

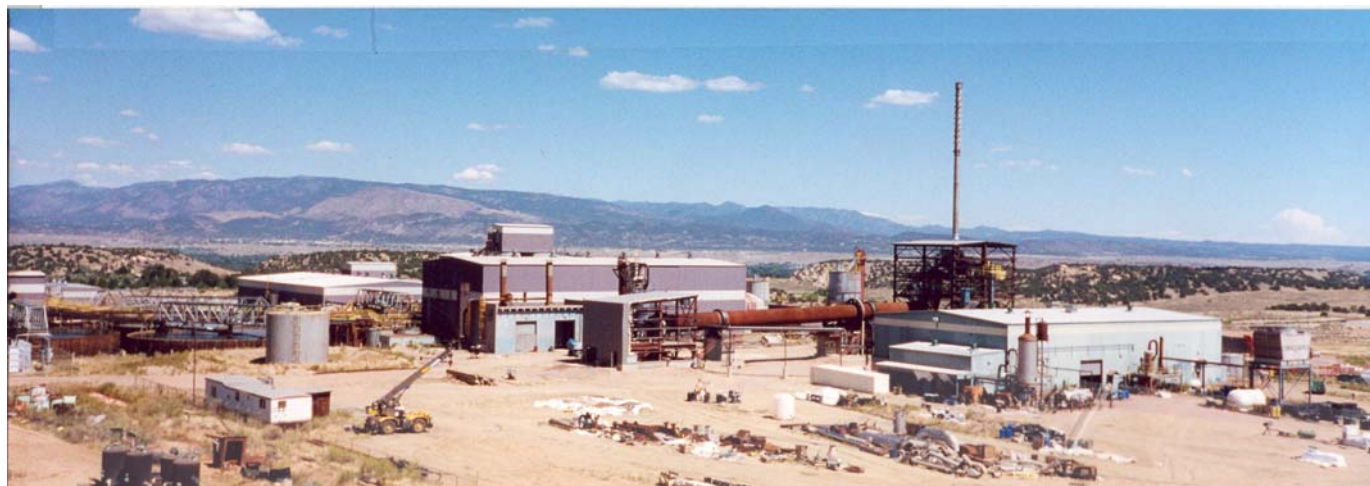
# **Community Involvement Plan**

## **Lincoln Park Superfund Site**

*And Associated Activities at the*

## **Cotter Corporation Uranium Mill**

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# INTRODUCTION

## Section 1

### BASIS

This Community Involvement Plan revision for the Lincoln Park Superfund Site is intended to reflect the changes, both actual and as perceived by the community, since the original 1989 plan was last revised in January 1998.

This Lincoln Park and Cotter Corporation Uranium Mill Community Involvement Plan (**CIP**)\* has been prepared pursuant to Sections 113(k)(13)(i-v) and 117 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (**CERCLA**), as amended by the Superfund Amendments and Reauthorization Act of 1986 (**SARA**) and in accordance with the current U.S. Environmental Protection Agency (**EPA**) Superfund guidance, including the *Superfund Community Involvement Handbook* (April 2002). The handbook outlines the community involvement requirements of the Comprehensive Environmental Response, Compensation and Liability Act and as stipulated in the regulations that interpret the Superfund legislation: the National Oil and Hazardous Substances Pollution Contingency Plan (**NCP**) requires the EPA, or the state in state-lead sites, to develop and manage community involvement efforts at both fund-lead and enforcement-lead sites. At fund-lead sites, cleanup is paid for with 90 percent money from Superfund and a 10 percent state match. At enforcement-lead sites, cleanup is paid for by Potentially Responsible Parties (**PRPs**). At federal sites, the federal government is always the lead and pays 100 percent of the costs.

Once the site is proposed for listing on the National Priorities List (**NPL**) for Superfund, community involvement efforts become an integral part of site activities. The **Site** in this case includes the soils and ground water at the Cotter Corporation Uranium Mill; and the ground water soils and sediments contaminated by the mill operations in Lincoln Park, immediately north of the mill and south of Cañon City in unincorporated Fremont County. The Site was originally listed on the NPL September 21, 1984, as the Lincoln Park Study Area. This is a state-lead site.

\*Words or acronyms in **bold face** appear in an Acronym list as Appendix C

Because of the increase in activity after Cotter Corporation resumed operations at the mill in 1999 and the ensuing issues of re-licensing, direct disposal, the possibility of dewatering tailings, interim clean up of the Old Ponds Area, etc., meetings were held frequently. An audience of 200-plus people at public meetings was common, as were smaller meetings on limited topics, and many email questions. Therefore, this revision of the Community Involvement Plan is based on the information gathered both from the interviews conducted and from those public meetings.

Two series of hearings before an administrative law judge have been held, one before and one after Cotter Corporation appealed the license issued to them by the state in December 2004. Information exchanged at those sessions is not included here, but the recommendation of the administrative law judge to the executive director of the state health department, and the department's final administrative decisions in December 2006 are summarized.

## **Purpose**

The purpose of community involvement is to provide opportunities for the community to learn about the Site; to ensure the public adequate opportunities for public involvement in Site remediation decisions; and to determine, based on community interviews and other relevant information, appropriate community involvement activities and methods. Community input forms the foundation for developing the most effective means of disseminating information to that community and seeking input from that community.

## **Objectives of the Community Involvement Plan**

- To ensure communication among the community, EPA and the Colorado Department of Public Health and Environment
- To develop and maintain open communication with community leaders, environmental public interest groups, and any other interested or affected groups or individuals.
- To ensure appropriate opportunities for the community to learn about the Lincoln Park Superfund Site and to inform them about the environmental remediation

actions at the various locations within the Site.

- To encourage community involvement by conducting interactive activities and providing accurate, timely information about clean-up activities and other important technical and administrative matters.
- To ensure appropriate opportunities for public involvement by soliciting feedback when it can affect decisions.
- To identify and monitor community concerns and information needs.

The information obtained through community interviews and meeting comments represents the interviewee's or respondent's opinions, concerns and preferences, regardless of whether the responses are factually accurate or technically correct. Comments, while sometimes quoted exactly, are not attributed to individuals in order to promote candor, and to protect their privacy.

The Lincoln Park Superfund Site and Cotter Corporation Uranium Mill (**the Site**) operation are almost unique in the world of environmental concerns. Here mature Superfund clean-up action is combined with ongoing uranium milling and the processing of other minerals that, after being scaled back to very limited production for 12 years, became active again in 1999, and suspended operations again in spring 2006.

In terms of community involvement, each of these activities brings with it varying degrees of concern and interest. Because the Mill was dormant for 12 years, community members had focused on the remediation of ground water and understanding actual--compared with perceived--risks associated with uranium and molybdenum contamination in soils. Those issues are now combined with new concerns associated with Cotter Corporation's return to production, how future contamination will be prevented, and how and when closure and decommissioning will be addressed.

The regulatory agencies that oversee the Superfund cleanup and the radioactive materials license

that allows Mill operations see these two activities as distinctly different actions, regulated by different staff. In the past, the **Colorado Department of Public Health and Environment (CDPHE)**, and the U.S. Environmental Protection Agency (EPA), initiated community involvement actions focusing on either one activity or the other. What was learned, beginning in 1997, is that the distinction between licensing and remediation, or Superfund and Radiation Management, is important only under the law and to the regulatory agencies involved at the state and federal level. Citizens do not draw a distinction between the two activities and prefer concurrent involvement in all actions related to the Site. State health department records for both aspects of the Site are maintained within a single filing system.

This plan lays out the framework for a community involvement program that promotes greater integration of the clean-up and licensing information, meetings that address a broader range of topics, and occasional meetings focused on one issue, dealing with it in depth. Important events in both regulatory programs generate community interest and concern, and are likely to continue to do so in the future. In the Superfund program, communities wish to learn more about completion of the soils and ground water cleanup, eventual site closure and completion of the Superfund documentation process and EPA's process for delisting the site from the National Priorities List. In the licensing program, citizens wish to learn more about safeguards and programs in place to assure safe milling operations and appropriate disposal of residues.

# OVERVIEW

## *A. Terms*

The 1992, EPA Community Relations in Superfund: A Handbook, refers to the development of a Community Relations Plan. In the evolution of effective community outreach techniques for CERCLA clean-up sites, the term “*relations*” has been replaced in the state and EPA Superfund program by the term “*involvement*,” in order to place greater emphasis on two-way communication between affected communities and government agencies.

Because the community is concerned not only with contamination in Lincoln Park, but also with stockpiling and storage of materials, operations and waste products generated at the Mill, this document is the community involvement plan covering both the Lincoln Park Superfund Site and Cotter Corporation Uranium Mill.

## *B. Background*

The NCP requires that a Community Involvement Plan be prepared for all remedial actions and for all removals lasting longer than 120 days. Remedial actions usually take a long time in order to fully address significant contamination in soils, surface water and ground water. Removal actions are cleanups typically carried out as an emergency response and seek to remove or stabilize the source of the contamination from a site quickly. It is possible for a site to be both a removal and a remedial project. A Community Involvement Plan should be updated at regular intervals and as necessitated by circumstances to reflect changes in the community, changes in the clean-up project, or changes in community concerns about the project. This document is an update of the Lincoln Park/Cotter Superfund Community Relations Plan, January 1998.

The recommendations put forward in this plan consider the input derived from various public meetings, and are based on more than 20 interviews and discussions with residents of Cañon City, primarily from the Lincoln Park neighborhood, members of the local business community and government officials from Fremont County and Cañon City. Marion M. Galant, Community Involvement Manager of the Colorado Department of Public Health and Environment (CDPHE), and U.S. Environmental Protection Agency (EPA) Community Involvement Specialists Ted

Linnert and John Dalton, conducted the interviews in person in December 2003/January 2004.

