

Community Involvement Plan



**Former National Zinc Company Site
Cherryvale, Kansas**

August 2014

**Concurrence Page
Community Involvement Plan
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Cherryvale, Kansas
August 2014
Kansas Department of Health and Environment**

Reviewed and Approved by:

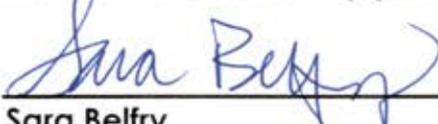
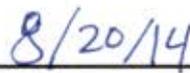
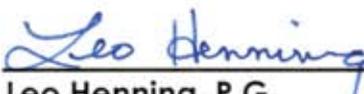
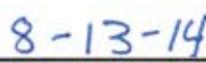
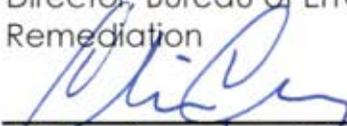
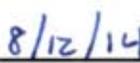
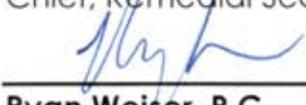
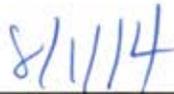
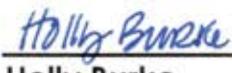
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|  _____ Sara Belfry Director of Communications |  _____ Date |
|  _____ Leo Henning, P.G. Director, Bureau of Environmental Remediation |  _____ Date |
|  _____ Christopher Carey, P.G. Chief, Remedial Section |  _____ Date |
|  _____ Ryan Weiser, P.G. Chief, Site Remediation Unit |  _____ Date |
|  _____ Holly Burke Project Manager, Site Remediation Unit |  _____ Date |

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LIST OF ACRONYMS

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|------------|---|
| BER | Bureau of Environmental Remediation |
| EPA | U.S. Environmental Protection Agency |
| EUC | Environmental Use Control |
| CAD | Corrective Action Decision |
| CIP | Community Involvement Plan |
| Citigroup | Citigroup Global Market Holdings, Inc. |
| KDHE | Kansas Department of Health and Environment |
| Mg/kg | Milligrams per kilogram |
| NZC | National Zinc Company |
| PIP | Public Information Plan |
| RA | Removal Action |
| RAD | Removal Action Design |
| RSE | Removal Site Evaluation |
| RSK | Risk Based Standards for Kansas |
| USD | Unified School District |
| U.S. Steel | United States Steel Corporation |

1.0 Overview of the Community Involvement Plan

The Kansas Department of Health and Environment (KDHE) developed this Community Involvement Plan (CIP) to facilitate two-way communication between the community surrounding the former National Zinc Company (NZC) Site and KDHE, and to encourage community involvement in Site activities. KDHE will use the community involvement activities outlined in this plan to ensure that residents are informed on a routine basis and provided opportunities to be involved in the cleanup process.

This CIP presents a brief description of the Site (Section 2.0), provides a background of the community (Section 3.0), presents KDHE's community involvement program (Section 4.0), and provides a listing of resources available (Appendices). KDHE drew upon several information sources to develop this plan, including community interviews, and Site files. KDHE will oversee the implementation of the community involvement activities outlined in this Plan. This Plan outlines the general communications efforts for the NZC Site and may be modified and updated as necessary.

2.0 Site Description

2.1 Site Location

The former NZC Facility Site is located in the City of Cherryvale, Montgomery County, Kansas, on the north side of the City as shown in Exhibit 1. The NZC property originally consisted of approximately 360 acres of land; however, Facility operations were only conducted on approximately 80 acres of the total land acreage, which lies in Section 8 in Township 32 South, Range 17 East. The NZC Site is currently undeveloped land, and is bounded by an unnamed creek on the west side, and a railroad transects the Site generally from southeast to northwest. The former Cherryvale waste water treatment plant is located adjacent to the southeast corner of the NZC Site, but has been decommissioned. Surrounding land use of properties adjacent to the NZC Site include commercial and industrial properties to the east, residential properties to the south, residential and vacant lots of land to the west of the unnamed creek, and agricultural land to the north.

2.2 Site History

The former NZC Facility was constructed by the Edgar Zinc Company in 1898, and began operations in 1898 as a primary zinc and lead smelter. The Facility was recognized as the largest zinc smelter in the world until World War I. The Facility operated as the Edgar Zinc Company from 1898 until sometime after 1928 when the company reorganized into the National Zinc Company. Product operations at the Facility declined through the 1930's; however, it continued to operate in some capacity through December 24, 1976, at which time operations ceased. Smelting is the process for converting ores that contain a metal of interest in the ore into a pure metal form. During operations of the zinc and lead smelter, large volumes of solid waste

byproducts, commonly referred to as smelter material, were generated, consisting of furnace cinders, broken clay cylinder retorts, building materials removed during Facility repairs, and metallic slag. These waste materials can be contaminated with heavy metals like lead, cadmium, arsenic, and/or zinc. As smelter waste material breaks down into smaller particles over time, the contaminants can become mobile. Large quantities of cinders and slag from the smelting process were historically used as fill material and for construction purposes in the Cherryvale community to construct roadways, driveways, sidewalks, ditches, building foundations, and recreational facilities in the community. Historical and recent investigations conducted at the former NZC Site and nearby properties have found smelter related material and contaminated soil with elevated levels of lead, cadmium, arsenic, and/or zinc associated with historical smelting operations.

2.3 Site Inspections and Cleanup Activities

2.3.1 NZC Site Environmental Response Actions

Incidents of potential surface water contamination were reported to KDHE in the 1950's when contaminated water breached a settling pond at the NZC Facility. In 1976 an investigation of the NZC Facility property by KDHE identified sludge and liquid waste contaminated with heavy metals in large settling ponds used to contain runoff from piles of slag and roasted ore. The National Zinc Company (last Facility owner/operator) conducted limited response actions in the late 1970's through the early 1980's, treating and dewatering approximately 95 million gallons of liquid from settling ponds, removing ore and sludge from the former Facility, and encapsulating approximately 300 tons of remaining ore and sludge in a former lagoon area on-site. A Restrictive Covenant established in 1983 governs the former smelter property with land use restrictions. The City of Cherryvale acquired the property in 1989, and remains the present day owner.

