

**Transcript of February 22, 2022, Meeting Regarding
751 South Santa Fe Avenue, CERCLA-08-2022-0004**

Attendees:

Stephanie Talbert – Neutral Official
Katherin Hall – Regional Judicial Officer
Kate Tribbett – Regional Hearing Clerk
John Starr – Respondent
Sarah Rae – EPA Attorney
Sabrina Forrest – EPA
Christina Baum – EPA
Andrea Madigan – EPA
Chris Thompson – EPA

1 00:00:19.840 --> 00:00:49.300
2 Talbert, Stephanie
3 OK great well before we get started. I'd like to start recording are proceeding so that I have a record of
4 what we discuss and unlike last time when we were just talking about schedule and process. I am going to
5 have a transcript prepared and basically Microsoft Teams will do that for us, but then we'll read through
6 it, and make sure to correct any. We'll give each of the parties an opportunity to review the transcript to
7 correct anything and then we'll enter that as part of the lean record is that are there any objections to that?

8 00:01:06.180 --> 00:01:10.370
9 Starr, John
10 No, I guess I mean that's part of the process right.

11 00:01:11.350 --> 00:01:12.040
12 Talbert, Stephanie
13 Right.

14 00:01:12.790 --> 00:01:14.210
15 Rae, Sarah
16 No objection from me.

17 00:01:12.890 --> 00:01:13.310
18 Talbert, Stephanie
19 OK great thank you and Sarah for the record could we go through introductions, one more time. I'm
20 starting with EPA and then we'll move on from there.

21 00:01:29.970 --> 00:01:38.170
22 Rae, Sarah
23 Sure and do you want us to turn on our camera Stephanie while we do introductions and then I would
24 propose probably I would just have my camera on when speaking.

25 00:01:39.010 --> 00:01:46.110
26 Talbert, Stephanie
27 Sure, that's fine, but John are you, you're not able to see us is that correct?

1 00:01:44.070 --> 00:01:44.750
2 Rae, Sarah
3 No, that's great.

4 00:01:45.240 --> 00:01:48.390
5 Starr, John
6 No, I'm just on my iPhone only.

7 00:01:48.860 --> 00:01:55.920
8 Talbert, Stephanie
9 OK so optional if people want to turn their cameras on it's fine. But if not, I think that's fine as well.

10 00:01:57.330 --> 00:02:28.920
11 Rae, Sarah
12 Sure, so I'll start for the EPA. I'll go around in the interest of time and just introduce our whole team we
13 have Chris Thompson on, he's the Associate Regional Council for enforcement. We also have Andrea
14 Madigan on who's my immediate supervisor. She's the section chief for our CERCLA Enforcement
15 Section. I have Sabrina forests and Christina Baum. Both of them are our remedial project managers for
16 the Colorado Smelter Superfund site and then myself. I am Sarah and I'm the attorney for the Colorado
17 Smelter Superfund site.

18 00:02:30.440 --> 00:02:57.770
19 Talbert, Stephanie
20 Great thank you and John this is Stephanie Talbert as I mentioned I. I fill in as the regional judicial officer
21 back up to Katherin Hall and so I'm overseeing this informal proceeding today in that capacity and
22 Katherin, though, is on the line as well, and Kate Tribbett is the regional hearing officer and she's also on
23 the line.

24 00:02:59.050 --> 00:02:59.640
25 Starr, John
26 OK.

27 00:03:00.950 --> 00:03:08.560
28 Talbert, Stephanie
29 So with that I will start off by making an opening statement about this proceeding. As we discussed at our
30 last meeting. This proceeding is informal and there are no rules of evidence or provisions of the
31 Administrative Procedures Act that apply. Neither EPA nor the property owner waives any claims or
32 defenses by the conduct of the meeting or the outcome. The sole issue at this meeting is whether EPA has
33 or had, and actually it is has, because EPA has not perfected the lean on this lien on your property,
34 whether EPA has a reasonable basis to believe that the statutory elements for perfecting a lien are
35 satisfied. The meeting will not be concerned with any issues not relating to the proposed perfection of the
36 lien, including but not limited to EPA's selection of a remedy. Or contents of remedy selection documents
37 such as records of decision or action memoranda. The neutral official, me, I will make a recommended
38 decision based on the lien filing record and any new information presented at this meeting weather EPA
39 has a reasonable basis to perfect the lien. But the recommended decision is not admissible as evidence in
40 any future proceeding. Does everyone understand those points?

41 00:04:46.050 --> 00:04:47.150
42 Rae, Sarah
43 Yes, this is Sarah.

1 00:04:46.570 --> 00:04:47.120
2 Starr, John
3 Yep. I believe I do.

4 00:04:51.400 --> 00:04:52.410
5 Talbert, Stephanie
6 Alright, thank you. And before we dive in, I wanted to mention that Mr. Starr, I have your February 7,
7 2022 submission and Sarah I have your February 3, 2022 submission. I also have the notice that EPA sent
8 to the Starrs on December 2, 2021, and the response dated January 25th, 2022. And I have the lien record
9 and I've reviewed those documents for purposes of today and I do have a few questions. But before I get
10 into that do either of you want to say anything at the outset?

11 00:05:47.440 --> 00:05:48.330
12 Rae, Sarah
13 This is Sarah.

14 00:05:47.920 --> 00:05:48.790
15 Starr, John
16 I don't, no.

17 00:05:49.300 --> 00:05:49.940
18 Rae, Sarah
19 Go ahead John.

20 00:05:50.720 --> 00:05:53.190
21 Starr, John
22 No, no, I don't believe I do.

23 00:05:53.940 --> 00:05:59.290
24 Starr, John
25 I mean, I guess. We just go through the process. I at least I don't think I do at this time.

26 00:06:01.490 --> 00:06:06.180
27 Rae, Sarah
28 And this is Sarah. I was going to say we can just go straight to your question Stephanie.

29 00:06:01.770 --> 00:06:02.490
30 Starr, John
31 Go ahead Sarah.

32 00:06:07.220 --> 00:06:09.900
33 Talbert, Stephanie
34 OK great and I will start.

35 00:06:10.670 --> 00:06:14.090
36 Talbert, Stephanie
37 The question is to you Sarah.

38 00:06:14.950 --> 00:06:20.500
39 Talbert, Stephanie
40 It looks like from your filing that you appear to be arguing,

1 00:06:21.410 --> 00:06:42.100
2 Talbert, Stephanie
3 that Mr. Starr has not established the innocent landowner defense because the Starrs had reason to know
4 that the property was contaminated when they purchased the property and did not make all appropriate
5 inquiry into the previous ownership and uses of the property. Those 2 particular elements, is that correct?

6 00:06:43.370 --> 00:06:44.290
7 Rae, Sarah
8 Yes, correct.