The purpose of this plan is to establish a record of community concerns and needs, and a set of activities to meet those needs. The plan is designed to assure that "two-way" communication is facilitated between the agencies overseeing the cleanup and the communities effected by the Site. CDPHE and EPA have a responsibility to inform citizens about Site events. Two-way communication reflects a larger commitment by the regulatory agencies that they will actively seek community input and ideas regarding actions at the Site. The agencies will include this input with the multitude of factors that they must take into account while making decisions pertaining to the Site. Authority for those decisions rests with the regulatory agencies.

### *C. Discussion of State Lead*

The State of Colorado independently initiated a **Natural Resource Damages (NRDs)** claim under CERCLA against Cotter Corporation, regarding the Cotter Corporation Uranium Mill, on December 9, 1983. On September 21, 1984, EPA placed the Site on the National Priority List (NPL), naming it after Lincoln Park, the unincorporated Fremont County community affected by contaminants released from past Cotter Corporation milling operations.

The state, represented by CDPHE, has lead responsibility based on an April 2, 1986, Memorandum of Agreement with EPA establishing roles and responsibilities for each agency in overseeing the cleanup. Cotter Corporation, as the responsible party, performs remediation activities at the Site or retains contractors to do them. Cotter Corporation is responsible for paying all costs associated with the cleanup, although the company can recover some of the their cleanup costs under provisions of the Uranium Mill Tailings Radiation Control Act (UMTRA).

### *D. Cotter Corporation's Radioactive Materials License*

Cotter Corporation obtained a specific Radioactive Material License to mill ore containing uranium in 1958 under the Atomic Energy Act (AEA). In 1968, Colorado became an "Agreement State" with the U.S. Nuclear Regulatory Commission (NRC), the federal regulatory agency for radioactive materials used for non-defense purposes.



The purpose of licensure by CDPHE under the Colorado Radiation Control Act is to set the conditions necessary for safe management of radioactive materials. In the case of Cotter Corporation, CDPHE sets the conditions under which the uranium mill may operate through its Hazardous Materials and Waste Management and Air Quality Control divisions.

Cotter's Cañon City mill saw little activity between 1987 and 1999, due to market economics. However, Cotter applied for a license amendment\*\* in December 1995 designed to allow the company to change an aspect of its production technique with the ultimate goal of resuming operations. A public hearing was convened in September 1996. Five private citizens became formal "parties" to the hearing process and brought forth their case opposing CDPHE's preliminary decision to grant Cotter's license request. Other citizens were also provided an opportunity to offer their opinions (regardless of their party status) at the hearing. In January 1997, the hearing officer, Judge Richard Dana, issued his decision recommending that the amendment be granted. Lacking an appeal, the license amendment became effective in February 1997. By January 1998, Cotter Corporation was in the process of retooling the mill for a resumption of operations.

## **Recent Decisions**

### **Maywood I**

In 2002, Cotter requested approval for direct disposal (disposal without processing) of a specific category of materials from a New Jersey Superfund site, Maywood. This was strongly resisted by the local community and resulted in the passage of amendments to the Radiation Control Act by the Legislature in 2002 and 2003. In December 2003, CDPHE notified Cotter that the additional information necessary to evaluate the proposal would be obtained as part of the license renewal process in progress. Cotter filed suit against the Department in Denver District Court, and a ruling was issued in June 2004 that CDPHE had to proceed with a decision. Responding to that

\*\*The Radioactive Materials licensing process issues each new license as an amendment to the original license. The December 2004 license is also referred to as Amendment 42.

order in July 2004, the agency decided that not enough information was available to approve direct disposal of the first batch of Maywood material (Maywood I), and direct disposal was denied. Cotter appealed administratively, and hearings were held in September 2004. Administrative law judge Richard Dana's recommendations were issued in favor of the health department in March 2005. Cotter filed an exception to Judge Dana's recommendation.

In addition, following the July decision, Cotter amended its complaint in Denver District Court to add a claim against CDPHE for breach of contract, asking for damages. Cotter also moved to amend the complaint to add a claim for judicial review of agency action for the Maywood I denial. It was agreed to put these on hold, pending the resolution of the administrative cases.

In July 2004, Cotter also filed a notice of claim for damages with the Attorney General's office, but no claim has yet been filed.

### **License Renewal (Maywood II)**

Cotter's radioactive materials license expired in January 2001, and Cotter had applied for a renewal in December 2000. CDPHE and Cotter disagreed over the completeness of the application, and in 2002 the Department rejected the application and required Cotter to submit an entirely new application, which they did in September 2003. The 2003 application included direct disposal of various materials, including the rest of the Maywood materials not part of the Maywood I shipment. The department issued a new license and decision analysis in December 2004, which specifically disallowed direct disposal. Cotter administratively appealed this and 56 other aspects of the new license, and hearings were held in September and October 2005. By the hearing all but five of the items had been resolved between Cotter and the state. In April 2006, administrative law judge Dana again recommended in the Department's favor, and Cotter filed an exception on the direct disposal issue only. A citizen's group, Colorado Citizens Against Toxic Waste (CCAT), a party to the hearings, also filed an exception to the judge's approval of licensing alternate feed (material other than uranium ore as feedstock to the mill) for uranium recovery.

In early January 2007, CDPHE Executive Director Dennis Ellis signed a Final Agency Decision

concerning the administrative appeals of the license. Ellis affirmed Judge Dana's recommendation in support of the Department's license allowing Cotter to process ore after passing a Readiness Review by the state. Cotter has filed an appeal of the Final Agency Decision claiming that it should be allowed to accept the Maywood soils for direct disposal in its Primary Impoundment.

### *E. Information Sources*

Public involvement in Cotter Mill issues, both clean up and re-licensing, has been significant. There have been frequent meetings in the Cañon City area on a variety of topics, as well as hearings before a judge advocate on the appropriateness of Cotter's accepting waste from another Superfund site in Maywood, New Jersey for direct disposal in its licensed impoundment. These meetings were large and frequent. Therefore, the recommendations in this plan reflect information gathered from the community interviews conducted jointly by the state and EPA, as well as information offered by citizens at these public meetings.

The interview process catalogued many community concerns. However, there appears to be concern in the community about Cotter's clean-up efforts, its operations and its desire to accept materials from outside sources for direct disposal. In 2003, it was clear that the community was more concerned with issues surrounding Cotter's proposed resumption of full-scale milling activities and ore stockpiling than it was with ongoing clean-up actions under Superfund today. Following finalization of the new license in 2006, Site clean-up actions have risen in prominence.

It appears that more citizens are more vocal in opposition to direct disposal than on any of the other issues.

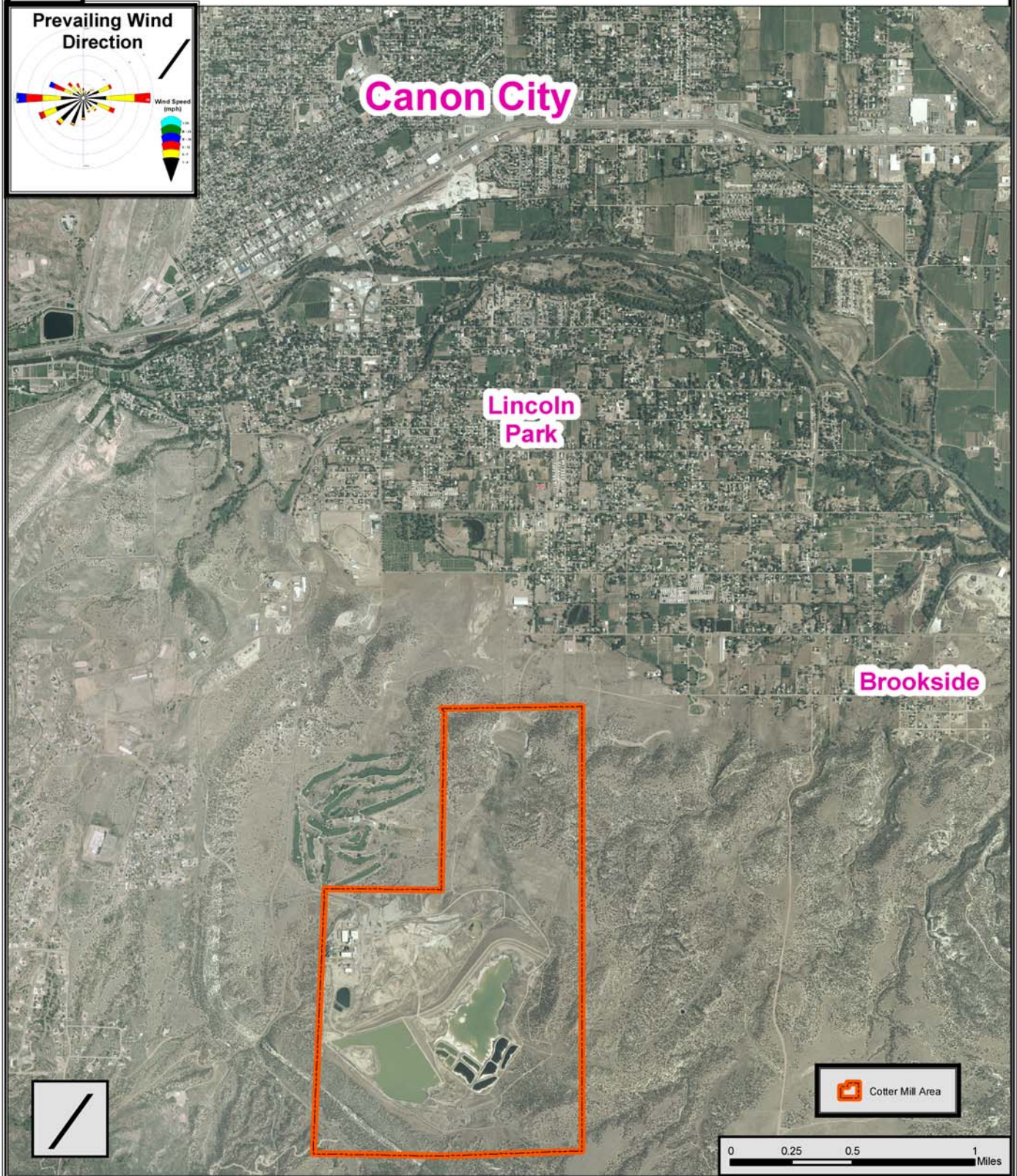
- The interview process also established that, although the Superfund cleanup and the Radioactive Materials licensed activities are separate activities with separate regulatory requirements, the distinction is blurred and unimportant to the community. In the 2003 interviews, the paramount concerns were the potential for expanded acceptance of radioactive materials for direct disposal into the tailings **Primary Impoundment** without

processing, characterized by many in the community as making the facility a “nuclear waste dump.” Some individuals were also opposed to Cotter receiving any material classified as “alternate feed.” Also, the state’s reauthorizing the mill to resume production when the management had “proved that they cannot run the operation safely” was a frequent comment. This contrasts with the broader list of concerns taken from the 1998 Community Involvement Plan:

