Message

From: Urdiales, Aaron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7DC00E54C0EF4CDB9B74ACB424ACB095-URDIALES, AARON]
Sent: 6/25/2019 3:39:58 PM
To: Wharton, Steve [Wharton.Steve@epa.gov]
Subject: FW: RACISM and the VB/I 70 CAG

Steve,

Can you please set up a time for the 4 of us (Jesse, Jennifer, you and I) to meet and discuss the events that took place leading up to the email below. Betsy would like to respond in a timely manner to the email Joan sent her and the RA. Thanks,

Aaron Urdiales, Branch Chief
Superfund Remedial Branch
EPA Region 8, 8SEM-RB
Phone: 303-312-6844

From: Smidinger, Betsy
Sent: Tuesday, June 25, 2019 9:19 AM
To: Urdiales, Aaron <Urdiales.Aaron@epa.gov>; Stavnes, Sandra <Stavnes.Sandra@epa.gov>
Subject: FW: RACISM and the VB/I 70 CAG

Hi Aaron – I wanted you to be aware of this email. Can you talk to Steve, Jesse and Jennifer and get their side of these events. I would like to respond to Joan in a timely manner.

Thanks
Betsy

From: Joan Seeman Ex. 6 Personal Privacy (PP)
Sent: Monday, June 24, 2019 9:17 PM
To: Smidinger, Betsy <Smidinger.Betsy@epa.gov>; Murray, Bill <Murray.Bill@epa.gov>; Sopkin, Gregory <sopkin.gregory@epa.gov>; jennifer.opila@state.co.us
Cc: Chergo, Jennifer <Chergo.Jennifer@epa.gov>; Aviles, Jesse <Aviles.Jesse@epa.gov>
Subject: Fwd: RACISM and the VB/I 70 CAG

To : EPA
Superfund and Emergency Management Division
Director: Betsy Smidinger
Betsy,
Please review the EPA exchange with *Jesse Aviles and a member of the Citizen Advisory Group Bridget Walsh regarding the Vasquez Blvd Superfund site. The exchange is very disturbing and unfortunate.*
"Hello Kim:

> *Last Tuesday Bridget call us racists. The facilitator will call out such accusations in the next meetings. If the accusations continue, the person will be asked to leave. If the person doesn't agree to leave, EPA will leave the meeting. Race does not restrict our dedication."*
>
> *Remedial Project Manager*
>
> *Environmental Protection Agency.*

Jesse Aviles

This is not the first time Mr Aviles has been confrontational and over-reactive in Superfund meetings. He has also ignored requests for documentation and has a private google site that most of the community cannot access. His available information should be on the EPA site for the general public, not a password protected site. EPA documentation for the community should be easily accessible.
I still await a response from Jennifer and Jesse regarding ANY "updated" documentation re the Vasquez Blvd Superfund site OU2, and OU3. This Superfund site is almost 20 years old and many questions still remain unanswered and "current" documents and updates are unavailable and important to educate and involve the community.
As an example I had to file a FOIA to locate the first TAG Grant and back up info. Jennifer and Jesse said prior TAG info wasn't available, they were unable to locate them, and the final TAG report wasn't kept by EPA. The FOIA proved helpful to read a TAG Grant "testimony" at a public hearing. Unfortunately the TAG Grant report/reports are still unavailable.
I also requested a Citizen Involvement Plan Report BEFORE the recent EPA OU1 proposed delist. Jennifer would not consider one specific for OU1 before the delist. The last CIP for OU1 specific was in 2000. Other CIP's have been written but not OU1 specifically with citizens comments for the OU1. She said that she would take comments for OU1 after the proposed OU1 delist April 8th and take comments for the upcoming five year review of the entire site.
As an interested Colorado citizen in Superfund site remediations I look forward to your response and help. Please provide any current information for the community re OU1, OU2, and OU3.
Thank you.
Joan Seeman

