CFAC

Columbia Falls Aluminum Company

June 14, 2016

Clock Ticking to Determine CFAC Site Superfund NPL Status

As the project moves forward with demolition and environmental studies (Remedial Investigation and Feasibility Studies), discussions about finally listing the site on the Superfund National Priorities List (NPL) continue. The next round for listing will be the fall 2016, and the EPA is expected to make its decision in the coming months.

During the last year, the Agency, CFAC and the Community have discussed possible approaches to the site and its status. Those include:

- finally listing the site on the NPL in 2016,
- addressing the site through the Superfund Alternative Approach, and
- postponing a decision on listing until more is known about site conditions.

Various opinions have been voiced. Facts are facts. Final listing is unnecessary at this time and can prevent the stigma associated with listing on NPL. The next four years will determine what is needed to move the site toward productive reuse.

Visit the CFAC Project Website
www.cfacproject.com

Additional websites for information:

www.deq.mt.gov/dir/cfac.mcpx
www3.epa.gov
www.calbag.com
www.cityofcolumbiafalls.org/cfac-liaison-panel

Superfund Alternative Approach and Columbia Falls Aluminum Co.

The EPA, Region 8 assured CFAC it would consider placing the site in the Superfund Alternative Approach (SAA), a program designed to assess and clean up sites, as necessary, without finally listing the site on the NPL. The company considered this when it agreed to participate in negotiations and to sign the Agreement on Consent (AOC) in 2015. During this time, CFAC was told by the federal agency the site qualified for the SAA. Both parties agreed to language in the AOC that was necessary to allow the site to be addressed under the SAA.

However, after negotiations were concluded and the AOC signed, EPA staff raised legal and policy arguments that would prevent the CFAC site from entering SAA status and for listing the site on the final NPL. The CFAC site meets the criteria for participation in the EPA's SAA, which state the SAA should only be considered at sites the agency has determined:

- are expected to need remedial action; and
- have viable potentially responsible parties that the region believes are capable of and agreeable to performing the cleanup work under an Administrative Order on Consent (AOC) or Consent Decree.

The CFAC site meets each of these criteria:

Remedial Action - The extent to which the site will require remedial action is unclear and will be better known after completion of the ongoing RI/FS. There are conditions at the site that could lead to this work. Needs will be determined in the next four years.

PRP viability - CFAC has demonstrated its viability as a PRP by signing an AOC after an efficient negotiating process, which required the performance of a RI/FS; providing $4 million in liquid financial assurance to support its AOC obligations; and has begun taking significant steps to comply with the AOC.

The Option to Postpone Listing

The final report related to the current work is expected to be completed in the first quarter of 2020. This will include the results of all sampling and a baseline risk assessment. The report will provide data about the conditions on the site and potential impact on the environment.

There is nothing additional that would occur during this work and during this timeframe if the site is placed on the NPL now. Finally listing the site on the NPL now would not add any environmental or human health protection during the duration of the AOC.

If the EPA were to elect to list the site in the future and even at the end of the current process, the agency could rework the listing process while it completed the Record of Decision, the document where EPA determines what remedial action must be taken at the site. This would prevent any delay to implementing remedial action. Although this process does have an associated cost, all agency costs are recoverable from the potentially responsible parties. Thus, the cost will not be passed along to taxpayers.

What's Next?

The time period between now and 2017 is a pivotal period for the project. Because of this, listing the site in 2016 is premature and presents a potential challenge to redevelopment.

During the next 18 months, significant changes will occur through the demolition efforts. Environmental conditions will be determined during the remedial investigation process.

Although there is belief that contamination is there, the extent and nature are unknown. Therefore, no one knows what will be required to address the situation and what will be needed to move toward redevelopment.

- Adding the CFAC site to the final NPL now doesn't improve the current schedule or affect site activities in the near future.
- Completion of the RI/FS could take up to four years and the preparation of the Record of Decision (ROD) could take another year after that. That process won't change if the site is added to the final NPL list now. The time it takes to prepare the ROD can be used by the agency to rework the listing steps.
- EPA could add the site to the final NPL list at any time in the future without materially delaying site progress; it can't remove the site until the work is COMPLETELY finished. The decision to remove the site is made by state and federal government.

Call to Action

If the community desires that a final listing not happen or should be delayed until more information is known about site conditions, now is the time to voice its opinions. The efforts at the site will not change. Finally listing the site at this time does nothing for progress today. It only causes pause to a journey that may not be needed. Time will tell. Once listed, that cannot be reversed. It can only be removed from the NPL list once the government gives its approval.

Your opinions can be shared by contacting:

United States Congress

Senator John Tester
United States Congress
311 Hart Senate Office Building
Washington, DC 20510-2604

Senator Steve Daines
United States Congress
320 Hart Senate Office Building
Washington, DC 20510-2605

Congressman Ryan Zinke
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State

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U.S. EPA

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CFAC and its team are committed to answering your questions.

For more information about the project contact Mary Green at 1-877-384-7036.