Montana Multi-Site Cooperative Agreement

Support Agency Assistance

Special Account Management Amendment Application– SFY 2016

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Montana Department of Environmental Quality

Remediation Division

Helena Montana

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For the

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INTRODUCTION

This Multi-Site Cooperative Agreement (MSCA) application amendment requests funding for the Montana Department of Environmental Quality (DEQ) Superfund Program for state participation in the federal Superfund Program authorized in the 1986 Superfund Amendment and Reauthorization Act (SARA). Starting in state fiscal year (SFY) 2013, the agencies agreed to request a separate grant for Management Assistance for bulk funded sites and a grant for special account sites. Activities proposed for funding in this MSCA application for special account funded sites include support agency assistance for federal-lead remedial actions at selected Montana National Priorities List (NPL) sites. This application will fund DEQ's site specific activities for Environmental Protection Agency (EPA) lead NPL sites in Montana for SFY 2015. This new grant will be the mechanism through Cooperative Agreement Amendments to provide special account-funded Management Assistance through June 30, 2016.

SUPPORT AGENCY ACTIVITIES

The Remediation Division manages DEQ's Superfund mission through the Federal Superfund Construction Bureau and the Hazardous Waste Cleanup Bureau. Staff from both bureaus works on federal Superfund cleanup activities under the Core cooperative agreement, the Management Assistance Bulk Funding Multi Site Superfund Cooperative Agreement, the Management Assistance Special Account Multi Site Superfund Cooperative Agreement, and Technical Assistance Cooperative Agreement (TACA). DEQ will maintain a support agency role at EPA-lead sites where Special Account funding will be used for Anaconda Smelter, Burlington Northern (BN) Somers (not an NPL site but administered under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)), ACM Smelter and Refinery, Silver Bow Creek/Butte Area Operable Units (OU) including Butte Priority Soils, Butte Mine Flooding, Rocker and Warm Springs Ponds, East Helena Asarco Smelter, Idaho Pole, Libby Groundwater, Lockwood Solvent OU-2, and Milltown Reservoir/Clark Fork River, NPL sites. DEQ has lead management and court-ordered settlements with funding for Upper Clark Fork Operable Unit, Streamside Tailings OU of the Silver Bow Creek/Butte Area, and the Montana Pole NPL sites.

The intent of DEQ in this support agency role is to enhance progress at the sites by providing technical, legal, and managerial resources to the EPA, as well as by articulating issues of state concern, and promoting state and local involvement in the site remediation process.

STATEMENT OF WORK FOR SUPPORT AGENCY ACTIVITIES

Support agency activities fall within in the following four general components. These represent a set of general commitments that may be appropriate at each site depending on the activities and requirements associated with a particular site. Site-specific narratives describe commitments for each site.

Support Agency Components

A. Remedial Investigation/Feasibility Study (RI/FS) or Engineering Evaluation/Cost Analysis (EE/CA) including Proposed Plans, Records of Decisions, Action Memorandums and Consent Decree negotiations with potentially responsible party (PRPs)

B. Remedial Design (RD)

C. Remedial Action (RA)

D. Quality Assurance/Quality Control Commitment (QA/QC)

E. Site-Specific Work Plans for Support Agency Assistance

Component A commitments apply to all sites that are in the RI/FS stages (most commitments continue through the subsequent superfund process specified in Components B and C) and include review of records of decision (RODs) and negotiation of consent decrees. All Clark Fork River Basin (CFRB) NPL sites are now past the RI/FS stage but many of the Component A commitments remain relevant. Components B and C commitments apply to all sites or operable units (OUs) in the RD and RA phases. Component E commitments only apply to sites requiring those site specific work products.

Component A - RI/FS or EE/CA Activities

Commitment 1 - Review RI/FS Documents

Outputs: Review and prepare written comments and recommendations on EPA, EPA contractor, or potentially responsible party (PRP) work products during the RI/FS phase including:

a. Preliminary planning document, including draft SOW (work) plans, draft administrative orders, draft quality assurance project plans, draft sampling/analysis plans, and draft health/safety plans;

b. Draft/final RI/FS reports, including draft public health evaluations, endangerment assessments, interim technical memoranda, work amendments, contractor progress reports, data analysis, data evaluation, and public comments on the draft studies; and

c. Draft/final records of decision and action memoranda.

Commitment 2 - Maintain Project Files

Outputs: Review and compile site information from the files of appropriate local, state, and federal agencies, and from PRPs. Update site files as new data, correspondence, and work products become available. Provide access to site files as requested by EPA, their contractors, the public, site owners/operators, legislators, officials and potentially responsible parties, as appropriate. Provide secure storage for confidential files.

