



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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Received by  
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*Sent via electronic mail*

Ms. Stephanie Talbert  
EPA Neutral Official  
Office of Regional Counsel  
U.S. Environmental Protection Agency Region 8  
[R8\\_Hearing\\_Clerk@epa.gov](mailto:R8_Hearing_Clerk@epa.gov)

RE: Colorado Smelter Superfund Site, Pueblo, Colorado  
Superfund Lien – EPA Response to Written Objection

CERCLA-08-2022-0004

Dear Ms. Talbert:

On January 6, 2022, John Starr requested an appearance before a neutral EPA official to present information to support his objection to EPA's intent to perfect a federal Superfund lien on his property that is located within the Colorado Smelter Superfund Site. Please find attached EPA Region 8's written Response to John Starr's written objection.

If you have any questions, please contact me by phone at (303)312-6839 or by email at [Rae.Sarah@epa.gov](mailto:Rae.Sarah@epa.gov).

Sincerely,

Sarah Rae  
Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency Region 8

cc: Christopher Thompson, EPA  
Andrea Madigan, EPA  
Christina Baum, EPA  
Sabrina Forrest, EPA  
John Starr

**Colorado Smelter Superfund Site**  
**Superfund Lien – John and Mary Starr**  
**EPA Response**

**I. Colorado Smelter Superfund Site History**

The Colorado Smelter was a silver and lead smelter that operated in Pueblo, Colorado from 1883 to 1908. EPA listed the Colorado Smelter Site (Site) on the National Priorities List in December 2014 due to concerns about high levels of arsenic and lead in smelter slag (waste from the smelting process) and neighborhood soils. The Site includes the former Colorado Smelter facility, designated as operable unit 2, and residential, commercial, and city-owned properties within a 0.5-mile radius of the former smelter, designated as operable unit 1. Operable unit 2 (OU2) includes building remains from the former smelter and an approximately 700,000-square-foot pile of slag that is up to 30 feet high in some places. A map of the current Site study area can be found at: <https://semspub.epa.gov/src/document/08/100010946>.

**II. Standard of Review**

Section 107(l) of CERCLA provides for the establishment of a federal lien in favor of the United States upon property which is the subject of a removal or remedial action (Superfund Lien). See 42 U.S.C. §9607(l). EPA's 1993 guidance titled "Supplemental Guidance of Federal Superfund Liens" (Lien Guidance)<sup>1</sup> outlines procedure for EPA regional staff to follow to provide notice and opportunity to be heard to potentially responsible parties (PRPs) whose property may be subject to a federal Superfund Lien. The Lien Guidance advises EPA staff to compile a Lien Filing Record that contains all documents relating to the decision to perfect the Superfund Lien and to provide notice to property owners of EPA's intent to perfect a Superfund Lien prior to filing papers to perfect the lien.

The Lien Guidance also recommends procedures for conducting an appearance before a neutral EPA official, if requested by the property owner. Specifically, the Lien Guidance states:

The neutral EPA official should consider all facts relating to whether EPA has a reasonable basis to believe that the statutory elements have been satisfied for the perfection of a lien. In particular, the neutral official should consider whether:

- The property owner was sent notice of potential liability by certified mail.
- The property is owned by a person who is potentially liable under CERCLA.
- The property is subject to or affected by a removal or remedial action.
- The United States has incurred costs with respect to a response action under CERCLA.
- The record contains any other information which is sufficient to show that the lien notice should not be filed.

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<sup>1</sup> Available at <https://www.epa.gov/sites/default/files/2013-09/documents/guide-liens-rpt.pdf>.

**III. EPA has a reasonable basis to believe that the statutory elements have been satisfied for the perfection of a Superfund Lien**

**A. EPA sent a Notice of Potential Liability and Intent to Perfect Superfund Lien letter to John and Mary Starr via certified mail on December 8, 2021**

On December 8, 2021, EPA sent a Notice of Potential Liability and Intent to Perfect Superfund Lien letter to John and Mary Starr via certified mail. On December 15, 2021, John Starr called Beth Archer, the Colorado Smelter Site community involvement coordinator and requested a call to discuss the letter. On December 16, 2021, Beth Archer, Christina Baum, the Site remedial project manager, and Sarah Rae, the Site attorney, participated in a call with John Starr. On January 6, 2022, John Starr submitted a written objection to EPA's intent to perfect a Superfund Lien on his property and requested an appearance before a neutral EPA official.

