



DRAFT Communication Strategy: ACM Smelter and Refinery Final Listing

CONFIDENTIAL

Prepared by: Wendy Thomi (406-457-5037) updated on March 7, 2011

Issues: ACM Smelter and Refinery is final on March 10, 2011
Receipt of sample results in Black Eagle coincide with timing of listing

Action: Announcing final listing and next steps based on sample results

Dates: March 2011

Visibility: Medium to high

Key Contacts:

Charlie Coleman, Remedial Project Manager	406-457-5038
Wendy Thomi, EPA Community Involvement Coord.	406-457-5037
Sabrina Forrest, EPA Site Assessment Manager	303-312-6484

Other Contacts:

<u>Name</u>	<u>Program/Role</u>	<u>Work Phone</u>
Joe Vranka, EPA Montana Superfund Manager		406-457-5039
Julie DalSoglio, Director-EPA Montana Office		406-457-5025
Johanna Miller, Site Assessment and Brownfields		303-312-6804
Sandi Olsen, DEQ Remediation Division Administrator		406-841-5001
Jim Stearns, EPA Legal Enforcement		303-312-6912

Objectives/Strategy:

- Provide information on final listing
- Keep local government informed and involved
- Keep public updated on status and next steps
- Keep news media informed

Audience:

- Black Eagle, Cascade County, Great Falls, State and Federal elected officials
- Key interest groups: Black Eagle Civic Club & City-County Health Department
- Press and general public

Messages:

- Final listing on the National Priority list makes resources available, ensures community involvement opportunities, and provides a process to do comprehensive investigation and cleanup and ultimately bring finality to all stakeholders.
- EPA identified potentially responsible parties for this site and has begun discussions with one of them – Atlantic Richfield Company (Arco). We are looking at options for beginning investigations and cleanup for residential soils as soon as possible.
- EPA would like to continue work on Black Eagle soils this summer. Based on recent samples, work may consist of removal of contaminated soil in the Park/playground area, along the railroad grade and possibly at the Moose Lodge property.

Site Location and Description:

The Anaconda Copper Mining Company Smelter and Refinery (ACM) site covers approximately 427 acres on the northern bank of the Missouri River between Black Eagle and Great Falls in Cascade County, Montana. The 427 acres include former facility land now controlled by Pacific Steel & Recycling, Cascade County, Anaconda Hills Golf Course, and Northwestern Energy. However, the ARCO controls most of the site. From the topographic high point at Indian Butte the property steps down to the Missouri River in a series of terraces from which all structures have been razed and the property is currently vegetated.

Black Eagle, an unincorporated community with an area of around 2 square miles and a population of 914 persons, is located immediately west and northwest of the ACM Company Smelter and Refinery site that is to the immediate west and northwest. Black Eagle is wedged in between an industrial area and the former smelter and has significantly lower average income than Great Falls located across the river. It has approximately 458 residences that are a mix of brick and wood frame structures set on 30-foot by 150-foot lots along the avenues and 40-foot by 150-foot lots along the streets.

Background:

The Boston & Montana Consolidated Copper and Silver Mining Company began operations in 1893 with the concentrating, smelting, and refining of copper from the mines in Butte, Montana, into blister copper. Electrolytic and furnace refineries also went into operation in 1893, thus permitting the refining of ore into commercially useful shapes of refined copper. Smelting activities continued at the facility until the early 1970s. The primary products from activities at the site were copper, zinc, arsenic, and cadmium.

Tailings and slag from the ACM site were deposited directly into the Missouri River from a tramway that ran along the riverbank below the Black Eagle dam raceway. An estimated 950,000 tons of slag and tailings were released to the river in 1907. In time, this refinery came to construct and operate the tallest plant stack in the world-more than 502 feet high. In 1910, the holdings of the Boston & Montana Consolidated Copper and Silver Mining Company were acquired by the Anaconda Copper Mining Company, when the site became known as the Great Falls Reduction Department. The property again changed hands in 1977, when Anaconda Copper Mining Company merged with ARCO.

Demolition of plant facilities had begun in 1972 and all operations at the Great Falls Refinery ceased in September 1980. ARCO began closure in 1981 and completed the process in 1999 with no regulatory agency oversight of closure activities.