9 00:06:44.630 --> 00:06:57.560
10 Talbert, Stephanie
11 OK so not contesting that all contamination occurred prior to the acquisition or that the Starrs exercised
12 due care with respect to the hazardous substances once they knew about, it is that correct?

13 00:06:57.990 --> 00:06:58.49
14 Rae, Sarah
15 Correct.

16 00:06:59.420 --> 00:06:59.960
17 Talbert, Stephanie
18 OK. On page 4 of your submission, you state that the property actually, sorry, let's skip down to a
19 different question. I didn't see in your submission any discussion of the relationship of the purchase price
20 to the fair market value of the property if it was uncontaminated. Do you have any information about
21 that?

22 00:07:47.060 --> 00:08:01.810
23 Rae, Sarah
24 I do not. That was not information that was available. So we focused on the other 4 elements regarding
25 the all appropriate inquiry that CERCLA establishes so that was one that was not discussed.

26 00:08:05.300 --> 00:08:06.030
27 Talbert, Stephanie
28 OK. And then what about what is EPA 's response to number 12 in Mr. Starr's letter? Let me just pull it
29 up. He says I have no way of providing a financial statement at this time, as he's not currently in Pueblo,
30 but also that pay determination requires an estimated cleanup cost prior to my proving financial hardship.
31 An estimation that I have not received. Is there anything outstanding that you need to provide to Mr. Starr
32 before he needs to provide you with proof of financial hardship or a financial statement?

33 00:09:09.280 --> 00:09:39.970
34 Rae, Sarah
35 No, I think that Mr. Starr may be misinterpreting. I'm not sure what he means by a determination, and I
36 think I was assuming that was maybe a typo for an ability to pay determination. I think that's the language
37 that we used in our original notice of potential liability and intent to perfect a Superfund lien, but I don't,
38 we don't need to make a settlement offer to in order to engage in these ability to pay discussions under
39 original letter. We just laid out their procedure for Mr. Starr. They call me or send me an email and put in
40 the title ability to pay settlements. And once they make an individual makes that claim we can send him
41 the list of documentation that he would need to submit to support his ability to pay claim and all that
42 information is needed by the agency to put into we have financial models that help us make these ability
43 to pay determinations. So I think we can move forward if Mr. Starr it seems like wants to claim financial

1 hardship or ability to pay. So long as he just follows the procedure as email me or send me or call me and
2 then I can send in that list of documentation that he would need to submit to me to support his claim.

3 00:10:28.820 --> 00:10:29.490
4 Talbert, Stephanie
5 OK.

6 00:10:30.500 --> 00:10:36.050
7 Talbert, Stephanie
8 Mr. Starr would you like to respond to that? Are you prepared to submit the required information once
9 Sarah sends you the list?

10 00:10:45.530 --> 00:10:59.690
11 Starr, John
12 Yeah. I may not be able to write at this time because I don't have, I don't know what all would be
13 involved. But yeah, I would do that. And where I got the idea was in reading through a bunch of this stuff
14 in the original response that was sent to me. It seemed like I read something in there that you couldn't get
15 that set up, it couldn't be determined until the time that there was a cost analysis there. And but no, I
16 could try to do something like that, and you know to show that I'm not capable of paying that, but it may
17 have to be sometime later after I get home in April, which isn't that far off I guess.

18 00:11:44.640 --> 00:11:45.180
19 Talbert, Stephanie
20 OK.

21 00:11:44.710 --> 00:11:47.660
22 Starr, John
23 And I would like to add hopefully that, I'm trying to say that, I'm hoping that I am considered an
24 innocent landowner and that this doesn't have to go any further than today.

25 00:12:05.450 --> 00:12:15.540
26 Talbert, Stephanie
27 OK, well, it does sound like Sarah's prepared to send you a list of information, she would need from you
28 to establish financial hardship so to the extent you can do that, from where you are that sounds like that's
29 what you would like to do.

30 00:12:25.520 --> 00:12:28.950
31 Starr, John
32 Well, I will try to do it, some more on that yes.

33 00:12:30.040 --> 00:12:30.630
34 Talbert, Stephanie
35 OK. Moving on then to number 6 and 7 of Mr. Starr's letter. Sarah do you have any response to his
36 statements that he did not know that the slag was hazardous because it's used in various ways in Pueblo?

37 00:12:59.470 --> 00:13:00.760
38 Rae, Sarah
39 Yep, sorry I was on mute. Yes, so in his response I just want to point out that I wasn't aware that Mr. Starr
40 previously worked at the CF&I Steel Mill, which is nearby to the Colorado smelter site. And I think this
41 goes to when you're trying to determine whether they had reason to know the prong that discusses like
42 any specialized knowledge of the property owner. So EPA believes because he worked at this steel mill

1 and was familiar with this crushed slag as he mentioned that is actually sold at the steel mill that that's
2 distinct from this slag that we're seeing at the Operable Unit 2 slag pile on that. We've discussed before
3 that 700,000 square feet can be as high as 30 feet tall in some areas. The crushed slag, which is a
4 byproduct of the CF&I steel mill. That's a steel manufacturing plant is different than the Colorado
5 Smelter, which was a silver and lead smelter. Slag material that you're seeing in the slag pile and you can
6 see that from different photos of this slag material. The crushed slag and it's really light in color and
7 almost like a light gray and very porous. We have some photos that we could include for everyone to take
8 a look at including the lien filing record if that would be helpful.

9 00:14:26.760 --> 00:14:56.670

10 Rae, Sarah

11 To compare it to and, I think in Appendix B in my response, we have photos of the slag pile. That's in
12 Operable Unit 2 specifically on the Starr's parcels. It's really dark brown, almost black in appearance, and
13 it's molten like and this would just be because slag is just a general term that's used for waste product
14 from smelting steel manufacturing, but it really depends what goes into the furnace is what goes into the
15 smelters of what you get out as this slag material. So we believe that Mr. Starr, when visually inspecting
16 the property before purchasing the parcels, he would have seen this slag material and it's visually different
17 from the CF&I slag that's crushed and sold to be used. I believe he said in like driveways, and certain
18 properties.