**B. EPA has reason to believe that John Starr and Mary Starr are potentially liable under CERCLA**

**1. As current owners of property of located within OU2 of the Site, the Starrs are potentially responsible parties under CERCLA Section 107(a)**

Responsible parties under CERCLA Section 107(a) include, among others, owners or operators at the time of disposal of any hazardous substance, as well as current owners or operators. 42 U.S.C. §9607(a). Responsible parties may be held liable for monies expended by the federal government in taking response actions, including investigative, planning, removal, remedial and enforcement actions at and around sites where hazardous substances have been released. *Id.*

The EPA has reason to believe that John Starr is the current owner of parcel numbers 1501100003 and 1501135001 located within OU2 of the Site and John Starr and Mary Starr are the current owners of parcel number 1501400020 located within OU2 of the Site. Hereinafter parcel number 1501100003, 1501135001, and 1501400020 are collectively referred to as the "Properties". Information from the Pueblo County Clerk and Records' Office provides as follows:

John Starr acquired parcel 15110003 from Austin L. Spitzer and Myrtle A. Spitzer by deed dated December 4, 1984;

John Starr III acquired parcel number 1501135001 from the Pueblo Conservancy by deed dated February 26, 2007; and

John F. Starr and Mary L. Starr acquired parcel number 1501400020 from Santa Fe Avenue LLP by deed dated October 26, 2016.

John and Mary Starr do not dispute that they are the current owners of these three commercial properties within OU2 of the Site, the location of the former Colorado Smelter facility. Therefore, the EPA has reason to believe that John Starr and Mary Starr are potentially liable under CERCLA Section 107(a) to reimburse the United States for funds that the EPA expends in addressing hazardous substances at the Site.

## 2. John & Mary Starr did not take the steps necessary to establish the innocent landowner defense

In his objection to EPA's notice of intent to perfect Superfund Liens, Mr. Starr asserts that he did not know the Properties were contaminated when he acquired the parcels and did not cause the contamination. These assertions are not sufficient to establish an "innocent landowner" defense to liability under CERCLA. CERCLA provides liability protection to "innocent landowners" when a party meets the requirements of the CERCLA § 107(b)(3) third-party defense<sup>2</sup> and the criteria in CERCLA §101(35)(A)(i) (innocent landowner defense). 42 U.S.C. §§ 9607(b)(3), 9601(35)(A)(i). To assert the innocent landowner defense, a party must also demonstrate that:

- the contamination occurred prior to the property owner's acquisition of the land;
- at the time the owner acquired the property the owner did not know and had "no reason to know" that the property was contaminated;
- the owner took "all appropriate inquiry" into the previous ownership and uses of the property" in an effort to minimize liability; and
- once the contamination was discovered, the owner exercised due care with respect to the hazardous substances concerned.

See 42 U.S.C. § 9601(35)(A)-(B). A party claiming to be an innocent landowner bears the burden of proving that it meets all the conditions of the applicable innocent landowner liability protection. See 42 U.S.C. §§ 9607(b), 9601(35) (landowners are required to establish each condition "by a preponderance of the evidence.")

- a. It is undisputed that John and Mary Starr failed to make all appropriate inquiry into the previous ownership and uses of the Properties prior to acquiring the parcels in 1984, 2007, and 2016.**

To meet the statutory requirements and criteria of the innocent landowner defense, a person must perform "all appropriate inquiry" (AAI) into the previous ownership and uses of property *before acquiring* a property. CERCLA §101(35)(A)(i),(B)(i). The 2002 Small Business Liability Relief and Brownfields Revitalization Act (the Brownfields Amendments) required the EPA to promulgate regulations establishing standards and practices for conducting AAI. The Brownfields Amendments also established interim standards for conducting AAI that apply depending on the date the property was acquired. For property acquired prior to May 31, 1997, CERCLA provides that a court shall consider the following:

- Any specialized knowledge or experience of the property owner;
- relationship of the purchase price to the value of the property, if the property is uncontaminated;
- commonly known or reasonably ascertainable information about the property;
- obviousness of the presence or likely presence of contamination at the property; and
- the ability of the defendant to detect contamination by appropriate detection.

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<sup>2</sup> CERCLA § 107(b)(3) offers a defense from liability if a person can show, by a preponderance of the evidence, that the release or threat of release of a hazardous substance was caused solely by the act or omission of a third party. The act or omission must not occur "in connection with a contractual relationship," and the entity asserting the defense must show that (a) it exercised due care with respect to the hazardous substance concerned; and (b) it took precautions against the third party's foreseeable acts or omissions and the consequences that could foreseeably result from such acts or omissions.

