

COPY

PUBLIC COMMENTS HELD BEFORE
THE CASCADE COUNTY COMMISSIONERS

PUBLIC MEETING ON REVISED PROPOSED PLAN
FOR NEIHART SOIL CLEAN UP,

TRANSCRIPT OF PUBLIC COMMENTS

ENVIRONMENTAL
PROTECTION AGENCY

FEB 02 2009

MONTANA OFFICE

Great Falls, Montana
Tuesday, January 2nd, 2009
10:38 - 11:20 A.M.

APPEARANCES:

Commissioner Joe Briggs
Commissioner Peggy Beltrone
Commissioner Bill Salina
Scott Brown, EPA Remedial Project Manager
Robert Rennick, EPA
Michelle Marcu, Attorney at Law, EPA

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<p>5</p> <p>1 that wherever we choose this disposal location, we call it 2 a repository, but it's really where are we going to dispose 3 of these waste materials. All of that has to be worked 4 out. And that is an important part of costing all of this. 5 The reason why these costs are so great is because we will 6 have to improve roads. That is not a cost that Cascade 7 County should be expected to bear. However, we would want 8 to work with you to be sure that it meets your 9 specifications and we're not overlooking something that 10 we're simply not aware of. So does that answer your 11 question?</p> <p>12 MR. SUTTON: Pretty much, yeah. As an 13 individual, though, I was looking at the repository itself, 14 whether it's located here or whether you're going to end up 15 containerizing this stuff and hauling it to Utah or some 16 other repository somewhere else, because of the quantity.</p> <p>17 MR. BROWN: No, it's not in the cards to haul it 18 off. So we have to find a repository for it, a safe place, 19 out of the flood plain and where the property owners, the 20 landowners are all agreeable and where the county itself. 21 And I believe that it will be outside of the town of 22 Neihart.</p> <p>23 In the meantime, in order to get this thing 24 moving, we will work with the county and the city, the town 25 council, to perhaps find a temporary place to put the soils</p>	<p>7</p> <p>1 MR. RENNICK: Scott, can I say something? 2 MR. BROWN: Yes, please. 3 MR. RENNICK: One of the reasons we initially or 4 preliminary chose the Carpenter Creek tailings was if 5 anyone who has gone up Carpenter Creek and driven past 6 them, it's obvious that they're an environmental problem. 7 Every time it rains, snow melts, any kind of snow event 8 washes those tailings right into Carpenter Creek, right 9 into Belt Creek. So the thinking was we can kill two birds 10 with one stone. If we can create a repository close to 11 that location, get that material out of its current 12 position in a safe location above Carpenter Creek, then we 13 would have -- we'll make an improvement there, as well as 14 finding a location for material that will come out of 15 Neihart.</p> <p>16 MR. BROWN: I was too close to the photo. This 17 is Snow Creek drains into Carpenter Creek. And so 18 somewhere in this location is where we would expect to 19 locate a repository.</p> <p>20 Let's turn the lights back on now and move into 21 questions and answers and public comments. But let's not 22 take too literally the statement that EPA is killing two 23 birds with one stone. Sir.</p> <p>24 MR. CARROLL: My name is Pat Carroll. Have you 25 secured funding for the work you want to do in '09?</p>