In 1995, KDHE inspected the NZC Site and determined the prior encapsulation effort had failed and significant concentrations of heavy metals were present in sludge, soil, and sediment at the Site. KDHE completed a series of assessments from 1999 through 2002 at the NZC Site and on adjacent properties. The assessments identified that surface soil, groundwater, sediment, and surface water at the NZC Site, and surface soil at residential and non-residential properties near the NZC Site were impacted with elevated levels of lead, cadmium, arsenic, and/or zinc. Based on the findings, KDHE referred the areas adjacent to the NZC Site (Cherryvale Residential Yards Site and the Cherryvale Rodeo Grounds Site) to the U.S. Environmental Protection Agency (EPA) to complete a time-critical removal action of lead-impacted surface soils (discussed in Section 2.3.2).

On April 7, 2003 KDHE entered into a Consent Order (Case Number 03-E-0022) with United States Steel Corporation (U.S. Steel) and Citigroup Global Market Holdings, Inc., (Citigroup) (formerly Salomon Smith Barney Holdings, Inc.) (Respondents) to perform a Removal Site Evaluation (RSE) and Removal Action Design (RAD) to investigate, mitigate, plan, and design subsequent corrective measures for the NZC Site. The Respondents further investigated

conditions at the Site and designed corrective measures from 2003-2007. In 2007, after a public comment period, KDHE issued a Corrective Action Decision (CAD) which outlined the preferred remedial actions, and on June 5, 2007 KDHE signed an amended Consent Order (03-E-0222A) with Respondents for Removal Action (RA).

Between June and November 2007, the Respondents excavated, consolidated, and capped sediment and soils on the former smelter Facility property that were impacted with heavy metals above non-residential Risk Based Standards for Kansas (RSKs). Respondents also removed impacted sediments from a nearby unnamed creek and Drum Creek, and installed a sediment catchment basin in Drum Creek. Although groundwater on-site is impacted with contamination, investigations conducted show that on-site groundwater does not appear to be impacting off-site properties, and groundwater in the area is of poor quality, yields little to no water, and is not used in the area; therefore, no remedial actions were conducted to remediate the on-site groundwater. In 2010, KDHE accepted the RA Summary Report into the Administrative Record requiring additional work. In May 2011, an Environmental Use Control (EUC) agreement was recorded for the east portion of the NZC Site. Additional work necessary to complete the RA includes establishing an EUC on the west portion of the NZC Site, removing soils from the utility corridors at the Site, and capping them to prevent exposure, designing and installing a treatment system to manage water infiltration at the EPA soil repository, and capping soils and other material currently stockpiled on the EPA soil repository. The additional work is expected to be completed within the next few years.

2.3.2 Residential Removal and Response Actions

EPA Time-Critical Removal activities for the Cherryvale Residential Yards and Rodeo Grounds Sites adjacent to the NZC Site began in November 2001 and were completed in May 2002. The Rodeo Grounds property was excavated to a minimum depth of 12 inches, and a total of 35 residential properties were addressed by partial or complete excavation of surface soils to a depth of 12 inches deep. If lead concentrations in the soil at 12 inches (or deeper) exceeded KDHE's Tier 2 RSK for residential areas of 400 milligrams per kilogram (mg/kg), an orange plastic barrier guard was placed between the underlying impacted soils and clean backfill. The EPA RA Summary Report indicates that the excavation reduced lead concentrations to 400 mg/kg or below at the Rodeo Grounds property, and that barrier guard was used on 20 residential properties. Following excavation, the residential properties were backfilled with clean soil and hydroseeded with a grass mixture. Backfill was only used in isolated areas at the Rodeo Grounds. A total of 76,000 cubic yards of impacted soil was excavated during the EPA RA, and transported to the NZC Site property for consolidation into a soil repository which was capped with clean soil and vegetated.

In May and June 2012, under KDHE oversight, the Respondents removed contaminated soil from eight additional residential properties south of the NZC Site that were not excavated during the 2001-2002 EPA RA. The soils were found to be impacted with elevated levels of lead, cadmium, and/or arsenic above Tier 2 residential RSK standards. Similar to the EPA RA, the properties were excavated to at least 12 inches, and if at 12 inches (or deeper), lead or arsenic

concentrations exceeded the residential standards, an orange plastic barrier guard was placed between the underlying impacted soils and clean backfill soil. Barrier guard was used at all eight properties, then backfilled with clean soil and re-vegetated with sod. Approximately 2,800 cubic yards of impacted soil was removed and transported to the NZC Site property where it is being temporarily stockpiled on an existing soil repository and covered with a polyethylene tarp to contain the soils until a permanent location is selected and the soils are permanently capped. KDHE approved the 2012 Residential RA Report in February 2013.

Since mid-2012 KDHE has been working with the Respondents to address additional residential concerns in the Cherryvale community. On May 7, 2013 the Consent Order (03-E-0022 BER) was amended to include a RSE and RAD to address more widespread soil contamination in the City of Cherryvale beyond the former NZC Site boundary defined in the 2003 Consent Order, and investigate and delineate the extent of smelter related contamination within the City of Cherryvale, evaluate removal actions to address the contamination, and prepare a RAD plan. The Respondents are conducting the RSE in phases, and implemented a Phase 1 RSE Work Plan in August 2013. KDHE approved the Phase 1 RSE Reports in April 2014. The Phase 1 RSE results provide a basis for planning additional testing to be conducted during Phase 2 RSE activities to delineate the extent of the contamination within the City of Cherryvale. The Respondents submitted a Phase 2 RSE Work Plan to KDHE on June 27, 2014, which was approved on August 18, 2014. Field work for the Phase 2 RSE began in August 2014 and will continue through the year 2015. Once the RSE activities have been completed, Respondents will prepare a Phase 2 RSE Report, which will present the findings of the RSE and discuss potential removal actions. Following KDHE review of the Phase 2 RSE Report, KDHE will prepare and issue a Draft CAD, which will outline the preferred remedial actions, and will make the document available for public comment. The CAD will be finalized after considering any public comments received during the corrective action decision process. Following KDHE's issuance of the Final CAD, Respondents will prepare a RAD Plan for KDHE review and approval. Upon KDHE approval of the RAD Plan, KDHE and Respondents will enter into negotiations for an Amendment to the Consent Order to implement the RAD Plan.