CERCLA § 101(35)(B)(iv)(I). For property acquired on or after May 31, 1997 and until EPA promulgated AAI regulations, the law requires the use of procedures developed by the American Society for Testing Materials (ASTM), including standard E1527-97 “Standard Practice for Environmental Site Assessment: Phase I Environmental Site Assessment Process.” CERCLA § 101(35)(B)(iv)(II).

The EPA published the All Appropriate Inquiries Final Rule (AAI Rule), setting federal standards and practices for AAI in the Federal Register on November 1, 2005. 70 Fed. Reg. 66,070. The AAI Rule went into effect on November 1, 2006, and is codified at 40 C.F.R. Part 312. It was amended on December 30, 2013, to recognize an updated industry standard practice (ASTM E1527-13) as compliant with the requirements of the AAI Rule. 78 Fed. Reg. 79,319. The AAI Rule was also amended on September 15, 2017, to recognize another industry standard practice (ASTM E2247-16) as compliant with the requirements of the AAI Rule. 82 Fed. Reg. 43,310. The AAI Rule applies to properties acquired on or after November 1, 2006, and requires numerous specific inquiries, including the following:

- Conduct interviews with past and present owners, operators, and occupants within 180 days of and prior to the property acquisition date (40 C.F.R. § 312.23);
- Review historical sources of information (40 C.F.R. § 312.24);
- Review federal, state, tribal, and local government records, including records documenting required land use restrictions and institutional controls at the property (40 C.F.R. § 312.26);
- Conduct a visual inspection of the subject property and adjoining properties within 180 days of and prior to the property acquisition date (40 C.F.R. § 312.27);
- Review commonly known or reasonably ascertainable information (40 C.F.R. § 312.30);
- Conduct a search for environmental cleanup liens and institutional controls filed or recorded against the property (40 C.F.R. 312.25);
- Assess any specialized knowledge or experience of the prospective landowner (40 C.F.R. § 312.28);
- Assess the relationship of the purchase price to the fair market value of the property if the property were not contaminated (40 C.F.R. § 312.29); and
- Assess the degree of obviousness of the presence or likely presence of contamination at the property and the ability to detect any contamination (40 C.F.R. § 312.31).

John and Mary Starr have failed to prove that they conducted AAI into the previous ownership and prior uses of the Properties before acquiring the parcels in 1984, 2007 and 2016. In his objection to EPA’s notice of intent to perfect Superfund Liens, Mr. Starr stated the following:

“When I purchased this land, I did not know that the property was once the site of a smelter. The previous owner said nothing about possible contamination, nor was possible contamination disclosed during the sales transaction. Had I known or been informed about possible contamination, I would never have considered purchasing the property.”

“[t]he previous owner said nothing about possible contamination, nor was possible contamination disclosed during the sales transaction.”

However, John and Mary Starr have failed to provide any information about any specific investigations they may have made regarding the previous ownership history of the Properties. Mr. Starr provided no evidence that he interviewed the property owners who sold the parcels to him or any other previous property owners, as required by CERCLA. The Starrs have failed to document that they visually

inspected the Properties or conducted research into past uses of the Properties prior to acquiring the parcels in 1984, 2007, and 2016, as required by CERCLA and the AAI Rule.

**b. John and Mary Starr had reason to know that the Properties were contaminated**

Knowledge, or reason to know, of contamination prior to acquisition defeats the innocent landowner liability protection. CERCLA §101(35)(A)(i). The presence of contamination on the Properties is apparent based on visual inspection. Upon visiting the Properties in 1984, 2007, and 2016, a reasonable person would have noticed that the parcels include a large portion of the approximately 700,000-square-foot pile of smelter slag that is as high as 30 feet in some places. A reasonable person would have sought out information about the origin of the material and whether the material was contaminated. Appendix A shows that a large majority of the slag pile is located on the parcels owned by John and Mary Starr. Appendix B includes images of the slag pile, and you can see from these images that the pile is made up of dark brown/black, molten-like material. This material is visible to the naked eye upon visiting the Properties and is visibly different from nearby soil/dirt.

