that CEASE could look at.

Karen said that as a government agency EPA can't solicit for independent contractors but that a private group like CEASE could do so.

Michael emphasized that the bright light is on about lead now, and it may not be in 5 or 10 years. "So let's take advantage of it and do as much as we can," he said.

Lorraine said that when EPA hires contractors, it could advertise so that we get a reduced price on the inside work since contractors know they are getting outside work too.

Michael said that would be another nice legacy of this project -- to get people trained.

Michelle Smith said that they've already started to get the word out.

Lorraine asked Michelle to give them the information because they know a lot of people who could apply.

Victor said that EPA will contract with locals (i.e., service providers to do the work).

Beverly Tafoya-Dominquez said they are also making a lot of contacts through DURA through the CHP program to do interior lead paint abatement.

James noted that Sandy Douglas did a great job involving youth in issues. He said that he was a paint contractor and he knows many youth in the area who could get involved and he wanted to offer his services to CEASE. This should be an opportunity for youth to get certified.

Michael asked if EPA would be willing to hold a contractors meeting to offer this kind of work – like a pre-bid conference? Victor said that we could work with Michelle and Northeast Denver Housing to get that together. "We'll do as much as we can there," he said.

Michael asked Jennifer Chergo about what progress was made toward realtor outreach. Jennifer replied that EPA is sending project updates to the local real estate board newsletters and that she has put together a real estate issues package. On Michael's suggestion, Jennifer said that she would put that information on the EPA Website.

Michael added that CEASE could contact folks to see if landlords are providing lead information to tenants.

Victor recommended that the CEASE and others get their issues to the Superfund managers and stated that they are hoping to do the work this coming summer.

4. COMMUNITY HEALTH PROGRAM - UPDATE & Q&A

Marth Hoff, Administrator and Jay Salas, Coordinator, Community Health Program (CHP), City of Denver Department of Environmental Health provided an update and answered questions concerning the CHP.

Jay gave an update on the process of recruiting, interviewing, and hiring CHP Education Outreach Community Health Workers/Promotores. Language compatibility was one criteria used for evaluating candidates. The CHP hired candidates who are from the community and reflect it. CHP offered positions to 11 people, but lost one, and now have 10 working.

Martha stated that the Promotores participated in training January 5th and 6th, and that they meet weekly, every Friday at 12:30 at the Curtis Park Community Center, 2980 Curtis. The CHP worker training has included a full day devoted to the soil sampling and removal process, safety issues, and all of the outreach material that they will be providing to residents of the community.

Jay noted that he will provide an outline of the CHP worker training to anyone who is interested.

Martha said that the new staff will start canvassing households the second week of February. CHP workers will have vests, badges, and a rolling backpack. The information in the backpack is in the Community Health Program Education and Outreach Plan, developed through the CHP meetings. There are upwards of 30 pieces of literature so far. The CHP is looking at additional materials and would like ideas for a process enabling community members to review and comment on new, emerging materials.

Lorraine said to send an information packet to Raquel and she will distribute it to CEASE members or a CEASE member will go to a meeting if necessary.

Beverly Tafoya Dominquez noted that Gloria and some CHP workers who are residents of the community have offered to serve as reviewers.

James said he would feel privileged to be involved.

Martha said that when DEH identifies educational materials not previously reviewed by the community and these materials have potential value for community education outreach, DEH will submit the materials to CEASE, and specifically Raquel Holquin and Gloria Shearer. DEH will make use of the materials based upon positive feedback. She invited other community organizations or individuals to participate in this review process – DEH just needs a contact name to add to the list of reviewers.

Lorraine asked how often Promotores will go door to door.

Jay said that even though there are 4,500 households, he hopes to have each visited at least once a year -- but as an optimist -- he hopes more than that.

Lorraine wondered if it is correct that the CHP program, which was initially to be 3 – 5 years duration, now is just going to be 22 months.

Victor said that it would go until the end of September 2006.

Lorraine asked that EPA give her and CEASE a list of the approximately 400 properties that still have not been sampled. She said that if EPA provides this, CEASE could contact them. She said they could help to make a dent in that number.

Gene Hook said that CHP is doing this already.

Jay said that that will be a big push for the CHP workers who will be carrying access agreements.

Lorraine said that if CHP is doing this, that CEASE could make suggestions.

Martha suggested that CEASE may be able to facilitate sampling access agreements in situations where property owners are unresponsive (for any number of reasons). This is primarily an EPA-CEASE opportunity. However, as community health workers will be soliciting signed access agreements during visits, DEH will provide data on homes where contact was made and access agreements left with the resident. These have the potential to be priority contacts for EPA and CEASE.

Lorraine said that, in that case then, CEASE could follow-up with those who are proving difficult.

Lorraine wanted to know, if a person is in a house with high levels but won't let the soil be removed, then could EPA make a case that they are putting people at risk?

Victor said that, especially with landlords, the EPA is more into using the "heavy hand" of the government, but that the approach of getting them to volunteer works best.

Michael wanted to know if realtors have to disclose properties that are in a Superfund site.

Karen said they do not have to disclose that information under federal law and that under Colorado law, the only requirement is to reveal known contamination. She noted that many houses are getting sold after the soils are remediated.

Richard Lotz said in state law it depends on if it is material to that sale -- would it have made a difference to the buyer?

Jennifer Chergo said, "that is why the best we can do is to make sure the site is publicized as best as possible".

Michael said that they would help with that.

Jay announced that CHP is looking for a Community Health Program central command space in the community. They would have somebody there, need space for storage, and provide biomonitoring there once a month.

Lorraine replied that they have a small space in the Globeville office.

Jay said ideally the space could also be used as a biomonitoring space.

James wanted to know how we came up with the Superfund boundaries.

Karen said that boundaries are drawn differently from site-to-site nationally.

Celia recalled that the thinking at VB/I-70 was that the boundaries would be house by house so that the properties could quickly get off the Superfund list once cleaned and shed any stigma as quickly as possible.

Martha said that canvassing is beginning in all neighborhoods now. They will be doing media outreach in La Voz, community newsletters, radio, and flyers.

Anthony noted that many newspapers stop delivering at 32nd Ave.

Anthony wanted to know if people will know if Community Health Workers stopped by if they're not home at the time.

Martha said yes, CHP workers would leave a card or flyer.

Anthony noted that CHP workers should attend CHP neighborhood association meetings.

Jay said that he and Martha and CHP workers all plan on attending meetings, depending on when the community thinks it would be appropriate.

Martha gave an update on the biomonitoring clinics. She said that they have had three clinics and it represented an enormous amount of development work. They will be having one clinic a month starting May 23 through September in a variety of venues. Biomonitoring clinics will rotate among locations.

Jane Mitchell added that they are still developing what the community would like to see and they also will be having weekly satellite clinics. Jane noted that schools are not ideal locations for testing 1-3 year olds.

Anthony said that DPS has ongoing daycare at Clayton College.

Martha noted that DEH sends detailed status reports to EPA each month and that they are planning to do a newsletter for the community.

James asked if they could use pictures of people who have been sampled to encourage people to be sampled. Is there a confidentiality issue?

Karen said it was fine if people sign a waiver.

Jane said they have a form for that.

5. CLOSURE -- NEXT STEPS – NEXT MEETING?

George Weber asked the group if this meeting site and time was 'OK' with the group, and when the next meeting should occur.

Several members of the group indicated that the location and time were good.

Anthony suggested that the meeting occur on the same day of the month, i.e., the last Thursday.

The group decided that the next meeting would be held at the same time and place on Thursday, March 24, 2005.

Participants then adjourned the meeting.