CFAC

Community Liaison Panel

Columbia Falls Aluminum Company Community Liaison Panel Minutes
November 12, 2015
North Valley Hospital
Teakettle Community Room
6:00 p.m.

CLP Members Attending: Mayor Don Barnhart, Nino Berube, Senator Dee Brown, Chad Campbell, Mike Cirian, Jessy Coltrane, John Fuller, Lyle Mitchell, Joe Russell, Stacey Schnebel, Anna Stene, Nikki Stephan, Shannon Stringer, Clarence Tabor, Brad Walterkirchen, and Bev York

CLP Members Absent: Don Bennett, Chief Rick Hagen, Commissioner Phil Mitchell, Ray Negron, Mike and Susan Nicosia, Chief David Perry, Representative Zac Perry, Kyle Schmauch, Erin Sexton, and Dayna Swanson

CFAC Representatives: Haley Beaudry, Cliff Boyd, Scott Mason, John Stroiazzo, Steve Wright

Guests: Bill Baum, Collen Owen, Chris Peterson.

Facilitator: Mary Green, Ann Green Communications, Inc.

Minutes: Kristi Moore, Ann Green Communications, Inc.

The regular meeting of the Columbia Falls Aluminum Company Community Liaison Panel (CLP) was called to order by facilitator Mary Green at North Valley Hospital Teakettle Community Room, beginning at 6 p.m. on Thursday, November 12, 2015.

Mary welcomed those present. She reviewed the agenda and meeting materials. It was confirmed that all members received a copy of the September meeting minutes. The minutes were accepted as distributed. Mary mentioned that Steve Wright placed a copy of the CLP meeting minutes at the Columbia Falls Library following the Open House in October. Steve was notified recently that the library had undergone some remodeling and the RI/FS were discarded. The library director requested the meeting minutes and RI/FS be placed in an electronic format for storage and accessibility at the library. Mary noted that following each meeting, accepted

minutes would be forwarded to the library. Steve Wright will continue to work with the library to ensure materials are available to the public.

Unfinished Business

Community Information Session Feedback:

Mary Green thanked Lyle Mitchell for recommending the high school as the ideal location. She also thanked those who participated in the event.

Mary asked members to provide feedback gleaned at the event or in the community following the event. It was noted that a gentleman who owns a construction company in Whitefish remarked that he was impressed with the session. It was noted that good questions were asked of those representing each booth. Senator Dee Brown apologized for not being able to attend. She noted that she believed the reporters who attended did a good job relaying the information. Mary agreed to provide a copy of the article that appeared in the Hungry Horse News to the meeting minutes. **[A copy of the article is attached to these minutes for those not present.]**

Project Update:

Steve Wright contacted the Columbia Falls High School chemistry department to tour the lab and to take the remaining items, if interested. He added that the chemistry teacher will coordinate a visit for other teachers at the school.

Steve noted that a map for the proposed bike path was received from Jaime Belk. They continue progressing with work related to the bike path.

[A copy of work accomplished in 2015 was provided as a handout and is attached to these minutes for those not present.]

Demolition Update:

Cliff Boyd shared an update related to activities at the site since the September meeting. Cliff noted that Calbag is required to have an AOC for demolition and removal of some items at the site, specifically materials above grade and in buildings.

Cliff noted Calbag received a Notice of Violation (NOV) from the State of Montana on October 26, 2015. The NOV indicated that Calbag did not complete an inventory of hazardous wastes in the Pot Room Buildings.

The NOV said specifically, "Calbag and CFAC are in violation of the AOC for failing to determine if the anode carbon and other materials (bus bar, aluminum heels, raw ore and sweepings) are a hazardous waste and for removing materials from the building prior to the

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approval of the plan."

Cliff noted that Calbag submitted a plan to MDEQ in late August and received a response in early September. Since receiving the NOV, Calbag has ceased removing aluminum bus bar, heels, raw ore and sweepings from the Pot Room Building. Cliff added that Calbag ceased transporting from the CFAC site to market these reuse materials. Cliff said Calbag is committed to abiding by all laws and regulations. He added that this is the first NOV received by Calbag.

Calbag is working with MDEQ to resolve the NOV. He said Calbag and CFAC are required to submit a revised Digging Plan and identify all hazardous wastes by November 20, 2015. Cliff committed to submitting the plan to MDEQ by November 20, 2015.