Information about the former smelting activities on the Properties was reasonably ascertainable in 1984, 2007, and 2016. Appendix C includes a list of publicly available information about the former Colorado Smelter facility and the Colorado Smelter Superfund Site, such as newspaper articles, a list of EPA’s public meetings in Pueblo, and public webpages. The Indicator, a Pueblo newspaper that operated in the early 1900s, published information about the former Colorado Smelter facility. One of these articles is titled “Busy at the Eilers Smelter<sup>3</sup>” and notes that in 1907 “the new slag dump to the east [of the smelter] ... is continually growing higher and wider, evidence in itself of the work going on at the plant.” The full article is included in Appendix C. John and Mary Starr could have found these articles in 1984, 2007, and 2016 by reviewing historical sources of information, such as the Colorado Historic Newspaper Collection and The New York Times Archives. Appendix C also lists EPA’s public meeting in Pueblo, Colorado that occurred on March 15, 2011 and Present. These meetings often included the EPA, local residents, community leaders, and the Pueblo City Council to discuss the former Colorado Smelter facility and EPA’s plans to address the contamination. More than 20 public meetings occurred before the Starrs acquired parcel number 1501400020 in 2016. Appendix C also includes a list of webpages regarding the Colorado Smelter Superfund Site. One of the webpages listed is EPA Colorado Smelter Superfund Site webpage that was created in 2014. EPA’s webpage describes the history of the Site, EPA activities at the Site, and includes copies of sampling reports that show that there is contamination at the Site. This information was reasonably ascertainable before the Starrs acquired parcel number 1501400020 in 2016.

John and Mary Starr have failed to prove that they meet the requirements and criteria of the innocent landowner defense. EPA has reason to believe that John and Mary Starr are potentially liable with respect to the Site under Section 107(a) of CERCLA.

**3. The Starrs have failed to establish financial hardship**

In his objection to EPA’s notice of intent to perfect Superfund Liens, Mr. Starr asserts that EPA’s perfection of the Superfund Liens would adversely impact his retirement income. While financial hardship is not a defense to CERCLA liability, it is a long-standing EPA policy to resolve the liability of a PRP for a reduced settlement amount where the PRP demonstrates an inability, or limited ability, to pay. To ensure fairness among all PRPs, EPA carefully considers the information provided regarding a claimant’s financial situation in accordance with CERCLA § 122(g)(7) and guided by the Agency’s

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<sup>3</sup> The former Colorado Smelter was also known as the Eilers Smelter.

September 30, 1997, policy on Superfund ATP determinations.<sup>4</sup> The Starrs were advised of this policy in the December 8, 2021 Notice of Potential Liability and Intent to Perfect Superfund Lien letter and were asked to inform EPA if they thought they fit into this category. They did not do so and have not provided any financial information to EPA to support an ability to pay settlement.

#### **4. EPA's Policy Towards Residential Property Owners at Superfund Sites does not apply to the Starrs**

At the December 3, 2022 Initial Status Conference, Mr. Starr informed EPA that he was not aware that he would be required to pay for the sampling and cleanup of his property. Mr. Starr further explained that it has been his longstanding belief that the "Superfund" would be used to pay for the cleanup. EPA believes that Mr. Starr is misinterpreting EPA's Policy Towards Residential Owners at Superfund Sites,<sup>5</sup> which states:

Under this policy, EPA, in the exercise of its enforcement discretion, will not take enforcement actions against an owner of residential property to require such owner to undertake response actions or pay response costs, unless the residential homeowner's activities lead to a release or threat of release of hazardous substances, resulting in the taking of a response action at the site.' This policy does not apply when an owner of residential property fails to cooperate with the Agency's response actions or with a state that is taking a response action under a cooperative agreement with EPA pursuant to section 104(d)(1) of CERCLA. This policy also does not apply where the owner of residential property fails to meet other CERCLA obligations or uses the residential property in any manner inconsistent with residential use.

EPA staff have previously discussed this policy at public meetings regarding the Site, as it relates to the residential sampling and cleanup efforts in OU1. However, this policy does not apply to owners of commercial properties at superfund sites. As explained above, John and Mary Starr are the current owners of three commercial properties within OU2 of the Site. Therefore, EPA's Policy Towards Residential Property Owners at Superfund Sites does not apply to the Starrs.

