

Lincoln Park/Cotter Superfund Community Advisory Group
August 25, 2011 Meeting
Minutes

In attendance:

Community Members: James Meacham, Donna Murphy, Carey Jacobs (KRLN Radio), Rachel Alexander (Daily Record), Paul Carestia, Sharyn Cunningham, Carol Dunn, Jeri Fry, Cathe Meyrick, Anita Minton, Gail Palmgren, Gloria Stultz, Gary Sanders Sr.

Fremont County: Mike Stiehl

Canon City Council: Pat Freda

CDPHE: Jeannine Natterman, Steve Tarlton

EPA: Fran Costanzi, Jennifer Lane

FCIOC: Angela Bellantoni

Moderator:

Kay Hawklee

I. Public Comment:

Kay Hawklee:

Read CAG Mission Statement, EPA definition of CAG, EPA CAG home page description of CAG, Asked for open membership to CAG that is not tied to an organization. Hawklee suggested an agenda item of: What does the Community want for clean up?

Gary Sanders Sr.:

Employee of contractor for Cotter with firsthand knowledge of operations at the mill. He asked who approved dumping of Hydrogen Peroxide into Primary Impoundment (PI) that caused smoke and fumes to rise? Sanders gave his phone number to Steve Tarlton/CDPHE. Tarlton said he would have someone from CDPHE call Sanders. Sanders expressed concern for safety of himself and other employees at Cotter. He is paid \$12/hour. Spoke of large concrete pieces going into PI with rebar sticking out, wondered if it was going through liner? He has been told Cotter is working toward a new mill to be built in 2014; but expressed opinion that Cotter should be shut down. Sanders said he is worried about the chemicals going into the PI. Ammonia tanks going into PI this week. Explained about all of the protective gear he had to wear when pushing Colorado Raffinates into the Primary Impoundment (PI). Expressed concerns for what's going on at site and the risk to employees' health.

Jeri Fry:

Expressed surprise and concern that there was a License Amendment #53, adopted Sept. 2010, and there was not public notification at the CAG for 11 months. Fry expects information of this type to come forward at CAG.

II. General Meeting:

a. CAG Business:

1. Membership and Recruitment Discussion:

a. Confusion as to who is member and how voting takes place.

- b. Mike Stiehl suggested Consensus model. Model has choices such as: 1). Like & All in favor, 2). Generally opposed, 3). Dislike. Those who dislike may voice a strong negative opinion and write a dissenting opinion.
- c. EPA urged review of other CAG bylaws, procedures, and agreed to provide this CAG some “best in class” examples from other CAGs. EPA will search for funding for advertisement, and notification of upcoming CAG Meetings with the objective of getting participation from the larger community. EPA urged a larger, more diverse community membership.
- d. **Pat Freda suggested that if you are a member of the community you have a right to be a member of the CAG.**
- e. **CAG consensus that this is an agreeable definition of “membership”; namely if you are a member of the community you have a right to be a member of the CAG, and a right for your individual voice to be heard, no matter your affiliation.**
- f. EPA expressed that their agency is a guest of the Community at the CAG meetings.
- g. **Tabled:**
 - i. How does CAG decide if a meeting should be cancelled?
 - ii. Develop method of electronic consensus
 - 1. Streamline our “Reply All” email response list
 - iii. Meeting Frequency

b. CDPHE Updates. Steve Tarlton presentation:

- a. **Tarlton Action Item: Email handout to entire CAG.**
- b. Tarlton said Cotter has been talking to CDPHE about pilot testing Mount Taylor Mine (MTM) ore by Heap Leaching method. The MTM is flooded and shut down.
- c. Jim Meacham: Stated the fact that MTM already contaminated the water source for the Laguna Pueblo. That is a matter of history.
- d. Tarlton: Didn’t know anything about that. He said Cotter has expressed the idea of MTM building a mill in New Mexico. Until the New Mexico mill was built, they would ship ore to Cotter for processing to be able to make some money. It would be a major process like before with meetings. But nothing had been submitted to CDPHE at this point in time.
- e. Discussion that Cotter is proposing a “pilot test” of leaching the MTM ore on the SI at Cotter. Unkown if this is part of existing license or would entail an amendment?
- f. **Questions to be answered: Is pilot testing allowed by Cotter license?**
- g. Carestia Question: How will Cotter meet the HB-1348 criteria for that license application, and how CDPHE intends to enforce the statutes resulting from HB 1348?
- h. Tarlton: CDPHE required to follow the letter of the law.

