Key Messages

- In response to Senators Tester and Baucus' inquiry, the EPA Region 8 office has started planning the site investigation of this facility and will coordinate closely with the Montana Department of Environmental Quality prior to commencing and during the investigation.
- Due to the facilities complex operational history and the environmental setting, it is difficult to predict exactly how long our site investigation activities might take. This assessment will be a priority for EPA, and we anticipate completing our assessment within one year, depending on available resources.
- The EPA will work closely with the community to discuss potential environmental concerns to ensure the assessment is focused and can support local needs including the potential redevelopment of this facility.

Questions and Answers:

1. **How did EPA recently get involved at this site?**
   In March 2013, Senators Baucus and Tester expressed concerns that environmental contamination could restrict future economic use of the property and cause environmental impacts to human health and/or the environment. Senators Baucus and Tester requested that EPA conduct an environmental assessment to determine if the site is eligible for the National Priorities List.

2. **Has EPA investigated the site previously?**
   EPA previously completed an investigation at the site– A Preliminary Assessment looking at existing information was completed in 1986, and a Site Inspection including limited environmental data collection was completed in 1988. That investigation found polycyclic aromatic hydrocarbons (PAHs) associated with plant processes in soils and sediments and on-site surface water, including the percolation ponds. PAHs were detected above background conditions in Cedar Creek, but as stated in the 1988 report, organic compounds, including PAHs were not detected in the Flathead River. Cyanide was detected in groundwater at the site, but it was noted that the Columbia Falls backup municipal supply well, located two miles southwest of the site, does not contain contamination from the CFAC facility.

3. **Why does EPA want to investigate the site again?**
   The previous EPA investigation concluded in 1988. The facility continued to operate through 2009. Site conditions have likely changed since the conclusion of the 1988 Site Inspection.

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4. **What is EPA planning to do at this site?**
EPA is planning on conducting a Site Reassessment. A Site Reassessment represents the gathering and evaluation of new information on a site previously assessed to determine whether further Superfund attention is needed because of potential risks posed by a site. As part of the Site Reassessment, EPA plans to gather existing information about the production facility, and surrounding potentially impacted areas. EPA will use this information to design a sampling plan to collect environmental samples to determine if hazardous substances or pollutants are present at the site, migrating off site, and/or impacting nearby populations or environments.

As was done at the Smurfit Stone site outside Missoula, EPA will also conduct a removal assessment at the same time to determine whether the site poses any immediate risks that should be cleaned up more rapidly.

The results of EPA's research and environmental sampling will be provided in a publicly available Site Reassessment report. The report will inform the conversation among stakeholders on potential next steps at the site.

5. **How and when will EPA involve the Montana DEQ and other stakeholders including the local community**?

EPA has consulted with the MT DEQ about the reassessment and they will be provided draft reports and sampling plans for review. EPA will reach out to local leaders early on to understand the facility history and to understand the community's redevelopment desires. Once the reassessment is complete the results will be provided in a publicly available Site Reassessment report. The report will inform the conversation among stakeholders on potential next steps at the site.

6. **When will EPA complete the Site Reassessment? What factors can impact the timeline?**
Estimating the exact duration of the site reassessment is difficult given the complexity of the site. In the past, site reassessments usually conclude within one year. Factors that can impact the timeline include the need to obtain legal agreements for site access, the volume of existing data and information to be evaluated, rigorous quality assurance and quality control evaluations of environmental data, work load of EPA staff and availability of resources.

7. **What role will EPA play at this site?**
EPA will be the lead agency for conducting the Site Reassessment and will coordinate with MT DEQ and local officials.

8. **Who will be responsible for paying for any work at this site?**
It is too early to say who might pay for work at this site. In general EPA adheres to the polluter-pays principal meaning EPA looks for potentially responsible parties (PRPs) to

assist or pay for investigations and cleanup of environmental problems they have caused. EPA also has the ability to perform work itself and recover costs from PRPs. To facilitate involvement of PRPs at this site, a PRP search is being planned concurrently with the site reassessment.

9. **How bad is the contamination?**
It is too early to characterize the site. The site reassessment will provide an overall review at the site to determine if there are hazardous substances or pollutants present and if they are migrating off site, potentially posing a threat to human health and the environment. This will also give us an idea as to how much more investigation needs to be done and what kind of cleanup needs to be conducted.

10. **Can private investment and redevelopment occur during the site reassessment?**
Yes. In fact, the EPA Superfund Redevelopment Initiative was developed for just this purpose and has been highly successful. Available tools and resources, as well as several case studies, can be viewed at:
http://www.epa.gov/superfund/programs/recycle/index.html

10. **Can the property be transferred or leased during the site reasessement?**
The Superfund Program has many examples where property is transferred or leased during investigation and cleanup. It is important that this is done thoughtfully so that new owners/renters do not inadvertently become liable for contamination that they did not cause. EPA is willing to work with potential purchasers/renters in this situation.

11. **Will investigation prevent redevelopment from occurring until the work is done?**
No, it will not. EPA encourages redevelopment of potentially contaminated lands. EPA believes it is the stigma of contamination that leads to a slow redevelopment and that addressing contamination will lead to further redevelopment. If redevelopment occurs, EPA is able to work with redevelopers to ensure an adequate investigation occurs while working around redevelopment projects as we investigate the site. Additionally, if, after investigation, it is determined that cleanup is necessary, EPA will work with DEQ, local officials and other stakeholders to determine the best remedial approach including any available state remedial programs.

12. **Can a redeveloper buy contaminated property without becoming CERCLA/Superfund liable?**
Yes. Beginning in 2002, a bona fide prospective purchaser (BFPP) may buy property with knowledge of contamination and maintain their protection from liability provided they conduct All Appropriate Inquires (AAI), comply with continuing obligations and can demonstrate no affiliation with a liable party.
http://www.epa.gov/compliance/cleanup/revitalization/bfpp.html

13. **What does all appropriate inquires mean?**
All Appropriate Inquiries, or AAI is the process of conducting due diligence or a Phase I Environmental Site Assessment to determine prior uses and ownership of a property and

assess conditions at the property that may be indicative of releases or threatened releases of hazardous substances. For liability purposes, a purchaser must conduct AAI prior to acquisition. http://www.epa.gov/brownfields/aai/index.htm

14. What are continuing obligations?

In order to maintain their protection from liability a new owner of a contaminated property must comply with the following continuing obligations (1) comply with any land use restrictions and institutional controls; (2) take reasonable steps with respect to hazardous substance releases; (3) provide full cooperation, assistance, and access to persons that are authorized to conduct response actions or natural resource restoration; (4) comply with information requests and administrative subpoenas; and (5) provide legally required notices.

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