#### **C. The Properties are subject to CERCLA removal and remedial actions where EPA has incurred costs**

It is undisputed that in response to the release and threatened release of hazardous substances at the Site, the EPA has spent public funds and anticipates spending additional public funds. EPA conducted removal actions at the Site in 2014 and 2017 and listed the Site on the Superfund National Priorities List in December 2014. Based on the human health risks associated with exposure to arsenic and lead, the EPA prioritized sampling and cleanup of the residential properties within OU1 (Community Properties). As of October 31, 2021, the EPA has completed soil sampling at 1,645 homes, indoor dust sampling at 1,096 homes, soil cleanup and restoration at 686 homes, and indoor dust cleanup at 279 homes. EPA estimates that cleanup at residential properties in OU1 will be completed in 2023. The EPA is currently in the early stages of data collection for OU2 (Former Smelter Area). In 2018 and 2019, the EPA conducted air monitoring, surface soil sampling, surface water, pore water, and sediment sampling. Additional sampling of subsurface soils, slag, and groundwater in OU2 is planned. Following completion of the remedial investigation and feasibility study for OU2 and a public comment period, the

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<sup>4</sup> See EPA's "General Policy on Superfund Ability to Pay Determinations" (Sept. 30, 1997), which is available on EPA's website at <https://www.epa.gov/enforcement/guidance-superfund-ability-pay-determinations>.

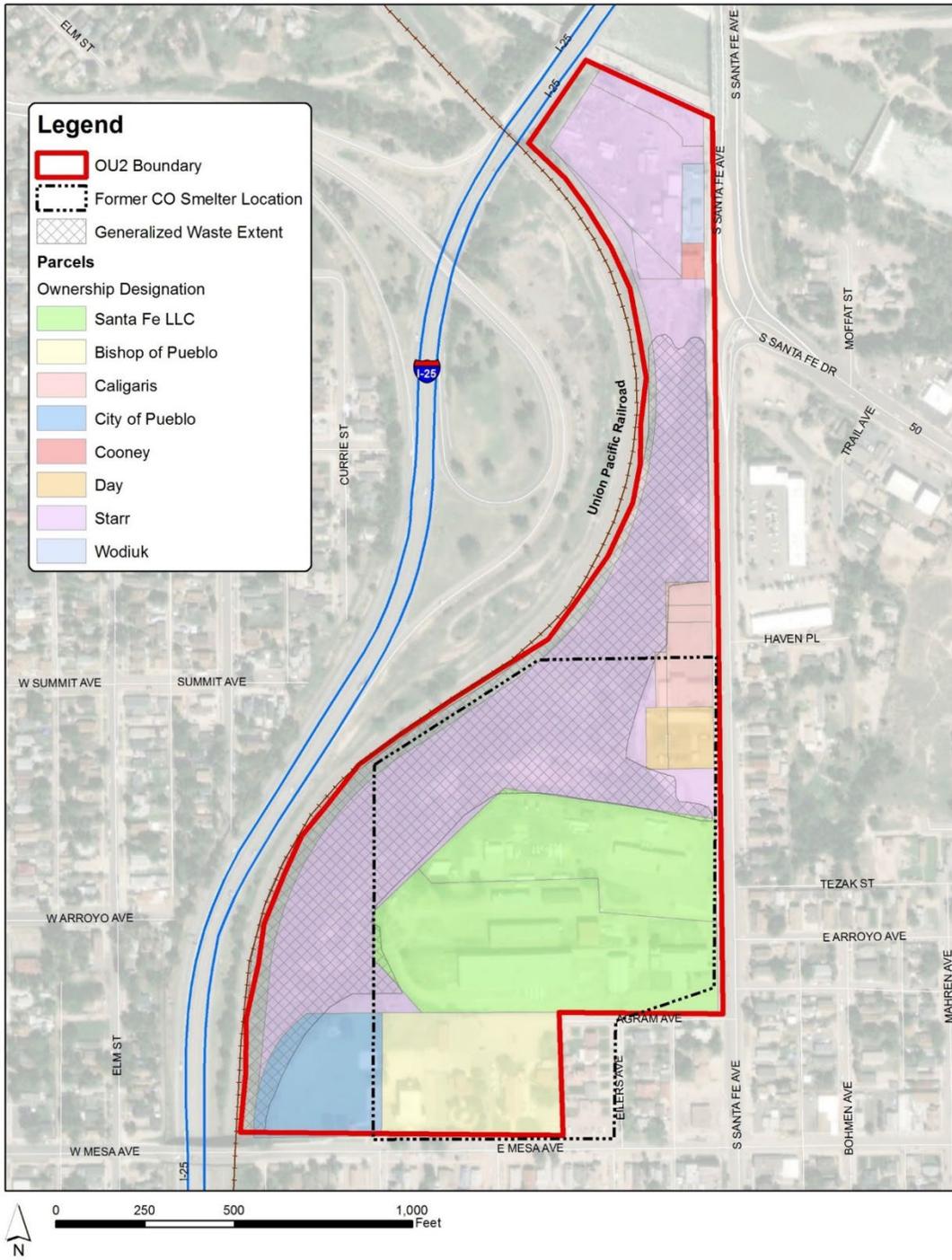
<sup>5</sup> See EPA's "Policy Towards Residential Property Owners at Superfund Sites" (Jul. 3, 1991) which is available on EPA's website at <https://www.epa.gov/enforcement/guidance-owners-residential-property-superfund-sites>.