19 00:15:23.880 --> 00:15:28.450

20 Talbert, Stephanie

21 OK, thank you, Mr. Starr would you like to respond to those points?

22 00:15:33.930 --> 00:16:04.640

23 Starr, John

24 Yes, I would. The crushed slag that you're talking about is gray and that process is coming from the
25 steelmaking at CF&I and that's the slag that's coming off the steelmaking part where they refine steel. So
26 slag I was referring to there was from the blast furnaces, which are no more. They tore down, there were 4
27 blast furnaces and if you stood on the northern bridge and looked right into see if nice property, right now
28 they stripped down all the wood and everything that was in that area, but I believe there's still one stove
29 standing there. But there were 4 furnaces there and that's approximately a half a mile south of this
30 location we're talking about and that's the slag I'm very familiar with because they also have a slag, or it's
31 like dump, on the south end of town where I used to live. I grew up on the south end of town, in the 2700
32 block on Spruce Street. And as a kid we used to go up on the slag dumps and just walk for fun, something
33 to do. And that slag is black and looks like a molten-type substance exactly like what is there by that
34 railroad track, and that's why I just assumed that it probably was the original dump for the blast furnaces,
35 because of their close proximity, and then as they got the area filled up, for some other reason they went
36 south. And then I do know that later they were dumping that molten slag on the west side of the mill and
37 you could go on the east side of the mill. And they had a crushing operation down there and I happen to
38 know the guy that was crushing the slag and they would sell that to the railroads. And that slag, again,
39 was from the blast furnace and it was black because there was coal involved in it, and it was basically
40 they were just making iron. And, in fact, we used to go out there at night and you could see them dump
41 the molten slag out of those pots and it was quite a spectacular view. I mean, it's just all this orange stuff
42 glowing. You can go investigate the slag dump to the south of the mill. And you can see it very well from
43 I-25 and it's just as black as anything could be, and I don't know that you could get that down where they
44 crushed it there on the east side.

1 I could take you up on that slag dump and show you that that it looks very familiar, very much similar to
2 the slag that is there. And that's why I just assumed that that was probably their original dump site when
3 they started the mill because of its close proximity and it was convenient to dump it right off the tracks.
4 There the tracks are right next to the blast furnace.

5 I guess maybe I should have stated that a little bit better, but the crushed slag that we, what you see today
6 that they sell - that is from steel production and that's from the refining of the steel and that does have a
7 gray texture. But they used to also sell that black slag, which is used as ballast along all the railroad
8 tracks. You could buy that too a long time ago, from the operator that was crushing the slag down there.

9 00:19:42.550 --> 00:19:45.280

10 Talbert, Stephanie

11 OK, thank you and let me see if I can summarize what you just said. It sounds like Sarah says that the
12 crushed slag that you used to be able to, or that you can buy and that is used around the city of Pueblo is,
13 a byproduct of the steel mill and that it is different than the smelter slag in color and in texture. And that
14 you would have known the difference between the two and would have seen the black slag when you
15 visually inspected the properties prior to purchasing them. So, in response, you seem to be saying that
16 one, you're very familiar with slag both from the smelter and from the steel mill because you grew up in
17 Pueblo and used to go up on the slag dumps, including one that was black and appeared molten like the
18 pile on your property, is that right?

19 00:21:01.210 --> 00:21:08.620

20 Starr, John

21 Correct, yeah, and that slag is definitely from the blast furnace, which at the blast furnace they took,
22 basically they brought in coal and they refined that into coke by burning off all the impurities and then
23 they added that to the iron ore that they brought in and now went in the blast furnace. And then it was
24 melted down and that was the slag that came off of there and they dumped that in these big pots and then
25 they would take it out and dump it off the edge of the railroad tracks.

26 00:21:35.730 --> 00:21:45.470

27 Talbert, Stephanie

28 OK and I think you also said that you used to be able to buy the black slag as well as the gray is that
29 correct?

30 00:21:46.040 --> 00:21:52.310

31 Starr, John

32 I'm almost positive of that because I know the guy back in the, before they tore down or they stopped
33 making iron. They used to always make iron for making their steel. Then they refine the iron into steel.
34 Now they all they do is they melt scrap to make steel, but back then, when they made iron. There was a
35 guy down there and he was crushing the slag for the railroad. And you could actually go down there and
36 buy slag from him. Of course, this was back in probably, this I'm just guessing they shut down the blast
37 furnace to somewhere in the 80s or I'm guessing back in the 80s, somewhere in that area, when they
38 finally shut those down. But, you know, I know, people were going down there and buying that slag from
39 them. Also, they would basically buy the fines down there, but granted that slag is probably could have
40 been a darker color.

41

42 Yeah, I'm not positive on that part but I know that it was the stuff. They sold to the railroad definitely had
43 a dark color to it, and you can look along any railroad track where there's slag and that's the ballast and
44 that's pretty much came a lot of it came from CF&I from their ironmaking process. Yeah, I do agree that

1 the slag that's coming from the steelmaking process now is definitely gray in color and it's like a sharp
2 glass, busted up, crushed into a gray in it, but it is more of a gray color. I hope I'm clear on the one hand.

3 00:23:48.950 --> 00:23:49.480

4 Talbert, Stephanie

5 OK. Yes, thank you. So at any point, when you were growing up, or as you, prior to purchasing the
6 properties, did you become aware that people had stopped using the black molten slag because of you
7 know concerns about our health concerns?

8 00:24:23.000 --> 00:24:31.560

9 Starr, John

10 So I have never been aware of people not using that slag because of health concerns. I, that's something
11 I've never been aware of. And now I can't understand that. Since the slag that came from the smelter,
12 there is lead in it. I mean, there was smelter in the lead and silver. I guess is what I later found out after I
13 attended the EPA meetings, which was, you know, way after I bought the property. That's when I first
14 became aware that there was a harmful substance called lead in that slag. But like I say, I always just
15 assumed that that slag came from the blast furnaces. Because I'm very familiar with it because I grew up
16 in the area and, you know, there was slag all over and I just never thought of anything different. And like
17 I say, I do know the operator that was crushing slag on the east side of the mill for the railroad. They also
18 sold fines to people that just came and bought it for whatever purpose they used it for. And I, so that's
19 why I am somewhat familiar with the slag. But you know, I just I had no idea that there was a smelter
20 there until...

21 00:25:45.560 --> 00:25:46.080

22 Talbert, Stephanie

23 OK.

24 00:25:56.720 --> 00:25:59.690

25 Starr, John

26 ...the EPA became involved with that up there.

27 00:26:03.140 --> 00:26:05.710

28 Talbert, Stephanie

29 You had no idea that there was a smelter.

30 00:26:07.220 --> 00:26:07.740

31 Starr, John

32 No.

33 00:26:07.250 --> 00:26:08.400

34 Talbert, Stephanie

35 Near your property.

36 00:26:09.300 --> 00:26:19.270

37 Starr, John

38 I didn't know that there was smelter there prior to me buying it. Nothing was mentioned when I bought
39 that property. And like I say, when you walk it, there's only a few places where this slag really shows and
40 as far as that 30-foot pile of slag, I mean that, to me, it obviously was dumped off the top and can I just
41 assume that? When growing up on the south end of town, you could see the slag and I just assumed that
42 that slag came from the blast furnace and they were dumping it there, and probably processing it there

1 until they ran out of room or something, and they decided to move it. It was just logical to me that that
2 was probably the case. I never even thought about it. And I mean, it was just my first thought that that
3 was probably from the CF&I when they first opened up because of its close proximity to the blast
4 furnaces. Because the dump on the south end of town is quite a bit further from where the location of the
5 blast furnaces are and then they dump on the east side of the mill as it's definitely farther from the blast
6 furnaces. So that's why I just assumed that that came from the blast furnaces. When they originally started
7 the mill, I did know that the mill owned a lot of property at the time.