3.0 Community Background

3.1 Community Profile

The City of Cherryvale, founded in 1871, is a community located in southeast Kansas in Montgomery County, currently covering approximately two square miles of land. As of 2010, the City of Cherryvale had a population of 2,367, consisting of 49.6 % male and 50.4% female gender with an overall population median age for the city at 36.9 years of age. There were a total of 1,087 housing units on record in 2010. The population of the city is predominantly 91.9% White (non-Hispanic of Latino), followed by Hispanics or Latinos making up 4.0% of the population, and the remaining 4.1% of the population made up of other races (e.g., Black or African American, American Indian and Alaska Native, Asian, Pacific Islander, or two or more races).

The City of Cherryvale is governed by a mayor and four council members, with a city administrator serving as the city council's chief advisor. City council meetings are held on the first and third Monday of each month at 7pm at the Cherryvale City Hall Office at 123 W. Main Street, Cherryvale, Kansas 67335. The city is supported by a police and fire department (Appendix B).

The primary employment sectors in the City of Cherryvale include those in the service industry, retail trade, manufacturing and industrial trades, and educational and government sectors. Historically, the city has had a rich history of industrial trades linked to the rise and decline of the railroad industry in Cherryvale. The city still serves as a railroad transportation hub, with the South Kansas and Oklahoma Railroad currently headquartered within the city. In addition, the petroleum industry also played a role in the historical development of industries in Cherryvale, with the NZC Facility itself being a historical industrial user of natural gas and oil for fueling Facility operations.

3.2 History of Community Involvement

Community awareness and knowledge regarding the NZC Site varies among community members. While most members were aware that the former NZC Facility existed, and/or were aware of the previous remedial actions conducted at the NZC Site and nearby residential properties, many community members were not aware of past community involvement efforts conducted by KDHE. In addition, younger community members were in some cases, less informed of historical Site activities. Historically, information pertaining to the NZC Site has been reported by local newspapers over the years, with more frequent reporting occurring in more recent years. In addition, KDHE has held a number of public meetings and public availability sessions in Cherryvale over the years discussing previous NZC Site related activities. Below is a historical summary of past community involvement efforts in the Cherryvale community.

During previous KDHE RSE and EPA led residential sampling/removal actions conducted in Cherryvale in 2001-2002, KDHE and EPA representatives were on hand in-person and by phone to discuss concerns and answer questions residents had. On December 14, 2004, KDHE held a public meeting in Cherryvale to answer residents' questions and discuss the investigation of the NZC Site, and receive public comments on the Draft RAD Report prepared by Respondents that identified and defined the preferred remedial alternatives for contamination identified at the former NZC Site. At that time, the Draft RAD and other Site documents were made available locally for review at the Cherryvale City Hall. A public notice of the meeting was made available in the local paper, the Montgomery County Chronicle; however, only nine local residents attended the meeting.

On December 20, 2006, KDHE held a public meeting in Cherryvale to discuss the investigation of the NZC Site, and receive public comments on the proposal for cleanup of the contamination identified at the NZC Site as discussed in the Draft CAD prepared by KDHE. At that time, the Draft CAD and other Site documents were made available locally for review at the Cherryvale

Public Library and the Cherryvale City Hall. A public notice of the meeting was made available in the local paper, the Montgomery County Chronicle; however, only four local residents attended the meeting, and KDHE did not receive any comments during the public comment period.

Between the summer and fall of 2011, KDHE held three meetings at the Cherryvale City Hall Office with local property owners that lived near the NZC Site, whose properties were addressed during the 2012 Residential RA conducted by Respondents for the NZC Site. The meetings were held to present the work plan for sampling and assessment work, soil removal work, and discuss and answer questions related to those subjects.

In August 2013, KDHE established a Site-specific webpage for the NZC Site (available at the following weblink: http://www.kdheks.gov/remedial/scu/national_zinc.html) and established a local information repository for the NZC Site at the City of Cherryvale City Hall Office, located at 123 W. Main Street, Cherryvale, Kansas 67335 (Appendix H). The webpage and repository contains Site-related documents such as technical work plans and reports, and other general information. Documents in the local repository are available for public review during City Office hours of operation.

In November 2013, KDHE developed a Fact Sheet for the NZC Site, which is also available on the NZC Site webpage and at the local information repository in Cherryvale. On November 13-14, 2013, KDHE Bureau of Environmental Remediation (BER) representatives participated in a KDHE sponsored blood lead screening clinic held in Cherryvale for Montgomery County residents, and provided educational materials to citizens pertaining to the NZC Site and BER activities ongoing in the Cherryvale community. Notices of the screening event were sent out to surrounding area local media outlets, and published in the local newspaper, television-news webpages, and the Montgomery County Chronicle prior to the screening event. In addition, notice of the screening event was placed on the City of Cherryvale utility bills and City distributed flyers, and given out to parents of Cherryvale school children through the local Unified School District #447 (USD #447) information calling system.

