

**Comments on the Revised (2008) Proposed Plan  
Carpenter-Snow Creek Mining District NPL Site  
Neihart, Montana**

A revised Proposed Plan for this site was issued in December 2008. Comments received by EPA on the revised Proposed Plan are presented below and segregated into the following groups:

1. Written comments received by email or standard mail
2. Comments reported in the Great Falls Tribune
3. Comments received during the public meeting held on January 6, 2008 following the monthly Neihart town council meeting at the Neihart Community Center, Neihart Montana
4. Comments received during the public hearing held on January 13, 2009 from 10:38 to 11:20 A.M. in conjunction with the Cascade County Commissioner's chambers in Great Falls, Montana

**1. WRITTEN COMMENTS RECEIVED BY EMAIL OR STANDARD MAIL**

**Comment Letter Submitted by Mr. Randy Tarum**

January 22, 2009

Re: Neihart Property Testing

Dear Rick:

This letter is a follow up to our discussions at the meeting in Great Falls regarding the testing of my property in Neihart. As you may recall, I authorized you to conduct the testing of my property. In doing so, I would hope that you would report the results back to me as soon as possible. I do not want to wait for a final report or any of that. I would like to [see] if there is a work plan that describes the testing on my land. I would like to better understand if you test multiple sites and combine samples or send in multiple samples for individual site testing. I would also like to know the number and locations of sites that you sampled on my property. If there is data from each individual test site on my land I would like to know the analysis for each sample taken from each test site. I would like to know how you come up with the ppm average number that you associate to my land.

Thank you in advance for providing this information to me.

Sincerely,  
Tandy Tarum

**Comment Letter Submitted by the Cascade County Board of Health, County Commissioners, and Neihart Town Council.**

RE: The Revised Proposed Plan for Neihart Community Soils Dear

Mr. Brown,

As you are aware, a significant public health issue continues to exist in the town of Neihart

located in Cascade County. Several discussions between stakeholder groups have taken place during the public comment period to address these issues. Due to shared concerns regarding the Revised Proposed Plan for Neihart Community Soils, the following comments are being submitted by the Board of Health, the Board of Cascade County Commissioners, and the Neihart Town Council.

1. We are in agreement that the cleanup of soils with excessive levels of lead and arsenic must be done to reduce the risk of exposure to humans, particularly children under 7 years of age. We support the preferred alternative 2B plan as described in the document.

2 . However, we are concerned that this soil cleanup plan will be complicated by the public water supply system that serves the town. We cannot see the justification for conducting an expensive soil removal project without pursuing a concurrent remedy for the water system. There is a risk of mobilizing clean up in 2009 and 2010 for areas except water line trenches, only to have another extensive excavation project occur afterward as distribution lines are replaced for the water system. This would likely disrupt soils again, jeopardizing previous remediation.

Currently, Neihart's public water supply is out of EPA SDWA compliance and they are having difficulty reaching a solution that will bring the water system up to acceptable standards. Neihart has been working with an engineer and they have obtained some of the funding to correct their water system. EPA and Montana Department of Environmental Quality have extensive records of the water system and the history of significant deficiencies and violations, but a brief summary is provided below.

*Neihart's current water source is O'Brien Creek, which exhibits very flashy turbidities and is very difficult to treat for this small community without streaming current detectors and highly sophisticated automated equipment. Backwash disposal is a big issue, and the occurrence of NOM (natural organic matter) in the water yields short filter runs and a very inefficient plant. The current treatment plant is insufficient to adequately treat this water. They are also trying to obtain approval to draw from Shorty Creek which has less turbidity problems, but is not able to provide enough water for the town. Their problems are compounded by some remaining distribution lines which are 113 year old cast iron pipes with caulked lead joints. There is considerable leakage occurring in the distribution lines, and we have some questions as to whether these leaking pipes, with lead joints, buried at depths in soils with high levels of lead, may contribute to additional environmental pollution and health risks. Chlorinated water is continuously leaching in to the soils or lead contaminants from the soils could be drawn back in to the water supply if the system depressurizes.*