8 00:27:53.490 --> 00:27:54.100

9 Talbert, Stephanie

10 OK. Sarah do you have any response to that or are you ready for me to move on to my next question?

11 00:28:02.390 --> 00:28:12.850

12 Rae, Sarah

13 I think I just want to tie it up. My initial response as that, clearly, Mr. Starr has familiarity with what slag
14 is and especially the CF&I slag. That he just would have noticed that one that he was seeing slag in
15 Operable Unit 2 on the parcel before he purchased it if he visually inspected it but that a reasonable
16 person would have gone beyond just seeing it, relying on his specialized knowledge or familiarity with
17 slag to just assure themselves that OK, this is safe, there's not a problem. EPA believes that there is
18 additional information that was reasonably ascertainable if reasonably ascertainable commonly known
19 information. Some for example, he could have looked at newspaper articles dating back to like the 1900s.
20 It talked about the Colorado Smelter and how it was a lead and silver smelter. That the slag pile existed
21 because of the Colorado Smelter. He could have, I think those newspaper articles that we did find where
22 in the New York Times Archives and the Colorado historic new newspaper collection. A reasonable
23 person could have also done a title search to figure out or even talk to their employer at CF&I to see if
24 they owned the property previously at OU2 if that was the steel mill's slag. Also, he could have contacted
25 an environmental consultant. That's reasonably ascertainable to inquire about slag that would be
26 associated with the lead and silver smelter. I just, EPA believes that there's additional steps that have
27 reasonable person would have taken from just seeing this slag, especially having specialized knowledge
28 about slag and then it's a waste product from an industrial process.

29 00:29:47.860 --> 00:29:58.080

30 Talbert, Stephanie

31 Thank you and that actually ties into my next question, which is what evidence of contamination, not just
32 the presence of this slag was available to Mr. Starr or Mrs Starr prior to 2011 when EPA held the first
33 public meeting?

34 00:30:12.330 --> 00:30:43.760

35 Rae, Sarah

36 Sure, yeah, and I was going to make that point to that all 3, there's 3 parcels that are owned by the Starrs
37 and I believe they were acquired one in 1984, one in 2007 and then one in 2016. So what available
38 information was reasonably ascertainable at the time is going to be different for each parcel but I can start
39 with the 1984 one. As I said, there are newspaper articles that date back all the way to 1900s. They talk
40 about the Colorado Smelter and its operations. I did look at one of those articles specifically that
41 mentioned the growth of the slag pile up that was associated with the Colorado Smelter and was talking
42 about how business is booming in this slag pile continues to grow. Also I would say he could have, he
43 could have reached out to an environmental consultant to inquire just about properties of lead and human
44 health hazards associated with lead exposure. He could have also reached out to CDPHE or EPA to see if
45 they had any information on this slag pile. Although the site wasn't listed until 2014 and we did start

1 having public meetings in 2011. CDPHE had done some sampling in the early 1990s, so I think 1991 and
2 1992. So that was an option as well to reach out to those agencies.

3 Maybe something else that comes to mind, too, is commonly known information about lead if Mr. Starr
4 was able to do a title search or see these newspaper articles that show that the Colorado Smelter was a
5 lead smelter in the 1970s and 1980s. There were national discussions about the human health risks
6 associated with lead exposure to. Examples are lead being phased out of gasoline starting in 1975 as well
7 as lead being banned in paint around 1978.

8 00:32:10.870 --> 00:32:13.800

9 Talbert, Stephanie

10 OK, thank you and is that part of the lien record?

11 00:32:15.700 --> 00:32:39.570

12 Rae, Sarah

13 So the newspaper articles are. This new argument about commonly known information about lead and
14 like letting gasoline and lead in paint, that is not in the lien record. I was going to include that since I
15 didn't have a do a response to Mr. Starr's response if you wanted additional information. I can include
16 that in a written follow up following this appearance.

17 00:32:43.140 --> 00:32:44.830

18 Talbert, Stephanie

19 OK, I think that would be helpful. OK. It's looking at page 15 of your submission, Sarah. What is the first
20 date that Mr. Starr would have received a mailing about contamination on the site?

21 00:33:13.540 --> 00:33:33.630

22 Rae, Sarah

23 I'm actually not sure off the top of my head. I'm looking at page from scrolling down sorry to page 15. I
24 think I only listed here. This is like a list of all the public meetings we held. I don't think I included any of
25 the like dates that the fact sheets went out because I know we have a lot of fact sheets that would
26 advertise the public meetings where occurring.

27 00:33:18.440 --> 00:33:18.700

28 Talbert, Stephanie

29 Sure.

30 00:33:34.500 --> 00:33:37.170

31 Rae, Sarah

32 I would have to look into that further to answer that question.

33 00:33:38.430 --> 00:33:39.040

34 Talbert, Stephanie

35 OK. And where were the fact sheets advertised?

36 00:33:45.140 --> 00:33:58.930

37 Rae, Sarah

38 So I have familiarity since I've joined the case team that will advertise I know they've done door-to-door
39 or sometimes emails have been sent out to advertise for the CAG Community Advisory Group meetings
40 that are held once a month. Our fact sheets are posted on our Colorado Smelter Superfund webpage as
41 well, but prior to 2014 when the website went live, I'm not sure how we distribute distributed them so I'd

1 have to talk to our community involvement coordinator who handles that and see, prior to 2014, how that
2 information and the fact sheets were disseminated.

3 00:34:24.800 --> 00:34:25.320

4 Talbert, Stephanie

5 OK. And then I think I interrupted your flow of what evidence of contamination would have been
6 available at the time of purchase? I think we were on 1984 but then I think you were going to continue.