EPA will issue a record of decision selecting the remedy to be implemented at OU2. A summary of the costs that EPA has incurred at OU2 is included in the Lien Filing Record. An itemized cost summary for the Site is included as Appendix D, which shows that EPA has incurred costs in the amount of \$85,870,199.85 from 10/01/1980 through 06/28/2021.

#### **IV. Conclusion**

After considering all of the information included in the Lien Filing Record, the January 6, 2022 Written Objection, and this Response, the neutral EPA official should find that: (1) John and Mary Starr have failed to prove, by a preponderance of the evidence, that the innocent landowner defense applies, and (2) EPA has a reasonable basis to believe that the statutory elements have been satisfied for the perfection of a Superfund Lien on the Properties.

# Appendix A: OU2 Map



**Appendix B:  
EPA Photos of Slag Material**









**Appendix C:  
List of Publicly Available Information  
Regarding the former Colorado Smelter**

**I. Newspaper Articles**

Newspaper	Article Name	Date
The Indicator	Increased Output	3/24/1990
The Indicator	Pushing Along	6/9/1900
The Indicator	Coates Condemned	10/27/1900
The Indicator	Called Him Down	11/3/1900
New York Times	Big Colorado Smelter Fired Up	12/27/1900
The Indicator	Zinc Mining Promises to Revive Many Old Colorado Silver Camps	5/10/1902
The Ordway Era	Keen Competition Among Colorado Smelters	10/12/1906
The Indicator	Busy At Eilers Smelter	3/23/1907
The Indicator	Removing The Eilers Smelter	9/14/1912
The Indicator	Dismantling of the Old Pueblo Smelter Goes On	3/10/1923

**II. March 23, 1907 article titled "Busy at Eilers Smelter"**

<p><b>MCWILLIAMS &amp; BYRNES</b> 1214 Evans Avenue PUEBLO COLORADO</p>	<p><b>BUSY AT EILERS SMELTER.</b></p> <p><b>Capacity Crowded and New Slag Dump to the East is Growing Higher and Wider All the Time.</b></p> <p>Between 400 and 500 names are on the payroll of the Eilers smelter and this force of employes is able to keep the plant running full blast all the time.</p> <p>Train loads of ore arrive daily and the stock yards are kept full.</p> <p>The new slag dump to the east, and which is reached by means of a \$25,000 viaduct, is continually growing higher and wider, an evidence in itself of the work going on at the plant.</p> <p>From 400 to 500 men working on the three-shift turn are able to produce something worth while.</p> <p>The Eilers, or Colorado smelter, as it is sometimes called is located the nearest to the steel works and adjoining Bessemer, and has within the past three years been greatly improved and modernized.</p> <p>The Pueblo smelter and the U. S. Zinc smelter are also running at full capacity, and the smelting industry in this city was never in a more flourishing condition.</p>	<p>He is a graduate of Columbian University, now Washington University, of Washington, D. C. He is a native of New York State.</p> <p>Mr. Wells is now one of the nominees on the republican ticket for water commissioner of District 2, and has the confidence and will of the taxpayers and voters generally.</p> <p>He will always be found doing his duty as a member of the board, and giving to the people the benefit of his wide experience and ability.</p> <p><b>SOME STATE APPROPRIATIONS</b></p> <p>The Senate Has Recommended the Following Be Made For Various Institutions: . . . .</p> <p>Insane asylum at Pueblo . . . \$20 State reformatory at Buena Vista . . . . . 10 Dependent and neglected children . . . . . 7 State university at Boulder . . 10 Agricultural college . . . . . 4 State normal at Trinidad . . . 4 For old Santa Fe trail . . . . . Cruiser Colorado . . . . . Geological survey . . . . . Thomas Keeley . . . . . 7 Traveling library . . . . . For use in working . . . . .</p>
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### III. EPA Public Meetings from 2011 to Present regarding the Colorado Smelter Superfund Site