From: Bridget Walsh **Ex. 6 Personal Privacy (PP)**
Date: June 24, 2019 at 5:46:58 PM MDT
To: "Aviles, Jesse" <Aviles.Jesse@epa.gov>, Steve Wharton <wharton.steve@epa.gov>, "Chergo, Jennifer" <Chergo.Jennifer@epa.gov>, Fonda Apostolopoulos - CDPHE <fonda.apostolopoulos@state.co.us>, "Parish - CDPHE, Meg" <meg.parish@state.co.us>, "Oeth - CDPHE, Trisha" <trisha.oeth@state.co.us>, "Ross, Andrew - DEH CE2294 Project Manager II" <Andrew.Ross@denvergov.org>
Subject: RACISM and the VB/I 70 CAG
Reply-To: denverbridget@gmail.com

Dear Jesse,
There has been a misunderstanding.
At the June CAG meeting, I did not accuse anyone of being a racist.
This fact was confirmed in an email from the CAG Administrator Kim Morris.
We also have a complete recording of the meeting.

I am so sorry if you took my inquiries that way.
I assume that English is not your first language and that you may miss some nuances of the language.

You emailed Kim Morse, the CAG Administrator :

"Hello Kim:

Last Tuesday Bridget call us racists. The facilitator will call out such accusations in the next meetings. If the accusations continue, the person will be asked to leave. If the person doesn't agree to leave, EPA will leave the meeting. Race does not restrict our dedication."

Jesse Aviles

Remedial Project Manager

Environmental Protection Agency

Kim's reply:

"Jesse,

Bridget may have implied that there were some racial disparities in how she perceives the different CAGs being supported by EPA Region 8. I didn't hear her call anyone at the meeting a racist. Just to make sure I didn't miss that word leaving her lips, I fact checked with another meeting attendee. They confirmed that they did not hear Bridget call anyone a racist.

It is difficult to ignore that there are differences in how, for example, the Lowry Landfill CAG is supported vs how the VB/I-70 CAG is supported by the EPA and other local agencies, based on agendas, agency and elected official attendance, audio/visual support for onsite and remote attendees, materials and information, website support and conversations with people involved with both groups. We stand with our neighbors living within the VB/I-70 neighborhoods and are working for equal resources, representation and protection that has been withheld from them previously.
Regards,
Kim"

Difference between 'racist" and "racism"

There is a difference between accusing a *person* of being a racist and questioning whether institutional racism is preventing the Vasquez Blvd./ I-70 Superfund Site (VB/I-70) Community Advisory Group (CAG) from full access to agency services afforded to other CAGs in Colorado.

I was questioning the reasons behind the seeming unequal treatment of the VB/I-70 CAG that represents a CAG in an EPA Environmental Justice Site and CAGs that are not located in low income, minority areas.

Race is Important: VB/I-70 is an EPA Environmental Justice Site
The VB/I-70 Site is an EPA Environmental Justice Site because there is a predominance of low income, *minority people* who live there.

Unusual Treatment of VB/I-70 CAG by Agencies
Chuck Norris, one of the VB/I-70 CAG volunteer experts who has worked on many superfund projects as a technical expert and witness, shared his observations about the unusual treatment of the VB/I-70 CAG. Click here to read.

CDPHE's Unequal Treatment of VB/I-70 CAG?
What could the reason be that the Colorado Department of Public Health and Environment (CDPHE) refuses to post information to its website for and about the VB/I-70 CAG, but posts for other CAGS?

CDPHE wrote to a CAG member that the reason that they do not post the VB/I-70 CAG information on their website as they do for other CAGs in Denver and Colorado is because they have determined the VB/I-70 CAG is not a "real" CAG because we do not have a Technical Assistance Grant(TAG).

CDPHE was dead wrong on this point.
Jesse, you were cc'd on this email but apparently did not correct the misinformation.

As you know, having a TAG does not define a CAG. A CAG may have a TAG or not.