<p>6</p> <p>1 for a month or two to stage, sort of a staging area while 2 we're finding another location. Did you have a close-up of 3 it?</p> <p>4 MR. RENNICK: Yeah, I do have. 5 MR. BROWN: Let's turn the lights out for just a 6 moment. This may interest most of you who live up in that 7 neck of the woods. I think you recognize this is Carpenter 8 Creek, just off of the Belt Creek turnoff, a little less 9 than a mile. So from Neihart to this lower tailings 10 deposit on Carpenter Creek is roughly three miles. This is 11 the Silver Dike complex, and these are the two large 12 tailing deposits that I know you're all familiar with.</p> <p>13 If we can work with the current property owners 14 to bring the wastes from the Neihart cleanup and the Belt 15 Creek tailings deposit into one location, we would like to 16 be able to do that. I think that's part of your concern, 17 Mr. Sutton. Get them out of the flood plain. So inasmuch 18 as we can, we may wish to consolidate the wastes from these 19 areas and from Neihart and Belt Creek tailings. If that's 20 not possible and if we can't do that here in 2009, then we 21 may have to develop more than one repository. But the 22 locations that Bob just spoke about are generally on 23 national forest land, and we examined approximately a dozen 24 of them. We've got some work to do in terms of working 25 with landowners and the forest service.</p>	<p>8</p> <p>1 MR. BROWN: Partial funding, yes. We have the 2 funding to do the design work. That is going to cost us 3 roughly a half million dollars. We've secured that. And 4 over the years, over the past two or three years, since we 5 committed almost three-fourths of a million dollars to the 6 initial cleanup that was done in 2004, that was Super Fund 7 funding, that came out of the EPA's national Super Fund 8 account. There's been a commitment, because of this being 9 a public health issue, not strictly an environmental or 10 ecological issue, that there would be a commitment to 11 conduct cleanup.</p> <p>12 Whether we can get all of that funding in two or 13 three years remains to be seen. But I'm reasonably 14 confident that we will find the funding for this in the 15 next couple of years. So we'll transition smoothly from 16 remedial design into what we call remedial action or the 17 actual cleanup by late 2009, 2010, and possibly into 2011. 18 Any of our congressional delegates good friends of yours? 19 That always helps too. We have a very supportive 20 congressional delegation.</p> <p>21 COMMISSIONER BELTRONE: Scott. 22 MR. BROWN: Yes, commissioner. 23 COMMISSIONER BELTRONE: I'm wondering if there 24 are additional plans for the Queen of the Hill, which seems 25 to be a culprit in terms of where some of these deposits</p>