A post closure solid waste inventory was conducted in 1981 and identified areas of concern. A Preliminary Assessment completed in 1982 recommended that further investigations be conducted at the site and in 1983 a screening site investigation was conducted by ARCO documenting both on-site and off-site groundwater and surface water contamination. ARCO submitted a voluntary cleanup plan (VCP) to the Montana Department of Environmental Quality (DEQ) in 2000, which the DEQ determined to be incomplete. The Montana DEQ requested that EPA review the site in 2002. An Expanded Site Inspection was conducted by the EPA in April 2003 that documented the presence metals on site, in the Missouri River sediments, and in the surface water including arsenic, cadmium, chromium, lead, mercury, and zinc as the result of various site processes. In 2007 another Expanded Site Inspection was conducted to assess the residential soils in the area. The investigation found an approximate area of 3,400,000 square feet encompassing 375 residences in the community of Black Eagle was contaminated with arsenic and lead above screening levels. Another Expanded Site Inspection was conducted in 2008 to further determine areas of residential soil contamination. The investigation further confirmed that residents of Black Eagle are being potentially exposed to elevated metals of arsenic cadmium and lead concentrations from area soils. It is important to note that none of the levels found are considered to have near term risks associated with them.

As a result of the 2007, 2008 sampling investigations and extensive community involvement during 2009, 2010 over the last year, in fall 2009 Cascade County, the City-County Health Department, and the Black Eagle Civic Club all wrote letters to Governor Schwietzer to request official State support for placement on the NPL. The Governor responded in November 2009 by sending a letter of support for listing to Acting Region 8 Administrator, Carol Rushin.

Since the proposal, EPA held two public meetings and conducted interviews with community members, government officials and legislators in order to design a community involvement plan that meets the needs of the affected community and other stakeholders. Several concerns that were voiced repeatedly during interviews:

- Smelter Ave. (the main street through the community) reconstruction starts in mid-August. Black Eagle has waited for many years for this project to come to fruition and they don't want anything Superfund does to delay it or disturb it once it is completed.
- Moose Lodge Targeted Brownfields Assessment was finished in 2010 and the project is on hold now that the area is proximal to portions of the ACM site and Black Eagle community that were characterized for the NPL process. Both NeighborWorks and Great Falls Development Authority are frustrated with the sequence of events since they have gotten mixed messages from EPA on the feasibility of the project. First they were told that they would be able to go ahead with Brownfields Revolving Loan funding for their low-income housing development because they would get it done before the listing process was finished. But the listing process proceeded and they are now unable to receive the funds they counted on for the project. The development cannot proceed before the area is cleaned up. Reports of kids riding bikes in the parking area and adjacent coulee where dumping occurred during and after smelter operation make this a questionable area for play kids' recreation.
- The Civic Group in Black Eagle, while generally supportive, is skeptical about the pace of cleanup. They fear that EPA's proposal and listing will have a negative effect on the community and that it will take years for any cleanup to happen.

EPA conducted additional sampling on the Higgins Memorial Park, just west of the ACM Smelter property and other areas along that railroad grade. On Monday, February 28, 2011, EPA received the results of the sampling. EPA will share the results with the community in the near future. The community is also very eager to hear what EPA found and what actions the Agency will take.

Schedule of Activities
Tasks:

	Activity	Purpose	Date	Person/ Agency
	Update communication strategy	To coordinate activities	Week of Feb. 28-March 4	Wendy
	Write Weekly activity Report	To inform internal interests	Mar. 1	Sabrina, Wendy
	Create display ad for final listing		Mar. 3	Wendy
	Team Meeting Call in number 1-866-299-3188 406-457-5037#	To review communication strategy and discuss presentation of sampling results	Mar. 7 10:30 am	All EPA Team
	Courtesy calls to Montana Congressional delegation		Mar. 8 9– 10:00	Julie or Wendy
	Courtesy calls to HQ Congressional delegation		Mar. 8 Morning 9– 10:00	OCIR / Sandy
	Courtesy call to Governor's office		Mar. 8 morning 9– 10:00	Julie or Wendy
	Courtesy calls to State legislators		Mar. 8 9– 10:00	Wendy
	Courtesy calls to County Commissioners		Mar 8 9– 10:00	Wendy
	Courtesy calls to DEQ		Mar. 8 9– 10:00	Wendy
	Web site preparation	To be ready to deploy on March 10	March 9	Wendy, Tim,
	Send press release to EPA; ATSDR; DEQ; elected officials; GF City Mgr; CCHD	Courtesy copy of press release before it goes to press	March 8 10:00	Wendy