*There is also the demonstrated problem of shallow distribution lines freezing and leaving the town without water for several days. The shallow mains require residents to waste treated water through taps to prevent service line freeze up, further increasing already exorbitant operations and maintenance costs. Improvements to this water system have been done over the last few years as funds allow, but the deficiencies are not fully corrected. Complete information is available from the EPA, DEQ, the town of Neihart, or the engineer, John Juras,*

*with TD & H.*

Other information received from DEQ indicates that the town of Neihart attempted to find an alternative source for its drinking water to relieve themselves of the stringent surface water requirements for a public water supply when they developed the Black Chief spring in the late 90's. The water test results demonstrated a low pH and very high levels of lead, likely contaminated from the mining activity on that side of town. The spring was abandoned in 2000 or 2001, further limiting drinking water source alternatives.

In addition to the issues of the contaminated soil cleanup and the public drinking water system, we are concerned about the town's overall environmental quality. This includes Belt Creek's water quality and concerns of spring run-off and possibly on-site wastewater systems potential impact on the creek.

In conclusion, we strongly encourage EPA to work with the town of Neihart to combine these remedies in the proposed soil cleanup plan. The points to consider are as follows:

- The water system currently being used in Neihart was originally designed and constructed to support the functions of mining operations. The water system was built solely for running a generator to power lights and pumps for the mines and the demand for continuous flow prevented the need for deeper water lines at that time. Service lines to homes were not added until after mining operations ceased. The water system has deteriorated over a century and is currently unable to meet EPA standards for a public water supply. Significant funding for the water system upgrades has already been secured by the town, but these required upgrades may not occur until after EPA soil cleanup is implemented. Specific information on the status of Neihart's funding and remaining upgrades will be provided when EPA addresses the comments on the Revised Proposed Plan for Neihart Community Soils.
- When the town is eventually able to make the upgrades, we are concerned that funds Cascade County received for implementing the **Institutional Control** plan will be depleted quickly in the oversight of the major excavation project involved with replacing distribution lines in town *after* a remedial action plan EPA conducted in this Superfund location is complete. It is very likely that contaminated soils will be encountered at the depths this work will be occurring, and there may be a significant amount of monitoring, sampling and transport involved that was not factored in to the approved work plan for IC's. The original work plan did not anticipate an infrastructure project with excavation following an extensive EPA soil removal project. It seems obviously more cost effective to coincide the activities.
- The existing water system leaks. Chlorinated water reaches groundwater through the porous Neihart soils and may potentially reach Belt Creek. There is potential for this leaking water to transmit lead and arsenic to Belt Creek as well. Neither of these impacts to the groundwater and Belt Creek is acceptable. Leaking pipes also

strain water plant operating costs, preventing Neihart from building reserve funds for necessary improvements or repairs.

We are urging EPA to address both public health concerns in this proposed remedial action plan in the best interest of taxpayers and the residents of the Neihart community. We should be looking at utilizing the equipment EPA brings in for the project to assist with the water system upgrades, coinciding soil removal and backfill if necessary, and addressing other combined efforts related to health risks associated with the past mining related activities in the town.

Sincerely,

## **2. COMMENTS REPORTED IN THE GREAT FALLS TRIBUNE**

**Article Published January 13, 2009 in the Great Falls Tribune by Karl Puckett**

The Montana office of the federal Environmental Protection Agency is proposing a more protective health standard for the cleanup of lead-laced property in the Neihart federal Superfund project. The change, if approved, would double the number of properties that get cleaned up and almost triple the cost to \$11 million, said Scott Brown, the Helena based EPA project manager for the Neihart project. The EPA will outline the proposed changes at a public meeting today immediately following the 9:30 a.m. Cascade County Commission meeting.

"We had done a risk assessment and found the level we selected earlier would probably be protective but EPA headquarters in Washington, D.C., asked us to review it," Brown said. In the new plan, the EPA is proposing to clean up any property with soil containing 400 parts per million of lead. The original cleanup threshold was much higher, 1,200 ppm. Natural or background levels of lead, which is toxic if ingested, especially by children, are around 100 ppm. Common sources of exposure are soil and paint chips in homes.

