CFAC

Community Liaison Panel

Columbia Falls Aluminum Company Community Liaison Panel Minutes
January 21, 2016
Columbia Falls High School
Cafeteria
6:00 p.m.

CLP Members Attending: Mayor Don Barnhart, Nino Berube, Senator Dee Brown, Chad Campbell, Mike Cirian, John Fuller, Phil Mitchell, Ray Negron, Susan Nicosia, Rep. Zac Perry, Joe Russell, Kyle Schmauch, Stacey Schnebel, Erin Sexton, Anna Stene, Nikki Stephan, Shannon Stringer, Dayna Swanson, Clarence Taber, and Bev York.

CLP Members Absent: Don Bennett, Chief Rick Hagen, Jessy Coltrane, Chief Rick Hagen, Hillary Hanson, Lyle Mitchell, Mike Nicosia, Chief David Perry, and Brad Walterkirchen.

CFAC Representatives: Cheryl Driscoll, John Stroiazzo, and Steve Wright.

Guests: Colleen Owen and Lisa DeWitt, MDEQ; Cynthia Peterson, US EPA; Mike Ritorto, Roux Associates; Smith Works, Senator Tester's Office; Cliff Boyd, Calbag Resources; Lucy Beltz; Brad Bennett, Applied Water; Carrie Ecklund; Melvin Flansaas; Adrianna Ludlang; Karyssa Nelson; Roger Noble Applied Water; Vick Poncelat; Diane Smith; Lynda Stocks; Chris Peterson, Hungry Horse News; Dillan Tabish, Flathead Beacon; and Carley Williams.

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 Columbia Fall High School cafeteria, beginning at 6 p.m. on Thursday, January 21, 2016.

Mary welcomed those present and asked them to introduce him or herself and their

affiliation with the community. She reviewed the agenda and meeting materials.

Cheryl Driscoll announced this would be the last time she attends the CLP, unless needed. She said the CLP is in the process of transitioning and that John Stroiazzo, Project Manager, will be the Glencore representative. Phil Mitchell thanked Cheryl for honoring her commitment to the community.

Project Update:

John Stroiazzo reminded those present that the AOC was signed on November 30, 2015. CFAC is now in the execution phase, which includes planning, scheduling and adding resources to execute the RI/FS.

John mentioned that he and others of the team met with EPA earlier today to discuss a preliminary schedule. The schedule indicates project planning and subcontractor procurement will take place January through March, 2016. John noted that reconnaissance, geographical survey and gas soil screening will take place in May, 2016. The plan indicates the drill program will begin in May and conclude in September, 2016. The first groundwater sampling event is scheduled to begin in September and conclude in October, 2016. John noted the draft Phase I summary report and draft screening level ecological risk assessment report is due in February, 2017. **[A copy of the preliminary project schedule is attached to these minutes.]**

Superfund Community Participation:

Mike Cirian, US EPA, addressed the CLP. He said the AOC was signed quickly with good negotiations.

Mike reviewed the NPL Listing Process. The first step is to conduct the preliminary assessment and site investigation, which began 18 months ago. Information is reviewed and included in the assessment. The site is then proposed for listing on the NPL and the EPA seeks public comment on that proposal. The CFAC site was proposed be listed on the NPL in March 2015. He added that based on calculations and public comments, the site has met the requirements for final NPL listing. Mike said in 2016, there are two opportunities for placing the site on the final NPL; one in the spring and one in the fall. He added that the first listing opportunity to place the site on the final NPL could take place in March 2016. However, final NPL listing will likely not happen until the fall. He added that there is still potential it could be placed on the final NPL in the spring. Mike mentioned that EPA is still exploring the Superfund Alternative approach; however, he said Superfund Alternative has only happened once in Region 8. Mike said EPA will notify the community of the listing.

Mike said the AOC is in place and CFAC's contractor Roux Associates is on board. Roux will begin taking samples in April or May. Mike reminded the CLP that the Remedial Investigation is a 4.5 to 5 year process. He said the site must be evaluated to determine a cleanup process, if needed. The Feasibility Study evaluates possible clean up options. Mike said the Record of Decision takes the Feasibility Study and evaluates it for a preferred remedy. Phil Mitchell asked who makes the Record of Decision. Mike Cirian replied that the EPA will

propose a Record of Decision and will seek public comment. EPA then evaluates the public comments with the state. Institutional controls are then considered. Mike said the Record of Decision is at least five years away.