KDHE previously had developed a Public Information Plan (PIP) for the NZC Site, which established the framework for planning, scheduling, and implementing community involvement activities for the NZC Site; however, based on the level of interest and concerns expressed by community members, KDHE identified the need to prepare this CIP, which is a more comprehensive public involvement plan, to better understand the community's concerns, determine the best ways in which to disseminate information about future Site activities occurring beyond the NZC Site boundary within the City of Cherryvale, and to determine how to best engage the community in the decision-making process. During August and September 2013, KDHE conducted a total of 20 interviews to gather information from the local community to prepare this CIP, identify and assess concerns regarding the NZC Site, and identify information needs. KDHE conducted in-person interviews in the City of Cherryvale and in Montgomery County, and also conducted a few interviews by phone (as necessary). Interviews were conducted with eight local residents, one former resident, three business entities, two local

organization representatives, three representatives from the City of Cherryvale, one representative from the USD #447, and two representatives from Montgomery County. KDHE also originally solicited input from a County Commissioner, three additional business entities, and eight additional residences, which either did not respond or declined an interview. A few of the interviews were conducted with more than one person present (e.g., next of kin, husband and wife, etc.); therefore, the actual number of opinions factored into this CIP is larger than reported.

Questions asked during the interviews focused on Site awareness, health issues, interactions with government officials, community information, and information needs. Community interviews were conducted using an interview guide to ensure consistency of the information received. During the interview process, participants were asked a series of open-ended questions. Their responses were recorded on the information guides and were used in part to develop this CIP.

3.3 Key Community Concerns

The responses received during the interview process were consistent overall. The predominant theme of concerns expressed during many of the interviews was concern for the health and safety of residents, property value impacts, and status and results of investigation and cleanup activities. In general, the following statements summarize the concerns expressed by the community.

- ❑ The community wants more government involvement for issues that affect the community.
- ❑ The community wants the local and state representatives working together to gather and disseminate information to the community in order to keep the community informed of Site activities.
- ❑ The community wants to know the health risks posed by contamination at the Site.
- ❑ The community is concerned that contamination at the Site has adversely affected property values and deters prospective residents from moving to the community due to the negative public perception.
- ❑ The community wants to know what steps will be taken to investigate and clean up the community and how long it will take.
- ❑ The community wants to know the status and findings of the investigation and status of cleanup activities.

3.3.1 Site Awareness

All participants interviewed were aware of the NZC Site to some extent at the time of the interviews. Some interview participants had relatives that previously worked at the former smelter Facility, or lived nearby the Facility, or remembered buildings and lagoons at the

Facility. Some interview participants remembered stories of people managing wildlife from getting into water at lagoons at the NZC Site. In addition, the majority of interview participants were aware of what smelter material looked like, and some even indicated they had played in piles of smelter cinders as kids.

Five interview participants had been aware of the environmental concerns at the NZC Site since the late 1940's through the 1970's time period, two since during the 1990's time period, nine since during the 2000-2010 time period, and four between the 2011-2013 time period. Some interview participants were aware of the remediation activities conducted at the NZC Site, and some were also aware of the EPA removal activities and/or the 2012 residential removal activities conducted in the community. Some interview participants were also residents involved with the EPA Removal Action. Although the majority of interview participants did not have knowledge of how work at the NZC Site was progressing at the time of the interviews, a number of interview participants felt that remedial work at the NZC Site was progressing well, and some thought that work at the NZC Site was finished and the property was cleaned up in a sufficient manner. However, some interview participants felt work progress at the NZC Site was too slow, and a number of interview participants felt that more work needs to be conducted in the City of Cherryvale.

Eight of the 20 participants interviewed indicated they had observed smelter material on their current or former residential property, with three of the eight being former properties that were previously remediated, two being current properties that were previously remediated, and three properties that are current properties that have not undergone any type of remedial activity. The remaining 12 participants interviewed were not aware of any smelter material on their personal property. In addition, a number of interview participants indicated smelter material was spread all over town, and 13 of the 20 participants (65%) interviewed indicated they had observed smelter material in various areas of the community, including:

- Under sidewalks;
- Under streets;
- In alleyways;
- In ditches throughout the community;
- At Logan Park track and football field;
- At the City ballfields;
- In driveways;
- Under building foundations (commercial and residential); and,
- In utility public right-of-way areas (commercial and residential areas) while water line, sewer line, and gas line repair work was being conducted.

Some interview participants reported that the smelter material may likely be covered in a lot of locations and not easily identified at the surface. In addition, some interview participants reported that the smelter Facility, during operational years, was giving away smelter waste material for fill material and driveways at no charge and employees of the Facility would help

load the material into vehicles. A number of interview participants indicated that smelter cinders were used on city streets regularly as late as the late 1960's and early 1970's.

3.3.2 Information Needs

The information sources that the interview participants indicated getting information the most from about the NZC Site is from (listed in order of most to lesser frequent source): word of mouth, newspapers, city and state officials, city website and city and fire department facebook pages, public meetings, the internet in general, television, federal officials, county officials, the local museum, and informational flyers in the community.

Only a few interview participants were aware of KDHE's Identified Sites List website available at http://www.kdheks.gov/remedial/isl_disclaimer.html, which provides information to the public pertaining to the NZC Site. Interview participants also felt that government officials should utilize public media more often (i.e., television, newspapers, internet) to distribute information and inform the community of Site activities. Some interview participants felt KDHE could also improve the communication strategy with the community by linking Site information to the City of Cherryvale webpage, posting information when state officials will be in town, provide status updates of Site activities and information, and holding public availability sessions and public meetings as necessary for the issues at hand.

In general, community members preferred to be informed through a variety of sources (listed in order of most preferred to lesser preferred source), including: KDHE fact sheets distributed by web, direct mail, and/or email, newspaper announcements, public availability sessions and/or public meetings, radio announcements, city sources, television, information flyers, and phone. City based sources preferred are those such as City Council meetings which are open to the public, the city water bill, city reports or news mailers, and the city webpage and facebook page. Local officials interviewed preferred Site information be distributed via means by direct contact from KDHE through mail, e-mail, and/or phone and providing status updates of Site activities, providing website updates for obtaining information and be notified of public availability sessions and meetings.

