Background and Talking Points

Columbia Falls Aluminum Reduction Plant Superfund Site
Administrator's call with Senator Tester (D-MT)

BACKGROUND

- The site is located in unincorporated Flathead County, MT (pop. 90,928) ~2 miles NE of Columbia Falls (pop. 1,150).
- The Aluminum Reduction Plant was opened in 1955 by the Anaconda Company, and produced aluminum. It was a major economic engine for the Columbia Falls community.
- In 1977, the Atlantic Richfield Company (ARCO) purchased the Anaconda Company and continued to operate the plant until 1985, when ARCO sold the plant to the Columbia Falls Aluminum Company (CFAC). In 1999, Glencore, a privately owned, Swiss-based commodity trading company, acquired CFAC. In 2009, CFAC closed the plant, and in 2015, Glencore announced that it would not reopen.
- In 2014, MDEQ attempted to negotiate agreement with CFAC and its parent company, Glencore, to perform Remedial Investigation/Feasibility Study (RI/FS). But in late 2014, CFAC terminated RI/FS negotiations with the State, and MDEQ referred the case to EPA.
- On 3/26/2015, EPA proposed the Site for listing on the NPL.
    - Gov. Bullock, Columbia Falls Mayor and City Council, and Sen. Tester supported the listing; Rep. Zinke and the current owner/operator CFAC oppose listing.

RECENT DISCUSSIONS WITH SENATOR TESTER'S STAFF

- The Region 8 Deputy Regional Administrator and staff held a conference call with Senator Tester's staff on 2/4/16 and a follow-up call with Region 8 staff was held on 2/23/16.
- Senator Tester's staff raised concerns that there is still "broad misunderstanding" of the future potential Superfund listing and the Superfund Alternative Process. The Senator's staff continues to field questions, but do not believe they can provide appropriate and complete responses, and are looking to EPA to help clear up misunderstandings within the community.

ANTICIPATED QUESTIONS AND RESPONSES:

Question: What outreach has EPA done regarding the future potential NPL listing and the Superfund Alternative Process?
Response:

- The Remedial Project Manager (RPM) discussed the Superfund Alternative Approach (SAA) during meetings of the CFAC Community Liaison Panel in November 2015 and January 2016.
- Mike, didn't you just attend a City Council Meeting?
- Per a request from Senator Tester's staffer Chad Campbell during the 2/23/16 conference call, the RPM reached out to the Columbia Falls City Council offering to attend an additional meeting to address outstanding questions on the SAA. The City Council replied that they did not have any outstanding questions at this time.
- The RPM has been speaking regularly with city/county leaders, local news outlets, and staff of the MT Congressional Delegation (Senators Tester and Daines and Representative Zinke).

Question: What else can we do to the get word out to the community?
Response:

- EPA will develop fact sheet(s) with information regarding the NPL listing process and SAA.
- EPA will look for opportunities to work with local media to educate the public and correct misinformation, such as background interviews with reporters, letters to the editor, op-ed pieces and paid advertising.
- EPA has been planning hosting a public meeting later this spring.
- EPA is considering sending a notice to the public through direct mail stating that the site will not be listed before fall, 2016.

Question: What is the status of the listing process for this site?
Response:

- EPA proposed the site for listing on 3/26/2015, and received 77 public comments
- After reviewing the comments, EPA has determined that the site still qualifies for listing.
- EPA will not finalize the listing before fall, 2016.
- We will keep your office and state and local officials as well as the community apprised of the status of EPA's efforts to finalize the listing.

Question: What is the Superfund Alternative (SA) approach?
Response:

- The SA approach is the other main **approach** EPA has for addressing a Superfund site that needs a long-term (remedial) cleanup
- The SA approach uses the same investigation / cleanup process and standards that are used for NPL-listed sites, but is not eligible for Superfund program financing for RD/RA
- The SA approach is an alternative **approach** to listing a site on the NPL; it is *not* an alternative to Superfund or the Superfund process

Question: What are the differences between NPL and the Superfund alternative approach?
Response:

- EPA will follow the same investigation and cleanup process and standards regardless of whether the site is listed on the NPL or designated as a SA approach site
- EPA also will use the same binding legal agreements for RI/FS and RD/RA
- Now that CFAC has entered into an AOC for the RI/FS, EPA has firm assurance that CFAC will perform the RI/FS under a legally binding agreement, backed by a $4M letter of credit
  - However, this agreement only covers the RI/FS and not RD/RA
- ***The cleanup stage (RD/RA) is where NPL listing status becomes important**: If CFAC is unable or unwilling to perform RD/RA (with financial assurance) in a judicial CD, EPA cannot tap Superfund remedial financing and later cost recover against PRPs IF the site has not been listed
- EPA would then have to re-start the NPL listing process by possibly freshening data supporting the listing package, which may result in a delay in remedy implementation

Media Links:
http://www.flatheadnewsgroup.com/hungryhorsenews/council-says-cfac-superfund-listing-is-ok-by-them/article_6100d8f0-ca8c-11e5-9a43-b342efb62d47.html
http://flatheadbeacon.com/2016/01/30/county-supports-alternative-superfund-cfac/
http://flatheadbeacon.com/2016/01/26/epa-pushes-back-cfac-superfund-designation-to-fall/