	Regional Press Release on the listing	HQ national press release and fact sheet (Narrative Summary) is being released 2 days prior to publishing.	March 8 noon	Wendy
	Paid ad in Great Falls Tribune www.epa.gov/region8/superfund/mt/acmsmeliterrefinery	To advertise final listing and where to find information	March 10	Wendy, Deb
	Web-site update http://www.regulations.gov/#!home and http://www.epa.gov/superfund/sites/npl/current.htm	Web site mentioned in ad on 3/10	March 10	Tim
	Listing materials in records center & County Annex (temporary local repository)	This is the web site where final listing information can be found.	ASAP	Sabrina, Wendy,
	Brief County Commissioners, Great Falls, Civic Club	To have the opportunity for them to ask questions on current events	Week of March 21	Charlie, Wendy, Sabrina, possibly
	Fact sheet	To provide current information and next steps on listing	Before April ? public meeting	Wendy, team
	Develop agenda for public meeting	To discuss what information needs to get to public right away	April	All
	Civic club meeting or public meeting to review NPL listing; soil sampling results and future actions	To provide opportunity for public to be informed.	April	Wendy, team

Courtesy Faxes/Emails of Press Release**Phone****Fax or e-mail**

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|-------------------|--|------------|
| ○ Jim Martin | | send email |
| ○ Carol Campbell | | “ |
| ○ Larry Grandison | | “ |
| ○ Rich Mylott | | “ |
| ○ Sandy Fells | | “ |
| ○ Sonya Pennock | | “ |

ATSDR

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|-------------------|--|
| ○ Dan Strausbaugh | strausbaugh.dan@epa.gov |
|-------------------|--|

DEQ

- | | | |
|---------------------------|----------|--|
| ○ Richard Opper, Director | 444-2544 | ropper@mt.gov |
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| ○ Maryann Dunwell | | mdunwell@mt.gov |
| ○ Samantha Travis | 841-5061 | stravis@mt.gov |

U.S. Congressionals

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|--|----------|--|
| ○ Sen. Baucus, Helena (Holly Luck) | 449-5480 | 449-5484
Holly_luck@baucus.senate.gov |
| ○ Sen. Baucus, Great Falls | 761-1574 | 727-3726 |
| ○ Sen. Baucus, Kalispell (Kirby Campbell-Rierson) 756-1150 | | Kirby_campbell-rierson@baucus.senate.gov |
| ○ Sen. Baucus, D.C | | |
| ○ Sen. Tester, Helena (Bill Lombardi) | 449-5401 | bill_lombardi@tester.senate.gov |
| ○ Sen. Tester, G.F. (Cheryl Ulmer) | 452-9585 | cheryl_ulmer@tester.senate.gov
Robyn_Madison@tester.senate.gov |
| ○ Sen. Tester, Missoula (Tracy Stone -Manning) 728-3003 | | Tracy_stone-manning@tester.senate.gov |
| ○ Sen. Tester, D.C | | |
| ○ Rep.Rehberg, Helena (Will Selph) | 443-7878 | 443-8890
Will.selph@mail.house.gov |
| ○ Rep. Rehberg, Great Falls (Mike Waite) | 454-1066 | mike.waite@mail.house.gov |
| ○ Rep. Rehberg, D.C. | | |

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- Sara Elliot, Communications Director 444-9725 444-5529
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- Jayson O'Neill, Deputy Comm. Director 444-9844 444-5229
(c) 202-2936 jaysononeill@mt.gov
- Mike Volesky, Policy Advisor for Nat. Res. 444-7857 444-5229
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Montana Legislators

- Senator Mitch Tropila 727-1770 tropila@mt.net
- Representative Brian Hoven 761-8533 brian@hovensquipment.com
or 899-5000

Cascade County

- Joe Briggs 454-6810 briggs@co.cascade.mt.us
- Jane Weber 454-6814 jweber@co.cascade.mt.us
- Bill Salina 454-6816 bsalina@co.cascade.mt.us
- Sandy Johnson, County Sanitarian 454-6950 sjohnson@co.cascade.mt.us
- Alicia Thompson, Health Officer 454-6950 athompson@co.cascade.mt.us

Great Falls

- Mayor Michael Winters 452-5679 mjwinters@bresnan.net
- Greg Doyon, City Manager gdoyon@greatfallsmtnet.net
- Jim Rearden, Director Public Works 727-8390 jreardon@greatfallsmtnet.net
- Andrew Finch, City Planning afinch@greatfallsmtnet.net
- Bill Walters, City Planning bwalters@greatfallsmtnet.net
- Ellen Sievert, Historic Preservation Officer 455-8435 esievert@greatfallsmtnet.net
- Dave Dobbs, City Engineer 771-1258 ddobbs@greatfallsmtnet.net
- Marty Basta, Director Parks and Rec. Dept. 771-1265 mbasta@greatfallsmtnet.net