- Resumption of mill operations
- Health concerns
- Property values
- Community Burn Out
- Superfund stigma (which was never mentioned in the 2003/2004 interviews)
- Trust (both of Cotter and of CDPHE)
- Length of Time Required for Cleanup
- Need to Complete the Cleanup Before the Resumption of Operations
- Need to Produce Uranium Oxide (“yellowcake”)
- Blowing the Cotter Issue Out of Proportion
- Leaks in the Liner System
- Areas of Off-Site Contamination and New Building Activity
- Ground Water Clean-up Progress
- Health Effects Pathways Other Than Ground Water

In recent years, two pieces of state legislation have detailed requirements for more public participation in Cotter’s acceptance of radioactive materials. House Bill 1408 in 2002 and House Bill 1358 of 2003 significantly added to the company’s requirements to gather public input through a series of required meetings and added requirements for Cotter Corporation to conduct hearings on license renewal.





## Map 1

## **Section 2**

### **DEMOGRAPHICS AND GEOLOGY**

The Cotter milling facility is found in south-central Colorado in Fremont County, approximately two miles south of Cañon City, 35 miles west of Pueblo. The mill Site lies in a topographic bowl known as Wolf Park and is situated adjacent and up gradient to the unincorporated community of Lincoln Park (Map 1). The milling facility occupies approximately 1,000 acres, many of which are devoted to the impoundment area, where waste products are stored. The fenced mill site itself is called the restricted area. The distance from the restricted area to the Arkansas River is about 1.5 miles. From the restricted area to the nearest home is a distance of .25 miles.

Cotter's first mill was constructed in 1957. It operated from 1958 to 1979, when a new mill began operation. The primary products milled at the facility have included refined uranium, vanadium and molybdenum. The original Mill used alkaline-leaching technology. "Leaching technology" refers to the chemical process used to extract minerals from ore: typically a chemical is sprayed on crushed ore, and the mineral-laden solution is removed and consolidated into a more refined product. In the case of uranium milling, this refined product is uranium oxide, also known as "yellowcake." It is the first step in the manufacture of uranium fuel.

Cotter operated an acid-leach mill circuit after September 1979. The old alkaline mill was dismantled. The new mill has a processing capacity of 1200 tons of uranium ore per day and was originally projected to produce 60 million pounds of yellowcake during a 20-year life span.

Cotter Corporation's 1997 license amendment permitted the company to modify the new mill in order to produce product again from an alkaline leaching process that most suited extraction from its Schwartzwalder Mine near Golden, which was decommissioned in 2004.

In 1975, Cotter Corporation became a wholly owned subsidiary of Commonwealth Edison Company of Illinois. Commonwealth Edison, the nation's third largest electric utility, further processed yellowcake produced by the Cañon City mill for fuel in nuclear power plants. This additional processing was performed outside Colorado. Cotter owns or controls several other

mining-related sites in the Western United States. Among these are several uranium mines on the Western Slope. The ore from the latter is best milled using an acid leach process, which the company is currently attempting to fine tune for safety and efficiency in Cañon City.

In 2000, General Atomics, a company largely devoted to military weapons production, bought Cotter Corporation.

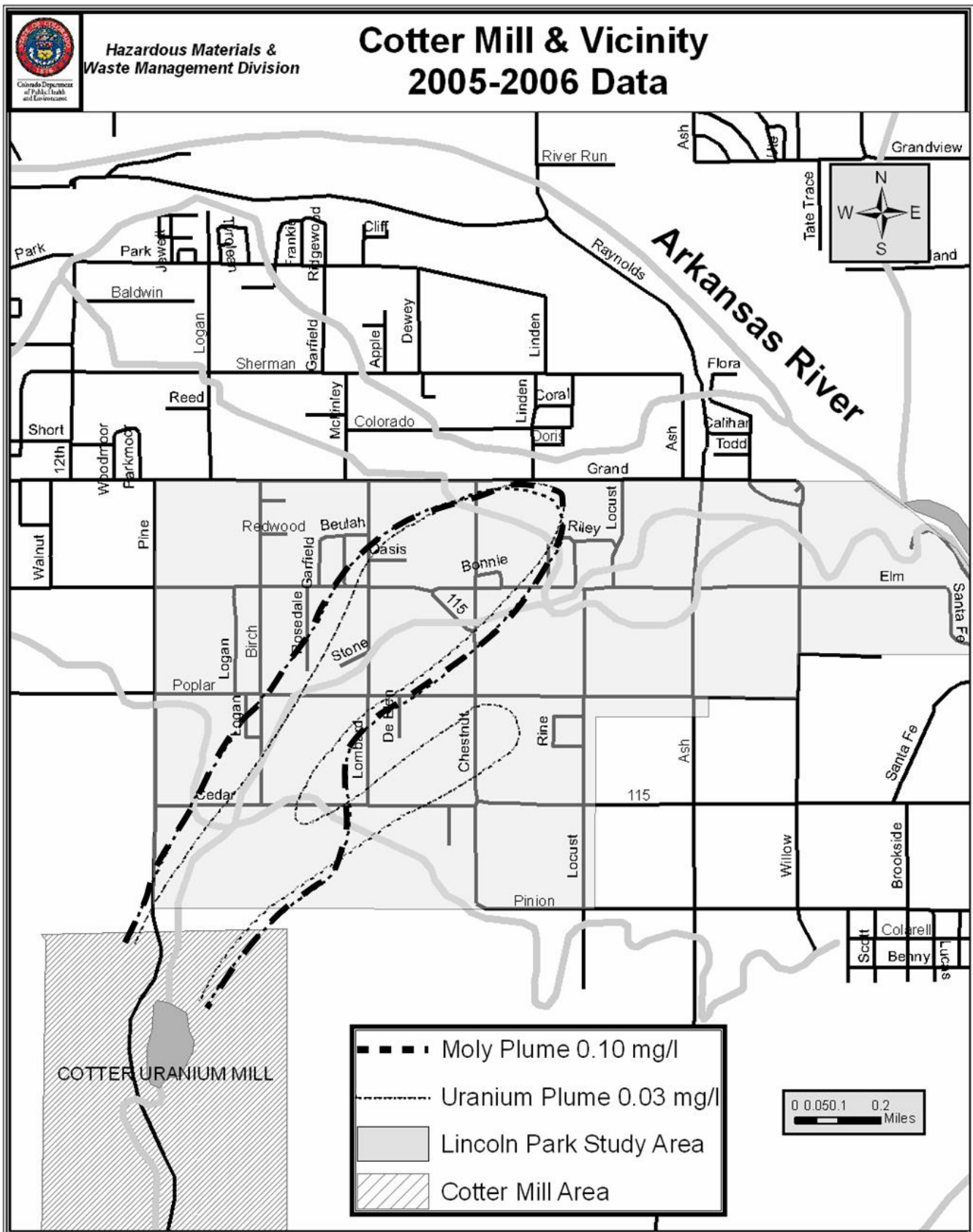
#### *A. Source of Contamination*

Operations at the original milling facility contaminated shallow ground water because mill tailings were stored in unlined ponds. Construction of the new, lined impoundments began in 1978. More than 2.5 million cubic yards of waste products from historic operations were transferred to the lined **Secondary Impoundment** in 1981-1983. All new process residuals are placed in the new lined **Primary Impoundment**.

Contaminants from the unlined ponds leached into and contaminated ground water, and migrated northward along the Sand Creek drainage. This activity was further enhanced by flooding that has occurred along Sand Creek, carrying sediments into Lincoln Park heading toward the Arkansas River. The major contaminants of concern are uranium and molybdenum. Both minerals are byproducts of Cotter's milling operations. Both can pose a public health hazard in high concentrations. (See Map 2)

It is important to note that today most Lincoln Park residents receive their drinking water from Cañon City municipal sources, a water supply free of mill-derived contamination. A few residents choose to continue to use water from their contaminated wells, mostly for irrigation. On properties that continued to use their domestic wells, connection to Cañon City's municipal water system is offered to new purchasers.





**Map 2**



Human health risks from eating locally grown produce irrigated with contaminated ground water were estimated to be small by a September 1997 state health department study. The report stated, “There is no significant risk from ingestion of local produce from the locations sampled,” although not all wells were sampled. Elevated cancer risks were shown to come “entirely” from arsenic in soil, which was determined to be naturally occurring. Arsenic was below the level of detection in most of the produce samples, and within the normal range observed in samples across the U.S.

