Message

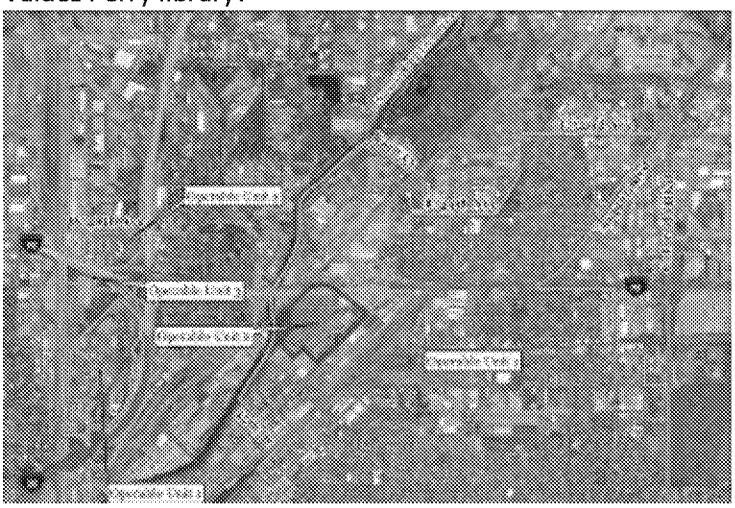
From: Joan Seeman Ex. 6 Personal Privacy (PP)
Sent: 3/14/2019 5:48:13 PM
To: Aviles, Jesse [Aviles.Jesse@epa.gov]
CC: Chergo, Jennifer [Chergo.Jennifer@epa.gov]
Subject: Re: Request for the VB-I70 OU1 Proposed Plan document presented by EPA for public comment

Jesse Aviles
EPA Region 8

Remedial Project Manager

Environmental Protection Agency

You state: "We would appreciate it if you check there first for OU1 site documents". Did you mean physically go to the Valdez Perry library?



Would you please email the document or provide it on the EPA website? This is a "National" Superfund Site and the EPA should consider that the interested community and public may not be able to physically travel or travel from another state.

In addition, the OU1 Superfund Administrative Record on the EPA website may not be complete. Would you please explain what an Administrative Record is and what documents should be available for the OU1 partial delist that should be made available for the public on the EPA website?

Do you consider the required EPA 2002 Proposed Plan and the 2003 New Proposed Plan part of this National Superfund Administrative Record? Also, did you provide the first EPA 2002 Proposed Plan report on the CD? I just received the EPA fact sheet on the new plan you sent but not the original 2002 EPA Plan.

My interest in these reports is to understand why there was a dramatic change in the arsenic in soil clean up level that EPA adopted in 2002 and then changed in 2003 just before the EPA 2003 Final Record of Decision was completed. This change would be important for the public to understand.

As I mentioned earlier in an email request the community did not receive a review of the final accepted arsenic soil clean up level report as compared to the "new" lead level evaluation report you recently provided. You did not provide a reason there would not be a final arsenic evaluation before the delist.

Lastly, and most important, did you ever respond "in writing" for the public to review expert Chuck Norris's presentation and questions to EPA re OU1 at a CAG meeting? I went thru all CAG meeting minutes and could find no EPA presentation, responses, or literature presented. I did see your comment in the meeting minutes regarding a 2017 February Final Army Corp of Engineers report.

I look forward to your help. As you know, comments are due by the extended deadline of April 8th.

Thank you,
Joan Seeman

Sent from my iPad

On Mar 14, 2019, at 10:13 AM, Aviles, Jesse <Aviles.Jesse@epa.gov> wrote:

Hello Joan:
That is document # 494666 on the AR disk index that Jennifer sent to Kim to distribute to the CAG and that is also at the library. We would appreciate it if you check there first for OU1 site documents.
Thanks,
Jesse

From: Joan Seeman Ex. 6 Personal Privacy (PP)
Sent: Tuesday, March 12, 2019 12:52
To: Aviles, Jesse <Aviles.Jesse@epa.gov>
Cc: Chergo, Jennifer <Chergo.Jennifer@epa.gov>
Subject: Re: Request for the VB-I70 OU1 Proposed Plan document presented by EPA for public comment

Jesse,
Thank you for your response.

Please provide the "original" EPA Proposed Plan of 2002.

Thank you again,
Joan

"This NEW Proposed Plan describes the Environmental Protection Agency's (EPA's) and the Colorado Department of Public Health and Environment's (CDPHE's) NEW preferred alternative for addressing public health risks from lead and arsenic found in the soil of residential yards within the Vasquez Boulevard & Interstate 70 (VB/1-70) Superfund Site. The VB/1-70 Site includes the Elyria, Swansea, Cole, and Clayton neighborhoods of Denver, Colorado and a small portion of Globeville. EPA revised this Proposed Plan in response to public comment. Last summer, in our initial Proposed Plan, many of you asked us to provide a new preferred cleanupalternativewith lower cleanuplevels. This is why we are introducing in this new Proposed Plan a new preferred alternative - Alternative 6.