7 00:34:45.010 --> 00:34:58.600

8 Rae, Sarah

9 Oh sure so I think the newspaper articles I spoke of would have been available in 1984. These newspaper
10 articles date back to 1900 also would have been available in 2007 and 2016. These public meetings as you
11 can see they started in 2011, so that would be a publicly available information applicable to the 2016
12 parcel that was acquired. A title search, I think at any of the years that each of these 3 parcels were
13 acquired in 1984, 2007 and 2016. It was reasonably ascertainable to do a title search and discover who the
14 property owners were beyond just talking to the individual that you're purchasing the parcel from you can
15 look back further. I think that would have revealed that there was a former smelter on the property or was
16 owned by a smelting company. Additionally I think consulting and environmental consultant that was an
17 option dating for as far back to 1984 as well so for all 3 of the parcels that were acquired at those 3
18 different dates and environmental consultant would have been able to help answer some questions,
19 especially if an individual visually inspected the properties saw this slag material had some questions
20 about the origin of the slag material or whether the material was contaminated the option to talk with to
21 an environmental consultant was available for all 3 of those years. As well as I said reaching out to
22 Colorado Department of Public Health and Environment, CDPHE, or the EPA. That was an option in
23 1984, also was an option in 2007 and 2016. As I said, CDPHE, the state had done some sampling at the
24 site in of the slag pile in the early 1990s, 1991, 1992. They actually issued, a part of the lien filing record,
25 you see this 2008 site assessment report and that was actually done by CDPHE and just discuss is the slag
26 pile samplings elevated levels of heavy metals. That was a 2008 report, which references back to their
27 1990s sampling so reaching out to CDPHE was also an option as well for the 2007 and the 2016 parcels

28 00:37:16.160 --> 00:37:16.730

29 Talbert, Stephanie

30 OK. Thank you. Do you have any case law or other support for the position that a reasonable person
31 would have done a title search and that would have been enough to? For example, contact an
32 environmental consultant or start asking CDPHE or EPA for information about the parcels?

33 00:37:45.800 --> 00:37:55.840

34 Rae, Sarah

35 From my research, and then I had one of the law clerks helped me, I wasn't able to find any case law
36 directly on the point. I'm happy to look further of what the innocent land or defense all appropriate
37 inquiry dating back like anything prior to the AI rule and any specific examples that were like on this
38 exact subject. So I don't have anything I can present now. I'm happy to look further into it. And if I do
39 find something submit it following the appearance. But I did look into this and had some support from our
40 law clerk as well, looking into the issue and we weren't able to find anything that like went into detail of
41 the innocent landowner defense. It was really very high level. Whether it applied or not, and not getting
42 into the test and the elements.

43 00:38:34.190 --> 00:38:35.490

44 Talbert, Stephanie

1 OK, thank you. OK, that that is, it for questions for EPA, I can move on. Two questions for Mr. Starr
2 unless anyone has anything to say at this point.

3 00:38:54.410 --> 00:38:55.550
4 Rae, Sarah
5 Nothing for me at this point.

6 00:38:56.150 --> 00:38:56.630
7 Talbert, Stephanie
8 OK. Great. So, Mr. Starr I think it might be helpful to start with whether you did conduct a title search for
9 any of the parcels you purchased.

10 00:39:11.230 --> 00:39:13.700
11 Starr, John
12 No, I did not because, I mean, I purchased the property mainly because I wanted a small section down on
13 the very north end of that property and, no. Nothing was stated I knew nothing about lead, zinc or lead
14 and silver smelter being there at one time. I just assumed like anybody. I mean, how many people actually
15 do a title search before they buy a piece of property? You buy a house or a commercial building. I don't
16 believe anybody goes out and does that title search to see who owned it before. There's really no reason to
17 that I can think of. But if I knew the property was in a Superfund I would be talking to the EPA before I'd
18 even consider buying it. I mean, if there's a piece of property with Superfund; there must be a problem.
19 But here's a piece property, I may want to buy. Maybe I should be talking to the EPA and other people
20 and doing some research before I want to buy this property, but back then I had no reason to. I don't
21 believe a reasonable person would even do any more research. I mean, like, I say you buy a house. You
22 don't research into who owned it before or the property or was there contamination on this property.
23 There's property to the west of Pueblo that now sits on what used to be the city dump site and I'm sure
24 people buying property out there don't do research into that this property was on a city dump site. They
25 probably just buy the property. I mean, they developed houses out on there with no concern. I don't know
26 what else I could say about that. I just don't think it's reasonable to expect somebody to do a search on a
27 piece of property. However, if the property had been on a former gas station, I would think my common
28 sense would say because I know people that had gas stations and they've had to dig out their tanks and
29 have soil removed because oil or gas had leaked into the ground. I think then common sense would tell
30 you maybe you ought to be checking and seeing if there is still any contamination on this property and is
31 there anything else involved, and you would check with the health department or something to make sure
32 that it is clear. But like I say, I didn't see anything on that property that concerned me about any real
33 contamination. So probably the only contamination I see up there at the present time is from all the
34 homeless leaving their trash there. That's the contamination I see there, at this time.

35 00:42:40.920 --> 00:42:42.780
36 Talbert, Stephanie
37 Right and did you?

38 00:42:42.280 --> 00:42:43.850
39 Starr, John
40 I don't know.

41 00:42:44.850 --> 00:42:54.420
42 Talbert, Stephanie
43 OK, so the do you mean to say also that you didn't search any local, state, or federal records or
44 newspapers?

1 00:42:55.390 --> 00:42:58.830
2 Starr, John
3 No, I didn't. Again, like I say, I don't think 99% of the people who are buying property do any research
4 into. That property, be it residential property or even a commercial property, however, with the exception
5 of, if I was buying a property that I knew a gas station was on I would probably want to do some research
6 into it. Because I do know that they've had to dig out tanks to replace them and there could be
7 contamination in there.

8 00:43:31.720 --> 00:43:32.240
9 Talbert, Stephanie
10 Uh-huh.

11 00:43:32.010 --> 00:43:44.240
12 Starr, John
13 Well, the other thing I don't know why, why would it be expected for me or any other person to do
14 research into the sale before you buy a property?

15 00:43:45.660 --> 00:43:47.320
16 Talbert, Stephanie
17 Did you have a realtor?

18 00:43:49.000 --> 00:43:59.570
19 Starr, John
20 No, I actually bought it from a realtor and the realtor approached me about buying it because I own
21 adjoining property. And at that time, you know, he they were trying to sell another piece of property up
22 on Northern Avenue had a billboard sign on it, and I just at the time wasn't interested in it, because I
23 could see that it sets on a parking lot and I just figured it would be a maintenance headache to go up there
24 and clean up the trash every now and then. However, with today's knowledge, I could see that the
25 billboard sign probably brings in a pretty good income and maybe the headache of having to clean up
26 some trash every now and then it wouldn't be so bad. But I chose not to buy that piece of property. I just
27 wanted a small piece of the property that was next to me, when the realtor had, in fact, approached me
28 about it. And, again, that Realtor never mentioned anything about a smelter or any contamination or
29 anything being there.

30 00:44:56.570 --> 00:44:59.900
31 Talbert, Stephanie
32 Did that the realtor discussed the slag pile at all?