<p>13</p> <p>1 MS. PONCELET: Yes, we have. And we covered our 2 area with topsoil and planted it. And it seems to be doing 3 quite well. But I have had some thoughts about how to 4 clean up the area above our cabin, you know, where all of 5 the really yellow stuff comes into Carpenter Creek. I 6 don't know how feasible it would be, but it seems if you 7 were to make some type of a filtration system. And my idea 8 was something like this, and it may not be feasible, but 9 this is what I thought: If you took something like the 10 glory hole and add a layer of some type of rock material, 11 and then burned a bunch of trees in there to have a 12 charcoal layer, and then put your tailings in, another 13 probably gravel area, another charcoal area, another gravel 14 area, and then topsoil and then seeds, and off of that 15 third gravel area have piping come out of there, by the 16 time any type of waters come out of the pit itself, once 17 it's filled, it should be sweet enough to be able to enter 18 into an area without any problem for aquatic life or any 19 type of plant life. I was thinking that may work. 20 And until that yellow area is completely 21 decontaminated, Carpenter Creek will be contaminated, 22 because when it rains and we're sitting there, that creek 23 turns yellow until the rains stop. And then probably an 24 hour later, it's clear again. So that's the main source of 25 contamination, I think, for the entire area.</p>	<p>15</p> <p>1 several other cleanups, where we are using small equipment, 2 because it's only small equipment that you can use in an 3 individual yard, because of the closeness of the properties 4 and fences and trees and things like that. So you take it 5 to one area, stage it, and then it goes to larger trucks 6 after you clean up eight or ten or so. All of those 7 details are the subject of this design work that we're 8 going to be conducting over the next few months. 9 But I thank you for the comments. That's a very 10 good suggestion, both good suggestions. Are we going to 11 have any public comments? 12 MS. WALBERG: I have a question. I'm Donna 13 Walberg, and I own a property in Hughesville. Are you 14 going to seal your waste like they did the tailings ponds 15 in Hughesville? 16 MR. BROWN: Actually the waste that would be -- 17 now, you're referring to what was done near Barker 18 Hughesville in the Block P tailings; correct? 19 MS. WALBERG: St. Joe tailings. 20 MR. BROWN: Yes. You call them the St. Joe. 21 MS. WALBERG: And they'll run, moved it all out, 22 and it started to slide, and then they had to reinforce it. 23 And then they sealed it, it looked like a heavy plastic. 24 MR. BROWN: Yes. Actually there's no under layer 25 there. The old, the old tailings that had slipped off were</p>
<p>14</p> <p>1 MR. BROWN: Thank you for that suggestion. And 2 that suggestion is, as simple as it sounds and as 3 inexpensive as that can be, that, in conjunction with 4 wetlands, is often what is used at some of these mining 5 sites. The glory hole itself in the Silver Dike Mine in 6 the two large tailings deposits that you've seen on 7 Carpenter Creek are really, shall we say, phase two or 8 phase three. We want -- they're the reason this is a Super 9 Fund site. But for now, that's an environmental threat 10 that we will address after we can finish the Neihart 11 cleanup. But you're right, they're not disconnected. 12 They're all part of one system, and we just have to deal 13 with them in phases. 14 MS. PONCELET: I was thinking of that, because 15 transportation is so extremely expensive, any time you're 16 dealing with any type of tailings anywhere, if you 17 transport it to a temporary site and then later have to get 18 funding to transport it to say the glory hole, you are 19 transporting it twice. So if it were possible to come up 20 with something so that the initial move is the permanent 21 move, perhaps that would save quite a bit of money. 22 MR. BROWN: You're absolutely correct. So 23 whenever we can, we prefer to pick it up and move it once. 24 And that's what we will strive to do. But we may find that 25 we have to have a staging area. I've been involved in</p>	<p>16</p> <p>1 put back up, and then there's a cap over it. Yes, that was 2 well done. We think it's pretty secure. But the 3 repositories of the disposal locations that we choose here 4 will actually have an underlayment beneath them and have 5 leak detection devices. And even that example that you 6 brought out is still a little -- it was not a good location 7 in the first place. I think you know that. Could it slip 8 again? We hope not, but it could. We would like to find 9 something that doesn't have such slope for the waste and 10 material that we're bringing out of Neihart, the Belt Creek 11 tailings, and eventually the Carpenter Creek tailings. So 12 we think it will be an improvement on that design. 13 I know you have something to say. 14 COMMISSIONER BELTRONE: I want to wait for 15 anybody else though. 16 MR. BROWN: Bill. 17 MR. LEWIS: I'll say a few words. My name is 18 Bill Lewis. I'm the mayor of Neihart. And I speak for the 19 town and the town council and many of the citizens. And 20 we're anxious for you to start this cleanup project and get 21 her done, and hopefully it won't take three years. But you 22 never can tell on these things. 23 One thing that the town of Neihart has been 24 working on for over two years is to clean up the lead out 25 of our waterline, our old waterline, 120 years old. And it</p>

