Message

From: Linger, Agatha M. - DPHE Env Pub Hlth Analyst II [Agatha.Linger@denvergov.org]
Sent: 5/13/2020 9:19:51 PM
To: Aviles, Jesse [Aviles.Jesse@epa.gov]
Subject: RE: Redevelopment within VB/I70 OU1 & OU3
Attachments: ATT00001.txt

Perfect, thanks Jesse! I just sent an invite.

Agatha Linger
Environmental & Public Health Analyst II
Department of Public Health & Environment
Environmental Quality Division | City and County of Denver
PHONE: 720-865-5356
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From: Aviles, Jesse <Aviles.Jesse@epa.gov>
Sent: Wednesday, May 13, 2020 1:18 PM
To: Linger, Agatha M. - DPHE Env Pub Hlth Analyst II <Agatha.Linger@denvergov.org>; Chalfant, Mark <Chalfant.Mark@epa.gov>; Apostolopoulos - CDPHE, Fonda <fonda.apostolopoulos@state.co.us>
Cc: Ross, Andrew - DPHE Environmental Projects Manager <Andrew.Ross@denvergov.org>; Carder, Lindsay S. - CAO Associate Assistant City Attorney <Lindsay.Carder@denvergov.org>
Subject: [EXTERNAL] RE: Redevelopment within VB/I70 OU1 & OU3

1030 – 1100 seems a good time for all.

From: Linger, Agatha M. - DPHE Env Pub Hlth Analyst II <Agatha.Linger@denvergov.org>
Sent: Wednesday, May 13, 2020 11:49
To: Chalfant, Mark <Chalfant.Mark@epa.gov>; Apostolopoulos - CDPHE, Fonda <fonda.apostolopoulos@state.co.us>; Aviles, Jesse <Aviles.Jesse@epa.gov>
Cc: Ross, Andrew - DPHE Environmental Projects Manager <Andrew.Ross@denvergov.org>; Carder, Lindsay S. - CAO Associate Assistant City Attorney <Lindsay.Carder@denvergov.org>
Subject: RE: Redevelopment within VB/I70 OU1 & OU3

Thanks everyone! Next Tuesday (5/19) works for me as well. It looks like the following windows are available for Denver folks:

- 9:00 – 9:30 AM
- 10:30 – 11:00 AM
- 11:30 AM – 12:00 PM

- 1:00 – 1:30 PM
- 1:30 - 2:00 PM

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From: Chalfant, Mark <Chalfant.Mark@epa.gov>
Sent: Wednesday, May 13, 2020 11:39 AM
To: Apostolopoulos - CDPHE, Fonda <fonda.apostolopoulos@state.co.us>; Aviles, Jesse <Aviles.Jesse@epa.gov>
Cc: Linger, Agatha M. - DPHE Env Pub Hlth Analyst II <Agatha.Linger@denvergov.org>; Ross, Andrew - DPHE Environmental Projects Manager <Andrew.Ross@denvergov.org>; Carder, Lindsay S. - CAO Associate Assistant City Attorney <Lindsay.Carder@denvergov.org>
Subject: [EXTERNAL] RE: Redevelopment within VB/I70 OU1 & OU3

How about we try for next Tuesday, 5/19? My calendar is wide open on Tuesday.

Mark A.R. Chalfant
Office of Regional Counsel | U.S. EPA Region 8
1595 Wynkoop Street, Denver, CO 80202 (Mail Stop: 8ORC-C)
Work: 303.312.6177 | Fax: 303-312-6953 | chalfant.mark@epa.gov

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From: Apostolopoulos - CDPHE, Fonda <fonda.apostolopoulos@state.co.us>
Sent: Wednesday, May 13, 2020 11:28 AM
To: Aviles, Jesse <Aviles.Jesse@epa.gov>
Cc: Linger, Agatha M. - DPHE Env Pub Hlth Analyst II <Agatha.Linger@denvergov.org>; Ross, Andrew - DPHE Environmental Projects Manager <Andrew.Ross@denvergov.org>; Chalfant, Mark <Chalfant.Mark@epa.gov>; Carder, Lindsay S. - CAO Associate Assistant City Attorney <Lindsay.Carder@denvergov.org>
Subject: Re: Redevelopment within VB/I70 OU1 & OU3

Agatha.
I'm off Mondays and Fridays due to lose it or use it time for the rest of May and June.