Commitment 3 - State Legal Requirements

Outputs: Provide written summaries identifying state applicable or relevant and appropriate requirements (ARARs) specifying state environmental statutes and regulations for each response action. Review EPA's federal ARARs designations and discuss the integration of state ARARS into remedial decision requirements.

Commitment 4 - Community Relations

Outputs: Review and prepare written comments on EPA or PRP community relations work products, including draft community relations plans, draft fact sheets and draft press releases. Prepare verbal or written responses to requests for site information from the public, legislators/officials, site owners/operators, contractors, and PRPs. Provide state assistance in the preparation or revision of site community relations plans. Attend public meetings and briefings to discuss draft RI/FS studies, site information, progress, and policies, as appropriate.

Commitment 5 – Quarterly Progress Reports

Outputs: Develop and submit to EPA progress reports of site specific expenditures and activities.

Commitment 6 - Site Visits

Outputs: Conduct site visits during periods of RI/FS field activities. Participate in periodic site inspections during RIs to observe trial runs of equipment, contractor progress, and aspects that affect project acceptance. Prepare written summaries of observed activities, comparing them to final preliminary planning outputs, site management plans, construction plans and specifications, and work completion schedules.

Commitment 7 - Consultation and Meetings

Outputs: Consult and meet with State staff, EPA, and EPA contractors, to discuss State comments on work products, State requirements, and RI/FS progress, including preliminary planning discussions, Proposed Plan and ROD development, technology transfer, interim design, contractor selection, preconstruction activities, and project pre-acceptance issues. Prepare and distribute written summaries of these meetings as appropriate.

Commitment 8 - PRP Discussions

Outputs: Participate with EPA in the development of PRP enforcement strategy. Review and prepare written comments on enforcement work products, enforcement activity, and the RI/FS processes. Prepare and distribute written summaries of these meetings.

Commitment 9 - Access

Outputs: Assist EPA in gaining access to sites to perform RI/FS activities, by helping to negotiate easements and access agreements with site owners/operators.

Commitment 10 - Training

Outputs: Receive EPA authorized training or required training for site-specific activities (e.g. risk assessment, lead in soils/wastes workshops, soils reclamation of mining/smelting sites, stream bank reconstruction, etc).

Commitment 11 - Project Administration

Outputs: Provide daily project management, fiscal accounting, cost-recovery documentation, legal research, outreach to local and federal agencies, general administration and clerical support.

Commitment 12 – ATSDR

Outputs: Coordinate and communicate with the Agency for Toxic Substances and Disease Registry on reviews of their public health evaluation activities and reports.

Commitment 13 – Other

Outputs: Complete other activities as identified by the state and EPA that are critical to the project.

Outcome: Ensure state involvement in the conduct of Superfund RI/FSs or EE/CAs.

Component B - RD Activities

Commitment 1 - Cooperative Agreements or State Superfund Contract (SSC)

Outputs: Negotiate and sign cooperative agreements or SSCs identifying agreed upon requirements for determining EPA RA costs and the State's required matching share.

Commitment 2 - Review RD Documents

Outputs:-Review and prepare written comments and recommendations on EPA or PRP work products during the RD phase including:

a. RD work plans and sampling plans;

b. Review of data analysis, data summary reports and technical memorandums;

c. The preliminary (30 percent complete), intermediate (60 percent complete), pre-final (95 percent complete), and final RDs;

d. Contractor progress reports;

e. Draft construction specifications;

f. Value engineering screening submittal;

g. Draft operations and maintenance plans; and

h. Draft bid request documents.

Commitment 3 - Project Administration

Outputs: Provide daily project management, fiscal accounting, cost recovery documentation, legal research, and liaison with local and federal agencies, general administration and clerical support.

Commitment 4 - Other

Outputs: Complete other activities as identified by the state and EPA that are critical to the project.

Outcome: Ensure state involvement in the development of Superfund Remedial Designs.

Component C - RA Activities

Commitment 1 - Review RA Documents

Outputs - Review and prepare written comments and recommendations on EPA or PRP work products during the RA phase including:

a. Contractors' bid responses;

b. Construction status and planning meetings;

c. Construction oversight, progress reports, proposed change orders and claims;

d. Pre-final and final inspection reports;

e. Construction completion documentation; and

f. Draft delisting documents (for site removal from the NPL).

Commitment 2 - Conduct Field Inspections

Outputs: Make field visits to support oversight of progress on implementation of remedial action measures to ensure compliance with decision documents, design requirements, and as necessary, appropriateness for state assumption of O&M responsibilities.

