

VB/I-70 Superfund Community Advisory Group (CAG) Meeting Notes

Date of Meeting: Tuesday, June 13, 2017

CAG Members Present:

AE, Kim Morse, Roberto Eaton, Mike Dugan, Lloyd Burton, Drew Dutcher, Ron Rohr, Candi CdeBaca, Vernon Hill, Jim Garcia

CAG Members Absent:

Tad Bowman, Kenia Abeyta, Cliff Lind

Ex-Officio:

Jack Paterson (Council), Jennifer Chergo (EPA), Ian Bowen (EPA), Fonda Apostolopoulos (CDPHE), Jenny Luthi (Denver), Kerra Jones (Denver), Celia VanDerLoop (Denver), Andy Whitty (Denver, note-taker)

Ex-Officio Absent: Chy Montoya (Council), Rodolfo Rodriguez (Council)

Facilitator: Elizabeth Suárez

Introduction:

Ms. Suárez welcomed everyone; the CAG and Ex-Officio members present all introduced themselves with their affiliations. Ms. Suárez introduced the interpreters. Ms. Suárez then reviewed the agenda and expectations for upcoming meeting:

1. Update the mission statement, voting procedure, and approval of meeting notes
2. Round robin discussion for CAG members to express thoughts and concerns
3. Presentation by Ian Bowen, EPA hydrogeologist
4. Brief construction update, funding overview, site tour discussion, TAG/TASC information
5. Open community dialogue beginning at 7:15

Ms. Suárez noted that the agenda was full and if items went long, some items might be carried over into the next CAG meeting.

Voting Procedure and Mission Statement:

Ms. Suárez read the handout from the EPA that outlines the new voting procedure, similar to Robert's Rules of Order and other EPA guided CAGs. Proposals submitted require a majority vote.

Ms. Morse: As Pepsi is a PRP, will Pepsi also have a voting right in the CAG?

Ms. Chergo: EPA's position is that Pepsi should vote on the CAG; they have many workers on-site that require representation.

Mr. Eaton: I represent nearly 700 employees that work in OU2 adjacent to the site.

Mr. Burton: Agrees that Pepsi needs a voice. Concerned for environmental health and justice, as well as local business viability and sustainability. However, PRPs may have conflicting business interests, such as cost effectiveness considerations, and might best serve as ex-officio members.

Mr. Apostolopoulos: PRPs are those who might have liability. Here we are not discussing the remedy of the entire project but rather a small portion.

Mr. Paterson: Potentially Responsible Parties (PRPs) are often the polluters. However, Denver and Pepsi acquired these properties long after the smelter operations. They have a vested interest in participation.
Ms. VanDerLoop: Denver has a financial responsibility, but Pepsi does not. Pepsi owns land. Denver is being required to pay for cleanup.

AE: I'm glad for Pepsi's presence. They make a positive contribution to the neighborhood. The workers are exposed to the site conditions for long hours and should have representation, and I hope Pepsi's main concern lies with the environmental health and safety of their workers.

Meeting Notes review referred to the next month's CAG meeting. Ms. Jones will send out all prior notes.

Ms. Suárez then read the new mission statement to initiate a discussion.

Mr. Burton suggested the addition of the CAG's secondary role to advise the City et al. on project proceedings and cleanup. AE added the pursuit of optimal environmental standards to meet and exceed current EPA standards. Mr. Paterson shared that EPA standards are based on science and standards should be based on science, so he expressed concerns about extending beyond current EPA standards. The CAG addresses all Operable Units, but with a primary focus on OU2. Mr. Dutcher pointed out the interrelated nature of the Operable Units.

All meeting minutes, handouts, and presentation materials are made available on the Denver website.

VB/I70 CAG Membership process discussion:

Ms. Chergo (EPA) suggested approximately 20 members total with a set of criteria for potential new members. A ballot vote would then determine the approval of a new member. Ms. Morse proposed an expansion of the geographical criteria for new member eligibility beyond the neighborhoods proposed by the EPA. Ms. Chergo identified the proximal neighborhoods addressed by the VB/I70 site as Swansea, Elyria, Globeville, Curtis Park, Cole, and Clayton, and remarked on the absence of evidence of exposure even within these core neighborhoods. She stated that these neighborhoods had comprised the site for many years, and had provided the representatives to the prior VB/I-70 CAG. Ms. Chergo welcomed others outside these core neighborhoods to participate as non-voting members. Mr. Burton criticized the EPA's lack of performing an engineering evaluation and cost assessment, as well as what he believed to be the overly restrictive criteria for CAG membership set forth by the EPA. He expressed his perception that the EPA role in the CAG has been overly intrusive in general, and suggested a co-chair structure with a group of business/commercial interests, and a group representing environmental justice. Ms. Chergo shared her concerns with special interest groups from outside areas potentially hijacking the CAG, defending the suggested area as the defined local communities. AE expressed that she had hoped to recruit other Latino community members to the CAG rather than herself, but they had been unwilling. She expressed that she felt the CAG's input and role had been instrumental in creating the agenda. Other CAG members disagreed, citing EPA control over the agenda and the CAG focus. Ms. Chergo offered that if desired, CAG members could run a CAG, taking responsibility for creating meeting agendas, organizing speakers, managing logistics like dates and meeting venues, taking minutes, and the agencies would participate for the agenda items pertaining to the Superfund site-related issues. Mr. Burton asked if EPA would be the decision-maker for whether an agenda item was pertaining to the Superfund site sufficient for EPA to attend, and Ms. Chergo responded yes, EPA would decide. The offer was declined. Voting and ex-officio members were individually identified. Mr. Burton questioned whether Pepsi, National Western, and the Coliseum should have a vote in the CAG. Mr. Rohr established