Cliff said Calbag believes it is in compliance, because beginning in June, 2015, Calbag has removed and shipped steel, copper, brass, aluminum bus bar, and aluminum heels to re-melt scrap facilities. He added that Calbag believes scrap metal does not meet the definition of hazardous waste. Cliff noted that permits were in place, approved by MDEQ and Flathead County Landfill, to dispose of raw ore and sweepings. To date, 2,950 tons of raw ore and sweepings have been disposed of at the Flathead County Landfill.

Regarding dust, Cliff said virgin ore and recycle ore are very fine particles. To address dust concerns, Calbag staged a permanent water truck at the CFAC site to water down the ore prior to transport to the landfill. He noted the water truck was moved to the landfill, at the request of Jim Chilton, Flathead County Landfill Manger, to mitigate dust when dumping to the landfill. Cliff noted that trucks leaving the CFAC site travel on designated roads and are equipped with self-tarping mechanisms. He added that a map of the designated truck route was provided to the drivers. Cliff stated that Calbag estimates that 80 percent of the total tons will be moved by rail for reuse, including carbon, steel, bales, and aluminum totes. Cliff added that the ore was not sold, however, because all smelters in the northwest have either closed or plan to curtail operations, and there is no longer a market for the material.

Shannon Stringer noted that every time aluminum ore is moved, it breaks down. He asked if the dust problem occurred in the Rod Mill, and if so, were the scrubbers working? Cliff replied that the scrubbers were not functional due to removal of asbestos containing parts prior to demolition.

Cliff ensured those present that Calbag has a checklist and they adhere to their Environmental, Health, and Safety Plans. To improve communication, Cliff asked if elected officials and others would be interested in receiving weekly information about activities at the site. He also suggested periodic updates to the CLP. A member of the CLP suggested placing information in the Hungry Horse News leading up to activities occurring at the site. Cliff said he and John Stroiazzo are happy to address all concerns and inquiries. Cliff can be reached at Cliff.boyd@Calbag.com or by calling 1-800-398-3441. John can be contacted via email at john.stroiazzo@cfaluminum.com or by calling 647-292-5767.

Senator Dee Brown asked if permitting is always through MDEQ. Cliff replied, yes, for this type of work. She asked if there is anything on the MDEQ website regarding the status of work at the site. Colleen Owen said nothing currently appears on the website, however, she will bring the suggestion to others in the department. Senator Brown said it would be helpful if each part of the agency with a hand in the project could input data into one database related to the CFAC site.

Clarence Tabor asked if material is currently being moved from the site. Cliff replied that as a result of the NOV, Calbag has been asked to cease removing materials from the site.

Nino Berube asked if Calbag still has a 90-day window to dispose of hazardous waste. Cliff said the clock starts when the heel is pulled and explained that process.

Mayor Barnhart said he was asked by a member of the community if the galvanized metal buildings have asbestos. Cliff replied that the buildings have asbestos roofing material. He added that there is a regulated amount of asbestos in the tar. He added that much of the material has been removed and taken to the landfill. There still remains asbestos roofing materials onsite to be removed in the future.

Nino said during the tour he noticed the aluminum heels had been ripped out. He asked how long it was in hazardous storage. Steve Wright said 10 cathodes purchased from The Dulles were used for production and were received without aluminum heels. He added that CFAC decides when it is waste and this topic is part of the AOC with MDEQ. Shannon Stringer said once the heel is pulled, it is a viable pot until it is broken up.

Cliff provided a final review of project work. He said there is no work being conducted in Building 1(the pot line buildings). Wrecking is being done in the Rod Mill. The asbestos roof has been removed on the north side. Cliff said nothing will be removed from the pot line buildings until the SPL digging plan is approved. He added that those living in the area will work throughout the hold-up.

Brad Walterkirchen asked if jobs will be lost because of the work stoppage. Cliff said the job will get smaller and said a reduction in workforce will be temporary and that the jobs will be protected.

RI/FS Update:

John Stroiazzo, Project Manager, stated that at the beginning of October, CFAC sat down with Mike Cirian, EPA, and reviewed comments provided by EPA. CFAC provided a response to the EPA comments within two weeks. Further follow up on minor clarification items was completed earlier today.

John noted that the EPA and CFAC had agreed on a financial assurance package in the amount of $4 million. A conference call with EPA has been scheduled for the week of November 16.

Mike Cirian thanked Nino Berube for joining a recent site tour. Information gleaned from the tour was included in the RI/FS comments.