Montana Fish, Wildlife and Parks

- Matt Marcinek mmarcinek@mt.gov

US Fish and Wildlife Service

- Karen Nelson karen_nelson@fws.gov

Atlantic Richfield

- Steve Dischler 630-836-3536 630-836-6336
Steve.Dischler@bp.com
- Luke Pokorny 723-1832 782-9980
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Community Groups

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|--------------------------------------|--------------|--|
| ○ Jim Helgeson, President Civic Club | 452-6212 (h) | jimhelgeson@msn.com |
| ○ Terry Miller, Weed and Seed | | |
| ○ Recreational Trails Inc. | 727-0621 | bruce60s@gmail.com |
| ○ | | |

Media:

Print

	<u>Phone:</u>	<u>Fax or e-mail</u>
- Karl Puckett (Great Falls Tribune) kpuckett@greatfallstribune.com	791-1471	791-1471
- John Adams (Great Falls Tribune) jadams@greatfallstribune.com	442-9493	
- Eve Byron (Helena Independent Record) eve.byron@helenair.com	447-4071	447-4076
- Bob Anez (Associated Press) apmontana@ap.org	449-5542	449-6104
- Jennifer McKee (Lee News State Bureau) jennifer.mckee@lee.net	443-4920	443-0034

Radio

- Ed O'Brian / Sally Mauk (KUFM Missoula) Kathleen.woodford@umontana.edu	243-4931	243-3299
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TV

KRTV		
Kay Rossi	590-5149	kay@krtv.com
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		newsroom@kfbb.com
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s.styrpak		sstyrpak@kfbb.com
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KUSM/KUFM PBS kusm@montanapbs.org	994-3437	994-6545
Beartooth News Channel 12 News12@ktvh.com	457-1212	442-5106
KMTF CW 10 TV Cw10@surewest.net	457-1010	457-2758

QUESTIONS AND ANSWERS

Now that the ACM site is final, what happens next?

The PRP(s) have 90 days to request a review of the promulgated regulation in the Circuit Court of Appeals of the United States for the District of Columbia. If the PRP requests a review, this means they are appealing the listing. If appealed, briefs are prepared for both sides and after oral arguments, the DC Court of Appeals makes a decision. This typically takes several months; however, since the site is on the NPL, EPA is able and will begin remedial investigations and other fund-lead activities.

What are the benefits of being on the NPL?

1. Listing a site on the NPL increases the Superfund money available for cleanup. Without this funding, some sites will not be cleaned up.
2. Listing a site makes funding available for cleanup in the event there is no viable PRP (Potentially Responsible Party). It also eliminates delays in cleanup if PRP negotiations break down.
3. Listing facilitates bringing PRPs to the table, and enables EPA to legally oversee the cleanup
4. When a site is proposed for the NPL, other resources also become available: staff, TAGs, ATSDR, etc.
5. The NPL process provides closure and certainty to PRPs, the local community and property owners.
6. Listing a site makes it easier for trustees to pursue Natural Resource Damage claims.
7. The availability of funding for cleanups coupled with the ability to recover treble cleanup costs from reluctant PRPs increases EPA's leverage on PRPs for implementing cleanups.
8. EPA can provide a greater degree of legal finality to responsible parties at NPL sites than at non-NPL sites.

Won't proposing a site for the NPL stigmatize the area?

Proposing the site for the NPL provides a means for addressing the risks at the site. The good news is that the problems will be addressed and the contamination problem controlled so that the site can be returned to productive, safe use. It is the presence of contamination in the area that makes it less desirable, not the NPL listing. NPL listing provides a means for reducing contamination and the threats it may cause permanently.

What will proposing a site for the NPL do to property values?

Studies show that it is the discovery of the problem, which generally predates NPL listing by several years, that causes home prices to decline, not placement on the NPL. Evidence suggests that placing sites on the NPL either has no effect on home prices, or may actually raise them. Because the listing of a site implies a federal commitment to clean up the site, this step reduces uncertainty and may act as a signal to real estate markets that property values will soon rise.

Will the community lose control of cleanup decisions if Superfund takes over?

While Superfund is a national program, its impacts are local and EPA works hard to incorporate the community's and local and state government's priorities into the response.

What if I would like my yard sampled?

EPA has recently sampled a highly used Black Eagle Park and nearby areas to determine to determine the nature and extent of contamination. EPA will be making decisions about actions in those areas in the near future. If EPA initiates cleanup in these areas, residential sampling my wait until the next construction season in 2012. All residents will have the opportunity to have their yard sampled at no cost to them at that time.