33 00:45:00.860 --> 00:45:03.940
34 Starr, John
35 No, you did not, he just said, so you know, this is the property and it was part of what was known as the
36 Newton Estate. And there used to be a lumberyard up there where Cecil Brown owns that property to the
37 south of mine and all those buildings that used to be a lumberyard. And I can remember Newton
38 Lumberyard and you know always said it was part of the Newton estate. This piece of property and, in
39 fact, I had bought a little triangle down there that I had fenced in after a survey was done on the property.
40 I have my shop on, I found out that that piece of property that I had fenced in, I really did not own. So I
41 did at that time, I got hold of my attorney at that time, we got hold of the owners, which was part of the
42 Newton estate and we bought that little triangle piece of property for a couple hundred dollars. Just so that
43 I had it within in my fence line and, of course, I had to have a survey done on that to take care of that. But
44 again, there was nothing said at that time about that being on property that was formerly a smelter. I just

1 knew it was property from the Newton estate, which I knew was part of the lumberyard up there, and as
2 far as I knew that, you know, the lumberyard was started on virgin ground up there. I didn't know
3 anything different. Had no reason to know anything different. I just figured that had been there forever.
4 Since the early 1900s or maybe 1800s, but I did not know for sure.

5 00:47:01.580 --> 00:47:07.070
6 Talbert, Stephanie
7 OK and did you have been an attorney for the purchase of all 3 of the parcels?

8 00:47:07.900 --> 00:47:22.640
9 Starr, John
10 I had an attorney for the one parcel which was a little triangular corner I bought down in, it would be the
11 southwest corner of the property. I originally bought it and I believe it was 1984.

12 00:47:07.990 --> 00:47:08.350
13 Talbert, Stephanie
14 Ah.

15 00:47:23.300 --> 00:47:27.240
16 Starr, John
17 I did have an attorney involved with that because at that time I was making payments to the party that I
18 bought that property from. So we had to kind of buy that property into the name of the owner that I was
19 making payments to and then that's all. That was kind of transferred to me at a later date as I paid off that
20 property.

21 00:47:52.340 --> 00:47:57.170
22 Talbert, Stephanie
23 OK, so it's sounds like other that you were just...

24 00:47:52.780 --> 00:47:53.240
25 Starr, John
26 In there. And there was.

27 00:47:58.270 --> 00:48:01.650
28 Talbert, Stephanie
29 dealing with the realtor on your own is that right?

30 00:48:01.590 --> 00:48:18.680
31 Starr, John
32 Yeah, I dealt with the realtor and of course, there was a title insurance company involved in that too. They
33 probably did some research into the title. But just to make sure that it was a clear title is probably all the
34 research they did.

35 00:48:24.250 --> 00:48:26.820
36 Talbert, Stephanie
37 OK, did you ask anyone about the prior use of the parcel? Talk to or interview any the neighboring
38 landowners?

39 00:48:41.190 --> 00:48:44.120
40 Starr, John
41 No, no, I don't believe. I did not know of any of the other landowners at that time. I did not personally

1 know of any. I do know landowners there now but at that time, I did not. When I purchased that, no. I
2 may have known anyone up there at that time when I purchased it, but I'm not sure. But, no, I did not
3 interview any of the landowners because I really didn't feel I had any reason to interview anybody at that
4 time. Again, like I say, I don't believe most people get involved with doing research on the land before
5 they buy property. Other than if I had I known what I know today. Anybody that would want to buy it
6 definitely is referred to the EPA because it is definitely in a Superfund site which would, you would I
7 mean, common sense would tell you. You better check into this and see what's going to be done here. But
8 you know, I just don't believe it's reasonable to expect people to research something like that, unless you
9 could see something obvious that would throw a signal of contamination. But to me, contamination I
10 think of being oil spills or chemical spilled such as the Rocky Mountain Arsenal in Denver. Or what's the
11 other one up there where they had the, they made the triggers for nuclear bombs? Rocky Flats. That
12 would that naturally would trigger something to you. And that would be property that I wouldn't even
13 consider buying and I do know that Rocky Mountain Arsenal because I had an uncle that work there. That
14 property has all been developed and I believe it's being used today as commercial property. And I could
15 be wrong on that, but that I do know that on the property they had the nuclear waste. They would haul a
16 lot of that off because I saw it going down the highway and as far as I know that's been cleaned up and
17 made into a park or something I believe. I could be wrong on that, too. But again, I would not consider
18 buying property like that.

19 00:51:25.320 --> 00:51:25.830

20 Talbert, Stephanie

21 OK. Well, prior to purchasing the 3 parcels that you purchased in 1984, 2007 and 2016, did you purchase
22 any other real estate in Pueblo?

23 00:51:43.790 --> 00:51:46.150

24 Starr, John

25 Oh yeah, residential property. Oh, and another thing that I would add on the one piece of property, the
26 original one, the one I purchased in 1984, that property I can remember as a kid. That is all fill dirt. I can
27 remember as a kid. My dad worked at the ART, American Refrigeration Transit, they repaired
28 refrigeration cars right behind where the baseball park is now, Runyon Field, And I can remember going
29 down there to pick him up with my mother in the early 50s and I remember we would bring him home.
30 We've had come across the big green bridge and immediately take a right hand turn and go down the
31 road, and I-25 was not there at that time, and you would go under the railroad tracks. I remember there
32 was a tunnel there and it was a one lane. You had to honk your horn before you entered because two cars
33 couldn't go through, and then you came out up on Abrindel, and that was a road and I definitely remember
34 kind of going down in the bottom there. And then you would come out over there. And then somewhere
35 in the late 50s, they filled all that property in. And I remember they had to haul dirt in from somewhere.
36 They filled all that property in that I own now. And there was actually a trucking company storing pipe
37 there. And the pipe was produced at CF&I. And they were storing pipe there and then shipping it out of
38 there so all that property in that one parcel is fill dirt now. If there's contamination on it, I don't see how
39 there could be because I'm sure they hauled in dirt from other places, and I have heard that in the past
40 after I bought that property that there used to be a bunch of old cars and stuff that were buried down in
41 there. And old rusty cars that were abandoned down in that gully. And then they just filled in over that.
42 And that is the one parcel of property that I bought in 1984. And I don't know if any contamination could
43 be on that.

1 00:54:09.700 --> 00:54:10.080
2 Talbert, Stephanie
3 OK.

4 00:54:15.870 --> 00:54:16.780
5 Starr, John
6 Other than, I'm finding out today, you got dust contamination that came from whatever happened up
7 there.

8 00:54:27.880 --> 00:54:29.270
9 Talbert, Stephanie
10 OK and do you have any information about what the purchase price of each of these parcels was versus
11 what the fair market value we would have been at the time if they were not contaminated?

