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Flathead County
Board of Commissioners
(406) 758-5503

Pamela J. Holmquist
Gary D. Krueger
Philip B. Mitchell

January 25, 2016

Mike Cirian, PE
Site Manager
US EPA – Region 8
108 East 9th Street
Libby, MT 59923

Dear Mr. Cirian:

On behalf of the Flathead County Board of Commissioners, we hereby request that you designate the CFAC facility in Columbia Falls, Montana as a Superfund Alternative and forgo listing it on the Superfund NPL.

We are grateful for the work EPA and our elected representatives have done to get us where we are now. It would, therefore, be a mistake to impose the burden of Superfund designation on the community when the Superfund Alternative should more than adequately meet the needs.

Some facts may be helpful. The owner of the site, Glencore, had long been unwilling to engage in discussions with the community about remediation. Over the past several months, however, representatives from the community, Columbia Falls City Council, Flathead County Commissioners, Glencore, Montana DEQ, EPA, and others have met and, working together, we have succeeded in crafting a consensus regarding next steps. This was accomplished via monthly meetings with a Community Liaison Panel and widespread public input.

As a result of these meetings and support from our elected representatives and EPA, an Administrative Order of Consent ("AOC") was entered into that binds Glencore to a series of next steps that will culminate in a completed Remedial Investigation and Feasibility Study ("RI/FS"). The AOC was widely supported by the Community Liaison Panel and our elected representatives.

The work covered by the AOC is anticipated to be completed within 48-60 months. Glencore has already begun environmentally compliant removal of several buildings at the site and has made significant charitable contributions to the community as a show of good faith.

Throughout our discussions, the Community Liaison Panel made clear to our EPA representatives that we preferred a Superfund Alternative designation over a traditional Superfund listing, so long as Glencore continued to work with the community and abide by the terms of the AOC.

This was not a naïve position on our part. We understood that, "The Superfund alternative (SA) approach uses the same investigation and cleanup process and standards that are used for sites listed on the NPL. The SA approach is an alternative to listing a site on the NPL; it is not an

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alternative to Superfund or the Superfund process." http://www.epa.gov/enforcement/superfund-alternative-approach

In other words, we recognized that if we were successful in getting a multi-million dollar commitment out of Glencore that would take us through the RI/FS we were moving down a path that could lead to remediation of the site in the swiftest and most efficient way possible. We also recognized that by opting for the Superfund Alternative designation we could avoid the stigma of Superfund NPL listing while retaining our options for engaging in the Superfund process later on if necessary.

Some have argued that the Superfund Alternative approach could result in delay in clean-up of the site should Glencore "walk away" after the RI/FS is completed. While this may be technically accurate, it's important for EPA to recognize that this site had been untouched for decades and would likely have remained so had the community not reached out to our elected representatives and the EPA for assistance. We did this hoping to remain in control of our fate, not to abdicate it to EPA decision makers living miles from us. We are sure that you recognize how important this is to a small community such as ours.

Notably, at a meeting of the Community Liaison Panel last week, Glencore committed to continue its financial and administrative support of these meetings so that the community could maintain its involvement and oversight. We anticipate at least two meetings per year during the RI/FS process with continuing consultant, contractor, company, community, and agency involvement.

We are pleased that we were able to come together and work on this problem collectively. The well-being of the Columbia Falls community is our top priority and we recognize that we are likely looking at years of remediation at the CFAC site. Our ability to do this as a Superfund Alternative will be far more beneficial to the community than the more draconian Superfund NPL listing.

As a result, we would appreciate your consideration of our request to designate the CFAC site in Columbia Falls as a Superfund Alternative. Thank you for your efforts and attention.

Sincerely,
BOARD OF COMMISSIONERS
FLATHEAD COUNTY, MONTANA

Pamela J. Holmquist, Chairman

Philip B. Mitchell, Member

Not Available for Signature
Gary D. Krueger, Member

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