The “Phase III Evaluation Baseline Human Health Risks 1994-1996,” which considered risks to current and future residents based on environmental conditions in the 1994-1996 time frame, determined that health risk from air and soil pathways were not of concern. An investigation of the possibility of elevated plutonium in soils in 2002 showed no significant concentrations, and an investigation of possible elevated lead in soils, dust and in residents’ homes was finalized for the Agency for Toxic Substances and Disease Registry in late fall 2006, and showed no problems attributable to lead.

In April 1988, CDPHE and Cotter Corporation signed a court-ordered **Consent Decree** and **Remedial Action Plan (RAP)** to assess and effectively mitigate any impacts the uranium mill has on public health and welfare, and the environment. The **RAP** addressed ground water, surface water, soil, air and public health impacts. At the time of the signing of the court order, the cleanup was estimated to take 16 years and cost \$11 million. Now, virtually all of the construction activity has been completed. The major focus of the remaining cleanup is ground water remediation and final cleanup of the Site upon decommissioning. Cotter is not required to disclose clean-up costs to regulators or the public.

## **Section 3**

### **COMMUNITY BACKGROUND**

#### *A. Community Profile*

The Lincoln Park community is part of the greater Cañon City area. Cañon City started as a supply base for miners who came to Colorado during the Pikes Peak gold rush of 1859. Those miners found the Cañon City area a good place to spend the winter and procure supplies for their return to mining camps in the spring. As the community grew, permanent structures replaced the tents and a city began taking shape. Many historic buildings downtown carry the names of Leadville and Cripple Creek mines owned by prosperous miners who became rich and decided to settle in Cañon City.

In 1871, Colorado's first territorial prison was built in Cañon City. Today, the biggest employers in Cañon City and Fremont County are the eleven state and federal prisons that are found in the area. Included in this group is the federal Administrative Maximum Penitentiary near Florence, Colorado (7 miles southeast of Cañon City), called "Super Max."

Tourism is also a major influence on the economy of the Cañon City area. The area is adjacent to Royal Gorge Park and U.S. Highway 50 (the main highway through the city), which leads to many scenic attractions in Colorado's High Country. The possibility that Cotter's proposed acceptance of radioactive materials from other states for direct disposal might negatively affect tourism and stigmatize the area was brought up at several public meetings.

Overall, the community is dynamic and growing, benefiting from the statewide economic upturn of the 1990s and becoming a retirement community of choice for many. The downtown area experienced a renewal spearheaded by the River Front Recreational Area centered on the historic Santa Fe Railroad Depot. Once an active shipping and passenger depot, the historic structure is now the Santa Fe Depot Restaurant.

A corollary to the depot redevelopment is that Cotter Corporation facilitated this reuse

opportunity by voluntarily removing radioactive contamination in the area caused by years of railroad ore shipments to the mill. Rather than deadlock the issue of responsibility in litigation for years, Cotter volunteered to proceed with the cleanup and provided a valuable service to the community. Working cooperatively with State and local officials, Cotter removed soil and debris and did confirmatory sampling to demonstrate that the area is free from contamination. The depot was not Cotter-owned property. In the July 1997 community interviews, several respondents mentioned the depot project and their appreciation of Cotter Corporation's facilitation of this reuse opportunity.

### *B. Lincoln Park*

Lincoln Park has developed along the north bank of the Arkansas River and along Highway 115 to the south. (See Map 1) The community consists of single- and multi-family residential homes, trailer parks and rural single-family homes with acreage for livestock. Within the past few years, many high-end homes have been built near the golf course north of Cotter and in areas like Wolf Park and Dawson Ranch. The rural character, proximity to the foothills, and tracts of open space give the community a special charm. Many residents have orchards and gardens and irrigate them primarily with ditch water from the Dewiesse Dye Ditch. Historically, residents of Lincoln Park depended on private wells for all water needs including drinking. Now most residents of Lincoln Park are connected to municipal drinking water supplies.

The Lincoln Park area is experiencing growth, especially with new homes being built to the south and west. Many of the neighborhood's residents are retired and own their homes.

The population is identified as primarily Caucasian. Neither the community interview process, nor U.S. Census Bureau data, identify significant populations of residents with special language or cultural needs.

Directly adjacent, and to the southeast of Lincoln Park, is the smaller, unincorporated community of Brookside. Brookside is virtually indistinguishable from Lincoln Park, but many of its residents remain primarily dependent on private wells for drinking water. Cotter, under supervision of CDPHE, samples some of these wells to ensure that contaminants of concern do

not rise above action levels. Recent census data is reported in the chart below (Table 1).

**Table 1**  
**Nearby Communities and Their Population**

<b>Community</b>	<b>Approximate distance from Mill</b>	<b>2000 Census</b>	<b>Estimate for 2005</b>
Lincoln Park	North 2.4	3,904	Not available
Canon City	North 2 west 0.7	15,431	16,000
Brookside	Northeast 2.9	219	554
Williamsburg	East Southeast 4.8	714	753
Rockvale	Southeast 3.8	426	438
Coal Creek	Southeast 8	303	362
Florence	East 8	3,653	3,685
Fremont County	NA	46,145	47,766

## Section 4

### HISTORY OF COMMUNITY INTEREST AND INVOLVEMENT

The following section discusses the benchmark events that have generated community interest in the Cotter/Lincoln Park Site. Some of these events are tied to state legal actions and to litigation initiated by private citizens. All increased the level of community involvement.

Community interest in the Cotter Mill heightened starting in the late 1960s when rumors circulated regarding livestock illnesses with a possible connection to contaminated ground water. By the 1970s, CDPHE was aware of some off-site migration of uranium and ordered additional ground water sampling through its radioactive materials regulatory authority.

In 1978, Cotter began construction of a new clay-and-Hypalon-lined **Primary Impoundment** to replace the unlined ponds that had previously held waste products, even though Cotter's unlined pond design had been considered acceptable at the time they were constructed. Technology has developed and regulatory constraints have advanced to require present-day waste management practices far superior to those that allowed contamination to spread in the 1960s and 1970s. Even so, great concern exists in the community about the integrity of the liner of the Primary Impoundment, and additional well testing was conducted by the State in 2006 to ascertain whether or not the impoundment is leaking. Four quarters of sampling will end with data from

the first quarter 2007. (results pending at time of publication).

The community was actively involved in the 1979 license amendment review. A public hearing held May 1, 1979, started at 1:30 p.m. and continued into the early morning hours because of intense citizen interest and concern. Also in 1979, the old alkaline/acid leach mill was shut down after processing more than 1.25 million tons of ore and producing 10.5 million pounds of yellowcake.

In 1980-81, considerable public attention focused on Cotter because CDPHE cited the company for 23 items of noncompliance with its radioactive materials license. During the same period, the Colorado Bureau of Investigation (CBI) released an unfavorable report about the Cotter Mill, and the federal **Mine Safety and Health Administration (MSHA)** cited the company for worker over-exposure to vanadium.

The State of Colorado filed a complaint against Cotter in December 1983 for injury to, loss of, and destruction of natural resources pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). Cotter Corporation submitted a Radioactive Materials License renewal application for the Mill in March 1984, and a hydrologic barrier license amendment in June 1984. In September 1984, EPA added the Lincoln Park Site to the Superfund National Priorities List (NPL), the list of the nation's most contaminated sites. A public meeting to discuss the license and amendment was held in February 1985 and was well attended.

In December 1987, the **Remedial Action Plan (RAP)** negotiated between Cotter and state representatives was filed with Denver Federal District Court. Public comment on this plan to clean up the mill Site and ground water in the Lincoln Park area was obtained at a January 1988 meeting. Later in 1988, mill production stopped because of low world prices for yellowcake, not to resume until 1999.

On April 4, 1988, the RAP and Consent Decree were approved by the court. The court action resolved the **Natural Resource Damage (NRD)** suit filed by the State. The settling of the lawsuit initiated CERCLA-required community involvement activities. Regular public meetings

were scheduled to discuss the clean-up process. A periodic newsletter, “Lincoln Park Citizens' Update,” was first produced by the State.

In 1991, a Human Health Risk Assessment was completed by the Colorado Department of Public Health and Environment for the Lincoln Park Superfund Site. Some scientific methods used in the study raised concerns that risk to the community might have been underestimated. Similar concerns were also expressed by community members. Subsequently, CDPHE, EPA and Cotter went into dispute resolution to reach agreement on how to resolve the problems with the initial risk assessment. Eventually, a Supplemental Health Risk Assessment was ordered to address problems in the first report and was produced by the state health department. The risk assessment process was the subject of several public meetings. The most current information is contained in the “Phase III Evaluation Baseline Human Health Risks in 1994-1996.”

From 1988 through the early 1990s, the main focus of activity at the mill Site was the Superfund cleanup as outlined by the RAP. Cotter Corporation was also involved in two lawsuits brought by Lincoln Park residents claiming contamination of their property and water.

In 1991, the **Colorado Central Cancer Registry (CCCR)** conducted a study analyzing the number of cancer diagnoses in Lincoln Park for the period between 1979-87. A second study was completed in 1993 for the time period between 1979-90. The following types of cancer were examined: all cancers combined, lung, bone, liver, brain, leukemia, thyroid, breast, prostate and lymphoma. In general, findings indicated that *observed* incidences of cancer were not statistically higher than *expected* incidences of cancer, except for lung cancer rates, which were slightly elevated.

In April 1993, CDPHE issued for public comment a **Preliminary Licensing Statement (PLS)**, including proposed conditions necessary for Site operations and closure. The licensing process contains a mandatory 5-year review cycle to assure that renewed licenses adequately reflect changes in operations at the facility and changes in regulations. The filing of an intent to apply for a new license—which appends the original license—is considered “timely renewal” if it is filed while the current license is in effect, regardless of how long it takes to draft the license and

have it approved. The relationship between the company and CDPHE had become strained, and the PLS contained many provisions with which Cotter Corporation disagreed.