A number of interview participants recommended getting younger populations (school age children) involved in the NZC Site by offering information sessions or distributing Site information at schools or on school information boards, and/or posting information on the local school district channel (Channel #22), which the City of Cherryvale also uses for posting local community information. In addition, a number of interview participants recommended a local contact or local spokesperson be present in the community to help disseminate information in the community about the Site and to help distribute informational fact sheets and/or flyers, and be present during community events and local gatherings such as at the Cherryvale Blossom Festival, Chamber of Commerce Meetings, Men's Monthly Community Breakfast Meetings, and Ministerial Alliance Meetings, to help inform the community about the Site.

Most community members interviewed favored public availability sessions and public meetings being held at Logan Park Community building, the Cherryvale Community Center building, City Hall, and if necessary, local churches, and local school facilities that may be able to accommodate meetings. In addition, if needed, the Montgomery County Judicial Center in Independence, Kansas, was also suggested as a potential meeting facility available. Most community members preferred public availability sessions and meetings be held on weekday evenings, and if possible on an alternate weekday afternoon session for those members that are not available to attend an evening meeting.

As discussed in Section 3.3, the community's primary information needs center around health issues and concerns, Site activity progress, including investigation and status of investigation and cleanup activities which are discussed further in Sections 3.3.5 and 3.5 in this document.

3.3.3 Communication between the Public and Government Officials

Communication between government officials and the community regarding the NZC Site has generally been limited to those members of the public who sought information about the Site, with interview participants indicating interactions occurring most frequently with local and state officials, and some interaction with federal and county officials. In general, most interview participants felt the government officials had been responsive to public concerns; however, a small number of participants felt government officials could be more responsive in addressing public concerns. For instance, some interview participants expressed concerns that federal government officials could be more responsive in addressing public concerns pertaining to past residential area remedial activities conducted by EPA. A few interview participants expressed concerns regarding EPA restoration activities, indicating that grass that EPA contractors had seeded at properties never grew well, and that EPA did not come back to re-seed a property when the owner had requested the matter be addressed. Furthermore, some residents had concerns about properties where only partial excavations of residential yards were conducted by the EPA, with residents questioning whether the unexcavated parts were clean, and/or had concerns about portions of the property not excavated, such as the soil under mobile homes.

Although some participants felt current interactions between the government officials and the public were sufficient at the time of the interviews, most interview participants felt there should be more federal and state involvement on issues that affect the community, and that there should be more frequent interaction between the local, state, and federal officials pertaining to the NZC Site. Many interview participants, including the county, suggested KDHE get more facts out about the NZC Site into the community whether through means of the newspaper or through KDHE issued fact sheets to better improve the communication strategy with the public and help build Site awareness. In addition, other suggestions provided to KDHE during the interviews for improving communication with the public consisted of KDHE providing public informational sessions in the community regularly, such as such as during City Council Meeting Workshop sessions, and also communicating with the City of Cherryvale on a more frequent basis. Furthermore, City officials interviewed suggested KDHE utilize the City's resources (as needed) to help reach the public and provide information on Site activities. Some interview participants

indicated that a sense of mistrust had recently developed in the community regarding associated cleanup activities at and near the NZC Site, and stated that KDHE would need to put more efforts into keeping the public informed, to restore confidence in the community, and reassure the public of the efforts and status of activities associated with the NZC Site.

3.3.4 Economic Concerns

A number of interview participants expressed concerns over potential property value effects posed by the Site. Some interview participants also expressed financial concerns of the investigation and cleanup. Local officials had concerns regarding the financial cost associated with City and Site related activities and cleanup, and questioned what long-term maintenance costs may be required as a result of any investigation and cleanup, in addition to how Site activities would affect development potential within the City itself. A few interview participants were concerned whether the Cherryvale community would turn into a situation similar to Picher, Oklahoma, and Treece, Kansas, where citizens were provided a buyout of their properties due to environmental and health concerns.

3.3.5 Health & Other Community Concerns

Most of the participants interviewed expressed concerns over potential health risks posed by the NZC Site. Two participants interviewed indicated that they and/or family members had respiratory problems believed to be attributable from working at the smelter, and/or living near the smelter during the Facility operations. One participant interviewed stated that EPA and KDHE need to do a buyout of the Cherryvale community because of increased cancer and sickness rates in the community, and another interview participant believed there should be mandatory soil testing in the Cherryvale community. Other health related and community related concerns expressed during the interviews include:

HEALTH CONCERNS

- Citizens want to know whether it is safe to raise families and children on properties that are or may be contaminated, and is it safe for kids to play in the dirt in the community;
- Citizens want to know what the health effects of lead exposure to the human body are, and what the health risks posed by contamination are in the community;
- Citizens are concerned that the NZC Site and use of smelter related material in the community has caused air pollution in the community;
- Citizens are concerned of illnesses and cancer incidents observed in the community, and are concerned about the causes of these illnesses;
- Citizens want to know if there is more sickness per capita in the Cherryvale community compared to the State average;
- Citizens want to know whether garden produce is safe to eat if grown in the community;
- Citizens want to know whether pets and wildlife are affected by the contamination;
- Citizens are concerned over the wind blowing dirt/dust around during past remedial activities at the NZC Site, and are concerned that these activities may have contaminated other areas in the community; and,

- ❑ Citizens want to know what effect the NZC Site has had on the waterways over the years, such as in Drum Creek and the Verdigris River.

OTHER COMMUNITY CONCERNS

- ❑ Citizens want to know what kind of effects will the investigation/cleanup have on the economy of the community and current and future citizens and business owners;
- ❑ Citizens want newcomers to Cherryvale be informed of the NZC Site;
- ❑ Citizens want to know who permitted smelter material to be scattered around the Cherryvale community;
- ❑ Citizens want to know where contaminated areas are in the community, and how widespread the contamination is, and what the levels of contamination are in areas impacted;
- ❑ Citizens want to know the investigation and cleanup activities planned for the community, where the activities are to be conducted and for what reasons, who is doing the work and when, how much the activities will cost, and the results of the investigation and cleanup activities;
- ❑ Some citizens are concerned about the former water treatment plant near the NZC Site and the water quality of the plant at the time the treatment plant was in operation;
- ❑ Some citizens are concerned about erosion problems in the residential areas near the NZC Site where EPA conducted removal activities, and wanted EPA to fix the erosion problems;
- ❑ Some citizens are concerned about the soil underneath mobile homes that was not excavated during previous residential removal actions, and are concerned of the potential for re-contamination of the property from the soils underlying the structures; and,
- ❑ Some citizens stated the soil stockpile cover at the NZC Site needs to be better maintained.

