

3/3/2022

TO: Rae.Sarah@epa.gov  
Sarah Rae  
United States Environmental Protection Agency  
Office of Regional Counsel  
1595 Wynkoop Street  
Denver, CO 80202

3:26 PM

Received by  
EPA Region VIII  
Hearing Clerk

CERCLA-08-2022-0004

CC: R8\_Hearing\_Clerk@epa.gov  
Talbert.Stephanie@epa.gov

DATE: March 3, 2022

REF: ORC-C

From: John F. Starr  
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**In response to Sarah Rae letter dated Feb. 24, 2022**

- I. I recall talking to someone from either the State or the Pueblo County Health Department and being told that tests showed no levels of lead to be concerned about.
- II. a. 1. As previously stated, I believed that the slag was from the CF&I blast furnace because of its proximity and because of the railroad tracks which run over the top of the slag pile, indicating railroad property.
- II. a. ii. The Title Insurance was part of the closing costs. I do not recall anything about a smelter being said at that time. Their purpose, of course, was to make sure that the title was clear. Because I am currently out of state, I am not able to check on this.
- II. a. iv. The photo of slag that you obtained at Evraz Steel Mill is from their electric arc furnace operation and not slag from the four blast furnaces which were shut down in the 1980's. If you drive south on I-25, you will see Evraz Steel's south slag dump, which is black. It runs parallel to I-25 for about one mile. There is even an alcove formed by molten slag on this slag dump, a alcove quite similar to the one on the railroad property adjacent to my property.

Furthermore, I was no longer employed by CF&I in 1998 when I purchased that parcel. My employment with CF&I ended in 1976 or 1977.

II. b. When I purchased the land in 1998, I wanted only about one acre on the north end. The rest of the land has not been used since it was purchased. I did not see any problem with the slag as it looked like slag from the CF&I blast furnace. I do not believe that any reasonable person would conduct any more site research than I did prior to my buying the land unless that person knew it was an EPA Superfund. I believe that I performed the expected due diligence that 99.9% of the population would perform. Very few people had any reason to know about CERCLA or AA1 in 1998. Furthermore, in reference to the property purchased in 2007, that land is not even close to the slag pile on the railroad property, That land is all fill dirt next to the river, which was re-channeled after the

flood in 1921.

Thirdly, I do not understand the reference to 2016 as I did not purchase any of this property that year.

As I have stated previously, it is neither reasonable nor morally fair for the EPA to use CERCLA liability as a means of forcing an innocent landowner to clean up property that was contaminated decades ago by a previous owner. I do not believe that Congress passed CERCLA to apply to individual ownership of this property. Rather, this act was designed to force large corporations to share in the cost of clean up when they purchase a property with the intent of making a profit while using it or developing the land for resale. Filing a lien against an innocent commercial landowner is discrimination as the EPA has always told all property owners that the Superfund would cover all costs of clean up.