12 00:54:47.170 --> 00:54:52.170
13 Starr, John
14 No, I do not. I do, I can't recall right now, what I paid for that big piece of property that is such a concern
15 and back then it was, if I remember right, it was \$11,500.00, that's what I paid for that piece of property,
16 which amounted to, like, I want to say, there's 14 or 15 acres in there.

17 00:55:15.080 --> 00:55:18.160
18 Talbert, Stephanie
19 Did you think that was a good deal, fair price?

20 00:55:19.190 --> 00:55:23.860
21 Starr, John
22 You know at that time, I believe that was just a fair market value. I think I wanted to buy it for less. But
23 they wouldn't accept less naturally. I mean, everybody tries to buy everything for less. And the only thing
24 that made it appealing to me was that there were 3 billboards signs on that property, and it pretty much
25 paid the taxes. And actually there was a little bit of income that came off the off of the one sign since
26 then. They've torn down 2 of the signs and there's only one left there. But I would say that was probably a
27 fair market value on that property and, of course, right now there's not a whole lot of value in that one
28 main piece property because there's really only roughly one to one and one half acres that could be
29 developed.

30 00:56:20.150 --> 00:56:20.750
31 Talbert, Stephanie
32 OK. Alright and what about for the other parcels do you remember? What you paid for them and what you
33 thought of the price at the time?

34 00:56:30.070 --> 00:56:36.840
35 Starr, John
36 Oh yeah, I do own the one big property, I bought in 1984. It seemed like I'd paid like \$160,000.00 for it.
37 Which would seem like a lot of money at the time. But I'm sure that had to be. I wouldn't have bought it if
38 I didn't think it was a fair price. And the other small piece, you know it was, it was a couple hundred
39 dollars because it was such a small piece of property.

40 00:57:16.590 --> 00:57:17.120
41 Talbert, Stephanie
42 Update.

1 00:57:20.750 --> 00:57:29.870
2 Talbert, Stephanie
3 Anything else you'd like me to know about your background in real estate, particularly in Pueblo?

4 00:57:31.320 --> 00:57:36.060
5 Starr, John
6 That's pretty much it. I would think, I mean, other than I, at one time, I owned some rental property on the
7 south end of Pueblo because when I was working out the mill I thought that would be a pretty good deal.
8 And I had some rental property, but I did sell all that off because when things got slow at my shop, I had
9 to make payments on properties, so I had to get rid of the rental property, so I can make payments. And
10 that would be about the extent. I had the rental property before and of course, my residential property that
11 I live in and that's about it.

12 00:58:19.280 --> 00:58:19.890
13 Talbert, Stephanie
14 OK. And anything else from anyone before we talk about next steps.

15 00:58:28.790 --> 00:58:34.550
16 Rae, Sarah
17 Stephanie this is Sarah I just like to make just a few additional points before we wrap up. I know we're
18 running short on time.

19 00:58:35.330 --> 00:58:35.800
20 Talbert, Stephanie
21 Sure.

22 00:58:36.640 --> 00:58:41.710
23 Rae, Sarah
24 I just want to remind everyone that the burden of proof is on the Starrs to prove that they performed all
25 appropriate inquiry. That's one of the elements. They're seeking to avail themselves of the innocent
26 landowner defense. I know a lot of times we were talking about whether John Starr was required to do a
27 title search or required to hire an environmental consultant. But I just want to make sure that we're
28 understanding that CERCLA does not require that individuals have to do these things upon selling or
29 purchasing property. It's in the unique instance, where an individual may have liability under CERCLA
30 and then they're trying to avail themselves of this innocent landowner defense. They then have the burden
31 to prove that they did perform all appropriate inquiry prior to acquiring the parcels. I also want to just
32 note that these are industrial and commercial properties or parcels different from residential, so they had
33 previous or prior industrial or commercial uses. And doing all appropriate inquiry in CERCLA it says all
34 appropriate inquiry into previous ownership and property uses so it's really looking whether, like, the
35 information the Starrs have submitted satisfy what it means to perform that analysis. In the last point is
36 just making distinction between the 2 different tests for when and it when we're deciding whether all
37 appropriate inquiry into these previous ownership from property uses is satisfied for the 1984 parcels.
38 CERCLA points us to 5 factors because all appropriate inquiry rule was not in place at the time. But for
39 the 2007 and 2016 parcels. We have the pretty prescriptive all appropriate inquiry rule which would
40 apply, and I believe there's 9 plus very specific prescriptive factors that an individual or company would
41 need to comply with or prove that they complied with, so EPA believes when you're looking at either of
42 these tests the one that would apply to the 1984 parcel or the parcels that were purchased later and have to
43 meet the AI rule. The information that the Starrs have submitted do not satisfy either of those tests.

1 01:01:02.150 --> 01:01:03.230
2 Talbert, Stephanie
3 OK thank you. Anything else from you, Mr. Starr?

4 01:01:08.390 --> 01:01:12.310
5 Starr, John
6 Why I really can't think of anything else. It's just, like I said, I, when I bought the property, I mean, I had
7 absolutely no idea that there was a lead smelter there. I just assumed that all that slag over there came
8 from CF&I. I think if you look at the slag pile to the south of the mill, you'll see it's very similar, looks
9 just like what's there, and I would have no reason to believe anything else so, yeah. If that is the only
10 pollution, this slag, I just would have no reason to think that that was not from the mill. It just like
11 common sense to me to think that that would have been from there. And I could see no other pollution on
12 there. I don't know what else what else to say.

13 01:02:17.410 --> 01:02:17.710
14 Talbert, Stephanie
15 Yep.

16 01:02:22.400 --> 01:02:28.370
17 Starr, John
18 My realtor and the EPA had always said that in the meetings that I attended, the EPA was going take care
19 of everything. And now all of a sudden I should know about this law that says I'm responsible and I just
20 don't even think it's reasonable for anybody to know about that law. And I think I stated that in one of my
21 statements, in the letter that you have possession of. I think it's number 10. I mean, you know, I just don't
22 think it's even reasonable for anybody to think that they could be held responsible. And why would they
23 know about that law? I say unless you were property owner you would never, never know about that. And
24 I think that's filled out in number 10 on my statement that I don't think we need to go into that, or I don't
25 need to go into that anymore.

26 01:03:25.910 --> 01:03:26.500
27 Talbert, Stephanie
28 OK. Thank you. Yeah, I do see that here at number 10 in your letter. Does either Party want to file
29 anything additional after today before I make the recommended decision?

30 01:03:50.740 --> 01:04:15.990
31 Rae, Sarah
32 Stephanie, this is Sarah. So I just haven't my notes things. I think we had talked about that aren't currently
33 in the lien filing record and I think that was photos of the crushed slag and then I think statements I had
34 made on the first instance today talking about commonly common knowledge about lead. Did you want
35 me to include those in their written submissions so you have all of that in writing?