3.3.6 Community Participation Process

The majority of interview participants (15 out of 20 interviewed) were not aware of the process by which the public can participate in the review and selection of a clean-up remedy for the Site. The general consensus of the community is that they want to be involved in knowing about Site activities and Site progress, want to review Site documents such as work plans and reports, attend public meetings, and would like to be part of the decision-making process in Site activities. Local and county officials would like to be aware of Site progress, public meetings and public availability sessions, public comment periods, and be updated when significant actions occur or milestones are met. In addition, 16 interview participants expressed interest in establishment of a Community Advisory Group. The county also suggested that KDHE consider offering longer public comment periods for NZC Site allowing the community more time for review and comment on Site documents. One interview participant also recommended making a news article available on the front page of news media announcing the public comment period, rather than only posting a notice in sections of newspapers which can go unnoticed and/or get overlooked.

3.4 Response to Community Concerns

KDHE remains committed to the protection of human health and the environment and will work towards this goal ensuring that the community's interests are represented. As Site activities occur and information becomes available, KDHE will notify the public through website status updates, e-mail and/or direct mailing lists of KDHE fact sheets, and/or public availability sessions and public meetings. In addition, KDHE will also notify the City of Cherryvale and Montgomery County of these activities. Notification of public availability sessions and public meetings will be accomplished through announcements via press releases through media, the KDHE website, and updates made to the City of Cherryvale and Montgomery County at least three weeks prior to the meeting. KDHE personnel will continue to address informal inquiries from community members and other interested parties about the Site.

3.5 Summary of Communication Needs

Based on information obtained through the community interview process, the following list summarizes communication needs for the community surrounding the Site:

- ❑ Opportunities for the community to learn about the various steps in KDHE's process for contaminated sites and to be involved in the selection of the cleanup remedy;
- ❑ Status updates of Site activities, including activities planned for the Site investigation (what, where, and when), how much it will cost, how long it will take, findings of the investigation, what happens as a result of the investigation, and describing progress throughout the investigation and cleanup activities;
- ❑ Information regarding health risks posed by the Site; and,
- ❑ Information regarding economic impacts posed by the Site.

4.0 KDHE's Community Involvement Program

The overall goal of KDHE's community involvement program is to promote two-way communication between citizens and KDHE and to provide opportunities for meaningful and active involvement by the community as project activities progress. KDHE will implement the community involvement activities described below. The following plan addresses the primary issues identified during the community involvement interview process.

4.1 The Plan

Issue 1: Keeping the public informed and up-to-date.

Activity A: Maintain the Administrative Record.

- Objective: To provide residents with a paper trail of all documents, resources, etc. used by KDHE in reaching all decisions about the Site and its investigation.
- Method: The Administrative Record for the Site is permanently maintained at the KDHE offices in Topeka, Kansas.
- Timing: The Administrative Record is established and will be continually maintained until Site closure.

Activity B: Establish and maintain a local Information Repository.

- Objective: To provide a location where residents access official documents and other pertinent information about the Site and KDHE activities.
- Method: The repository is a reference collection of Site information containing parts of the Administrative Record file, other Site-specific information, the Community Involvement Plan, and information regarding Site activities. The local repository is located at the Cherryvale City Hall Office, 123 W. Main Street, Cherryvale, Kansas 67335.
- Timing: The local information repository is currently established and will be periodically updated. KDHE will add new documents to the local information repository as they become available.

Activity C: Establish and maintain an online Information Repository.

- Objective: To provide a location where residents access official documents and other pertinent information about the Site and KDHE activities.
- Method: The repository is a reference collection of Site information containing parts of the Administrative Record file, other Site-specific information, the Community Involvement Plan, and information regarding Site activities. The repository will be available at the KDHE Site-specific website at http://www.kdheks.gov/remedial/scu/national_zinc.html.
- Timing: The online information repository is currently available online and will be periodically updated. KDHE will add new documents to the online information repository as they become available.

Activity D: Maintain a mailing list for the Site.

- Objective: To facilitate the distribution of Site-specific information to everyone who needs or wants to be kept informed about the Site.
- Method: KDHE will create a mailing list that includes all interested parties as solicited via public meetings and other community involvement activities. KDHE will distribute information by mail, and if available (to the extent possible) via email.
- Timing: KDHE will begin working on this mailing list immediately and will review/revise it periodically to keep it current.

Activity E: Prepare and distribute Site update summaries.

- Objective: To provide citizens with current, accurate, easy-to-read, easy-to-understand information about the Site.
- Method: All Site update summaries will be distributed to all parties on the Site mailing list via mail or e-mail. In addition, copies will be available at the local information repository, and on the KDHE Site-specific website.
- Timing: KDHE will prepare and distribute Site update summaries as needed.

Issue 2: Provide adequate and meaningful opportunities for community involvement

Activity F: Hold public meetings, forums, and/or availability sessions.

- Objective: To update the community on Site developments and address community questions, concerns, ideas, and comments.
- Method: Refer to Appendix G for suggested meeting locations. KDHE will schedule, prepare for, and lead all announced meetings. KDHE will provide at least three week's notice of the scheduled meeting. The KDHE Project Manager and other appropriate KDHE staff will attend.
- Timing: The public meeting is required during the draft Corrective Action Decision comment period (see below). KDHE will hold other public meetings, forums, and/or availability sessions as appropriate.

Activity G: Make informal visits to the community.

- Objective: To help keep community members informed about the Site, while providing KDHE with feedback about Site activities and the community's opinions.
- Method: KDHE will establish a presence in the community through informal, often unscheduled visits to talk spontaneously with local residents and officials.
- Timing: Throughout the entire investigation and cleanup process.

