

**Partial Deletion of OU9, Residential Soils
California Gulch Superfund Site
Responsiveness Summary**

Introduction

A Notice of Intent for Partial Deletion for the California Gulch Superfund Site (Site) was published in the *Federal Register* on Tuesday, May 24, 2011 (76 FR 30081). The intent of this notice was to inform the public that EPA plans to delete a portion of the Site from the National Priorities List, and provide a 30-day public comment period on the proposed partial deletion. The closing date for comments on the Notice of Intent for Partial Deletion was Thursday June 23, 2011. Three written comments were received (these comments are available in the deletion docket).

All comments were considered in EPA's final decision to delete the Site from the NPL.

Responsiveness Summary

This Responsiveness Summary has been prepared to provide responses to comments submitted to EPA during the 30-day public comment period regarding the Notice of Intent for Partial Deletion (76 FR 30081) of the California Gulch Superfund Site. The original comments are summarized below and available at <http://www.regulations.gov>, Docket ID No. EPA-HQ-SFUND-1983-0002, with the support materials under document type "Public Submissions", and at the information repositories at the following addresses:

U.S. EPA Region 8, Superfund Records Center, 1595 Wynkoop Street, Denver, CO 80202. (303) 312-6473 or toll free (800) 227-8917; Viewing hours: 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding holidays;

and

Lake County Public Library, 1115 Harrison Avenue, Leadville, CO 80461. (719) 486-0569; Viewing hours: Monday and Wednesday 10:00 a.m. to 8:00 p.m.; Tuesday and Thursday 10:00 a.m. to 5:00 p.m.; Friday and Saturday 1:00 p.m. to 5:00 p.m.;

and

Timberline Campus Library of Colorado Mountain College, 901 U.S. Highway 24 South, Leadville, CO 80461. (719) 486-4250; Viewing hours: Monday to Thursday 8:00 a.m. to 9:00 p.m.; Friday 8:00 a.m. to 5:00 p.m.; Saturday 12:00 p.m. to 5:00 p.m.; and Sunday 12:00 p.m. to 8:00 p.m.

Summary of Comment from Jenna Dokken:

Mrs. Dokken is concerned that her yard is contaminated from past mining waste and wants help getting her yard cleaned up. She states, "Even though our 3 year old son has had high lead levels, we cannot clean this up ourselves."

Response

Deletion from the NPL does not alter or change the current program that addresses potential lead in residential soil in Leadville. This program is called the Lake County Community Health Program Phase 2 (LCCHP) which is the operation and maintenance phase of the remedy.

It may be helpful to understand the origin and history of the LCCHP. In 1994, EPA, the Colorado Department of Public Health and the Environment (CDPHE), and Asarco reached a settlement creating an interim lead risk reduction program called Kids First which would operate until EPA and CDPHE selected a permanent remedy for OU9, Residential Soils. Beginning in May of 1995, the Kids First program was developed to reduce the risk of lead exposure to young children and pregnant women from residential soils, dust, interior and exterior paint, and tap water potentially contaminated with lead and other heavy metals from nearby mining activities. In early 1999, EPA published for public comment a plan proposing the LCCHP as the permanent remedy for OU9. Later that year and after receiving and considering public comment, the LCCHP became the selected remedy in the OU9 Record of Decision (ROD). The Kids First program then transitioned into the LCCHP in 2000. Asarco, the responsible party, funded and administered Kids First and the LCCHP until it filed for bankruptcy in July 2005. EPA, CDPHE, and Lake County assumed implementation of the LCCHP in October 2005.

The primary elements of this first phase of the LCCHP (EPA and CDPHE term this the "remedial action") are listed below:

- Community awareness and education programs;*
- Free, voluntary blood lead monitoring with appropriate follow-up for young children (12 to 72 months) and pregnant and nursing women;*
- Voluntary residential environmental testing for lead;*
- Voluntary response actions to reduce the risk of lead exposure to children in Leadville and surrounding residential areas;*
- High-efficiency particulate air filter (HEPA)-vacuum loan program; and*
- Institutional Controls to help ensure long-term effectiveness.*

The 1999 ROD contained performance standards which EPA and CDPHE used to gauge the effectiveness of the first phase of the LCCHP. The performance standards for the LCCHP were based on two goals, 1) no more than five percent of all children (ages 0 to 72 months) who live at the site will have blood lead values higher than 10 µg/dL, and 2.) no more than one percent of children (ages 0 to 72 months) who live at the site will have blood lead levels higher than 15 µg/dL. The performance standards for the first phase of the LCCHP were considered met if the goals were met and maintained over a consecutive

three year period. In early 2006, EPA and CDPHE determined that performance standards for the first phase of the LCCHP were met. Thus, except for implementation of institutional controls, the remedial action was complete and the transition into the second phase of the remedy could begin. This second phase in EPA terms is called "operation and maintenance."