Responding to a guest, Mike said the site met the requirements for NPL listing. The guest was surprised that the listing and Superfund Alternative was decided within one year. She added that one of the priorities of the community was to avoid listing. Mike said there was a public comment period and most of the comments received were for listing the site. The guest said the general consensus from the community has changed. She noted that the comment period was one year ago. Mike said those who would like to comment should. He added that if opinions have changed, EPA would like to know. Another guest thought signing the AOC mitigated NPL listing. Mike said no.

Mike was asked if there is a benefit to the community to list. He replied that listing ensures the process is completed. He added that CFAC agreed to a certain dollar amount through the RI/FS.

Erin Sexton asked Mike to share the number of comments received. Cynthia Peterson provided the following information as follow-up to the meeting. Seventy-seven comments were submitted during the public comment period after the proposed listing of the Columbia Falls Aluminum Company Plant was published in the Federal Register. Erin asked what percentage was in favor of the listing as opposed to the percentage opposed to the listing. Cynthia's follow-up information noted that EPA can not characterize what proportion of the comments was favorable to adding the site to the National Priorities List. Cynthia added that the public comment period has closed and comments are no longer being accepted on the regulations.gov website. All public comments received during the public comment period can be viewed at - http://www.regulations.gov/#!docketDetail;D=EPA-HQ-SFUND-2015-0139

John Fuller said things have changed a lot in Columbia Falls. He said Congressman Zinke would like to hear the public's comments as of today. He asked that the Congressman be copied on all comments related to CFAC.

Mayor Barnhart said he was led to believe that if the project continued to move forward, the site would not have to be listed. Mike Cirian said he never said it would not be listed as a final NPL site.

Clarence Taber asked what if citizens do not want the listing. He said if the company is willing to do the work, why consider putting it back into the process? As project manager for the site, Mike agreed to pass along this information to headquarters.

Nikki Stephan asked if there is potential for another comment period prior to potential listing. She said Glencore has demonstrated good faith through the RI/FS. Mike replied that public comments are always accepted. He added that written comments go a lot further than verbal communications. Comments can be sent via email, regular mail, etc. Chas Cartwright said the way the Federal government works is that decisions are made using substantive comments, not a vote. He added that the CLP is a very representative group, but to say this is representative

of Columbia Falls and elsewhere, he added that it is not. He said we need an open and transparent process.

Phil Mitchell said the Flathead County Commission does not want the site listed. He said the Commission has not changed its position. He added that the community has demonstrated its desire over the past year and noted that when the community first got together, they didn't understand the process.

Chris Peterson asked who makes the decision to list the site on the final NPL. Mike Cirian replied that EPA Region 8 makes a recommendation to the headquarters and then the decision is made at EPA headquarters.

John Fuller asked a hypothetical question as a resident of the community. He said if the site is designated in March and if he were a number cruncher at Glencore, why wouldn't Glencore walk away as it may be more cost effective to do so. Mike Cirian replied that once it goes into litigation, no one wins.

A guest noted that there have been material changes in the process since the original comment period. The guest went on to say that the EPA is bringing potential damage to the community because of a set of rules with a deadline, even though the circumstances have changed.

Kyle Schmauch referred to the organizational meeting of the CLP. He said there was discussion related to the community's image if the listing were to occur. He noted that EPA's response was it doesn't have to have a negative impact. He said the people are not prepared for a listing in four to five weeks. He asked if the community should begin a public relations campaign to avoid the stigma. Mike said the community should provide comments to EPA as soon as possible.

Phil Mitchell said he believes this is a political decision more than anything else.

Anna Stene asked if there can be a concerted public relations effort in sending public comments. She asked if EPA will provide messages regarding Superfund stigma. Cynthia Peterson said Mike Cirian is available to help with the messages based on past experience. Mike said this began much like Libby – no one was helping. He said much of the stigma associated with Libby did not have to happen. He added that Libby needs to get past the stigma. As it relates to CFAC, the community asked for the listing and has now changed its mind.

Stacey Schnebel asked if the EPA's website comment section is still open for this project. Mike and Cynthia were unsure.

Addressing Mike Cirian, John Fuller said he has gone to great lengths to draw back previous comments. He asked what has changed. Mike said the comments were reviewed and the opportunity to place the site on the final NPL is coming up.

Kyle Schmauch urged constituents to write to the congressional delegation to express their

opinions.

New Business: Community Participation Options

Cynthia Peterson, US EPA, shared a presentation related to community participation through the Superfund process.