Subsequently, the company and regulatory agencies entered a collaborative problem solving process to resolve technical differences. The process was successful in resolving issues that the two sides had with the PLS.

In December 1995, Cotter Corporation applied for a Radioactive Materials License Amendment. In the amendment, the company requested the ability to use alkaline-leaching technology at the Mill, with the intention of resuming full-scale mill production. It included a plan for improvements in control of waste products. In June 1996, CDPHE released its Decision Analysis of Cotter Corporation 's qualifications to be granted the amendment, and the license conditions required for this change. The decision analysis supported approval of the amendment request.

The license amendment and the potential resumption of operations were items of concern in the community during the summer of 1996. CDPHE received significant comments opposing the licensing action. A public hearing was requested and held in September 1996. Five private citizens brought forward their case against the licensing action in the adjudicatory hearing format. Several citizens also offered informal comments at the hearing. In January 1997, the hearing officer, Judge Richard Dana, upheld CDPHE's preliminary decision. No appeal was filed. The license amendment took effect February 9, 1997.

In the summer of 1997, CDPHE, EPA and Cotter Corporation initiated an Ecological Risk Assessment process to determine the effects, if any, of contaminants from the Site on the environment and biota (organisms, plant and animal life). In addition, in September 1997 Phase III (the final phase) of the "Supplemental Health Risk Assessment" was provided to the community in draft form for comment. Also in 1997, the Colorado Central Cancer Registry (CCR) initiated a third study of cancer incidences looking at the period of time of 1994-96. A public meeting to update the community on the findings of the final phase of the "Supplemental Health Risk Assessment" was held in Cañon City on October 21, 1997.

Cotter Corporation's Radioactive Material License requires the submittal of a Readiness Review Report. This document is required not less than 90 days before the commencement of operations and must be in a format having prior CDPHE approval. The report compiled by Cotter Corporation's Radiation Safety Officer in 1998 included key safety, health and environmental protection performance indicators and specified how these performance measures would be tracked, evaluated and reported in the company's required Annual Report. CDPHE issued a news release to inform the community when the Readiness Review Report was submitted and available for public review.

## **Section 5**

### **COMMUNITY CONCERNS**

The July 1997 interviews demonstrated that residents of Lincoln Park and Cañon City varied in their concerns and interest in the Site. While a number of interviewees identified Cotter Corporation as a potential threat to their health and well-being, a corresponding number of respondents believed that Cotter Corporation was not a concern or was a problem relegated to the past. In terms of priorities, the community in the 1997 interviews was overwhelmingly focused on the prospect of renewed operations at the mill, more than on the ongoing cleanup of historic contamination. A significant number of interviewees believed that the CERCLA cleanup had already been completed. Despite this, many interviewees did list concerns associated with CERCLA activities and were quite sophisticated in their knowledge of the clean-up process.

There have been an unusually large number of meetings related both to requests to dispose of radioactively-contaminated soils from work done by the Amax Corporation in Golden, Colorado, and Cotter Corporation's proposed new license application for acceptance of "Maywood waste" – Superfund waste from a lantern mantel manufacturing site in Maywood, New Jersey. The Maywood waste consists of calcium fluoride, zirconium, etc. For the purposes of this plan, recurring citizen comments at the usually well-attended meetings were considered, along with the results of the formally scheduled private interviews with citizens using a questionnaire developed jointly by CDPHE and EPA, and conducted jointly by them. The questionnaire itself



is included as Appendix D of this Community Involvement Plan.

## **Summary of Citizens' Concerns**

From the interview questionnaire and discussions with respondents, the following is a summary of concerns. As stated earlier, interviewees included residents of the local community, local government officials, and members of the business community in the area. Concerns are summarized in the order of frequency in which they were listed by interview respondents.

*Resumption of Mill Operations:* In 1991 many residents expressed concern and interest in Cotter Corporation's plans for resuming production. Virtually every interviewee asked for more information regarding the company's intentions and proposed timetable. There were concerns about:

- CDPHE's oversight and the frequency of mill inspections,
- the fact that most inspections are announced in advance,
- the source of raw materials,
- the method of shipment in and out of the facility,
- dust, odors, waste management, and
- worker safety.

These concerns were also dominant in the 2003-2005 interviews and public meetings. Since that time, more unannounced inspections have occurred, and the public meeting schedule increased through 2005. An independent consultant was contracted through the state health department to review all of Cotter Corporation's on-site lab protocols. A significant number of revisions and corrections were suggested and made. In 2006 Cotter Corporation was again authorized to use their on-site lab to generate test results for CDPHE. Each batch of a new type of material from a new source required submission of a detailed Materials Acceptance Report to the health department in advance. CDPHE permitted acceptance of materials based significantly on those reports.

*Health Concerns:* Many residents interviewed were concerned about potential health effects from exposure to contaminants from Cotter Corporation. Generally, the health concerns cited

were tied to apprehension about radioactivity, with cancer the biggest fear. Some respondents know of individuals who have been diagnosed with cancer or they themselves have, or have survived, the disease. Many residents cited anecdotal evidence that they believe demonstrates cancer clusters exist in the Lincoln Park neighborhood. With cancer affecting 1 in 2 men and 1 in 3 women in the U.S., the perception that cancer occurrences are unusually common in a neighborhood is almost universal in neighborhoods where significant environmental contamination has been identified.

Some citizens remained concerned about possible risk for those consuming vegetables grown in Lincoln Park soils. Nothing new and of concern was found by EPA's Dr. Richard Graham in his literature review of the subject, presented at a Citizens' Advisory Group (**CAG**) meeting in November 2006. The Technical Advisory Group (**TAG**) grantee in Cañon City hired a consultant to review the subject of plant uptake of radionuclides, whose findings were presented at a CAG meeting in March 2007. The consultant's findings disagreed with some of Dr. Graham's analytical methods, but did not disagree with the conclusion that it is safe to eat vegetables grown in Lincoln Park. Representatives from the Agency for Toxic Substances and Disease Registry (**ATSDR**) were also at this meeting to discuss their plans to continue their Public Health Assessment process.

*Property Values:* Residents believe that property values in the community have declined because of the contamination and the community being a Superfund Site. Many believe that these two factors have severely limited their ability to sell their property. Property transactions for recent years appear in the chart below [Table 2] and were provided by Fremont County. They do not appear to support those perceptions.

**Table 2**  
**Property Sales**

<b>Cañon City</b>				<b>Lincoln Park</b>		
Year	Total Sales	Total Amount		Year	Total Sales	Total Amount
2001	122	9,907,588		2001	65	7,859,027
2002	123	10,405,929		2002	54	6,147,993
2003	115	9,963,907		2003	62	7,963,713
2004	121	Not available		2004	67	8,682,242
2006	3953	616,499,429		2006	185	24,957,502

Related to the perception that property values are being affected, many residents listed a broader concern that there is a stigma of living in, or next to, a Superfund Site. There was discussion in 1998 of the state's and EPA's willingness to delist parts of the Site, which might reduce stigma. Many citizens were opposed to delisting when the regulators at a public meeting suggested it. Similarly, in 2004 when CDPHE proposed removing from the Remedial Action Plan (RAP) those items that had already be addressed and completed, many citizens commented that they wanted the original RAP to remain unchanged, with no indication of what had been done versus what still needed to be done, as a record of the problems attributable to the Cotter Corporation's Mill operation. The removal of those issues already addressed from the RAP did not occur.

**Trust:** Many interviewees identified concerns surrounding a lack of trust in Cotter Corporation to operate in a manner so as to prevent history from repeating itself. Lack of trust in CDPHE to license and inspect Cotter Corporation in a way that would prevent future contamination was also singled out as a concern. At the core of the concerns regarding enforcement capability is the concern that Cotter takes its own samples, and a lack of understanding or confidence in the data validation process. Many community members believe that the state should take the samples, or at a minimum should take split samples to check Cotter Corporation's results. Further, some interviewees questioned CDPHE's enforcement capability and wondered if CDPHE can levy fines significant enough to deter Cotter Corporation from operating in a manner that might adversely impact the community again. In 2006 two fines were assessed, one by the **Air Quality Control Division (AQCD)** for \$15,600, and one by the Hazardous Materials and Waste Management Division for a non-operational safety shower, cited in 2005. Ten administrative violations were found in a CDPHE inspection in November 2006.

*Blowing the Cotter Corporation Issue Out of Proportion:* A minority of interviewees put forward a concern that Cotter and the Superfund cleanup have been given too much prominence in the Cañon City area. One citizen interviewed speculated that approximately 10 per cent of the population is strongly pro-Cotter, while a similar number is strongly opposed to the facility. That leave 80 per cent of the population uninvolved and uninterested, he said.

*Burn Out:* Several interviewees voiced the opinion that they are simply tired of the Cotter Corporation issue in all of its manifestations.

*Leaks in the Liner System:* Many interviewees voiced concern that the impoundment liner system may currently be leaking or may leak in the future. Additional concerns were brought forward that the monitoring program assuring liner integrity may not be adequate. Several interviewees insisted that CDPHE should sample the impoundments, although regulators had explained at several public meetings that the impoundments were not homogeneous and that it would be impossible to characterize them without hundreds of samples and without potentially piercing the liner. In 2005 and since, there have been some indications that the community's trust in the state health department has improved, presumably based on enhanced oversight and performance. Additional wells have been installed and are being sampled quarterly for a year to obtain more information.

