

Public Meetings Agenda

Rico Lead Soils Voluntary Cleanup Program (“VCUP”)

Rico Town Hall, Rico, Colorado

Thursday, February 24, 2022 6:30 pm and

Saturday, February 26, 2022, 10:00 am

We estimate 90 minutes to 2 hours for each meeting

Those unable to attend in person may join via Zoom:

Thursday 2/24: [Zoom Link](#);¹ Meeting ID: 878 0154 9463; Passcode: 223460

Saturday 2/26: [Zoom Link](#);² Meeting ID: 828 4486 7226; Passcode: 281993

1. Welcome and Introductions (Town)
2. Overview of VCUP Program and Benefits to Town (Town)
3. Ground Rules for a Productive Meeting (Town)
4. Details of VCUP Program (CDPHE)
5. Discussion of Health Consult and Lead Action Levels (CDPHE)
6. Input from EPA (EPA)
7. Review of VCUP Program Elements and Next Steps (Town & Outside Counsel)
8. Q&A (Facilitated by Town)
9. Breakout Discussions – **In-Person Only** (Facilitated by Town)

¹ <https://us02web.zoom.us/j/87801549463?pwd=cGRMa3VKeTZPR2F0TmRiZTRFMnprUT09>

² <https://us02web.zoom.us/j/82844867226?pwd=bWNBRFJZL3RwLzJhUU8xVWRlckhPZz09>

What is the Rico Townsite Soils VCUP?

Colorado created the Voluntary Cleanup and Redevelopment Program (VCUP) in 1994 to facilitate the cleanup and redevelopment of contaminated properties. The Colorado Department of Public Health & Environment (CDPHE) has overseen over 1,500 VCUP projects throughout Colorado since program's inception in 1994. It is a very common way to manage contamination in Colorado.

The Rico Townsite Soils VCUP (Rico VCUP) will continue to protect public health and the environment by reducing exposure to lead soils. As with other VCUPs, CDPHE will oversee the Rico VCUP. The Rico VCUP will provide public health benefits while minimizing disruption.

How will the Town benefit from the Rico VCUP?

Under the Rico VCUP, Atlantic Richfield (AR) will conduct soil sampling and analysis; remediate developed lots with elevated lead levels; provide funding, technical assistance, and materials for Town residents to remediate property at the time future development occurs and maintain remediated lots; provide access to a repository for disposal of lead-contaminated soil; and pay to remediate Town roads with elevated lead levels.

How will the Rico VCUP affect me?

As part of the Rico VCUP, the Town will incorporate soil management regulations into its Land Use Code that will apply to property owners digging or excavating 1 cubic yard or more of soil on their property. AR will reimburse the additional costs property owners incur to comply with the regulations. Reimbursement amounts will be determined prior to the start of the program and are referred to as "incremental costs." If your property requires cleanup under the VCUP, you will receive a no further action (NFA) determination from the State when the work is finished, confirming that no additional remediation is needed to protect human health and the environment.

What are the details of the Rico VCUP?

The Rico VCUP will proceed in three phases. In Phase I, AR will conduct soil sampling and analysis at previously unsampled properties. AR will remediate all developed properties where Phase I or other prior testing confirms that lead concentrations exceed the CDPHE-approved action level. AR will also work with property owners and the Town to obtain NFAs from the State for remediated properties. If property owners refuse access to AR, those properties will not be

sampled or remediated during this phase. Phase I will also include remediation of road segments that contain elevated levels of lead.

Phase II will start at the same time as Phase I. In Phase II, an AR contractor will help property owners comply with the soil management regulations during initial development of un-remediated properties and soil-disturbing activities on developed properties (remediated and un-remediated). Phase II will continue for 3 years after completion of Phase I or until 15 previously undeveloped properties are remediated, whichever is later.

In Phase III, the Town will oversee the contractor helping property owners comply with the soil management regulations, with continued funding provided by AR.

Throughout, AR will provide: access to the repository for disposal of soil with lead concentrations exceeding the action level; assistance and materials (including clean soil) for compliance with the soil management regulations; and payment of incremental costs incurred to comply with the Rico VCUP.

What support will Atlantic Richfield provide for the VCUP?