Activity H: Encourage Establishment of a Community Advisory Group.

- Objective: To provide citizens with a meaningful way to become actively involved, and to provide KDHE with a viable means of discussing citizen concerns and attitudes.
- Method: KDHE may encourage formation of a Community Advisory Group and provide support as appropriate to facilitate its functions. KDHE may provide administrative support but will not be an active member.
- Timing: KDHE will post an announcement on the Site-specific webpage to gauge interest in a Community Advisory Group in the near future. Based on the feedback received, KDHE will assist the interested parties in forming the group. KDHE will select a Community Advisory Group administrator from the community. The Community Advisory Group leader will be responsible for selecting other members of the Community Advisory Group. Ideally, the Group will be established prior to KDHE's review of the Phase 2 RSE Report.

Activity I: Solicit comments during a Public Comment Period.

- Objective: To give community members an opportunity to review and comment on the draft Corrective Action Decision. This provides the citizens with meaningful involvement in the process and also provides KDHE with valuable information for use in making decisions.
- Method: KDHE will announce the comment period in local newspapers, to local and county officials, through KDHE mailing list, and on the KDHE Site-specific website; announcements will include details on duration, how to make comments, where to submit comments, etc. KDHE will solicit comments on the draft Corrective Action Decision.
- Timing: The comment period will be announced in conjunction with the issuance of the draft Corrective Action Decision and will last a minimum of 30 days.

Activity J: Prepare and issue a Responsiveness Summary.

- Objective: To summarize comments received during the comment period, to document how KDHE has considered those comments during the decision-making process, and to provide responses to major comments.
- Method: KDHE will prepare a Responsiveness Summary as a section of the final Corrective Action Decision. The Responsiveness Summary will include four sections: 1) Overview; 2) Background on Community Involvement; 3) Summary of comments received and KDHE's responses; 4) Removal Action Design Plan concerns. All information, both technical and non-technical, will be conveyed in a manner that is easily understood.
- Timing: KDHE will issue the Responsiveness Summary as part of the final Corrective Action Decision.

Activity K: Revise the Community Involvement Plan.

- Objective: To identify and address community needs, issues, or concerns regarding the Site that are not currently addressed in this Community Involvement Plan.
- Method: The Revised Community Involvement Plan will update the information presented in the previous version of the Community Involvement Plan.
- Timing: KDHE will revise the Community Involvement Plan as warranted.

4.2 Time Frame Summary for Community Involvement Activities

| ACTIVITY | TIME FRAME |
|--|---|
| Establish and maintain the Administrative Record | Established, update as needed |
| Establish and maintain online Information Repository | Established, update as needed |
| Maintain a mailing list for the Site | Ongoing |
| Prepare and distribute Site update summaries | As needed |
| Hold public meeting | During the public comment period for the draft Corrective Action Decision |
| Hold public availability sessions and forums | As needed |
| Make informal visits to community | As needed |
| Encourage formation of a Community Advisory Group if there is community interest | Initiate in August or September 2014 |
| Solicit comments during the Public Comment Period | In conjunction with issuance of the draft Corrective Action Decision |
| Prepare and issue a Responsiveness Summary | Following public comment period |
| Revise the Community Involvement Plan | As needed |

SITE LOCATION MAP



LEGEND

- Approximate Property Boundary
- Approximate Cherryvale City Limits

N

0 1,500 3,000 6,000 Feet

Map Source: Aerial Photograph 2012 National Agriculture Imagery Program (NAIP)

| | | | |
|----------------|----|--|--------------------|
| | | SITE: National Zinc Site Cherryvale, Kansas | |
| | | TITLE: Site Location Map | |
| PROJECT PHASE: | | Second Amendment to Consent Order | |
| DRAWN BY: | KS | 6/10/2014 | BASEMAP DATE: 2012 |
| CHECKED BY: | HB | 6/10/2014 | Exhibit 1 |

APPENDIX A KDHE CONTACTS

Holly Burke, Project Manager
Site Remediation Unit/Remedial Section
Bureau of Environmental Remediation
Kansas Department of Health and
Environment
1000 SW Jackson Street, Suite 410
Topeka, KS 66612

Phone: (785) 296-6242
E-mail: hburke@kdheks.gov

Chris Carey, P.G., Section Chief
Remedial Section
Bureau of Environmental Remediation
Kansas Department of Health and
Environment
1000 SW Jackson Street, Suite 410
Topeka, KS 66612

Phone: (785) 296-1675
E-mail: ccarey@kdheks.gov

Sara Belfry
Director of Communications
Kansas Department of Health and
Environment
1000 SW Jackson Street, Suite 540
Topeka, KS 66612

Phone: (785) 296-5795
E-mail: sbelfry@kdheks.gov

Ryan Weiser, P.G., Unit Chief
Site Remediation Unit/Remedial Section
Bureau of Environmental Remediation
Kansas Department of Health and
Environment
1000 SW Jackson Street, Suite 410
Topeka, KS 66612

Phone: (785) 291-3255
E-mail: rweiser@kdheks.gov

Leo Henning, P.G., Bureau Director
Bureau of Environmental Remediation
Kansas Department of Health and
Environment
1000 SW Jackson Street, Suite 410
Topeka, KS 66612

Phone: (785) 296-1662
E-mail: lhenning@kdheks.gov

APPENDIX B LOCAL OFFICIALS

City Officials

John Wright, Mayor
Travis Goedken, City Administrator

Chad Wickham, City Council President
Randy Wagoner, City Council Member
Lew Forman, Jr., City Council Member
Kevin Crain, City Council Member

Cherryvale City Hall
123 W. Main
Cherryvale, KS 67335
Phone: (620) 336-2776

Jesse Reed, Fire Chief
Cherryvale Fire Department
116 S. Neosho Street
Cherryvale, KS 67335
Phone: (620) 336-2121