36 01:04:16.870 --> 01:04:18.530
37 Talbert, Stephanie
38 Yes, that would be great thank you. And Mr. Starr would you like an opportunity to respond to that?

39 01:04:26.110 --> 01:04:30.730
40 Starr, John
41 I don't really know how I would respond to it. I think what I have, the way I have responded in this

1 conversation which you have recorded, I think, pretty well sums up my belief on this slag. Do you agree
2 with me with what I have said?

3 01:04:49.050 --> 01:04:58.460
4 Talbert, Stephanie
5 So what might be a good idea is we'll have Sarah submit her additional materials. Let's see, Sarah, how
6 much time do you think you would need for that?

7 01:05:03.920 --> 01:05:16.680
8 Rae, Sarah
9 I can have that, but as I'm like, what day is today Tuesday? By the end of the week, on Friday. Since I
10 already have the photos of the crushed slag. It's just 2 photos and then it would just be putting into writing
11 from my notes of common knowledge about....

12 01:05:09.710 --> 01:05:10.160
13 Talbert, Stephanie
14 Sure.

15 01:05:17.350 --> 01:05:20.430
16 Rae, Sarah
17 ... lead in the 1970s. So Friday, should be.

18 01:05:19.940 --> 01:05:20.180
19 Talbert, Stephanie
20 OK. OK and then Mr. Starr if you want to file something in response, you can decide once you've seen
21 what she submits and so you could file something by, how about March 4th, does that work for you?

22 01:05:31.570 --> 01:05:32.080
23 Starr, John
24 OK. Yeah, possibly, yeah, we might be able to do something.

25 01:05:41.540 --> 01:05:41.960
26 Talbert, Stephanie
27 OK.

28 01:05:44.060 --> 01:05:45.130
29 Starr, John
30 Let's see what is sent and, also, I'm just kind of curious, so what are the acceptable levels of lead? I
31 assume that's in parts per million. I'm just trying to see anybody have an answer for that.

32 01:06:03.130 --> 01:06:14.700
33 Rae, Sarah
34 So, I could respond just generally. So we don't have an acceptable level of blood lead levels. But we do
35 have an Operable Unit 2 preliminary screening level for lead that is 800 ppm. And from what we've
36 sampled so far through EPA sampling since 2015, we've seen specifically to lead and that's not the only
37 constituent we're looking at, anything ranging between 1290 ppm up to 13,300 ppm so. The range varies
38 between instances, it's dramatically above that preliminary screening level for lead, which is 800 ppm.

39 01:06:44.880 --> 01:06:52.490
40 Starr, John

1 OK, I'm curious where it approximately, where are you getting those real high numbers. Is that up on that
2 slag pile?

3 01:06:54.140 --> 01:07:25.190

4 Rae, Sarah

5 During this was something too. And so I think previously we had submitted a map to you, Mr. Starr, that
6 kind of shows you where we've taken some soil samples and like compared that to the preliminary
7 screening level and then we highlighted in yellow where you will see exceedances of that level. I don't
8 believe that's in the lien filing record, that was just shared with Mr. Starr. Previously, I think in December
9 of 2021. So I'm happy to resubmit that as a part of my written response that will be submitted by Friday,
10 so that everyone can see that map and it points to where the sampling was taking and then where you see
11 the exceedances.

12 01:07:33.110 --> 01:07:37.100

13 Starr, John

14 Is that? What is that the one that's appendix A, OU2 map?

15 01:07:38.060 --> 01:08:01.850

16 Rae, Sarah

17 Nope, that that is actually different map. So I think appendix A and my response that just shows
18 ownership of like who owns each parcel within operable unit 2. This would have been an email, I believe
19 from Christina Baum, the remedial project manager. It sent separately so just for ease and that everyone
20 has the same information. I think I should just resubmit that map to Mr. Starr and to Stephanie as well.

21 01:08:02.670 --> 01:08:04.860

22 Starr, John

23 OK, well, I'd appreciate that because I may have that in an email somewhere, but I do not recall it off the
24 top of my head right now.

25 01:08:11.980 --> 01:08:12.310

26 Rae, Sarah

27 Sure.

28 01:08:15.220 --> 01:08:31.530

29 Talbert, Stephanie

30 OK, that sounds like it would be helpful. So Sarah I will submit that with the other information by the end
31 of this week. On Friday the 25th and then Mr. Starr, if you would like to respond, it's optional, but you
32 may respond by March 4th which is the following Friday. Anything else from anyone?

33 01:08:36.500 --> 01:08:37.170

34 Starr, John

35 OK.

36 01:08:38.530 --> 01:08:55.240

37 Rae, Sarah

38 I have one additional question. I apologize. I know we're over on time. For the financial hardship or
39 ability to pay there's a list of financial documents that Mr. Starr would need to submit. Should I submit
40 that as a part of my written response, so everything so in place or should I just email that directly to Mr.
41 Starr?

1 01:08:38.850 --> 01:08:39.670
2 Talbert, Stephanie
3 I would be fine with you emailing that directly to Mr. Starr because I don't know that it really pertains to
4 the basis for your lien ...
5 01:09:05.720 --> 01:09:06.090
6 Rae, Sarah
7 OK.
8 01:09:05.980 --> 01:09:12.650
9 Talbert, Stephanie
10 ... perfecting your lien unless you disagree with that, but I think that's a separate question.
11 01:09:12.910 --> 01:09:13.440
12 Rae, Sarah
13 I agree.
14 01:09:16.630 --> 01:09:17.190
15 Talbert, Stephanie
16 OK.
17 01:09:17.960 --> 01:09:24.500
18 Talbert, Stephanie
19 Great well, thank you everyone for joining and hanging on a little extra at the end here, so appreciate it.
20 01:09:25.710 --> 01:09:26.600
21 Rae, Sarah
22 Thank you everyone.
23 01:09:27.440 --> 01:09:28.250
24 Talbert, Stephanie
25 Take care.
26 01:09:27.610 --> 01:09:28.640
27 Starr, John
28 Alright well, thank you.
29 01:09:29.450 --> 01:09:30.670
30 Rae, Sarah
31 Have a great night, thank you.
32 01:09:29.580 --> 01:09:30.180
33 Talbert, Stephanie
34 Thank you.
35 01:09:30.880 --> 01:09:31.360
36 Talbert, Stephanie
37 Bye.

CERTIFICATE OF SERVICE

The undersigned certifies that the attached transcript in the matter of 751 South Santa Fe Avenue, CERCLA-08-2022-0004 was sent via certified receipt email on April 18, 2022, to:

Respondent

John and Mary Starr
jfstarr@icloud.com

EPA Region 8

Sarah Rae
Enforcement Attorney
Office of Regional Counsel

April 18, 2022

Kate Tribbett
Acting Regional Hearing Clerk