EPA and CDPHE determined that as part of the transition from Phase 1 to Phase 2, property owners would be given a last opportunity to voluntarily request an investigation of potential lead at their residential property. In the spring of 2006, letters were sent to individual property owners outlining the "Last Call." In addition, weekly notices were published in the Herald Democrat and bi-weekly notices were published in the Leadville Chronicle beginning in April and ending the first week of June. EPA also ran notices in Spanish in both Leadville papers between April and June 2006. EPA conducted the residential investigations and when lead levels in soil were found to be above the 3500 mg/Kg action level, cleaned up these Last Call properties. These investigations and remediations were financed using Superfund Trust Fund dollars and through funds received in the bankruptcy settlement with Asarco. The cleanups for the Last Call properties were completed in the summer of 2009.

EPA, CDPHE, and Lake County developed the LCCHP Phase 2 Work Plan that set out the elements of this second phase of the LCCHP. Prior to the adoption of the LCCHP Phase 2 Work Plan, EPA and CDPHE requested comments from the community in May/June of 2009. After reviewing and considering comments, the LCCHP Phase 2 Work Plan was officially adopted and became effective on October 23, 2010. The LCCHP Phase 2 Work Plan serves not only as an operation and maintenance plan but it established the institutional control for OU9 residential soils.

The primary elements of this second phase of the LCCHP are listed below:

- Enhanced community awareness and education programs;*
- Free, voluntary blood lead monitoring with appropriate follow-up for young children (12 to 72 months) and pregnant and nursing women;*
- Residential environmental testing for lead if recommended by the LCCHP Workgroup or Lake County Public Health Agency;*
- The County Health Department in conjunction with the CDPHE can investigate, make recommendations, and clean up contaminated soils when appropriate;*
- An informational institutional control to help ensure long-term effectiveness.*

The LCCHP Phase 2 continues and enhances the educational outreach of the first phase of the LCCHP. The LCCHP Phase 2 will continue efforts to reduce the risks to resident children resulting from exposure to lead from various sources including: consumer foods and products, interior and exterior house paint, soil, house dust, and other sources.

The LCCHP Phase 2 provides a range of services to assist residents in reducing their exposure to lead in and around their homes. The services include community outreach and education on prevention, free blood lead testing, investigation of potential sources of

exposure, and cleanup if recommended by the Workgroup or Lake County Public Health Agency. The educational services focus on how to prevent exposure to lead, and how to reduce impacts through nutrition if exposed. Additionally, services are offered to pregnant and nursing women and children under six years old. The County Health Department offers free blood lead and hemoglobin testing to pregnant women and children under six years old. If a high blood lead or low hemoglobin is detected, the Lake County Public Health Agency in conjunction with the CDPHE can investigate, make recommendations, and clean up contaminated soils when appropriate. Future environmental testing and investigations will be conducted as recommended by the LCCHP Workgroup or the Lake County Public Health Agency.

In regards to your specific concern with potential contamination in your yard, EPA recommends working with the LCCHP Work Group and the Lake County Public Health Agency to identify the source of your child's exposure to lead and potential options for decreasing exposure. The Work Group can be contacted through the Lake County Public Health Agency.

Our experience with the LCCHP has shown that education regarding risks of exposure to lead in the environment and how to reduce your exposure to lead is effective in reducing and maintaining low blood lead levels community wide. Thus, the emphasis of LCCHP Phase 2, as explained above, is on education, in particular, increasing awareness of the risks, and reducing exposure to those risks.

As part of this program, opportunities for soil sampling exist when the LCCHP Workgroup or Lake County Public Health Agency determines that a potential environmental risk to nursing/pregnant women and children exists from contact with contaminated soils. The decision to sample and investigate residential properties is at the discretion of the LCCHP Workgroup and/or the Lake County Public Health Agency.

The County Health Department is available to discuss any concerns about exposure to lead. For more information on the Health Services pertaining to lead, you can contact the County Health Department at 719.486.0118. Their website is www.lakecountycolorado.com/health.

Summary of Comment from Christina Reiff:

Mrs. Reiff objects to the proposed deletion because all residential properties were not investigated. Mrs. Reiff would like the same resources that were available under the voluntary program Kids First to be available now. Mrs. Reiff has a child whose blood lead level is below the trigger level of 10 micrograms per deciliter and “did not qualify for residential testing because my daughter’s blood levels were not high enough.” Mrs. Reiff also states that “there is no such thing as a safe level of lead and that there are observable detrimental effects on children at much lower levels.”

Response

See Response for Jenna Dokken's comment above.

Summary of Anonymous Comment:

The comments explains that because Operable Unit 12 (OU12), Site-wide Water Quality, has not been deleted, OU9, Residential Soils, cannot be deleted. The commenter noted that OU9 and OU12 overlap geographically and share parcels.

Response

Both OU9 and OU12 are defined by media as well as geography. The medium for OU9 is residential soils, and the contaminant of concern is lead as defined by the OU9 Record of Decision. The media for OU12 is site-wide surface and ground water and the contaminants of concern are arsenic, cadmium, copper, lead, manganese and zinc. A specific operable unit and the media it includes can be partially deleted from the National Priorities List (NPL) independent of other operable units and their media. To date, operable units 2, 8, 10, and a portion of OU9 have been partially deleted from the NPL (see 66 FR 28106, 74 FR 58554, 66 FR 10367, and 67 FR 7279). Although other OUs overlying OU12 groundwater have been deleted, remedy implementation for OU12 will continue and will not be impacted by the deletion of other medium.