that the National Western is a self-funded private organization, and Ms. VanDerLoop clarified that the Coliseum is owned/operated by the city.

Ms. Suárez moved to table this discussion for a separate meeting; members agreed.

Round Robin discussion:

Mr. Apostolopoulos: Served as state project manager since 1993. Hopes to serve the CAG as source of information to provide guidance.

Mr. Dugan: Interested in construction updates. Represents the Cole neighborhood association.

Mr. Garcia: Represents Clinica Tepeyac, a grassroots health organization in the Globeville, Elyria Swansea neighborhood and health of residents in connection with local environmental health.

Mr. Dutcher: Local resident with a history of community project participation, served on the I-70 PACT, president of the Elyria Swansea neighborhood association, concerned with the pace and scale of current projects, as well as the quality of relationship between the city and residents. Expressed concern regarding his perception that the project is linked to I-70.

Mr. Burton: CU professor emeritus of law and public health. Served in numerous boards and organizations relating to environmental health, currently on the Transportation Team of the local Sierra Club, aims to support local residents' pursuit of environmental justice.

Ms. Morse: Resident concerned with local environmental health conditions as well as the disparity between environmental documentation and public messaging.

Ms. CdeBaca: Resident of Swansea, here to monitor and identify management inconsistencies/corruption on behalf of her community.

Mr. Paterson: Represents councilwoman Ortega, who voted against the I-70 IGA. As a licensed environmental attorney, he is most interested in construction updates including environmental findings with resolutions.

AE: Local resident, hopes to communicate scientific findings from the CAG into the community.

Ms. Suarez noted that due to time pressures, she would like to continue the Round Robin discussion at the next meeting and move on to the presentation.

OU2 Hydrogeology Presentation: (Ian Bowen, EPA)

Explained that hydrology generally means working on surface water issues, and he is a hydrogeologist. Hydrogeologists work on groundwater issues. Introduced the EPA Superfund process overview and explained that we are currently in the Remedial Investigation phase of OU2. Soil investigation has largely been completed. However, the groundwater investigation is currently in process. Data has been collected in a number of studies, but it has not been synthesized into a comprehensive report. Mr. Bowen pointed out the various features at the outfall site, as well as areas where fill materials have been encountered during the investigation. He identified the list of potential contaminants of concern, including heavy metals, as this was a smelter site, and trace amounts of VOCs. He stated that Superfund only addresses those contaminants originating within the historical Superfund operations (smelter). How will the construction activities affect the Superfund site?

There are numerous monitoring wells installed in and around the GLO site, which have enabled a groundwater potentiometric map. Mr. Bowen described the direction of groundwater movement, east to west and northerly towards the S. Platte river.

Mr. Hill: How far north are the wells near the river? Are you measuring just the top of the water table and not the depth.

Mr. Bowen: The Denver water system in this area is relatively simple. Here it moves through 30 to 40 feet of unconsolidated material. The bedrock might not have been investigated, there is lower permeability there.

Mr. Hill: We've done monitoring west of the river. There's considerable variation there (seasonally etc). Why are we displacing materials with this project that could facilitate movement of known contaminants here at this site?

Mr. Bowen: Seasonal changes could alter the water table to some degree, principally vertically rather than laterally, but the overall movement of the groundwater in this system is relatively slow. The groundwater table fluctuates some, but not that much.

Mr. Bowen then clarified the labels are just monitoring well names, and discussed the water table elevation concept on the map.

He explained that his map is from July 2015, a snapshot in time.

He then presented model results to simulate water tables post construction, which showed very few differences in the groundwater system between post-construction conditions and pre-construction conditions.

Because the outfall excavation extends beneath the water table, the water is being pumped, hauled offsite, and treated elsewhere. Mr. Bowen presented a cross-section of the planned open storm channel, and explained the role of the impermeable liner to keep the contaminated groundwater separate from the surface water flows, isolating the two systems on-site.

Mr. Norris: Identified himself as a hydrogeologist. The simulation is not something that EPA did. Could you discuss boundary conditions for this model?

Mr. Bowen: Various boundary conditions were assumed for the model. This model agrees with the EPA model constructed for OU1.

Mr. Norris: Two of those contour lines have been adjusted. Can I look at the details of the model? Is this available for my review?

Ms. Luthi: The final design report is available on the website. It's prepared by EMSI.

Mr. Bowen: His recollection is that the modelling is in an appendix to the final design report.