Sent from my iPad

On Mar 12, 2019, at 10:51 AM, Aviles, Jesse <Aviles.Jesse@epa.gov> wrote:

From: Joan Seeman Ex. 6 Personal Privacy (PP)
Sent: Monday, March 11, 2019 12:19
To: Aviles, Jesse <Aviles.Jesse@epa.gov>
Cc: Chergo, Jennifer <Chergo.Jennifer@epa.gov>
Subject: Request for the VB-I70 OU1 Proposed Plan document presented by EPA for public comment

Jesse Aviles

Remedial Project Manager

Environmental Protection Agency

Jesse,
I've been told that the Proposed Plan for the VB/I70 OU1 National Superfund Site contains details re arsenic in soil alternatives presented for public review and comment. I am unable to locate this Proposed Plan. I read there was one produced in "2003-Proposed Cleanup Plan" from the EPA power point presentation to the VB-I70 CAG.
https://www.denvergov.org/content/dam/denvergov/Portals/771/documents/EQ/Land%20Use%20and%20Planning/MarchCAGPreso1_Fixed.pdf

I requested help from a few CAG members to review the google location for the OU1 Proposed Plan. This site is not available to the general public locally or nationwide. As you know many local citizens are unable to use this site or know that it is available. Also, the Proposed Plan is not available in the EPA National Superfund Site "documents available" location or the local libraries housing OU1 documents.

Please help locate the VB-I70 OU1 Proposed Plan. This is an important document that addresses several EPA proposed arsenic contamination evaluations/risks for various clean up levels and the public comments and TAG response received at that time. I look forward to your help in accessing this EPA document.

Thank you,
Joan Seeman
Ex. 6 Personal Privacy (PP)

Notes:
1. Record of Decision 2003
https://semspub.epa.gov/work/08/2005189.pdf

2. Draft Community Involvement Plan OU1 May 2000

This Community Involvement Plan was a draft 18 YEARS AGO and there was no final or an update in 2019?

"Develop Community Involvement Plan

EPA must conduct interviews with affected residents and community leaders to determine their level of interest in-the site, major concerns and issues, and information needs. Based upon the community interviews, the EPA must prepare a Community Involvement Plan which includes a description of the site background, history of community involvement at the site, community involvement strategies, a-schedule of community involvement activities, and alist of contacts, local officials, and interested parties."

"EPA will prepare a-proposed plan which summarizes the remedial alternatives presented in-the Remedial Investigation/Feasibility Study (RI/FS)and identifies, and describes the rationale behind, the **preferred remedial alternative**. "

CIP = Community Involvement Plan
"EPA will review this CIP and revise it, if necessary, to address issues and concerns that may arise during the remedial action. Each revision will update the information provided inthe current CIP, assess the effectiveness of approaches used for community involvement to the date of the revision, and propose a strategy for keeping the community informed and involved. Community interviews will be held, if appropriate, before the plan is revised."

https://semspub.epa.gov/work/08/2006998.pdf
EPA awarded CEASE, aneighborhood coalition with representatives from Cole, Clayton, Elyria and Swansea, a Technical Assistance Grant (TAG) in April 2000. The TAG funds a community group to hire a consultant to independently review EPA's technical documents and assist in understanding the Superfund process.
(CEASE Neighborhood Coalition)
"The Clayton, Cole, Elyria and Swansea Neighborhood Coalition (CEASE)was formed to join the four neighborhoods together around the common purpose of soil contamination. CEASE connects directly with neighborhood organizations and groups to support their efforts in addressing contamination in the impacted neighborhoods. CEASE members have been actively involved in the VB/I-70 Working Group since its I inception and received a Technical • Assistance Grant from the EPA in April 2000."

"Almost everyone agreed that aTechnical Assistance Grant to acommunity group so that they could hire atechnical advisor to interpret technical documents for them would be a good idea." Not made available by EPA 2019.

"Regardless of the source, exposure to excess levels of arsenic and lead can be of health concern to residents. Long-term exposure to elevated levels of arsenic can result ineffects on the skin (small warts and patches of dark and light spots), and can also increase the risk of skin cancer."

"The interview questions are contained in Appendix F. The responses from these interviews are grouped according to similar themes. EPA has made every effort to include all the responses from the interviews."
There is NO "Appendix F" included in the DRAFT Citizens Involvement Plan for OU1.

"Community has expressed its desire to designate the VB-170 Superfund Site as an Environmental Justice Zone. We would like our community recognized as an environmental justice zone in the Risk Assessment, the Feasibility Study and the Record of Decision. At this time, we would like to specify what an "Environmental Justice Zone" is and how actions can be taken to integrate this into the Superfund process.