## **Section 6**

### **GOALS OF THE PROGRAM**

The Cotter Corporation Site is far from a new concern in the community. Awareness is quite high in the Cañon City area. In addition, despite some confusion existing about the differences between the CERCLA cleanup and Radioactive Material licensing actions, the extent of the community's knowledge about the Site is also quite high. The community involvement program put forth in the following sections acknowledges this level of sophistication and seeks to improve upon the efforts of the existing program. As previously stated, attendance at public meetings of more than 200 people is common, which is seen only rarely at other Colorado sites.

The following are the key goals of the community involvement program recommended in this revised plan, with a brief explanation of each:

#### **Community Involvement Goals**

- Provide more information regarding Cotter Corporation 's future operating plans, radioactive materials licensing and CDPHE inspection activity, and release benchmark dates. The requirements of H.B. 1358 and H.B. 1408 include more formalized public involvement in the evaluation of acceptance of externally processed materials onto the Site for disposal or reprocessing. In addition to the Readiness Review before initiating new activities, two public meetings for each new waste stream being considered, taking public comment, etc., are required. Meetings on any of many relevant topics occurred every few months, on average, over the six years, tapering off in 2006.
- Continue to provide information on public health in Lincoln Park, and explain thoroughly cancer incidences and background cancer rates, the potential pathways of concern, and what is known about low-level radiation exposure and carcinogenic activity. The previous Cancer Registry studies and risk assessment process have answered many questions, yet in the past several years there have been a few requests for an update of the

cancer registry study and a Public Health Assessment more comprehensive than the one page typed document provided by **ATSDR** provided in 1983, three years before comprehensive public health assessments were required for all subsequent Superfund sites.

In the summer of 2005, ATSDR committed to EPA Region 8 to do a full Public Health Assessment and blood lead testing in September 2005. That was done, with EPA Region 8 providing complementary soil lead sampling for the 22 yards of properties at which residents participated in the blood lead, household dust and soil lead testing. Results were sent to the families tested in April 2006. The report distributed by ATSDR in November 2006. There were no results in either blood lead levels or soils that required remedial action or health intervention.

Whenever possible, local cancer data should be presented to the community and compared with averages in other communities and statewide, the format of Colorado Central Cancer Registry studies and updates. Although such a study cannot take into account when people leave or come to a community, as it tracks cancers by the residence at the time of diagnosis, it is required that information be submitted to the registry for every cancer diagnosed in Colorado. This has been the case since 1979. A brief information sheet on how cancer risks in a specific area are evaluated would be helpful.

Since cancers generally take from 5-20 years to develop, newcomers to the community who develop cancer could have been exposed to carcinogens elsewhere, while residents of the area who move away may be diagnosed later, in another community, with a cancer caused by exposures in Fremont County.

- **Continue to provide forums for communication on clean-up and licensing issues.**

Through public meetings, fact sheets, newsletters, opportunities to comment, the Information Repository, and the greatly expanded Cotter Corporation home page on the CDPHE web site, or forums such as a **Citizen's Advisory Group (CAG)**, the regulatory agencies should work together to assure that the community's information needs are being addressed and that many mechanisms exist to enable citizen participation. Previous community interviews (1997) showed community opinions split about 50/50 on the value

of having such a group, generally perceived as information-oriented and neutral.

EPA initiated a Citizen's Advisory Group (CAG) in 2004, funded by an EPA Environmental Justice Grant sought by the facilitating organization. The group struggled with its effectiveness in 2006, and two sessions with a volunteer facilitator addressing group dynamics in December 2006 and January 2007 were held for CAG members only, with results considered positive in constructively reforming the group to work more effectively. The CAG is now a self-determining and supporting body representative of city and county government, both Cotter supporters and antagonists, and local community members. Technical and community involvement specialists from the Colorado Department of Public Health and Environment and the Environmental Protection Agency also attend the meetings to provide information and answer questions and are considered to be ex-officio members.

## **Section 7**

### **RECOMMENDATIONS**

**Continue to update and involve local government officials in cleanup and licensing activities at the Site.** Elected officials such as the Fremont County Commissioners and the Cañon City and Florence mayor's offices should also be regularly briefed in order to allow them to represent their constituents' interests, even though these and other elected officials are frequent attendees at the public meetings on these subjects. A Fremont County Commissioner and a Cañon City Council Member are regular participants in the CAG meetings, and a number of elected officials attend the public meetings. The number exceeds the number at most public meetings, with the exception of historic meetings on Rocky Flats and the Rocky Mountain Arsenal.

**Increase lead-time for public notice of meetings via mail.** Several residents requested two to three weeks' advance notice of meetings. Mail between Denver and Canon City often takes more than a week. The State Health Department and the EPA will make every effort to announce meetings and send agendas as early as possible after a meeting date is set. We will also post the

meeting announcement immediately on the Cotter web page of the CDPHE web site.

## **Section 8**

### **COMMUNITY INVOLVEMENT TECHNIQUES AND TIMING**

As the Remedial Action Plan winds down and interest in future Mill operations peaks, the primary recommendation of this plan is to continue involving citizens in both Superfund and radioactive materials licensing actions through a variety of means. The July 1997 interview process clearly identified that community members do not differentiate between the cleanup and licensing programs, and that continues to be the case today. Consequently, the regulatory agencies should continue to offer both meetings that focus on an individual topic and “All Topics Considered” meetings, which began in 2004. It is hoped that the goals and techniques proposed in this plan will serve as a bridge to help CDPHE, EPA and community members to integrate community involvement in both remedial and operations-related activities. There are two focuses of Community Involvement Activities:

**Focus I** consists of activities that CDPHE and EPA will do on a regular and routine basis to continue to inform and involve the community in both Superfund and licensing actions, such as newsletters, the production of information fact sheets and maps as needed, and efforts to support a Community Advisory Group (CAG). Expansion of the scope of the CDPHE Cotter Corporation /Lincoln Park web site to include all significant documents is an example of new approaches.

**Focus II** includes techniques and activities initiated as needed for special events and actions taking place at the Site, such as changed operations status, results of investigations, notices of violations, the addition of on-site wells to determine the integrity of the liner, or an announcement of Cotter Corporation’s desire to accept a new waste stream.

**Focus III** will center on activities for the future and related to significant clean-up issues,



such as the results of a feasibility study, or the selection or review of a specific clean-up technology.

**Focus I** CDPHE and EPA will, on a regular and routine basis, continue to inform and involve the community in both Superfund and license actions.

**Semi-Annual Lincoln Park Newsletter:** Interview respondents identified their preferred mechanism for receiving information as written material, including such publications as newsletters. A preference was expressed by some interviewees to receive the newsletter more often. Although originated as a Superfund information document, it now includes both Superfund and licensing information. This will be considered as funds become available. In addition to the mailing list, a number of copies will be available to the community at the Information Repository (now at the Royal Gorge Regional Museum and History Center), and at the Cañon City Public Library. In 2007, at the behest of CAG and CCAT, CDPHE nearly quadrupled the size of the Lincoln Park mailing list to include, at a minimum, the entire Superfund study area, as well as additional communities just beyond the study area that have asked to receive copies of the newsletter.

**Cotter Corporation Home Page on CDPHE web site:**

With the high level of interest in Cotter Corporation, a comprehensive home page has been established on the HMWMD web site. The address is [www.cdphe.state.co.us/hm/cotter/index.hm](http://www.cdphe.state.co.us/hm/cotter/index.hm). The HMWMD will promptly post documents and announcements for citizens interested in the Site. This includes press releases and enforcement actions, as well as the full text of significant documents. If documents are very lengthy or have many maps or photographs, they will be made available for free on CDs on request. Recognizing that not everyone has convenient computer access, major documents will continue to be available for review in print at the information repository at the Royal Gorge Regional Museum and History Center. Both local Cañon City newspapers, the Cañon City Daily Record and the Canyon Current, as well as the Pueblo Chieftain are well used information sources for the public.

**Public Meetings and Availability Sessions:** Meetings have been a useful forum for community involvement in the past and should be continued as frequently as appropriate. Since 2002, the number and varieties of meetings has greatly increased. Based on consumer preference, some meetings are “All Topics Considered,” while some address a specific issue that may be time-critical, such as a meeting explaining the alternatives for an activity that is undergoing a public comment period. To address citizen needs, question and answer availability sessions were recommended in the previous plan as part of the meeting format, and all meetings subsequent to 2002 included extended periods for public questions and comments. A balance of the two, with no specified number of meetings and the goal of two newsletters per year, is recommended.

**Information Repository:** In 2005 the Cotter Corporation /Lincoln Park Information Repository was relocated from the Public Library to the Royal Gorge Regional Museum and History Center. The Information Repository is used regularly by citizens researching information about the Site. It is recommended that Cotter Corporation and CDPHE continue to help staff in indexing, condensing and shelving many years’ worth of CERCLA documents and licensing documents to make this resource even more useful for citizens. A semiannual review of materials by CDPHE or EPA staff would alleviate the problem of missing materials, reported by some interviewees. This is recommended.

**Computer Technology:** In a separate, but related, development, HMWMD has inaugurated an online, map-linked information system that provides extensive information on the Site, including testing results for individual wells. The maps can be found on the web at: [www.cdphe.state.co.us/hm/cotter/CMmaps.htm](http://www.cdphe.state.co.us/hm/cotter/CMmaps.htm). Additional information on how to use the Division’s mapping process includes an general EcoSites brochure on the Division’s website at [www.cdphe.state.co.us/hm/ecosites.pdf](http://www.cdphe.state.co.us/hm/ecosites.pdf). Some citizens have commented that the detailed maps and data can take an unusually long time to download to their computers. CDPHE staff will work with their information technology staff to try to minimize these problems.

**Focus II -** Techniques and activities will be initiated as needed for special events and actions taking place at the Site.

**Public Meetings and Availability Sessions:** Meetings and question-and answer availability sessions to discuss newly published documents and the results of investigations are appropriate.