Date	Description
March 15-16, 2011	Meeting with local residents, community leaders and Pueblo City Council to discuss the former Colorado Smelter facility and EPA's upcoming public outreach activities
March 28, 2012	EPA Presentation to Pueblo Board of Health
April 30, 2012	EPA Presentation to Pueblo City Council
May 17, 2012	Meeting with Bessemer and Eilers neighborhood residents and Pueblo City Council Representative
June 1, 2012	Mailings to 1000 residents living within ¼ mile of the Colorado Smelter site including site fact sheet, frequently asked questions and the "This is Superfund" community guide
June 11-12, 2012	Large community meetings in Pueblo to discuss the site and potential contaminants
September 2012	Door-to-door survey of residents in Eilers and Bessemer neighborhoods on what they know about the Colorado Smelter site, if they support NPL listing, and to learn about communication preferences. Had a total 175 respondents
January 26, 2013	Attended Pueblo City Council District 4 community meeting at NeighborWorks of Pueblo. Provided site update and inform audience about February Outreach meeting.
February 21, 2013	Two public availability sessions with EPA, the state health department and the Agency for Toxic Substances and Disease Registry (ATSDR) at St. Mary's Church.
April 25, 2013	Public meeting and availability session with EPA, the state health department and ATSDR at St. Mary's Church.
July 23, 2013	EPA, ATSDR, state and local health departments met with local residents and elected officials including Pueblo City Council, Pueblo County Commissioners and state Representatives to listen and discuss Colorado Smelter site data, public health concerns and using the Superfund program to address health risks.
August 26, 2013	EPA and the state health department attends Eilers neighborhood meeting.
December 10, 2013	EPA, state and local health departments, City Council, and Pueblo County Board of County Commissioners public meeting at St. Marys Church to discuss moving forward with letter to the governor's office supporting the Colorado Smelter site to be listed on NPL.
February 27, 2014	Community Advisory Group kick-off meeting to explore interest in community advisory group formation and membership.
May 6, 2014	EPA's Region 8 Administrator Shaun McGrath and U.S. Department of Housing and Urban Development's (HUD) Region 8 Administrator Rick Garcia hold joint community meeting at NeighborWorks of Pueblo. This meeting was to address HUD/Federal Housing Administration (FHA) lending rules and concerns for properties located within and surrounding Superfund sites.
September 9, 2014 – Present	First official Community Advisory Group meeting. Meetings are held on the second Tuesday of each month.

#### **IV. Webpages**

- a. EPA's Colorado Smelter Superfund Site Webpage (created in 2014): <https://cumulis.epa.gov/supercpad/cursites/csinfo.cfm?id=0802700>
- b. CDPHE's Colorado Smelter Webpage for Colorado Smelter pamphlets, fact sheets, forms, and reports (created in 2014): <https://cdphe.colorado.gov/cosmelt/pamphlets-reports>

**Appendix D:  
EPA Itemized Cost Summary  
for the Colorado Smelter Superfund Site  
Costs from 10/01/1980 through 06/28/2021**

## Certified By Financial Management Office

## Itemized Cost Summary

COLORADO SMELTER, PUEBLO, CO SITE ID = 08 UA

FULL COST SUMMARY REPORT - ALL INCLUSIVE - CRP# 176355, 179958, 182335, & 193301  
 COSTS FROM 10/01/1980 THROUGH 06/28/2021