"Obviously, 400 is much more protective and much more conservative, and we're happy with that," said Catherine LeCours, a Superfund project manager for the state Department of Environmental Quality. The DEQ pushed for 400 ppm. Old silver, zinc and lead mines, long since closed, are to blame for the contamination. The area was added to the federal Superfund list in 2001.

The original cleanup plan, released at the end of 2007, called for cleaning up about 30 properties in addition to several unpaved roads. That would double to 60 properties, Brown said. The Neihart-area is one of 14 federal Superfund sites in the state. Besides the former silver, zinc and lead mines, several mills also operated in and around Neihart creating the environmental issues it's facing today.

"When they become the center for milling, then a lot of material ends up coming into town," Brown said. The agency is taking public comments until Jan. 30 and expects to issue a final decision as early as March 1. Work could begin in late summer or fall. The Washington, D.C. EPA headquarters asked for the more protective cleanup as part of a recent trend nationally of using a more conservative cleanup threshold for lead, Brown said. The push involves a mathematical formula, called the "children's lead model," that

predicts chances of exposure and corresponding cleanup levels. For Neihart, Brown said, "We found the cleanup level that comes out of that model is about 400 ppm." Two children are living in the community today, Brown said.

Federal Superfund money will cover 90 percent of the cost of the cleanup with the state providing 10 percent, LeCours said. "In the meantime, EPA will continue to search out whether there are liable parties," Brown said. A key part of the plan that remains unchanged is cleaning up a large tailings deposit just north of Neihart in the Belt Creek Flood plan, where a partial cleanup occurred in 2004. The channel of Belt Creek will be restored to a more natural setting, Brown said.

### **3. COMMENTS RECEIVED DURING THE JANUARY 6, 2009 PUBLIC MEETING IN NEIHART, MONTANA**

The following text was prepared by EPA based on comments made on the revised Proposed Plan and other statements made during this meeting. The text is intended to convey the essence of each comment/statement and is not meant as a precise replication of what was said.

#### **Comments and Statements by Betty Carlson**

Mrs. Carlson asked to receive the soil sampling results for her property in Neihart.

#### **Comments and Statements by Neihart Mayor Bill Lewis**

Mayor Lewis stated that the community drinking water system needs to be maintained so that residents are not compelled to drill wells into possibly contaminated groundwater. He indicated that the federal or state government should help Neihart pay for maintaining the water distribution system. He also stated that if there was not an existing municipal water system, the federal government (EPA) would likely be paying to supply clean drinking water to Neihart residents. Mayor Lewis indicated that some grant funding has been secured and the town is waiting to hear whether their additional grant applications will be approved. Mayor Lewis also stated that they are looking into using clean water from Shorty Creek to reduce the amount of sediment so they can meet state standards.

#### **Comments and Statements by Cascade County Commissioner Peggy Beltrone**

Commissioner Beltrone's comments and statements focused on the Town of Neihart's efforts to provide a clean source of drinking water to the town given the old and deteriorating condition of the water distribution system. She indicated that having a water system capable of delivering clean water was at least as important to public health as the need to remove contaminated soils. Commissioner Beltrone pointed out that the Town of Neihart developed the water capture portion of the system in O'Brien Creek because of the impact of historic mining on the original source of community drinking water. Commissioner Beltrone expressed the opinion that that part of the drinking water system should be part of the remedy because without it the EPA would be compelled to develop a clean drinking water

source for the town. For this reason, Commissioner Beltrone believes that EPA funding should be used to help maintain and make improvements to the drinking water system. She suggested that one solution, which would save taxpayer funding, could be accomplished by coordinating the excavation of contaminated soils by EPA with the replacement of water pipes by the Town of Neihart.

#### **Comments and Statements by an Unidentified Individual**

This individual wondered whether EPA was going to set a commercial action level for properties such as Bob's Bar and the Community Center.

#### **Comments and Statements by Randy Tarum**

Mr. Tarum stated that he was the current owner of property formerly owned by Stumptown Investments at 425 South Main Street in Neihart and that he grants access for sampling.

#### **Comments and Statements by Neihart Town Councilman Michael McCord**

Councilman McCord requested that EPA put the yards with soil greater than 400 ppm lead on a map and make that available to him and the town.