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Sarah Rae
United States Environmental Protection Agency
Office of Regional Counsel
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2/10/2022

3:41 PM

Received by
EPA Region VIII
Hearing Clerk

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CERCLA-08-2022-0004

DATE: February 7, 2022

REF: ORC-C

From: John F. Starr
151 South Santa Fe Avenue
Pueblo, CO 81006
719-248-0761
jmstarr1227@msn.com

RE: OBJECTION TO LIENS AGAINST PROPERTY
Parcels: 1501400020
1501100003
1501135001

RESPONSE TO EPA

1. All contamination to this property occurred prior to my acquisition of the land.
2. At the time I purchased this land, I did not know and had no reason to know that the property may be contaminated.
3. At the time of purchase, nothing was disclosed about possible contamination.
4. I exercised all due care with respect to hazardous materials from the time of purchase, disturbing nothing where the EPA claims there is hazardous material.
5. When I acquired the property in 1998, I had no knowledge of CERCLA 101 concerning property purchased after May 31, 1997. In fact, if I had not received a letter regarding a lien, I would still have no knowledge of CERCLA, nor would I be expected to.
6. In regard to the thirty foot high pile of slag: two sets of train tracks sit atop that pile, evidence of the railroad right of way owned by the railroad, not by me. This pile resembles the slag dumps on the south end of the steel mill. In that the steel mill's blast furnaces are located about a half mile south and beside the tracks, it is reasonable to think that this was their initial slag dump.
7. I am familiar with slag as I grew up in the Pueblo area and worked at CF&I Steel Mill. Many driveways and parking lots in this area are covered with crushed slag. Slag is also used as a ballast on railroad tracks. I had no reason to believe slag is hazardous as it is used frequently for a number of purposes and can, in fact, be purchased at the steel mill.
8. I did visually inspect the area before purchasing, as any reasonable person would. I recall thinking that the area would be a neat place for neighborhood kids to play. I did not see anything that I would consider hazardous. In fact, there was a lot of green vegetation and signs of deer in the area, suggesting a fertile environment.
9. I disagree with the statement that a reasonable person would look into the history of the land.

Do people buying a house or a commercial building check its history? If I were interested in property in a designated Superfund site, I would definitely check with the EPA first thing. However, at the time of purchase, this property was not a designated Superfund site.

10. I think it is fair to say that 99.9% of people know nothing and have no reason to know anything about CERCLA liability. The only way a person would find out about such liability is if he owns property in a Superfund site and receives a letter from the EPA. It is neither reasonable nor morally fair for the EPA to use CERCLA liability as a means of forcing a landowner to clean up a property that was contaminated by a previous owner.
11. The parcel 1500110003 was purchased in December 1984, prior to CERCLA.
12. As for financial hardship, I have no way of providing a financial statement at this time as I am not currently in Pueblo. Furthermore, Pay Determination requires an estimated cleanup cost prior to my proving financial hardship, an estimation of which I have not received. I assure you, such costs would prove a financial hardship as my sole income is from Social Security and rental income.
13. My Realtor asserts that in his communications with EPA officials, he was always assured that the EPA would cover all costs of cleanup once Phase 2 begins. This is consistent with what was said at the community meetings I attended when that area first drew the attention of the EPA, long after I had purchased the property.
14. Sometime after I purchased the property (maybe 2010), the state did some soil testing and found no elevated levels of lead. Have the standards changed? If so, why?

In light of all these factors, I respectfully request that the Innocent Landowner's Request applies.

Respectfully submitted,

John Starr