

SUMMARY OF THE I-70 SETTLEMENT AGREEMENT**I. Community Health Study (CHS)****A. Scope:**

1. The CHS's is to "provide best estimates, as scientifically warranted" about the causes of adverse health outcomes in Globeville, Elyria, and Swansea (GES).
2. Will assess "potential causes of the disparate health outcomes in the Globeville, Elyria, and Swansea [GES] neighborhoods, including but not limited to those disparate health outcomes identified in the 2014 [City of Denver] Assessment."
3. To identify the causes of GES's disparate health outcomes, will collect data on:
 - a. Air, water, soil and noise pollution, including pollution from vehicles on I-70;
 - b. Socioeconomic factors;
 - c. Barriers to mobility; and
 - d. The availability of healthy foods, such as fresh vegetables.
4. Will not look specifically at the I-70 Project's impacts, but will consider "effects of pollutants, noise and vehicle and rail traffic" in general, including I-70 traffic.
5. Will not make recommendations about how to improve health, but will provide data to help inform future policy discussions.

B. Structure and Execution:

1. The CHS will be overseen by a Steering Committee made up of:
 - a. 1 representative from the City of Denver;
 - b. 1 from CDPHE (Colo. Dep't of Public Health & Environment);
 - c. 1 chosen by the Plaintiffs in the lawsuit (Colorado Latino Forum, Elyria & Swansea Neighborhood Association, Chaffee Park Neighborhood Association, and Sierra Club); and
 - d. These 3 members will choose a fourth member by unanimous vote.
2. The Steering Committee will be responsible for:
 - a. Choosing an Expert: the person or organization who will actually conduct the research and draft the CHS.
 - b. Develop guidelines for budgeting and conducting the CHS.
3. The Steering Committee must make all decisions unanimously.
4. There are multiple phases of the CHS, each approved by the Steering Committee:
 - a. Phase 1: The Expert will develop a refined plan for what data will be collected, and how it will be collected.

- b. Phase 2: The Expert will develop a schedule for the remainder of the CHS.
- c. The CHS will be completed within 4 years of appointing the Expert.
5. The Steering Committee will provide regular updates and opportunities for meaningfully community engagement. Its meetings will be open to the public, and the public will be able to comment on proposed actions, including the CHS's scope, protocols, and final report.
6. Four times a year, the Steering Committee will disclose to the public its communications about the CHS, and provide access to written materials.
7. All data, methodologies and final reports will be posted online.
 - a. Some documents could be withheld under the Colorado Open Records Act. The withheld documents would likely be limited to:
 - i. attorney-client privileged documents conveying communications between the City Attorney's office and Denver's representative (or the Attorney General's office and the CDPHE representative);
 - ii. personal or medical information about residents that is withheld for privacy reasons; or
 - iii. proprietary information about a polluting facility's operations that is considered confidential business information (i.e., the schematics for the smokestack design at the Suncor Refinery or the Cherokee power plant).

C. Funding:

1. CDOT will provide \$550,000.00 for the CHS, to cover the costs of the Expert.
 - a. Even though CDOT is providing this funding, the CHS will not be attributed to CDOT or the Federal Highway Administration.
2. CDOT will contribute an additional \$25,000.00 to pay the fourth Steering Committee member (who is chosen by the other three members).
3. Plaintiffs can use funds from other sources, if needed, to pay the fourth Steering Committee member.

II. Air Monitoring

- A. Kiewit will operate four new air pollution monitors that measure PM₁₀ – which is mostly larger dust particles stirred up by construction. It will operate the monitors throughout the duration of the I-70 construction, in addition to the monitor that is already installed at Swansea Elementary. The four new monitors will be located at:
 1. 46th and Vine
 2. 45th and Josephine



3. Southeast of I-70 at Quebec
 4. North of the I-225/I-70 interchange
- B. The monitors will be 10-12 feet above ground, as required by EPA federal regulations.
- C. Kiewit will automatically alert CDOT and CDPHE by text and email when a monitor records a one-hour average PM₁₀ concentration of 135 µg/m³.
1. EPA's health standard for when PM₁₀ exposure becomes unhealthy is 150 µg/m³, meaning that Kiewit must take action before PM₁₀ reaches unhealthy levels.
 2. If PM₁₀ concentrations reach 135 µg/m³, Kiewit must take action (likely controlling dust) until concentrations go down. Kiewit must notify CDOT of all actions taken to reduce PM₁₀ levels.
 3. Kiewit must provide CDOT with monthly air quality reports and any steps taken to mitigate pollution.
- D. Kiewit will post PM₁₀ concentrations online every hour.

III. Landscaping Along the Highway

- A. Kiewit will work with Denver to provide tree plantings and long-term maintenance in right of ways along 46th Avenue between York Street and Steele Street.
- B. Kiewit will provide vine or other plantings on community-facing sides of permanent noise walls in Swansea, except where community art is already planned.

IV. Trees throughout GES

- A. CDOT will provide \$25,000 for tree plantings throughout GES.
- B. Plaintiffs will choose a non-profit or governmental agency to plant the trees by 3/30/19.

V. Communications: Kiewit must:

- A. Provide a public web page, with content in English and Spanish, describing all major construction activities and traffic impacts, that will be updated weekly.
- B. Send email blasts, text alerts, and social media updates weekly or more frequently to alert the public to changes or additions to the planned activities.
- C. Provide notifications of major project developments and heavy construction work at least 7 days in advance, in both Spanish and English.
- D. Publish articles and notices in local media.
- E. On request, make presentations to community groups in English or Spanish.
- F. Distribute a monthly English & Spanish newsletter, by email, posted online and at community centers, and hand delivered to about 2,500 residents of Elyria and Swansea.
- G. Post fact sheets on the website on specific issues in both Spanish and English, and provide door-to-door outreach by bilingual personnel to inform specific residents of focused activities affecting their block.

- H. Maintain a telephone hotline for community feedback and complaints. Assistance will be available for people with limited or no English proficiency.
1. The voicemail greeting for this phone line will be recorded in English and Spanish. It will provide an updated message each week explaining exactly where construction is happening and how long it will take.
 2. The hotline will have a voicemail for callers to leave messages.
 3. Kiewit must check messages throughout the day. On weekdays, it must return calls the same day. On weekends, it must return calls within 24 hours. Kiewit may have up to 2 days to return calls in high volume situations.
 4. Kiewit and CDOT must respond to e-mails and texts in the same day, or within 2 working days in high-volume situations.
 5. Kiewit must log and report all inquiries and complaints to CDOT.
- I. Kiewit will install a web camera on top of the Purina building to provide images of construction on the lowered section of the highway through Swansea.
- J. Kiewit will publish a quarterly communications report throughout construction. This report will be published in English. Kiewit must also provide it in Spanish, upon request. This report will include:
1. A summary of primary construction work during the preceding quarter;
 2. A summary of communications received from the public;
 3. A detailed summary of any mitigation actions taken;
 4. A list of any times that PM_{10} reached or exceeded $135 \mu g/m^3$ during the preceding quarter, and a description of what actions were taken in response.

Do you have questions? Contact:

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