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1 was put in there for the mines, and now it's come back to	1 regarding this new concept that has been added at this late
2 bite us, because of the lead joints.	2 stage. So we'll continue to move ahead with the need for a
3 And the other thing that wasn't mentioned at the	3 soil cleanup, but all I can do for now is to commit to you
4 first hearing was that the waterline is very shallow. And	4 that I will continue to gather information. And hopefully
5 we have to let our water plant run 24 hours a day. We have	5 you'll be able to add to our understanding of why EPA
6 to let it run all the time in the winter so that it won't	6 should consider that proposal as well. Is that
7 freeze. It's an expense for the town that we would like to	7 satisfactory? That's all I can do for now.
8 get rid of. We have put in for grants in various state	8 MR. LEWIS: Yes.
9 departments, and we have about half of the money for those	9 MR. BROWN: May I ask you a question? We
10 grants. Out of about 600 some thousand, 612,000, we've got	10 broached this subject a little bit last week up at Neihart,
11 about half of it committed. And we're waiting for the last	11 and have you had any new information regarding grant funds,
12 piece of the puzzle. We've put in for those funds twice.	12 or is there anything new that you have heard since then?
13 But the government didn't give Montana enough money the	13 MR. LEWIS: No, there isn't. I tried to call the
14 last go around, so we didn't get our money.	14 director of the Department of Commerce twice, and he's
15 The project is surveyed and ready to go into	15 always in a meeting or at the legislature. And I wanted
16 design stage, which won't take very long. But as long as	16 this information for myself also, because I want to update
17 we're cleaning up the lead in the town, we would like to	17 Mike Milburn, our representative in that area, of what's
18 clean up all of the lead and include that waterline in	18 going on. He's very interested in this and has been from
19 there and be done with it once and for all. I don't know	19 the get-go. So I wanted to update it, but I haven't had a
20 if this can be done. But if there is a way, we would like	20 return call from Mr. Predette, I think it is.
21 to explore it and get other agencies possibly, I don't know	21 MR. BROWN: So you're still gathering information
22 who that would be, other than some government department	22 too?
23 that's got a lot of money. And I think we're going to	23 MR. LEWIS: Yes.
24 hopefully one of those departments will do something for	24 MR. BROWN: Commissioner.
25 us. I don't know. It's a long, hard struggle to get grant	25 COMMISSIONER BELTRONE: I just wanted to go on
18	20
1 funds. And I thought it would be a lot easier, but I'm	1 record, since we are being recorded here, that since the
2 finding it's really hard.	2 public hearing and the town council discussion, the board
3 So if we can include the removal of the lead	3 of health also met, and they met last Wednesday. And we
4 joints in pipeline in this cleanup once and for all, it	4 briefed the board of health what had happened at the public
5 would make everybody happy. And any of the council members	5 hearing in Neihart.
6 that want to add to that?	6 And the public health, the board of health is
7 MR. BROWN: Well, thank you for that comment,	7 very interested, as the town of Neihart and the county
8 Mayor. And, as I mentioned earlier, we did hear some	8 commission, in having a coordinated cleanup that really
9 comments by the town council and by two of the	9 meets the public health goals of the community. And so we
10 commissioners last week. And I agreed to do whatever	10 do not want to jeopardize the cleanup, but we would like to
11 research that I could do. Michelle has been doing some	11 formulate, before the comment period concludes, a document
12 research as well. And we really are still in that	12 that we would submit on behalf of the board of health, the
13 gathering information mode.	13 board of commissioners, and the town council, that outlines
14 And the question, as I perceive it, is that the	14 a response to a cleanup or ideas for cleanup that bring in
15 water system related to those aspects of, on a Super Fund	15 the coordination that we think has been lacking.
16 project, are they related to why EPA and the state, well,	16 And the Super Fund division at EPA we understand
17 the EPA in response to the state's request designated this	17 is a very large bureaucracy and covers a very specific
18 a national Super Fund site, and it turns out it's a more	18 area. But on the ground in Neihart, we have people from
19 complicated question and answer than we can just come to	19 EPA Super Fund dealing with us at the same time that EPA
20 you today and answer. So we will continue to gather	20 water enforcement is giving out violations. So from the
21 information and work with you as much as we can, encourage,	21 ground level, it looks like there needs to be some
22 you, Mr. Mayor, and other city council members, to continue	22 coordination from within EPA and from within the CDBG
23 to seek grants for this water system. And if we can assist	23 program, the department of commerce. Take a look at the
24 in any way, we'll help find those ways. But as it turns	24 issues that are facing this community, the complex issues,
25 out, we're still in this information gathering mode	25 which we do believe have roots in the mining operations and