- i. Carestia Question: Don't they have to submit a license amendment by the end of the year?
- j. Tarlton: Cotter has to submit a license [amendment-renewal application](#) by the end of the year. Cotter has been reminded that they need to do that. Will require a public process.
- k. Fry: Request for clarification, last thing on first page, re: "Request regarding Primary Impoundment pH (July 21) Approved Aug 11? Have you approved them not testing the PI?
- l. Tarlton: Yes.
- m. Carstia: Isn't pH an important factor in the impoundments?
- n. Tarlton: Not now. It was when operating required to neutralize it. Now all they are discharging into the impoundments is the surface and groundwater that they collect.
- o. Several Community Members ask: What about that Hydrogen Peroxide?
- p. Tarlton: And all the Decommissioning materials that they collect?
- q. Cunningham: That's acid.
- r. Tarlton: It's a base.
- s. Cunningham: Asked if Hydrogen Peroxide raises pH?
- t. **Question to be answered: Who approved allowing Hydrogen Peroxide into PI? Is it an oxidizer?**
- u. Group discussion on giving Cotter employees and contractor employees the contact info for CDPHE.
- v. Stiehl Question: Inquired about AS-210 Thorium Soil Study Northwest of Golf Course?
- w. Tarlton: Cotter determined that it was the black material washed out from under roadbed. Speciation pending. NW corner of Golf Course, drainage that crosses. South on Oak Creek grade after hill on left. AS-210.
- x. Stiehl: Some paving operation?
- y. Tarlton: Cotter says the Thorium was used in paving materials.
- z. Hawlee Question: Asked if Thorium is typically used in paving materials?
- aa. Tarlton: Paving companies will use whatever cheap [granual-granular](#) material they can obtain. If it was a slag-type material can concentrate what is in material. This area has a lot of natural Thorium which is possible to have been concentrated. Why we asked for speciation.
- bb. Fry: When?
- cc. Tarlton: Don't know. Demonstrated to our level of acceptance. It was not dumped there from a truck going down the road.
- dd. **Question to be answered: Speciation of thorium to obtain knowledge of source?**
- ee. Hawlee—as moderator: Request for Tarlton to go through his sheet item by item.

- ff. Tarlton: Don't have much more to say: Financial Assurance: We've received comments and continuing to look at those. Continuing to negotiate with Cotter on RAP surety.
- gg. Carestia Question: Has Cotter agreed to the additional \$1.6 M, and have they paid it already?
- hh. Tarlton: They have not appealed that decision at this point. Sept. 5th to 7th, they have to make that payment.
- ii. Cunningham Question: Once they make the payment, is it a done deal?
- jj. Tarlton: No we are still looking at the comments and figure out if there needs to be an additional adjustment based on that. I wanted to get the additional money because it takes 60 days. Had I waited we'd still be 60-90 days out from getting that money.
- kk. Carestia: mediation when?
- ll. Tarlton: believe next week.
- mm. Stiehl: binding?
- nn. Tarlton: With a judge but not binding.
- oo. **Question to be answered: Amount of bond after mediation?**
- pp. Tarlton: Comprehensive Reclamation Plan and Strategy: We did not like that very much. We will be responding to this and looking at schedules. Soil remediation plan, will be requiring additional characterization on that.
- qq. Carestia: We want to complement you on that.
- rr. Tarlton: Thank you. We've been working on that for a while.
- ss. Reclamation plan, Cotter having to revise the basic plan, then once we agree, they'll have to go back and redo the appendices. One meeting with them, another scheduled, but don't know when it is?
- tt. Carol Dunn Question: Is this in any way moving toward Decommissioning and the way that decommissioning is structured? Is this and the appendices going toward that at all?
- uu. Tarlton: The Soil Remediation Plan actually does talk about the cleanup levels in soils. Asking for additional characterization. Reclamation Plan for closing the Impoundments. The 2005 plan assumed the Impoundments were full. We also didn't like the original reclamation plan. Withdrew the 2nd and going back to the 1st. Details needed to be worked out.
- vv. **Questions to be answered: There was general confusion as to which reclamation plan has been approved and is being used. Confusion as to what Decommissioning Plan is being used. When public hearings will be held for all the different pieces of all the cleanup plans, or if there will only be one public hearing for Decommissioning and Reclamation?**
- ww. Tarlton: That's what the Reclamation Plan is: The 1,000 year closure.

- xx. Cunningham Question: “Contamination Conceptual Model and Site Characterization” dated 8/12/2011 that, actually, is part of the Decommissioning Plan, isn’t it?
- yy. Cunningham Question: Soil, water, impoundment? All under Decommissioning?
- zz. Tarlton: Yes, but it may not just be one document. It’s all under decommissioning.
- aaa. Cunningham Question: Why is it being done that way? In 2003, they had one document. 2005, revised with that title. Now split up into all these parts? Very, very confusing? Will you have a public hearing for each part? When?
- bbb. Tarlton: If we can’t combine them? Yes. We have a bunch of stuff going on this fall and this winter. Then we’ll have a formal public process. Like the license renewal.
- ccc. Cunningham: End of December triggers 30-days?
- ddd. Tarlton: Yes, 30 days, Then if it’s complete and we accept it. We have 45 days to the 1st public meeting.
- eee. Tarlton Action Item: Stated that on the trip to Canon City, they had discussed developing a more comprehensive schedule for public involvement for this fall and this winter. Has not figured that out yet.**
- fff. Cunningham Question: It will all be done before we ever get a public meeting on it?
- ggg. General CAG Discussion on what is Decommissioning and What is not. What matters? And what doesn’t?
Community members raised alarm at buildings being put into the Primary Impoundment that is leaking. Would the site be able to be turned over to DOE? Discussion on: What is a final remedy?
Community members brought up fact that headlines in the Daily Record say that Cotter Mill is Decommissioning. Does it give the public the wrong information?
Community members stated that they wanted mill to be Decommissioned in the best way possible, not the fastest way possible. Community members stated that they wanted to have their voices heard as part of the process of “how” the mill was being Decommissioned.
Community members stated that they did not want to “micro manage” the small details, but to be included in large decisions.
- hhh. Carestia Question: Phil Egidi had stated it would take up to potentially 50 years to dewater impoundments, but it is only 2 years since he said that? What is going on here? How can the PI be in closure, with no radon flux measurements being taken, and up to 50 years required before a permanent cap can be placed on the impoundment?
- iii. Tarlton discussed pushing and squishing water out of the PI tailings and possibility of using wicking or active pumping.