**Utilization of Local Media:** In an effort to meet the community's requests to receive information via local media, CDPHE will continue to utilize the Cañon City Daily Record and the Canyon Current, the Pueblo Chieftain and the Florence Citizen, as appropriate, for advertising and press releases. Press releases will also be sent to radio stations KRLN-AM, KSTY-FM, and KTLC-FM in Cañon City. In addition, meetings and comment opportunities will be announced on Channel 19, the City's public access channel.

**Development of Site-Related Fact Sheets:** Citizens have a wide range of concerns, especially related to health effects and radioactivity. It is recommended that the production of topic-specific fact sheets increase to provide information in a concise and understandable format. Printed fact sheets should be distributed via the mailing list of persons who have signed up for mailings and announced as available on the web site, as well as being available at all public meetings and at the Information Repository in Cañon City. Tips on vegetable gardening and how cancer clusters are determined are examples.

**Public Comment Periods as a Mechanism for Citizen Participation:** Interviewees frequently reported making use of opportunities to comment, especially on licensing-related actions. Public comment is strongly encouraged, and several comment periods have been extended at the request of citizens. As part of formal public comment periods, **Responsiveness Summaries** should continue to be produced to summarize concerns and issues raised during the comment periods and to document EPA's and State's responses to those concerns.

**Site Tours:** Cotter Corporation is encouraged to offer Site tours to the public. These types of events serve to reduce community concerns by familiarizing community members the facility's layout and the progress being made in remediation. A periodic separate tour for the media is recommended, as reporter turnover in the community is very high. This approach has been used successfully by many other facilities and has generated goodwill among citizens and helped to

allay concerns.

### **Focus III**

**Small Group Efforts:** This refers to the regulatory agencies seeking input from small groups of citizens, either organized as focus groups, in small discussion groups, or via informal contacts.

For example, meetings with:

- **CAG (Citizens' Advisory Group)**, initiated by EPA and CDPHE in 2004 and reorganized in 2007 meets monthly and invites roundtable participants appropriate to addressing the issue for that particular meeting's discussion are examples. The CAG was developed based on some citizen responses to the most recent community involvement plan interviews and initially funded by a time-limited 2004 Environmental Justice Grant from the U.S. EPA. EPA and CDPHE attend, often provide staff presentations, and are non-voting members of the CAG.
- **FCIOC (Fremont County Independent Outreach Committee)**, a Cotter Corporation-initiated discussion group-reviewing Site issues in depth and meeting monthly.

An example of such small group input was a discussion, initiated by the State, of the possibility of delisting part of the Site from the National Priorities List, which the regulators believed would be encouraged by citizens and might help to reduce the stigma some citizens believe is attendant on the Superfund status of the Site.

Citizens at a small meeting on that subject made it clear that they didn't want any part of the Site delisted before final cleanup, fearing that it might be taken as a sign that the Site was no longer a significant environmental problem. As a result, no such delisting was undertaken. Similarly, a suggestion by CDPHE to simplify the Remedial Action Plan for the Site by deleting projects already complete from the document was rejected by citizens who considered it the most universal list of all issues to be addressed. All comments received during the public comment period decried streamlining the document. Commenters saw it as the original "to-do list" for the Site, and want to retain it as such. It was not streamlined. A way should be found to differentiate between complete clean-up activities and pending ones.

Community Advisory Group (CAG). This refers to a group of interested citizens who meet regularly to receive and discuss information about the Site and offer their input to Cotter Corporation and the regulatory agencies. The mission and agenda of such a group could be established by group consensus during early meetings. After discussions with the community over a long period, the first prototype CAG meeting was held in Cañon City in March 2005. Discussions about the CAG's ongoing viability arose in 2006. In July 2006, an advertisement paid for by CDPHE was placed in the Cañon City Daily Record seeking a volunteer from the community to act as facilitator for the CAG meetings. There has been considerable turnover of the facilitator position, based on job changes and other factors, and the facilitator issues is under discussion by the CAG at the time of publication.

## Section 9

### NEW ISSUES SINCE THE 1998 COMMUNITY INVOLVEMENT PLAN

**HB 1358 and 1408:** These two pieces of legislation required an enhanced process of public participation preceding the acceptance of new waste streams sought by Cotter Corporation.

**Increase in Uranium Prices:** According to the British news service Reuters July 18, 2005, “prices of uranium...have tripled in the last five years to record levels due to years of under-investment in the supply chain. Soaring oil prices and international attempts to reduce greenhouse gas emissions have thrown the spotlight back onto nuclear energy after many years of disfavour [sic]....Spot uranium is trading at \$29.50/lb according to one web site, compared to \$8-10/lb three or four years ago.” As of this writing, uranium is selling on the world market for about \$90/lb., exceeding the all-time previous high of \$43/lb. established in 1979. Vanadium, which is frequently found in the same ores in a ratio five times greater than uranium, has also experienced a price increase, currently selling at \$12/lb.

The Cotter Corporation Mill, which dramatically cut back on its operations for almost 12 years, based on the low price of uranium, had begun taking ore deliveries and stockpiling ore for processing. In January 2006 they again laid off staff and shut down their Western Slope mining operations. As of July 2006, based on Notices of Violations from both the HMWMD and the Air Pollution Control Division of the state health department, the Mill is only authorized to undertake bench scale process testing and facility maintenance, but not to receive, process or dispose of any new material.

**Appendix A**  
**Contact Lists**  
**Regulating Agencies**

**Colorado Department of Public Health and Environment**

Hazardous Materials and Waste Management Division

4300 Cherry Creek Drive South

Denver, CO 80246

(303) 759-5355 fax

(303) 692-3300 or

Toll Free: 1-888-569-1831 + last four digits of person called's extension

Phil Stoffey  
Cotter Superfund Project Manager  
Phone: (303) 692-3452  
Fax: (303) 759-5355  
E-Mail: [philip.stoffey@state.co.us](mailto:philip.stoffey@state.co.us)

Edgar Ethington  
Radiation Program  
Phone: (303) 692-3438  
Fax: (303) 759-5355  
E-Mail: [edgar.ethington@state.co.us](mailto:edgar.ethington@state.co.us)

Steve Tarlton  
Radiation Unit Leader  
Phone: 692-3423  
Fax: (303) 759-5355  
E-Mail: [steve.tarlton@state.co.us](mailto:steve.tarlton@state.co.us)

Marion M. Galant  
Community Involvement Specialist  
Phone: (303) 692-3304  
Fax: (303) 759-5355  
E-mail: [marion.galant@state.co.us](mailto:marion.galant@state.co.us)

**U.S. Environmental Protection Agency (EPA), Region VIII**

1595 Wynkoop Street

Denver, CO 80202-1129

Rebecca Thomas  
EPA Remedial Project Manager  
Phone: (303) 312-6552  
Fax: (303) 312-7110  
E-Mail: [Thomas.Rebecca@epa.gov](mailto:Thomas.Rebecca@epa.gov)

John Dalton  
EPA Community Involvement Specialist  
Phone: (303) 312-6633  
Fax: (303) 312-7110  
E-Mail: [Dalton.John@epa.gov](mailto:Dalton.John@epa.gov)

Ted Linnert  
EPA Community Involvement Specialist  
Phone: (303) 312-6119  
Fax: (303) 312-7110  
E-Mail: [Linnert.Ted@epa.gov](mailto:Linnert.Ted@epa.gov)

## Federal Elected Officials

### Senate

U. S. Senator Wayne Allard

Washington office  
SDB-40A Senate Dirksen Office  
Building  
Washington, DC 20510  
(202) 224-5852 (phone)  
(202) 228-5036 (fax)  
Pueblo office:  
411 Thatcher Bldg.,  
5th & Main Sts.  
Pueblo, CO 81003  
(719) 545-9751 (phone)  
(719) 545-3832 (fax)

U. S. Senator Ken Salazar

Washington, D.C.  
U.S. Senator Ken Salazar  
702 Hart Senate Office Building  
Washington, D.C. 20510  
(202) 224-5852 (phone)  
(202) 228-5036 (fax)

Arkansas River Region  
129 West B Street  
Pueblo, CO 81003  
(719) 542-7550 (phone)  
(719) 542-7555 (fax)

### House of Representatives

Representative John Salazar

Washington, DC  
1531 Longworth HOB  
Washington, DC 20515  
(202) 225-4761 (phone)  
(202) 226-9669 (fax)

Pueblo, Colorado  
134 West B Street  
Pueblo, CO 81003  
(719) 543-8200 (phone)  
(719) 543-8204 (fax)



## **Elected State Officials**

Governor  
The Honorable Bill Ritter  
136 State Capitol  
Denver, CO 80203-1792  
(303) 866-2471 (phone)  
(303) 866-2003 (fax)  
[bill.ritter@state.co.us](mailto:bill.ritter@state.co.us)

Representative Liane (Buffie) McFadyen  
136 State Capitol  
Denver, CO 80203-1792  
(303) 866-2905  
[buffie2006@hotmail.com](mailto:buffie2006@hotmail.com)

Senator Ken Kester  
200 E. Colfax  
Denver, CO 80203  
(303) 866-4877 (phone)  
[ken.kester.senate@state.co.us](mailto:ken.kester.senate@state.co.us)

## **Elected Local Officials**

### **Fremont County**

Fremont County Commissioners

Mike Stiehl  
District 1

Larry Lasha  
District 2

Ed Norden  
District 3

Address for all:  
615 Macon Ave.  
Rm. #105  
Cañon City, CO 81212  
(719) 276-7300  
Fax: (719) 276-7304

## **Cañon City**

### **Cañon City Government**

#### **Mayor**

William F Jackson  
128 Main St.  
Cañon City, CO 81212  
(719) 269-9011(phone)  
(719) 269-9017 (fax)