The neighborhoods within the VB-170 Superfund Site are inundated with hazards to health and well being in our soils, water and air. The EPA investigation, to date, has identified two "contaminants of concern" inour soils. Within our neighborhoods, .."

"as such, are advocating a clean up level at 10x-6. This clean uplevel falls at the upper end of the scale for the EPA's clean up procedures. Additionally, community would like to see further investigation, studies, and action related to the VB-I70 Site. Specifically, further investigation should take place regarding the sources of hazardous material pollution that falls below the Toxic Release Inventory standards, but that cumulatively affect human health inthe community. These hazardous materials that fall below the range of the Toxic Release Inventory should be recognized as contributing to the overall burden to human health that the community faces.
The community also recommends that a comprehensive health study be initiated in the community to determine how people's health might be affected by contaminants in the air, water and soil. This study would take into account how the cumulative effects of the many contaminants fromthe air, water and soil, as well as mobile source pollution, affects community members' short and longterm health."

"Activities Required ByCERCLA/SARA
The EPAwill perform the following community involvement activities at the VB/I-70 Site as required by CERCLA/SARA:
• Develop Community Involvement Plan;
• Establish Information Repositories and Administrative Record; • Notifycommunity of availability of Technical Assistance Grant; • Prepare NPLProposal Responsiveness Sumary;
• Make Proposed Plan Available;
• Provide Public Comment Period;
• Prepare Proposed PlanResponsiveness Summaries;
• Publish Description of Final Plan of Action; and
• Revise Community Involvement Plan.

3. First Five Year Review
https://semspub.epa.gov/work/08/1118472.pdf

https://semspub.epa.gov/work/08/100002872.pdf

"What are the roles and responsibilities of EPA, the State, and the City for VB/I-70?
At OU1, since the remedy is complete, the Colorado Department of Public Health and Environment is the lead agency and is responsible for long-term operations and maintenance of the remedy, including annual mailings to those properties where EPA could not gain access."

"What is the remaining risk from the VB/I-70 Superfund Site to people who live and work there?
At OU1, soils no longer pose an unacceptable risk because 99 percent of the yards have been addressed, and residents at the final one percent are receiving information about potential risk and how to avoid it. Contaminated soils were largely found in the top two inches of soil; EPA removed and replaced soils up to 12 inches deep. Groundwater was not evaluated at OU1 because it is unlikely to be contaminated due to historic smelter activity and would not pose a risk in any case because all residences and businesses are connected to municipal water."

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Jesse,
Would you please explain why there is no "arsenic" equivalent document for OU1 since there is one for lead.

Thank you,
Joan Seeman

Sent from my iPad

Sent from my iPad

On Feb 13, 2019, at 9:28 AM, Aviles, Jesse <Aviles.Jesse@epa.gov> wrote:

> Dear Joan:
> EPA has various processes that evaluate that remedies are and remain protective. The lead consult is one such document and the five year review is another example.
> Cordially,
> Jesse
>
> ---
>
> **From:** Joan Seeman Ex. 6 Personal Privacy (PP)
> **Sent:** Wednesday, February 13, 2019 09:02
> **To:** Aviles, Jesse <Aviles.Jesse@epa.gov>
> **Subject:** Re: Lead consult document for OU1 deletion
>
> Jesse,
> Would you please explain why there is no "arsenic" equivalent document for OU1 since there is one for lead.
>
> Thank you,
> Joan Seeman
>
> Sent from my iPad
>
> On Dec 3, 2018, at 5:38 AM, Aviles, Jesse <Aviles.Jesse@epa.gov> wrote:
>
>> Hello Joan:

There is not an arsenic equivalent document.
Jesse

From: Joan Seeman Ex. 6 Personal Privacy (PP)
Sent: Friday, November 30, 2018 16:54
To: Aviles, Jesse <Aviles.Jesse@epa.gov>

Ex. 6 Personal Privacy (PP)

<Chergo.Jennifer@epa.gov>; Wharton, Steve <Wharton.Steve@epa.gov>
Subject: Re: Lead consult document for OU1 deletion

Jesse,
Is there an "Arsenic" consult document for deletion?
Joan Seeman

Sent from my iPhone

On Aug 21, 2018, at 8:59 AM, Aviles, Jesse <Aviles.Jesse@epa.gov> wrote:

> Dear CAG:
> Several months ago I mentioned the lead consult document for deletion of OU1. I said that I'll share it with you once it was finalized. The document is attached.
>
> Jesse Aviles
> Remedial Project Manager
> Environmental Protection Agency
> Mailcode: OEPR-SR
> 1595 Wynkoop Street
> Denver, CO 80202-1129
> 303-312-6287
> aviles.jesse@epa.gov
>
> <VBI70 lead consult.pdf>

<2003-05-01 proposed plan.pdf>