jjj. Tarlton: Cotter must demonstrate certain level of dryness on SI before adding more dirt. Cap is an engineered structure—radon barrier, keep water out, animals out. At Rifle there are cobble stones 6 ft. tall. Not best way. Vegetative barriers work better—plants use water aiding in evaporation.

kkk. Cunningham asked how many times per month CDPHE visits site?

lll. Tarlton—approximately once/month.

c. Tarlton slides :

a. Buildings demolished-placed in PI

b. Chemicals to be gotten out of building to be stabilized. Meaning neutralize, solidify—All to go in PI.

d. Fry photos of impoundments being closed.

III. Next Agenda:

Paul Carestia volunteered to develop an ongoing Agenda framework, which hopefully could be used and reused for many CAG meetings to come. His proposal will be submitted to the CAG e-mail distribution group within the week following this CAG Meeting. It was assured that the next CAG meeting agenda would be submitted to Agencies in a timely manner so that they may prepare. And the agencies could always respond on some agenda items that there is insufficient time to adequately prepare an agenda response.

IV. Adjourn: 9:49

*Next Meeting Date: September 22, 2011

Note taker: Kay Hawkle

CDPHE Status Report
Cotter/Lincoln Park Site
August 25, 2011

Financial Assurance

Annual License Financial Surety Review

License surety Annual Review posted on website
Require additional \$1,262,117; credited \$3,557,438 in work
completed/ongoing for total of \$17,962,117

Comment to Steve Tarlton

Received from CCAT, Dennistons and Hawkslee; in review

RAP surety negotiation ongoing; mediation scheduled *next week*

Major Documents

Comprehensive Reclamation Plan and Strategy (June 17)

Cotter's conceptual design letter had fatal flaws such as lack of a timeline and did not mention critical items, such as a leach circuit.

The Dept response is pending

Soil Remediation Plan proposed 3/20/11

CDPHE responded 5/13/11; Cotter reply 7/29/11

CDPHE (8/12/11) requested additional characterization of Mill area for conceptual model; plan due November 8

Update of Reclamation Plan for the Primary and Secondary Impoundments (March 2011). CDPHE commented; Cotter revising, but appendices revisions will occur following acceptance of revised cover concept

Appendix B – Hydrology (June 2011)

Appendix C – Erosional Stability Analysis (May 2011)

Appendix D – Radon Emanation Modeling (June 2011) - Dept. will revisit plan when cap design finalized

Appendix E – Cover Infiltration Analysis (June 2011)

Appendix F – Cover Borrow Material Evaluation (June 2011)

Appendix G – Erosion Protection Material Evaluation (June 2011)

Appendix H – Technical Specifications for Tailings Impoundment Reclamation (July 2011)

Appendix I – Dewatering Plan (May 2011) comments under development

Appendix J – Settlement Monitoring Plan (June 2011)

Annual report (July 15)

review is complete; approval letter pending

Projects

Impoundment Closure

heap leach operation – Mt. Taylor pilot testing discussed

radon flux testing – EPA requirement

Impoundment leakage

Monitoring continues; reviewing data

Request regarding Primary Impoundment pH (July 21)

Approved August 11

Building decommissioning completion reports in review (August 24)
Sulfation, Boiler House, Demo Plant, Grind and Leach, Secondary
Crusher, Zirconium Product and Fine Ore Bins

RAP/ROD Path Forward

RAP Completion Review

Ongoing; EPA/CDPHE/Cotter reviewed sample completion reports

Dam To Ditch Study

Leachate studies Phase 2 approved. Looking at specific enhanced leachate
solutions; report due November 7

Lincoln Park groundwater

Additional/replacement wells proposal due August 26

Monitoring continues

— Soil study NW of golf course (AS 210)

Initial conclusion that material not Cotter's

Speciation pending

Golf Course (NW) Plume

Monitoring continues

TCE in Groundwater

soil vapor work plan - phase 1 of the soil vapor survey approved; Report due
October 10

Proposal to reduce quarterly dose reporting to annual (July 19)

Approved August 11

CCAT Lawsuit

Record with court to be filed by CCAT delayed again

CCAT files complaint with Board of Health and requests special committee

CCAT files complaint with HB 10-1348 co-sponsors

Documents are available on the website at:

<http://www.cdphe.state.co.us/hm/cotter/index.htm>