Fonda

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On Wed, May 13, 2020 at 11:14 AM Aviles, Jesse <Aviles.Jesse@epa.gov> wrote:

Can we do Monday? I'm open all day.

From: Aviles, Jesse
Sent: Wednesday, May 13, 2020 10:55
To: Linger, Agatha M. - DPHE Env Pub Hlth Analyst II <Agatha.Linger@denvergov.org>; Apostolopoulos, Fonda <fonda.apostolopoulos@state.co.us>
Cc: Ross, Andrew - DPHE Environmental Projects Manager <Andrew.Ross@denvergov.org>; Chalfant, Mark <Chalfant.Mark@epa.gov>; Carder, Lindsay S. - CAO Associate Assistant City Attorney <Lindsay.Carder@denvergov.org>
Subject: RE: Redevelopment within VB/I70 OU1 & OU3

I'm open.

From: Linger, Agatha M. - DPHE Env Pub Hlth Analyst II <Agatha.Linger@denvergov.org>
Sent: Wednesday, May 13, 2020 10:51
To: Aviles, Jesse <Aviles.Jesse@epa.gov>; Apostolopoulos, Fonda <fonda.apostolopoulos@state.co.us>
Cc: Ross, Andrew - DPHE Environmental Projects Manager <Andrew.Ross@denvergov.org>; Chalfant, Mark <Chalfant.Mark@epa.gov>; Carder, Lindsay S. - CAO Associate Assistant City Attorney <Lindsay.Carder@denvergov.org>
Subject: RE: Redevelopment within VB/I70 OU1 & OU3

I understand. Is there a 30 minute window this Friday between 1 PM and 3 PM that works for everyone?

Agatha Linger
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From: Aviles, Jesse <Aviles.Jesse@epa.gov>
Sent: Wednesday, May 13, 2020 10:43 AM
To: Linger, Agatha M. - DPHE Env Pub Hlth Analyst II <Agatha.Linger@denvergov.org>; Apostolopoulos, Fonda <fonda.apostolopoulos@state.co.us>
Cc: Ross, Andrew - DPHE Environmental Projects Manager <Andrew.Ross@denvergov.org>; Chalfant, Mark <Chalfant.Mark@epa.gov>
Subject: [EXTERNAL] RE: Redevelopment within VB/I70 OU1 & OU3

We should get together on a call and include Mark and Lindsay. EPA does not approve development projects. Saying so can create, at best, confusion.

From: Linger, Agatha M. - DPHE Env Pub Hlth Analyst II <Agatha.Linger@denvergov.org>
Sent: Wednesday, May 13, 2020 10:38
To: Aviles, Jesse <Aviles.Jesse@epa.gov>; Apostolopoulos, Fonda <fonda.apostolopoulos@state.co.us>
Cc: Ross, Andrew - DPHE Environmental Projects Manager <Andrew.Ross@denvergov.org>; Chalfant, Mark <Chalfant.Mark@epa.gov>
Subject: RE: Redevelopment within VB/I70 OU1 & OU3

Thank you, Jesse! That information is extremely helpful. I will be working with Andrew Ross to determine how to best proceed, but I am inclined to currently deny the application and indicate that DDPHE's approval is contingent upon approval to proceed from CDPHE and EPA. Please let me know if you have any concerns with this approach. Also, I am happy to forward you and Fonda a copy of my comments to the applicant if you wish.