Atlantic Richfield (AR) and the Town are working on an agreement under which AR will pay the Town to implement the Rico Townsite Soils VCUP (Rico VCUP) and provide technical and financial assistance to property owners/developers, as follows:

Funding to Town and Property Owners/Developers:

- Annual stipend of 25% of the Town Manager's salary (= \$17,500/year at the current salary)
- \$75,000 replenished annually (and more if and as needed during each year) to reimburse property owners for additional costs of managing soil with elevated lead levels and complying with Soil Management Regulations
- \$40,000 (or estimated budget, if lower) replenished annually to pay for services of Town Subcontractor that will act as liaison to Soil Management Program contractor when that contractor is hired and managed by AR
- The full cost of the Soil Management Program contractor when that contractor is hired and managed by Town (amount TBD)
- The full cost of the Town Roads Contractor to conduct road remediation (amount TBD)
- Stipend of 10% of road remediation project bid amount (amount TBD) to reimburse the Town for the cost of overseeing the road remediation
- Reimbursement of certain costs, expenses, and attorneys' fees of the Town related to implementing Soil Management Regulations
- AR has been reimbursing the Town's legal fees associated with the VCUP negotiations

Additional Support:

- AR will sample soil at properties not previously sampled and remediate developed properties with elevated lead levels
- AR will maintain a lead soil repository north of Town; property owners may transport soil with elevated lead levels to the repository; if that repository becomes full, AR will construct another repository, and if further away, AR will be responsible for transporting and disposal of soil with elevated lead levels
- AR, through the Soil Management Program and contractor, will provide technical assistance to property owners and the Town staff managing lead-contaminated soil and will provide materials such as a fabric marker and clean fill
- AR will maintain a GIS database showing soil sampling results and remediation status of properties in Town, and will provide Town with access to database and training as needed
- AR will work with property owners and the Soil Management Program to obtain no further action determinations when soil remediation is complete.

What does the Rico VCUP mean for me?

As part of the Rico VCUP, the Town will adopt Soil Management Regulations that require certain steps when excavating 1 cubic yard or more of soil. Technical assistance, materials, and reimbursement will be provided by Atlantic Richfield (AR). These regulations are a key part of the Rico VCUP, because they will ensure that remediated property stays clean.

Will the Soil Management Regulations apply to me?

The Soil Management Regulations will be part of the Rico Land Use Code and will apply to everyone in Town digging or excavating 1 cubic yard or more of soil. There are exceptions for activities such as installation of fences and porches, soil testing for new septic tanks, emergency situations, such as broken water lines, and developments on properties where prior testing confirmed that lead concentrations are below the action level.

What will the soil management regulations require?

Property owners and developers will have to obtain a permit per the Rico Soils Management Program (which will be created as part of the Rico VCUP) before any digging or excavation activity that will disturb 1 cubic yard or more of soil.

If the property was not previously remediated, and soil sampling data shows lead levels below the lead action level (which will be approved by the Colorado Department of Public Health & Environment), the property owner will receive a confirmation from the Rico Soils Management Program that no remediation is required and no permit application needs to be submitted. If soil sampling data shows lead levels above the lead action level, the property owner will need to remove the top 12 inches of soil and transport it to AR's lead soil repository north of Town. A fabric marker and 12 inches of clean soil will be placed in the excavation area that remains exposed once developed. State and federal agencies have determined that a 12-inch layer of clean soil provides adequate protection from lead left in soils below that depth. The Rico Soils Management Program (funded by AR) will provide these materials and technical assistance.

If the property was previously remediated and already has a fabric marker and 12 inches of clean soil, the property owner/developer may (1) dig or excavate within the clean soil layer and not disturb the fabric marker; or (2) remove and stockpile the clean soil layer, conduct the digging or excavation, and replace the fabric marker and the stockpiled soil.

Disposal of soil at the repository will be limited to soil (excluding large rocks and other debris) that cannot be returned to an excavation and that contains lead concentrations exceeding the lead action level. However, excavated soil less than 3 cubic yards in volume and soil removed to make space for the 12-inch clean soil layer may also be disposed of at the repository.

Will I be reimbursed for the extra costs of complying with the soil management regulations?

Yes, AR will provide funding to the Town to reimburse Rico property owners for the costs of complying with these regulations. Reimbursement will be determined according to a set schedule, that adjusts for inflation, and will generally be a set dollar amount per cubic yard of soil. This will keep reimbursement equitable and simple to calculate.

What if I do not have any plans to excavate any soil at my property where I currently live? Will the lead soil be remediated if it exceeds the action levels?

Yes. For currently developed properties with elevated lead in the soil, AR's contractor will complete the remediation, at no cost to the property owner.

Will elevated lead in the streets be remediated?

Yes, as part of the VCUP, the Town will hire a contractor to remediate the portion of Town streets and rights of way where the road surface material contains lead that exceeds the action levels. AR will fund this remediation.

What will the Rico Soil Management Regulations require?

These Regulations apply to any excavation, digging, landscaping, or similar activity that disturbs more than 1 cubic yard of soil on properties in the Town of Rico (with certain exceptions). This flow chart is intended as a general guide to the most common situations under these Regulations, and does not cover all possible circumstances or requirements. The Rico Soils Management Program will help you comply with these requirements by answering questions and providing technical support, advice, and materials.