Residential Sampling Results:

Steve Wright mentioned residential sampling in Aluminum City. He said sampling has been offered on a quarterly basis. The results were non-detect for cyanide. Two wells were slightly over the laboratory detection limit for fluoride, but under the drinking water standard. For comparison, Nino requested the results of EPA sampling and CFAC sampling.

Senator Dee Brown asked how often the AOC is updated. John Stroiazzo said the AOC is an agreement and valid as long as it is being followed. It can only be changed with the consent of the parties to the agreement.

New Business: U.S. EPA Superfund Process

Mary introduced Mike Cirian, U.S. EPA. Mike said the goals of the Superfund Process are to protect human health and the environment by cleaning up abandoned or uncontrolled hazardous substance sites; to involve communities in the cleanup process; to make responsible parties pay for the cleanups; and to return previously polluted land to productive use. **[A copy of the Superfund Process handout is attached to these minutes for those not present.]**

Mike showed pictures of Love Canal (NY) and Valley of the Drums (KY), two of the first Superfund designated cleanup sites. Mike referred to the various steps of the process using a stepping stones handout.

Mike noted the Superfund process begins when a site is discovered. EPA may learn about a site from other federal agencies, state or local government, tribes, or private citizens. EPA conducts a quick site assessment and determines whether the cleanup will require a short term or long term action.

There are two types of Superfund program actions: removal action and remedial action. There are three cases in which removal action is taken: emergency response, which requires immediate attention; time-critical removal, which requires action within 6 months; and non-time critical removal, which requires action for a period longer than 6 months. Remedial action occurs when a site is placed on the National Priorities List (NPL).

If a site is determined to be a long-term action, EPA performs a preliminary assessment and site inspection to determine if the cleanup can be done for less than $2 million and less than 5 years. If the answer is yes, it becomes a non-time critical removal. If the answers is no, EPA proceeds with evaluating whether it meets the NPL listing criteria.

There are three ways to list a site on the NPL. The first mechanism is the EPA's Hazard

Ranking System (HRS). The HRS uses a structured analysis approach to scoring sites. This approach assigns numerical values to factors that relate to risk based on conditions at the site. The HRS factors are grouped into three categories: likelihood that a site has released or has the potential to release hazardous substances into the environment; characteristics of the waste (toxicity, waste quantity, etc.); and people or sensitive environments affected by a release. Mike said four pathways can be scored under the HRS: ground water migration (drinking water); surface water migration (drinking water, human food chain, sensitive environments); soil exposure (resident population, nearby population, sensitive environments); and air migration (population, sensitive environments.) Mike noted if a score is over 28.5, EPA may propose the site for listing on the NPL.

The second mechanism for placing sites on the NPL allows states or territories to designate on top-priority site regardless of score. This is often referred to as "The Silver Bullet." Mike noted that each state only gets one and Montana has already used its "Silver Bullet."

The third mechanism allows listing a site if it meets all three of these requirements: the agency for Toxic Substances and Disease Registry (ATSDR) has issued a health advisory that recommends removing people from the site; EPA determines the site poses a significant threat to public health; and EPA anticipates it will be more cost effective to use its remedial authority (available only at NPL sites) than to use its emergency removal authority.

Mike discussed public input for listing. He said listing a site involves federal rulemaking with a 30-day public comment period; a public meeting; and Governor's support for proposed listing.

Mike mentioned that Glencore has requested the Superfund Alternative Approach.

Mike discussed the Remedial Investigation/Feasibility Study. Once a site becomes listed, a Remedial Investigation (RI) is done to characterize the nature and extent of contamination and source(s). He noted that nature and extent involves baseline risk assessment, and field sampling and analysis. Based on information found in the Remedial Investigation, a Feasibility Study (FS) is done which identifies and evaluates options for reducing site risks. The FS will help to determine how to break the exposure pathway. The options identified are evaluated against 9 criteria.

Mike reviewed the nine criteria EPA considers when evaluating each option: protection of health and sensitive environments; compliance with applicable state and federal regulations; long-term protectiveness; short term protectiveness; implement ability; reduction of toxicity, mobility, volume through treatment; cost effectiveness; state acceptance; and community acceptance.

Mike shared different ways the public can be involved during the RI/FS. He mentioned that community interviews will be conducted, and a community involvement plan will be developed. He noted that a Community Advisory Group (CAG) may be formed and an application for assistance can be requested through an EPA contract for a Technical Assistance Grant (TAG) or Technical Assistance Service for Communities (TASC). Senator Brown asked if

someone from the community could apply for these grants. Mike replied yes.