Best,

Agatha Linger
Environmental & Public Health Analyst II
Department of Public Health & Environment
Environmental Quality Division | City and County of Denver

PHONE: 720-865-5356

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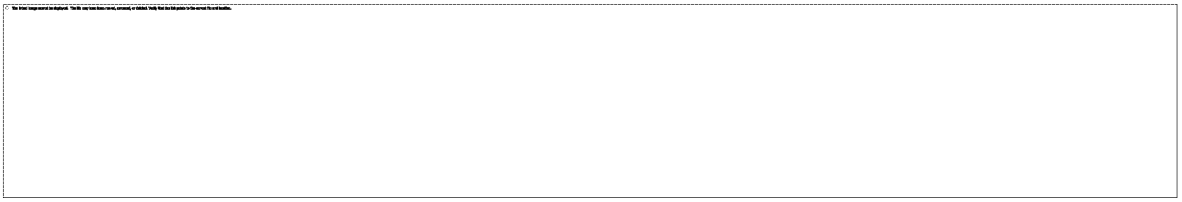

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From: Aviles, Jesse <Aviles.Jesse@epa.gov>
Sent: Wednesday, May 13, 2020 9:31 AM
To: Linger, Agatha M. - DPHE Env Pub Hlth Analyst II <Agatha.Linger@denvergov.org>; Apostolopoulos, Fonda <fonda.apostolopoulos@state.co.us>
Cc: Ross, Andrew - DPHE Environmental Projects Manager <Andrew.Ross@denvergov.org>; Chalfant, Mark <Chalfant.Mark@epa.gov>
Subject: [EXTERNAL] RE: Redevelopment within VB/I70 OU1 & OU3

Hello Agatha:

About two months ago Fonda sent the email below to Terracon. Hope this helps.

Let me know if you have questions,

Jesse

-=-=-=-=-=-=-=-=-=-=-

Jeff.

We just had a phone call with the EPA, talking about the possibilities of redeveloping the Fox St. site through the Voluntary Cleanup Program.

It was determined that the state and EPA can work together on this site with the following stipulations:

1. Extra characterization will be required on this site due to known debris left behind from the former Argo Smelter and results of data from the Remedial Investigation (RI).

2. A detailed Materials Management Plan (MMP) will be required for redevelopment on this site with trained environmental professionals present at all excavations during construction.

3. We will need the layout of all the new buildings being constructed, with a map showing the boundaries of OU3 with respect to your project.

4. Since there has not been a Record of Decision (ROD) written for this OU, the new owners will have to allow EPA and their contractors access to the property and work with EPA regarding any cleanup activities.

5. Depending on where contamination from the former smelter is found, if it is not cleaned up, an Environmental Use Restriction (EUR) will have to be attached to the deed stating what the restrictions are (ie. MMP for any excavation, no beneficial use of GW) for the site.

6. The prospective purchaser will have to comply as a Bona Fide Prospectus Purchase (BFPP) for this site, and;

7. Portions of the property which lie in OU3 will not be eligible for Brownfield Tax Credits.

Here's the EPA model comfort letter/reasonable steps letter I spoke to you about.

Let's set up a meeting with your client so we can go over this letter with you client if they decide to move forward,

Fonda

-=-=-=-=-=-=-=-=-=-

From: Linger, Agatha M. - DPHE Env Pub Hlth Analyst II <Agatha.Linger@denvergov.org>
Sent: Tuesday, May 12, 2020 13:22
To: Aviles, Jesse <Aviles.Jesse@epa.gov>; Apostolopoulos, Fonda <fonda.apostolopoulos@state.co.us>
Cc: Ross, Andrew - DPHE Environmental Projects Manager <Andrew.Ross@denvergov.org>
Subject: Redevelopment within VB/I70 OU1 & OU3
Importance: High

Good Afternoon Jesse and Fonda,

I hope this email finds you both healthy and well. The City and County of Denver has received concept plans for a large redevelopment at 4400 N Fox Street located southwest of the I-25 and I-70 interchange. The northern portion of the redevelopment area is located within the boundaries of VB/I-70 OU3 and the southern portion is located within the boundaries of OU1. The attached *Fox Park General Map* depicts the approximate boundaries of the redevelopment area in turquoise and VB/I-70 areas are shaded purple. The plans are stamped confidential, but I have attached an article published yesterday for your reference.

I received the concept plans today and must approve or deny next week, but I wanted to obtain and incorporate feedback from you both since the redevelopment area is located within VB/I-70. Can you please provide me feedback by next Monday (5/18) regarding approval or denial of this redevelopment?

Thank you,

Agatha Linger
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COLORADO
Hazardous Materials
& Waste Management Division
Department of Public Health & Environment

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