The first step for community involvement is to participate in the EPA's community interviews. Cynthia noted that community members were interviewed by Ann Green Communications in 2015. She said Ann Green Communications graciously provided their interview information to her. Cynthia added that she will also be interviewing people in the community to better understand concerns and potential site contaminants. The interviews help EPA engage the community and communicate moving forward.

Cynthia discussed the Community Involvement Plan. The plan includes site descriptions, community background information, community issues and concerns, an official contact list, and the location of the information repository. Cynthia said the Community Involvement Plan will be updated throughout the process.

Cynthia discussed several means by which the community can be involved in the process. Options include maintaining the CFAC Community Liaison Panel as is and not forming a Community Advisory Group (CAG); transforming the CFAC CLP into a CAG; establishing a CAG; and maintaining the CFAC CLP and establishing a separate CAG. She described the key difference between a Community Advisory Group (CAG) and a Community Liaison Group. A CAG is a self-governing group with bylaws and criteria for membership. She noted that formation of a CAG is not required under Superfund; however, it can be formed at any time. Cynthia noted that community involvement in the process enhances EPA's work and provides a forum for two-way dialogue and information sharing. Cynthia said these forums by no means reflect upon the current CLP or its function. She said EPA is committed to making sure individuals potentially affected by a site have a voice in the cleanup process. She added that community involvement is a key component to Superfund and Superfund cleanups.

EPA's regional staff helps communities get involved by providing educational materials; outreach activities; site information; training; and technical assistance. Resources include Technical Assistance Service for Communities (TASC) grants; Technical Assistance Grants (TAG); Superfund Redevelopment Initiative (SRI); Conflict Prevention and Resolution Center (CPRC); and Superfund Job Training Initiative (Superfund JTI). Following the meeting, Cynthia Peterson shared web addresses for detailed information about public involvement opportunities. For more information about Technical Assistance Grants, visit: http://www.epa.gov/superfund/technical-assistance-grant-tag-program For more information about Community Advisory Committees, visit: http://www.epa.gov/superfund/community-advisory-groups For more information about

Technical Assistance Services for Communities, visit: http://www.epa.gov/superfund/technical-assistance-services-communities-tasc-program

Cynthia said the TASC requires the group to contract a consulting group through EPA contractors. Cynthia noted that the grants are less than $50,000. The TAG requires a group to incorporate and become a not for profit organization under Section 501c (3) of the tax code. The group is then eligible to apply for grant to fund specific things within certain limits. TAG funds, up to $50,000 are also used to hire a technical advisor to help the community understand technical information. Cynthia said CPRC provides for EPA to bring a facilitator to resolve conflicts. She noted this may not be applicable in the community. Finally, she mentioned that Superfund JTI provides training for those wanting to work on the Superfund site.

Clarence Taber inquired as to the estimated cost of community involvement in the Superfund process. Cynthia replied that she was unsure; however, she would try to find out.

The community asked about the next steps to choose a community involvement option. Cynthia said the next steps are up to the community; however, she suggested the community talk about it before making a decision.

Stacey Schnebel asked Cynthia to clarify that if a CAG were to be formed, it would no longer be facilitated by Ann Green Communications and would have to have bylaws, etc. Cynthia replied, yes.

Erin Sexton asked if EPA could help facilitate a community visioning process under Superfund. Cynthia replied that community visioning would fit under the Superfund Redevelopment Initiative.

Cynthia said the CLP is a representative group to this point and would be a venue to discuss options. She added that if it does not work for everyone in the community, the community is welcome to call her to discuss options.

Chas Cartwright said in his opinion, the feelings of this group are important. He added that having a group of some CLP members and others from the community would be representative. He said those present must go back to the community to hear their thoughts.

Joe Russell asked CFAC how long they plan to fund the CLP. Cheryl Driscoll said it depends on the desire of the group. John Stroiazzo said he has been impressed with folks attending the meetings. Turnout has been unbelievable and feedback has been good. He added CFAC committed to the process and will continue, however, it may not be monthly, possibly quarterly. Joe Russell said Columbia Falls is a unique community. He agreed that the meeting frequency will slow down a lot. He said as long as we are cooperatively working together, CFAC should continue to drive the ship – we need to keep CFAC on board. Cheryl Driscoll said CFAC does not want to be placed on the final NPL. She said we have built a good relationship with the community. Joe Russell said we already have a good platform.

Mayor Barnhart asked Cynthia Peterson if all the options she reviewed are available now, or applicable upon final NPL listing. Mike Cirian said the options are in effect now, because it is part of the AOC and the site has been proposed for NPL listing.