Mike said Superfund allows the federal government, states, and private parties to recover what they spent on cleanup activities. He said if EPA does the cleanup work using Superfund money, it will try to recover those costs from parties responsible for site contamination, often referred to as "Potential Responsible Parties."

EPA publishes a Proposed Plan, identifying the alternatives and the agency's preferred alternative for reducing site risks. EPA takes comments on the proposed plan. Following the Proposed Plan, EPA evaluates any comments received an issues a Record of Decision (ROD) identifying the clean up approach the agency plans to implement.

Remedial Design is the phase in Superfund site cleanup where the technical specifications for cleanup remedies and technologies are designed. Future reuse of the site is also considered at this point. Mike said Remedial Action follows the remedial design phase and involves the actual construction or implementation phase of Superfund site cleanup.

Mike noted several opportunities for public involvement during Remedial Design and Remedial Action. The public can learn about the final design for the cleanup by attending public events or reading information EPA distributes. One can work through CAG, TAG recipient, or TASC provider to stay informed about the progress of the cleanup. The public is invited to attend periodic public events about progress at the site. For those not able to attend, information can be found at the Information Repository or via the internet. Mike added that there also may be opportunities to visit the site to observe cleanup activities.

The final step of a Superfund process is Construction Complete, which is when all elements of remedy are constructed and in operation.

Post-construction completion includes Operations and Maintenance (O&M). Mike said if waste is left in place, the state becomes responsible for O&M of implemented remedial actions for the expected life of such actions. When appropriate, the state must assure that any institutional controls implemented as part of the remedial action at a site are in place, reliable, and will remain in place after the initiation of O&M. Mike added that if waste is left in place there is a 5 year review.

The final two steps post-construction completion is deletion and re-use.

Senator Brown said business owners in Libby have said Superfund listing has not been positive for the community.

Mike provided a report of where the CFAC site is today. He said EPA is in negotiations with Glencore regarding the AOC. A $4 million financial assurance package proposal has been approved. EPA is looking at the Superfund Alternative Approach as requested by Glencore.

Mike said the next NPL listing is in the spring of 2016; however, he is confident the site

will not go for first listing in the spring. Joe Russell asked if the site is not listed, will it make a difference regarding available resources for the site. Mike said under the Superfund Alterative Approach, all Superfund rules must be met.

Anna Stene asked if the Governor and Senator Tester will support the Superfund Alternative Approach. She asked if it is necessary to hear from them. Mike said the community needs to be heard by the elected officials. She asked about an appropriate time to have the conversation with community leaders.

Nikki Stephan said it is her understanding that EPA leadership determines whether or not the site is listed under Superfund. Mike said he has input into the determination. He added that things are going well, but he and EPA are still hesitant.

Mayor Barnhart confirmed listing occurs twice each year. Mike said that is accurate, in the spring and fall. Mayor Barnhart asked Mike if he is sure it will not be listed in the fall of 2015. Mike confirmed that listing will not occur in 2015.

Nino asked if the RI/FS includes additional wells near Aluminum City. He also asked if the RI/FS has been changed to include wells in the dumps. He also asked if there will be tracing to address the highly contaminated waters from the Paste Plant.

Mike said if the site were to go into the Superfund Alternative Approach, EPA will have oversight, with input from the State of Montana.

Mike noted that after the AOC is signed, the RI/FS can begin in April or May.

John Stroiazzo said Glencore has requested the Superfund Alternative Approach, because the community and the company do not want the Superfund label associated with the site. He added that Glencore has the ability and experience within Glencore to lead and manage this project. Finally, EPA sees Glencore's willingness and has demonstrated good faith.

Mary said between now and January 2016, the AOC will be in place. After the AOC is signed and in place, a letter will be mailed to the CLP. She added that a project update will be mailed prior to the end of 2015.

Mary asked the group if they preferred to continue the meeting and to hear a presentation regarding CFAC's MPDES Permit Sampling, or to table it to a future meeting. The group requested the presentation be tabled to a further meeting.

There being no further business, Mary asked members to complete their meeting evaluation forms. The meeting was adjourned at 7:50 p.m.

NEXT MEETING: **Note Change of Date and Location**

Thursday, January 21, 2016
5:30 p.m. – dinner
6:00 p.m. – meeting
Location: Columbia Falls High School Cafeteria

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