<b>REGIONAL PAYROLL COSTS</b> .....	\$2,952,644.10
<b>HEADQUARTERS PAYROLL COSTS</b> .....	\$63,266.98
<b>REGIONAL TRAVEL COSTS</b> .....	\$143,843.23
<b>HEADQUARTERS TRAVEL COSTS</b> .....	\$10,773.23
<b>ADVISORY AND ASSISTANCE SERVICES (ADAS)</b>	
EASTERN RESEARCH GROUP, INC. (68HERH19D0033) .....	\$110,985.89
<b>ALLOCATION TRANSFER IAG'S</b>	
AGENCY FOR TOXIC SUBSTANCES & DISEASE REGISTRY (ATSDR2015) ...	\$1,820,785.60
AGENCY FOR TOXIC SUBSTANCES & DISEASE REGISTRY (ATSDR2016) ...	\$2,058,860.55
AGENCY FOR TOXIC SUBSTANCES & DISEASE REGISTRY (ATSDR2017) ...	(\$272,296.89)
<b>EMERGENCY REMOVAL CLEANUP (ERC)</b>	
ENVIRONMENTAL RESTORATION LLC (EPS81302) .....	\$545,581.96
<b>ENFORCEMENT SUPPORT SERVICES (ESS)</b>	
TOEROEK ASSOC. INC. (EPR80910) .....	\$76,841.89
TOEROEK ASSOCIATES, INC. (EPS91601) .....	\$43,982.07
<b>ENVIRONMENTAL SERVICES ASSISTANCE TEAMS (EST)</b>	
TECHLAW, INC. (EPW13028) .....	\$32,151.98
<b>INTERAGENCY AGREEMENT (IAG)</b>	
U.S ARMY CORP OF ENGINEERS (DW096959139) .....	\$160,704.12
U.S. ARMY CORPS OF ENGINEERS (DW096959228) .....	\$33,503,366.08
<b>RESPONSE ACTION CONTRACT (RACS)</b>	
PACIFIC WESTERN TECHNOLOGIES, LTD (EPW06006) .....	\$12,851,463.30
<b>STATE COOPERATIVE AGREEMENT (SCA)</b>	

## Certified By Financial Management Office

## Itemized Cost Summary

COLORADO SMELTER, PUEBLO, CO SITE ID = 08 UA

FULL COST SUMMARY REPORT - ALL INCLUSIVE - CRP# 176355, 179958, 182335, & 193301  
COSTS FROM 10/01/1980 THROUGH 06/28/2021

PUEBLO CITY COUNTY HEALTH DEPARTMENT (V96804501) .....	\$722,584.26
PUBLIC HEALTH AND ENVIRON., COLORADO DEPART OF (V96827301) .....	\$459,337.76
COLO DEPT OF PUB HLTH/ENV (V97840101) .....	\$12,501.82
<b>SUPERFUND TECHNICAL ASSIST RESPONSE (ST3)</b>	
URS OPERATING SERVICES INC. (EPW05050) .....	\$16,649.17
<b>SUPERFUND TECHNICAL ASSIST RESPONSE TEAM (STR)</b>	
WESTON SOLUTIONS, INC. (EPS81301) .....	\$150,587.58
COMPUTER SCIENCES CORPORATION (EPW14004) .....	\$133,620.28
<b>TECHNICAL AND ANALYTICAL SUPPORT SERVICES</b>	
COMPUTER SCIENCES CORPORATION (EPW10016) .....	\$176,254.96
ICF INCORPORATED, LLC. (EPW14001) .....	\$1,561.82
SRA INTERNATIONAL, INC. (EPW14020) .....	\$237,785.36
<b>TECHNICAL SERVICES AND SUPPORT (TSSO)</b>	
COMPUTER SCIENCES CORP (EPW06046) .....	\$182.91
PRIMUS SOLUTIONS INC. (EPW11024) .....	\$1,357.53
SKEO SOLUTIONS, INC. (EPW13015) .....	\$135,972.78
ARCTIC SLOPE MISSION SERVICES, LLC (EPW17011) .....	\$11,552.56
<b>CONTRACT LAB PROGRAM (CLP) COSTS</b>	
FINANCIAL COST SUMMARY .....	\$2,144,467.30
<b>MISCELLANEOUS COSTS (MIS) .....</b>	<b>\$217,207.59</b>
<b>EPA INDIRECT COSTS .....</b>	<b>\$27,345,622.08</b>
<b>Total Site Costs:</b>	<b>\$85,870,199.85</b>

## CERTIFICATE OF SERVICE

The undersigned certifies that the attached **RESPONSE** in the matter of **751 South Santa Fe Avenue, City of Pueblo, Colorado; DOCKET NO.: CERCLA-08-2022-0004** was filed with the Regional Hearing Clerk on February 3, 2022.

Further, the undersigned certifies that a true and correct copy of the documents were sent via certified receipt email on February 3, 2022, to:

Respondents

John and Mary Starr  
Email: [jfstarr@icloud.com](mailto:jfstarr@icloud.com)

February 3, 2022

\_\_\_\_\_  
Sarah Rae  
Senior Assistant Regional Counsel  
EPA R8, ORC