Message

From: Ketellapper, Victor [Ketellapper.Victor@epa.gov]
Sent: 4/9/2015 3:25:14 PM
To: Peterson, Cynthia [Peterson.Cynthia@epa.gov]; Parker, Robert [Parker.Robert@epa.gov]; Cirian, Mike [Cirian.Mike@epa.gov]; Chalfant, Mark [Chalfant.Mark@epa.gov]; Wilder, Scott [Wilder.Scott@epa.gov]
Subject: RE: Conference call with Flathead Basin Commission

My impression was that DEQ thought it was unlikely that Glencore would sign a AOC with them. Furthermore, since Glencore ended the negotiations and seems to be willing to work with EPA, I don't believe Glencore would be interested in reopening negotiations with DEQ. The EPA and DEQ agreed with Commissioner Michell, that the federal Superfund program would be the last resort at this site. That is why EPA supported DEQ in there negotiation with Glencore to address the site under Montana's Superfund law. Unfortunately, that approach was not successful, resulting in EPA and DEQ moving forward with the Federal Superfund Program at this site.

Victor

From: Peterson, Cynthia
Sent: Wednesday, April 08, 2015 4:27 PM
To: Parker, Robert; Cirian, Mike; Chalfant, Mark; Wilder, Scott
Cc: Ketellapper, Victor
Subject: RE: Conference call with Flathead Basin Commission

Hi, Rob.

Thanks for the report out on the meeting. I'm just curious, do you know if DEQ has any interest in reopening negotiations with Glencore?

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From: Parker, Robert
Sent: Wednesday, April 08, 2015 3:58 PM
To: Peterson, Cynthia; Cirian, Mike; Chalfant, Mark; Wilder, Scott
Cc: Ketellapper, Victor
Subject: Conference call with Flathead Basin Commission

I just got off the phone with the Flathead Basin Commission and want to provide a download. Sorry for the length of this email but we covered quite a bit in 30 minutes.

I wasn't expecting to participate in this meeting over the phone, but received a forwarded email late yesterday from the FBC that indicated the FBC was under the impression I was calling in.

I walked through the summary sheet that we sent them last week (attached) and explained where we were in the process. I made it clear that there are four appropriate ways to submit their comments. I explained that our intent was to negotiate with the PRP group for an RI.

A few questions came up afterwards:

Chas Cartwright asked if another comment letter was necessary. I explained that the federal register notice mentioned that comments received prior to the public comment period were not generally considered. I suggested that if the FBC wanted to ensure EPA consider their comments on the proposed listing, that they should submit their comments by June 2.

County Commissioner Phil Mitchell is not happy with Glencore, but is leery of the Superfund stigma. He asked about property values and whether or not other options exist. I mentioned that Glencore and DEQ were in negotiations last year but fell apart after Glencore walked away. That's when EPA took the lead in regard to listing the site. Regarding property values near the site, I discussed the latest sample results at the domestic wells. I mentioned that although the domestic wells haven't seen impacts during the last two sampling events, we know the groundwater is impacted at the site itself and we think it's necessary to evaluate the groundwater to ensure we've adequately characterized it and mitigate the short and long term risks to the domestic wells nearby. I summarized by saying that the cleanup mechanisms provided by EPA and DEQ remove the uncertainty and mitigate the concern.

There was a question regarding whether or not the Rep Zinke opposition letter would change things. I discussed that from a technical point of view, it wouldn't change the eligibility for the site to be included on the NPL. From a political point of view, however, it is out of my realm and I wasn't in the position answer. I did say that I see a lot of common objectives among the varying opinions. The paths may not be identical, but most parties appear to have an interest in investigating and cleaning up the site to allow for the potential reuse by the property owners.

Commissioner Mitchell: Which is faster, EPA or DEQ? I reiterated that DEQ tried to negotiate with Glencore, but Glencore backed out. Both programs are similar in regard to process. Both look to complete an investigation first, evaluate alternatives and complete the remedial action. Then I mentioned that the PRPs will play a significant role in the speed of the cleanup regardless of the overseeing agency. If they're collaborative, the process would move faster than if they are litigious.

There was a question regarding biological delivery mechanisms (I'm not sure who asked it, but could follow up) of contaminants at the site. Specifically the concern is that there are fish species that migrate from Flathead lake up past the site to the headwaters. He wanted to make sure that we were going to look into that. I suggested that I would ask you, Mike, about this. I said that we typically look at a site holistically to determine the potential pathways of concern. At this site, we believe folks consume the fish from the river by the site, so that we would typically investigate the risk associated with fish consumption. If this isn't true, Mike, we might need to backpedal here a bit.

Caryn Miske asked a question regarding domestic water sampling. I mentioned that we want to be responsive to the community's concerns. I said the timing of any sampling would be somewhat dependent on the PRPs as, since domestic well sampling would be part of the RI, we'll want to provide the PRPs the opportunity to do the work themselves. I did say that if the PRPs aren't willing to do the work, EPA would look to other authorities and would also work with DEQ to find other avenues for completing this work.

They then made a motion to write and submit comments similar to the previous letter the wrote to the Governor last summer supporting NPL listing. The vast majority of voices supported the motion. I heard at least one person say that they oppose. I'm not sure who that was but hope to find out.

After the vote, Commissioner Mitchell said that he's met with 15 people in Columbia Falls who do not want Superfund. Virginia Sloan (Sen Tester's Kalispell office) was present and advocated for Superfund. She said that the community has had a very public and transparent dialogue and support the Superfund process. They are concerned about the stigma associated with the groundwater contamination. The city is strongly interested in ensuring its public water supply is protected. Commissioner Mitchell said that he'd support Superfund if it's the last available option and asked Virginia about Glencore reopening dialogue with DEQ (I haven't heard anything about this). Virginia said that if Glencore were to agree to an AOC with DEQ, Sen Tester would be supportive. Commissioner Mitchell reiterated that

he'd support Glencore reaching agreement with DEQ and only would support Superfund if an agreement was not reached.

Let me know if you have any questions.

Thanks,
Rob

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