Perry Lambert, Police Chief
Cherryvale Police Department
123 W. Main
Cherryvale, KS 67335
Phone: (620) 336-2400

Montgomery County Officials

Leon Rau, District 1 Commissioner
Phone: (620) 330-1200

APPENDIX C STATE ELECTED OFFICIALS

Governor Sam Brownback
Office of the Governor
Capitol, 300 SW 10th Ave., Ste. 212S
Topeka, KS 66612
Phone: (785) 296-3232

State Senate

Senator Jeff King

Capitol, 300 SW 10th Ave., Room 341-E
Topeka, KS 66612
Phone: (785) 296-7361
Email: Jeff.King@senate.ks.gov

1212 North Second Street
Independence, KS 67301
Phone: (620) 331-9888

State House of Representatives

Representative Jim Kelly

Capitol, 300 SW 10th Ave., Room 512-N
Topeka, KS 66612
Phone: (785) 296-6014
Email: jim.kelly@house.ks.gov

309 S. 5th Street
Independence, KS 67301
Phone: (620) 332-3083

APPENDIX D FEDERAL ELECTED OFFICIALS

U.S. Senate

Senator Pat Roberts

109 Hart Senate Office Building
Washington, DC 20510-1605
Washington, DC: (202) 224-4774
Wichita: (316) 263-0416

Senator Jerry Moran

361A Russell Senate Office Building
Washington, DC 20510
Washington, DC: (202) 224-6521
Pittsburg: (620) 232-2286

U.S. House of Representatives

Congresswoman Lynn Jenkins,

2nd District
1027 Longworth HOB
Washington, DC 20515
Washington, DC: (202) 225-6601
Independence: (620) 231-5966

APPENDIX E

RESPONSIBLE PARTY REPRESENTATIVES

William Anderson (on behalf of Citigroup Global Market Holdings, Inc.)

Doerner, Saunders, Daniel & Anderson, LLP Lawyers

Williams Center Tower II

Two West Second Street, Suite 700

Tulsa, OK 74103-3117

Phone: (918) 591-5283

Andrew Thiros

United States Steel Corporation

600 Grant Street, Suite 1500

Pittsburgh, PA 15219-2800

Phone: (412) 433-2983

APPENDIX F MEDIA CONTACTS

Newspapers:

Montgomery County Chronicle

115 N. Labette Street
P.O. Box 156
Cherryvale, KS 67335
Phone: (620) 336-2100

Independence Daily Reporter

320 N. 6th Street
Independence, KS 67301
Phone: (620) 331-3550

Coffeyville Journal

302 W. 8th Street
Coffeyville, KS 67337
Phone: (620) 251-3300

Parsons Sun

220 S. 18th Street
Coffeyville, KS 67357
Phone: (620) 421-2000

Good News Community Newspaper

124 N. State Street
Caney, KS 67333
Phone: (620) 879-5460

Radio Stations:

KGGF - 104.1 FM, KGGF - 690 AM

306 W. 8th Street
Coffeyville, KS 67337
Phone: (620) 251-3800

KIND - 102.9 FM, KIND - 1010 AM

309 N. Pennsylvania Ave.
Independence, KS 67301
Phone: (620) 331-3000

Radio Stations (continued):

KKOW - 96.9 FM, KKOW - 860 AM

1162 E. Highway 126
Pittsburg, KS 66762
Phone: (620) 231-7200

Television Stations:

KOAM (CBS Affiliate-Channel 7)

2950 NE Highway 69
P.O. Box 659
Pittsburg, KS 66762-0659
Phone: (620) 231-0400

KJRH (NBC Affiliate-Channel 2)

3701 S. Peoria
Tulsa, OK 74105
Phone: (918) 743-222

KOTV (CBS Affiliate-Channel 6)

303 N. Boston Avenue
Tulsa, OK 74103
Phone: (918) 732-6000

KTUL (ABC Affiliate-Channel 8)

PO Box 8
Tulsa, OK 74101-0008
Phone: (918) 445-8888

KOKI (Fox Affiliate-Channel 23)

2625 S. Memorial Drive
Tulsa, OK 74129
Phone: (918) 491-0023

APPENDIX G MEETING LOCATIONS

Cherryvale City Hall

Contact: Travis Goedken, City Administrator
123 W. Main Street
Cherryvale, Kansas 67335
Phone: (620) 336-2776

Logan Park Community Building

Intersection of S. Liberty Street and Park Street
Contact: Travis Goedken, City Administrator
123 W. Main Street
Cherryvale, Kansas 67335
Phone: (620) 336-2776

Cherryvale Community Center

712 S. Liberty Street
Contact: Travis Goedken, City Administrator
123 W. Main Street
Cherryvale, Kansas 67335
Phone: (620) 336-2776

Cherryvale Middle-High School – Commons Area

700 S. Carson Street
Contact: Randy Wagoner, USD 447 Superintendent
618 E. 4th Street
Cherryvale, Kansas 67335
Phone: (620) 336-8130

Lincoln-Central Elementary School – Gymnasium

401 E. Main Street
Contact: Randy Wagoner, USD 447 Superintendent
618 E. 4th Street
Cherryvale, Kansas 67335
Phone: (620) 336-8130

APPENDIX H REPOSITORY LOCATIONS

Local Repository:

Cherryvale City Hall
123 W. Main Street
Cherryvale, Kansas 67335
Phone: (620) 336-2776
Hours Open to Public:
Monday – Friday: 8:00AM – 5:00PM

KDHE Administrative Record:

Kansas Department of Health and Environment
Bureau of Environmental Remediation
Curtis State Office Building
1000 SW Jackson Street, Suite 410
Topeka, Kansas
Phone: (785) 296-1673
Hours Open to Public:
Monday – Friday: 8:00AM – 5:00PM

KDHE Web Pages:

KDHE Identified Sites List:

http://www.kdheks.gov/remedial/isl_disclaimer.html

KDHE Site-Specific Web Page: http://www.kdheks.gov/remedial/scu/national_zinc.html