Mr. Brown: Identified himself as a groundwater hydrologist. Impact evaluation only covers the groundwater flow and levels, but lacks an evaluation of the contaminant movements. Can you comment? Have you addressed this?

Mr. Bowen: An RI (Remedial Investigation) will address this question; it is in progress. High concentrations and risk do not necessarily equate to exposure. Controls are in place to limit exposure.

Ms. Morse: Are there more than one round of groundwater level data at different times of the year? Have you studied the liners for this scenario?

Mr. Bowen: There are multiple rounds of monitoring. The measurements are taken during different seasons to measure variability between seasons. Typically, a round is taken at the same time-frame each season. Other studies have made a strong foundation for the interactions of the liner and the contaminants.

Ms. Morse: There have been well documented leaks in liners at landfills, etc. across the country. Requested a speaker on liners at a subsequent CAG meeting.

Mr. Hill: Regarding the anchored trench, please describe the attachment mechanisms to protect the overflow on the edges of the open channel?

Mr. Bowen: Grout columns and stone columns as well as ballasts have been placed. The liner is anchored to a concrete wall.

Mr. Burton: Is there any downstream monitoring in the South Platte?

Mr. Apostolopoulos: There is monitoring in place throughout the South Platte. Groundwater is moving through this site into the river with or without the outfall construction project.

Construction Update: (Jenni Luthi, Denver)

Contractors are continuing to excavate materials, which are being disposed of at DADS (Denver-Arapahoe Disposal Site). Dewatering continues, water is being treated off-site and discharged in accordance with the permit, and Denver and EPA air monitoring continues. All groundwater data is being submitted to CDPHE and the EPA. Installation of concrete box conduits and inlet drop structure, and work to install the system for the stormwater to by-pass the Delany sanitary sewer is ongoing. All of the investigations show low levels of PAHs, asbestos; materials are cleared for disposal at DADS.

Mr. Dugan: How is the construction schedule?

Ms. Luthi: Just a couple of weeks behind, close to on-schedule.

Ms. Morse: Concentrations have been reported above residential standards (EPA). Where are these materials going, actions?

Ms. Luthi: There are known contaminants in soil and groundwater. The MMP defines the prescribed actions that are taken with regards to these materials. This is all publicly available. The CAG is here to convey this information.

Ms. Morse: There are hundreds of pages of reports. The meeting presentations don't jive with the reports available.

Ms. VanDerLoop: Please identify the sections that you need some clarification on, so that we may address your specific concerns.

Ms. Morse: Why are we doing the project now? We still need to complete these investigations, prior to pursuing these construction projects.

Mr. Armijo: I worked at a Refinery in Commerce City. My biggest question is: do you understand VOC leaks? They move seasonally up and down. VOC is present by nature in everything. At the factory, these were traced very closely. Asbestos is a very safe creature, until it is disturbed.

Mr. Apostolopoulos: VOCs in the groundwater are in parts per billion. These VOCs are 5 -25 ppb.

Mr. Bowen: There are trace amounts of VOCs present in the groundwater. It behaves like water, not like a free product.

Mr. Epler: There are huge changes planned for OU1. There will be significant changes in groundwater flow. What are the projections for heavy metal contamination flow into the Platte River? The highway project will affect the groundwater in OU1.

Ms. Luthi: You're asking about the Montclair surface water discharge. The liner will isolate the surface water from the groundwater.

Mr. Epler: The surface and groundwater do not exist in isolation. It's naive to think that all of these changes in the watershed will not affect the groundwater system.

Ms. Seeman: Applauds Lloyds criticisms of the general process. The pictures/maps being distributed are all outdated. Various components have changed. No one has commented on the last three months of meeting minutes. This doesn't reflect the processes of other CAGs around the country. The public has a right to know about these changes in a more acceptable timeframe.

When will the plastic liner be installed? How is the water being treated? The progress and process has moved and outpaced the CAG's participation in the process. Is there a comparable site anywhere with a liner isolating surface water from contaminated groundwater to discharge into a river?

Ms. Morse: This demonstrates my concern. Each agency has a narrow view. No one has a good overall understanding of the large-scale nature of the project.

Mr. Bowen: I can provide examples of liners being utilized in comparable situations.

Mr. Eaton: Point of clarification, Pepsi is doing no construction work around the site, nor contracting anyone to do any construction work.

Ms. Jones will circulate a doodle poll to schedule the next July meeting

Ms. Chergo: Introduced Sisay Ashenafi, EPA's TAG/TASC coordinator. The EPA has a process requests to provide technical assistance grant TAG, TASC (simpler, more targeted). These are very different. Contact me and we will get you started. A written statement of need is required to initiate the process of the TASC, which could be as simple as an e-mail. The TAG process is more complicated.

CAG members expressed support for initiating a TASC.

Potential Agenda items for next CAG, including carry-over items:

Continuation of Round Robin

Continuation of membership discussion

Speaker on liners

Example situations where similar liners were used

Water treatment being provided

Funding presentation

Discussion of TAG/TASC