5 (Pages 17 to 20)

<p>21</p> <p>1 that we might be missing some of the nuances of why we're 2 cleaning up the town or what some of the remedies are and 3 what they would be if we didn't have this water system. 4 And the fact that we have the agency saying you're in 5 violation, the water system needs improving; but on the 6 other hand, the Super Fund part of the agency is sort of 7 assuming that that water system is there as a remedy. And 8 we need to explore further the ramifications of that 9 action. Is it something that we can bring together these 10 efforts and do them simultaneously, so that the costs of 11 the whole goes down? Is it something that we can expect to 12 have funding from Super Fund to do, or do we need to ask 13 for an acceleration of the CDBG funds, so that we capture 14 the economy of scale of doing it once? These are some of 15 the things that we're going to be hoping to have some 16 answers for for the end of the month, and then submit what 17 we hope will be viewed as a very clear document to EPA, 18 unified with these three agencies, and we hope that will 19 have impact and will be able to guide the agency in its 20 decision. 21 So we appreciate you coming. You appreciate 22 Michelle coming from Denver. We will be caucusing after 23 this public hearing, the council and commission and EPA 24 staff and the health department, to see what avenues we 25 might explore. So I just wanted to be on record that we</p>	<p>23</p> <p>1 hadn't done an adequate job the first time and also some 2 contaminants from the facilities. I would hope that that 3 sort of thing doesn't happen here where we get some 4 cleanup, and then you have to come back later and find new 5 spots. 6 Second, with regard to this, talking about the 7 water system, you're also stating earlier that you want to 8 control the movement of dirt. Well, if at some future date 9 the city of Neihart has to install a new water system, 10 obviously that's going to involve a lot of dirt movement, 11 and that would negate maybe a lot of your activities with 12 respect to controlling the movement of the dirt, dirt that 13 would be completely contaminated. 14 Thirdly, it was rather common, years and years 15 ago, to use, not only lead jointed pipe, but totally lead 16 service pipe. In fact, there are service spots in Great 17 Falls where there are still lead service water pipes. So I 18 think that needs to be identified very clearly, because if 19 you do replacements and replacing pipe that you think is 20 only jointed and it's actually pure lead, that needs to be 21 removed ASAP. 22 Fourthly, overseas in a number of locations where 23 they clean up overseas, they place the waste materials back 24 in the mines using some kind of vitrification agent to 25 stabilize the wastes. And I think that's not very common</p>
<p>22</p> <p>1 are convinced there needs to be a unified response to have 2 the public health issues in Neihart captured. 3 And then secondarily, are there other things that 4 should be done at this time in the community when there 5 will be this disruption and this public investment, and we 6 want to have a chance to take a look at that and have a 7 discussion as well. 8 MR. BROWN: Thank you for those comments. The 9 disruption is an important concern to us too. And the 10 Cascade County health department has been very helpful. So 11 if there's more that we can do, you just let us know. But 12 I think we do agree that we keep in frequent enough 13 communication that we're getting on top of that pretty 14 well. And I think our joint involvement through design and 15 through the actual cleanup will be even better than it has 16 been, so. 17 And we encourage, we encourage a united comment 18 from the commission, the town council, and the board of 19 health. That would be very helpful. Sir. 20 MR. GESSAMAN: Ron Gessaman. I'm not directly 21 involved in the Neihart community. I guess I have a couple 22 of concerns that were mentioned here. 23 A few years ago there was a cleanup in Helena. A 24 few years after the initial cleanup, people had to come up 25 and clean up again. There was a second cleanup. They</p>	<p>24</p> <p>1 here in the US. But from an engineering standpoint, I just 2 don't see why you couldn't do that, especially if you're 3 using some kind of an epoxy cement to stabilize and prevent 4 leaching. And I would like to comment about doing that. 5 MR. BROWN: Thank you for those four comments. 6 We have considered all of them, and we take your comments 7 to heart. I'll be anxious to see -- did you get those, 8 Joanie? 9 THE COURT REPORTER: Yes, I did. 10 MR. BROWN: With respect to reinjecting the mine 11 wastes back into mines, there's limited success using that 12 technology. We've had much greater success -- and your 13 first concern was not having to go back and redo something. 14 Now, we have not thrown that idea of putting waste back 15 into mines. But where we've had as much water as we have 16 moving through all of those shafts and laterals, we're 17 really trying to reduce the amount of waste that water 18 comes in to contact with. And quite a large percent of 19 these mines are discharging very acidic water, if not year 20 round, at least in the spring when the snow melts and the 21 rain is permeating those hillsides. They're ant hills. 22 Those shafts and laterals are everywhere. 23 So reinjecting wastes into mines has had limited 24 success. Doesn't mean that we won't consider that, and 25 there may be some instances where that would be the right</p>

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1 solution. But we've had our best success by finding a dry
2 area out of a flood plain and creating something about the
3 size of a football field, and providing an underlayment,
4 leak protection devices and a cap that you can grow
5 vegetation on.