The VB/I-70 CAG is fortunate, to have two excellent volunteer technical advisors,Chuck Norris and Adrian Brown, saving taxpayers the cost of paying for these expensive technical services.

NO CDPHE Reply
Why did CDPHE not reply, with substance, to the CAG request to withdraw their approval of the EPA proposed delisting of OU1 (4500+ residences) at least until the source of the contamination in OU1 was determined? Determining the source of contamination is the first step in any assessment of pollution and remediation.

EPA never determined the source of the contamination in OU1 yet they and CDPHE are signing off on the EPA delisting of OU1.
The remediation in OU1 seems to have been based on just an unsubstantiated guess of the source of the pollution.
See Norris and Earthjustice comments on proposed delisting of OU1.

EPAs own documents state, clearly, in many places, that the source of the pollution in OU1 was never determined by EPA scientists.

Mr. Norris, on behalf of the CAG, also offered CDPHE his professional opinion regarding leachate leaking directly into the South Platte River from under the landfill in OU2, without a permit perhaps in violation of the US Clean Water Act.

To date we have no official reply to the CAG regarding this possible violation.

Still Puzzled by CDPHE Actions
We are still puzzled as to why CDPHE continues to deny the legitimacy of the VB/I-70 CAG and its experts, and refuses to post VB/I-70 CAG business on its website as they do for other CAGs.

The question about racial or other discrimination against the VB/I-70 CAG seems reasonable in view of the fact that the VB/I-70 site is an EJ site and is denied access to the CDPHE web site, and Lowry Landfill CAG, for example, not an EJ site, has full access.
CDPHE is the lead agency for both.

EPA Unequal Treatment of VB/I70-70 CAG?
EPA also seems to offer many services to other CAGs that have not been afforded to this CAG.
This was especially recognizable since our technical advisor , Chuck Norris, offered his presentation to the CAG, EPA, CDPHE and Denver in July, 2018, questioning the source of the pollution in Operable Unit 1 (OU1) , in the Site.

In August , 2018, EPA announced that they would no longer attend regular CAG meetings because, unbelievably, EPA said that they had nothing to talk about. It seems that EPA regularly attends other CAG meetings. For example see.

No EPA Reply
In addition to the formal presentation by Mr. Norris, the CAG has offered the EPA (and CDPHE)several Resolutions and has never received any written response : R1, R2, R3, R4, R5. See press release.

Avoiding Congressionally Mandated Participation

The CAG informed the EPA, CDPHE and Denver that they had many unanswered questions and unfulfilled requests for documents.
The CAG is mandated by congress to be involved in advising EPA in a superfund site, as work is progressing.
EPA and CDPHE seem to be avoiding this kind of meaningful participation by the VB/I-70 CAG.
They deny the CAG access to meetings and documents until after decisions have been made and the horse is out of the barn.

Denver Declares work in VBI/I- 70 over.

Denver Department of Environmental Health (DEH) also abruptly stopped posting our CAG information in November 2018 declaring that they were finished with their work in OU1 (controversial time critical removal) although the CAG had many unanswered questions.

For example: Denver is not finished digging under unremediated 39th Ave (OU1) or at the Globeville Landing Outfall in OU2. See correspondence from CAG technical expert, Adrian Brown.
These are just a few of the questions that Denver has refused to discuss with the CAG although our Bylaws give us license to be involved in every aspect of the VB/I-70 Site.

Please Retest OU1

After careful consideration of Mr. Norris' presentation, our CAG passed a resolution asking EPA to stop the delisting, retest the Site and honor the Environmental Justice needs of residents. The CAG asked CDPHE to rescind its letter No response in writing.

So, Jesse, i am not accusing anyone of being a racist. I just have a question: Why is the VB/I-70 CAg being treated differently than other CAGs in CO and Denver?

Warmest regards,

"Bridget" Eileen Walsh, Real Estate Broker
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