Susan Nicosia said Cliff Boyd attends Council meetings each month and provides a detailed report on the building demolition at the CFAC site. She invited those interested to attend.

Clarence Taber asked if CFAC would rather have site listed on the final NPL or not? It was noted that CFAC would prefer not to be listed.

Chad Campbell said the community approached Senator Tester's office in 2015 for assistance. Chad said the Senator asked for listing last year. Phil Mitchell said he appreciates hearing from Senator Tester's office. Phil added that through different meetings, he has heard what the community wants and noted that 80 to 90 percent are not in favor of listing. He said he is struggling with where to go from here. He added that he believes there is not much reason to meet more than bi-annually.

Mayor Barnhart said the community was initially fed up that CFAC was not moving along and they wanted it to be cleaned up. The community contacted Senator Tester's office and asked the site to be listed, to get CFAC's attention. Over the past year, we have made progress and have not been provided with another opportunity to express our views on NPL listing once we saw CFAC's commitment. He asked that the CLP push as a group for Superfund Alternative Approach. He noted wonderful cooperation from CFAC and the community. He said he wants to see it cleaned up faster. In closing, he said he would like to see Ann Green Communications continued involvement.

Nino Berube said having the AOC go through is mostly a good thing. However, he said there was a lack of critiquing of information for the AOC. He said Mike Cirian and John Stroiazzo were never questioned, because we only got one side of the story and what was in their best interest. Phil Mitchell said critiquing the information is for MDEQ and EPA as they are the experts. He added that it is not the job of the CLP to critique the information.

In closing, Mary said she heard the community's desire for the immediate future is for the group to meet and explore options as the project unfolds. **[A copy of Cynthia Peterson's slides are attached to these minutes.]**

MDEQ Website for CFAC Site

Colleen Owen shared an idea with MDEQ that was suggested at the November CLP meeting. It was suggested that MDEQ provide a section on their website dedicated to the CFAC site. Colleen thanked the CLP for the suggestion and said information about the site can be found by going to http://www.deq.mt.gov/dir/cfac.mcpx.

Donations

Steve Wright reviewed donations made to the community over the course of the project. He noted several donations to the Columbia Falls Fire Department including a fire engine, response trailer, traffic cones, fire hose nozzles, and other equipment. The United Way received 210 sleeping bags and 40 cots, in addition to pillows, pillow cases and towels. The City of Columbia Falls has received donations of an ore truck and tapping crucible for public display, and large aluminum pipe wrenches and miscellaneous tools. Whitefish Veteran's Park received large boulders for landscaping. Steve noted that Columbia Falls High School received about $10,000 worth of steel for use in fabrication and welding classes, a steel storage rack, forming tables, and were offered items from the laboratory building for chemistry and science classes. Flathead Valley Community College received a lathe, drill press and forming tables. Steve mentioned the Columbia Falls Historical Society received several items including past and present photographs of CFAC, six glass door display cases, display boards and memorabilia. Steve added that several pieces of office furniture were donated to furnish the Historical Society's new location. **[A copy of Steve's slides is attached to these minutes.]**

Demolition Update

Cliff Boyd shared an update of activities since the last meeting. He noted Calbag received approval from MDEQ to remove the non-hazardous material. He added that shipments of such non-hazardous material are underway and 85 percent of the material is being shipped by rail.

Cliff said since November, a dozen structures have been taken down, to grade. In terms of upcoming activities, Calbag is working to obtain a permit to remove cathodes and the hazardous waste. Upon receipt of the permit, Calbag will commence digging of spent pot liners. Cliff noted the number of employees will increase in the spring.

Nino Berube asked Cliff is MDEQ chose sampling locations. Lisa DeWitt, MDEQ, said laws specify the number of samples collected for hazardous waste and asbestos. She added that there is discretion in regard to location. Cliff said the aluminum busbar is clean based on samples of dust and debris. He added that asbestos is removed prior to busbar removal and the material is given a "clear" prior to shipping. Cliff noted that Calbag received an asbestos inspection two months ago with 100 percent approval rating.

Shannon Stringer asked about the plan for the sewage treatment facility. Cliff said that is not in Calbag's scope. John Stroiazzo said there is no plan at this point.

There being no further business, Mary asked members to complete their meeting evaluation forms. The meeting was adjourned at 8:25 p.m.

NEXT MEETING: **To Be Determined**

KM/1-21-16/222