#### **City Manager**

Steve Rabe  
P.O. Box 1460/128 Main St.  
Cañon City, CO 81212  
(719) 269-9011 (phone)  
(719) 269-9017 (fax)

### **City Council Members**

Dan Brixey  
300 Cottonwood Avenue  
Cañon City CO  
(719) 275-8531

Keith Hovland  
40 Sunrise Mesa Circle  
Cañon City, CO 81212  
(719) 269-8252 (home)

Catherine Mortensen  
769 Tyrolean Way  
Cañon City, CO 81212  
(719) 275-6418 (home)

Dennis Wied  
2315 East Main Street  
Cañon City, CO 81212  
(719) 275-6645 (home)

Jon P. Stone  
390 Eagle Drive East  
Cañon City, CO 81212  
(719) 429-1364

Jerry Gill (4 year term)  
232 East Circle  
Cañon City, CO 81212  
(719) 275-5028 (home)

## **Local Health Contact**

Fremont County Public  
Health Nursing Services  
172 Justice Center Rd.  
Cañon City, CO 81212  
(719) 275-1626  
(719) 275-4328 (fax)

## **City of Florence**

### **Mayor**

Cindy Cox  
805 E Main St  
Florence CO  
(719) 784-6895  
[cindycox@bresnan.net](mailto:cindycox@bresnan.net)

## **City Council Members**

Ron Hinkle  
601 E 2nd St  
Florence CO  
(719) 784-2366  
[ronhinkle@bresnan.net](mailto:ronhinkle@bresnan.net)

Kevin Bradley  
601 E Main  
Florence CO  
(719) 784-0711

Paul Villagrana  
214 E 2nd St  
Florence CO  
(719) 784-3404

Edgie Walrath  
129 W Front St  
Florence CO  
(719) 784-3598

Roger McFaul  
115 N Frazier  
Florence CO  
(719) 784-3014

Tom Gribben  
706 West 3rd St  
Florence CO  
(719) 784-3505

## **City of Brookside**

### **Mayor**

Ron Fredricks  
1720 Brookside Ave  
Cañon City CO 81212  
(719) 276-9496  
(719) 276-3436 Fax

### **Trustees**

Diane Begrin  
Joe Carochi  
Conrad Lopez  
Tina Tisone

## **Local Media**

### **Newspapers**

#### **Cañon City Daily Record**

Vic Vela  
701 S. 9th Street  
Cañon City, CO 81212  
(719) 725-7565

#### **Pueblo Chieftain**

825 West 6<sup>th</sup> Street  
Pueblo, CO 81003  
(719) 544-3520  
(800) 279-6397  
[pueblo@chieftain.com](mailto:pueblo@chieftain.com)

Tracy Harmon

#### **Pueblo Chieftain**

1012 Bentley Dr.  
Cañon City, CO 81212  
(719) 269-9730 (phone and fax)  
[tharmon@chieftian.com](mailto:tharmon@chieftian.com)

**Rocky Mountain News**

Deb Frazier  
101 West Colfax Ave.  
Suite 500  
Denver, Colorado 80202  
(303) 954-5308  
[frazierd@rockymountainnew.com](mailto:frazierd@rockymountainnew.com)

**Canyon Current**

212 S 5<sup>th</sup> Street  
Cañon City CO 81212  
(719) 275-9131

**Hispania News**

PO Box 15116  
Colorado Springs, CO 80935  
(719) 540-0220

**Denver Post**

Cynthia Pasquale (editor)  
101 West Colfax Ave Ste 600  
Denver CO 80202  
(303) 954-1722  
[cpasquale@denverpost.com](mailto:cpasquale@denverpost.com)

## Radio Stations

### **KRLN/KSTY**

Dennis Bloomquist  
News Director  
1615 Central  
Cañon City, CO 81212  
(719) 275-7488

### **KCCY FM and KDZA FM**

106 West 24<sup>th</sup>  
Pueblo, CO 81003  
(719) 545-2080

### **KCSJ AM and KYZX FM and KGHF**

3305 North Elizabeth,  
Suite A  
Pueblo, CO 81003  
(719) 543-5900

### **KTLC**

1665 Briargate Blvd  
Suite 100  
Colorado Springs CO  
80920  
(719) 593-0600  
(719) 593-2399 (fax)

### **KNKN (Hispanic) KFEL**

30 North Electronic Dive  
Pueblo, CO 81005  
(719) 547-0411

## Television Stations

### **KKTV – Channel 11**

201 W. 8<sup>th</sup> Suite 460  
Pueblo CO 891003  
(719) 542-6247

### **KRDO AM/FM TV**

24 Club Manor Drive  
Pueblo CO 81008  
(719) 544-1312

### **CCTV Government Access Channel 19**

Comments: [cctv@canoncity.org](mailto:cctv@canoncity.org)  
(719) 269-9011

### **KTSC TV Rocky Mountain PBS**

2200 N Bonforte Blvd  
Pueblo CO 81001  
(719) 543-8800

### **KRMX AM (Hispanic)**

2829 Lowell Avenue  
Pueblo, CO 81003  
(719) 545-2884

### **KSTY**

1615 Central Ave  
Cañon City CO 81212  
(719) 275-7488  
(719) 275-7488 (fax)

### **KOAA**

2200 7<sup>th</sup> Avenue  
Pueblo CO 81002  
(719) 544-5781

## Appendix B

# INFORMATION REPOSITORIES

### **A. Information Repository**

Royal Gorge Regional Museum and History Center  
612 Royal Gorge Blvd.  
Cañon City, CO 81215  
(719) 276-5279

Hours of Operation  
Monday 11:00 to 7:00  
Tuesday to Friday 9:00 to 5:00

### **B. Administrative Record (CERCLA and Radioactive Material Licensing)**

Colorado Department of Public Health and Environment  
Hazardous Materials and Waste Management Division  
Records Center, Room 215  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530  
(303) 692-3319

Hours of Operation  
M – F 8:00 – Noon 1:00 to 5:00

### **C. Administrative Record (CERCLA/Superfund only)**

U.S. Environmental Protection Agency, Region VIII  
1595 Wynkoop  
Denver, Colorado 80202-1129  
(303) 312- 6312

Hours of operation  
M – F 8:00 – Noon 1:00 to 4:30

### **D. FACILITY**

John Hamrick, Manager  
Cotter Uranium Mill  
0502 County Rd 68  
Canon City CO  
(719) 275-7413  
john.hamrick@cottercc.com

## **Appendix C**

### **ACRONYMS USED**

AEA	Atomic Energy Act of 1958
AQCD	Air Quality Control Division
ATSDR	Agency for Toxic Substances and Disease Registry
CAG	Citizens Advisory Group
CCAT	Colorado Citizens Against Toxic Waste
CCCR	Colorado Central Cancer Registry
CD	Consent Decree
CDH	Colorado Department of Health (CDPHE's name prior to 1994)
CDPHE	Colorado Department of Public Health and Environment
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Superfund)
CIP	Community Involvement Plan
FCIOC	Fremont County Independent Outreach Committee
EPA	U.S. Environmental Protection Agency
HMWMD	Hazardous Materials and Waste Management Division
Mill	Cotter Uranium Mill
MSHA	Mine Safety and Health Administration
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NPL	National Priorities List
NRC	U.S. Nuclear Regulatory Commission
NRD	Natural Resource Damage
PLS	Preliminary Licensing Statement
PI	Primary Impoundment
PRP	Potentially Responsible Party
RAP	Remedial Action Plan
RS	Responsiveness Summaries
SARA	Superfund Amendments and Reauthorization Act of 1986
SCS	Soil Conservation Service



SI	Secondary Impoundment
Site	Lincoln Park and Cotter Corporation Uranium Mill
TAG	Technical Assistance Grant/Technical Advisory Group
TQM	Total Quality Management

**Appendix D**

**QUESTIONNAIRE**

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**Lincoln Park Study Area Superfund Site**

**Questions for Community Involvement Plan Update Interviews**

Conducted by Marion Galant, DCPHE & Ted Linnert, USEPA  
12/10 & 11/03 Cañon City, Colorado

Interviewee: \_\_\_\_\_

What is your primary source of information about the Lincoln Park Superfund Site? Where else do you get information on the Cotter mill?

Do you have any concerns about the Lincoln Park Superfund Site or the current or proposed activities at the Cotter Mill?

How do you prefer to get information on the Superfund Site and the Cotter mill?

How often would you like to have an update from CDPHE and/or EPA on cleanup issues related to Cotter and the Superfund Site?

Do you make a distinction between the Superfund Site and the ongoing operations/licensing process at Cotter?

Have you been satisfied with the amount of involvement you have had in this process?

If you wanted to attend a public meeting, what locations would you prefer? (rank 3)

Please give us any suggestions concerning making public meetings more accessible (day, time, location).

Do you prefer meetings that are open to all topics, or meetings more focused on specific topics?

What are the most convenient places in your community to post announcement of upcoming public meetings?

If you get some of your Superfund/Cotter information from the newspapers, which newspapers?

Do you get information on the Cotter mill or the Lincoln Park Superfund Site from any other media outlets?

What is your most trusted source of information on Cotter activities?

Are you satisfied with content of the information that you have been receiving from the EPA and the State Health Department?

What contacts have you had with government officials? Have those officials been responsive to your concerns?

What information services could the State Health Department provide you with? EPA?

Would you support the formation of a Community Advisory Board for the Cotter/Lincoln Park Site?

Would you be interested in serving on such a Community Advisory Board if it met once a month?

Have you attended any meetings of Colorado Citizens Against Toxic Waste (CCAT)? What is your opinion of this organization?

Who do you consider the community leaders on the issue of the Cotter mill and toxic waste coming to your community?

Have you attended any of the Public Meetings held during the past 6 months?

Are there other citizens you think we should talk with?

Is there anything else you would like to add?