6 But thank you for those comments, and we'll
7 certainly take them into more serious consideration as we
8 receive more comments and at the end of our comment period.
9 Did you want to add something?

10 MR. GESSAMAN: I wanted to ask, when you did the
11 repositories, do you have a long-term history of how well
12 they do? In other words, how long have you been doing this
13 and what are the results historically as far as leaching?

14 MR. BROWN: Well, repositories, or disposal areas
15 for Super Fund wastes, really have a limited history,
16 because Super Fund has only been in existence for 30 years
17 now. So, unfortunately, we are in a learning curve the
18 first couple of decades, and some might say we're still in
19 a learning curve. But those repositories that I have
20 personally dealt with, after as many as 20 years, there has
21 not been any movement downward or failures. The failure
22 that she was referring to, that was because there was a
23 slippage many, many years ago. That was before there was
24 Super Fund, and that was just a poor location in the first
25 place.

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1 Are you aware of situations where they have
2 failed?

3 MR. GESSAMAN: This is outside of my area of
4 expertise. Thank you.

5 MR. BROWN: Well, thank you for those comments.
6 Any other comments? Well, I thank you for coming. And,
7 again, I would --

8 COMMISSIONER SALINA: Just one general comment.
9 I would like to thank you on behalf of Cascade County and
10 Neihart for your demeanor and cooperation on a personal
11 level. And I think that this is, as Peggy mentioned, many
12 times government agencies of this size and scope of the EPA
13 are viewed by citizens as being very ridged and myopic to
14 their approach in problem solving. This situation, which
15 is unique to Neihart, both the water system and the ground
16 contamination, will offer EPA, hopefully, the ability to
17 display an innovative approach to a community that is very
18 much in need of a total environmental solution. We hope
19 that concern is reached.

20 MR. BROWN: Well, I appreciate that comment. And
21 I will do everything that I am able to do in my position to
22 facilitate that.

23 COMMISSIONER SALINA: Thank you.

24 MR. BROWN: But mostly I will continue to work
25 with the individual property owners and the town council

1 and the commission. And I do appreciate that relationship
2 that we have developed. Thank you.

3 COMMISSIONER SALINA: Thank you.

4 MR. BROWN: Thank you again for your time.
5 January 30th, if you have comments in support or in
6 opposition, as we've heard today, suggestions for things
7 that we should be aware of, that's exactly what we need.
8 So thank you again.

9 (Whereupon, the hearing was concluded at
10 11:20 A.M.)

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1 CERTIFICATE OF REPORTER

2
3 STATE OF MONTANA)

4) ss.

5 County of Cascade)

6 I, Joan P. Agamenoni, Court Reporter and Notary
7 Public for the State of Montana, residing in Great Falls,
8 Montana, do hereby certify:

9 That I was duly authorized to and did report the
10 public hearing in the above-entitled cause;

11 That the foregoing pages of this transcript
12 constitute a true and accurate transcription of my
13 stenotype notes of said hearing.

14 I further certify that I am not an attorney nor
15 counsel of any of the parties, nor a relative or employee
16 of any attorney or counsel connected with the action, nor
17 financially interested in the action.

18 IN WITNESS WHEREOF, I have hereunto set my hand
19 and seal on this the 28th day of January, 2009.

20 /s/

21 Joan P. Agamenoni
22 Court Reporter
23 Notary Public, State of Montana
24 Residing in Great Falls, Montana.
25 My Commission expires: 5/24/2012.