Commitment 3 - Project Administration

Outputs: Provide daily project management, fiscal accounting, cost recovery documentation, legal research, and liaison with local and federal agencies, general administration, and clerical support.

Commitment 4 - Community Relations

Outputs: Review and prepare written comments on EPA or PRP community relations work products, including draft fact sheets and draft press releases. Prepare verbal or written responses to requests for site information from the public, legislators/officials, site owners/operators, contractors, and PRPs. Attend public meetings and briefings to discuss RA status, site information, progress, and policies, as appropriate.

Commitment 5 - Other

Outputs: Complete other activities as identified by the state and EPA that are critical to the project.

Outcome: Ensure state involvement in the development of Superfund Remedial action.

Component D - Quality Assurance/Quality Control

Commitment 1 – Follow EPA Quality Management Procedures

Output 1: For DEQ lead sampling investigations, DEQ will use EPA-approved Quality Assurance guidance.

Commitment 2 – Develop Quality Assurance Project Plans

Outputs: DEQ will develop QAPPs as specified in EPA QA/R-5, EPA Requirements for Quality Assurance Project Plans for Environmental Data Operations. DEQ will establish Data Quality Objectives to clarify the study objectives, define the most appropriate types of data to collect, determine the most appropriate conditions under which to collect the data, and specify the level

of uncertainty that is acceptable as the basis for establishing the quantity and quality of data needed. The EPA must approve and sign all QAPPs before data collection. DEQ will provide thirty days for EPA to review and comment upon the QAPP unless the agencies agree to a different period.

Outcome: Define state adherence to established and defined quality assurance processes for Superfund RI/FS AND RD/RA.

Component E - SITE-SPECIFIC WORK PLANS FOR SUPPORT AGENCY ASSISTANCE

ACM SMELTER AND REFINERY

The ACM Smelter and Refinery site was listed as a Superfund site on March 10, 2011. Removal actions were completed on the Moose Lodge property to allow redevelopment to proceed. DEQ will participate with EPA in conducting sampling and analysis to complete the Remedial Investigation/Feasibility Study (RI/FS) for OU1 (Community Soils), including the RR corridor area. It is anticipated that sampling and proposed plan development will continue through SFY 2016. Site sampling activities are expected to be conducted by Atlantic Richfield and Burlington Northern Santa Fe PRPs.

DEQ will assist in the development of separate RODs for the community soils and for the RR corridor and complete the OU1 (Community Soils) RI, HHRA and FS. Also assist with the development of the OU-1 remedial action objectives; development of the proposed remedial action plan for OU-1 and develop the draft ROD for OU-1. Assist EPA in the development of the statement of work for the OU2 RI/FS, including a sampling and analysis plan, a conceptual site model, and a schedule. Review the available data and develop the scope of work for the ecological assessment for OU-3 (the Missouri river from Black Eagle to Fort Benton); provide contracting and project support for fish and sediment sampling by FWP. DEQ will continue to collaborate closely with the Black Eagle community association, the TAG consultant, and the cascade county commissioners on the project status. Coordinate with all interested stakeholders concerning the long-term beneficial uses for the property involved; coordinate with Cascade County, the Trails group, the park Board, BNSF, ARCO, Northwest Energy.

Site-Specific Activities

DEQ activities include Components A, B, C and D.

1. Provide support agency assistance for Agency and PRP RI/FS activities, including site visits, soils, and waste sampling, Statement of Work (SOW) development, progress reports, and schedules.
2. Attend/participate at technical, legal, and public meetings and at public or technical advisory committee meetings.

3. Conduct community involvement activities including review and preparation of fact sheets, and other informational materials, and respond to public inquiries.
4. Review legal adequacy of documents:
    a. Provide legal review of PRP deliverables, ARARs evaluations, risk assessments, draft Proposed Plan and ROD, and Administrative Orders on Consent (AOC).
    b. Review PRP compliance of ROD remediation objectives goals and evaluate adherence to state ARARs,
    c. Provide cost recovery and administrative record duties for state activities in support of EPA's cost recovery responsibilities; and
    d. Prepare review comments on RI/FS activities and documents.
5. Review OU-1 and RC-OU-1 HHRA and FS reports.
6. Develop remedial action objectives.
7. Develop proposed remedial action plans for OU-1 and RC-OU-1.
8. Review draft OU-1 ROD and draft RC-OU-1 ROD.
9. Review OU-2 draft SOW.
10. Support field oversight.
11. Management and technical support for the OU-3 ecological assessment.
12. Support public outreach activities.

Travel

Travel estimates include approximately 24 trips for site visits, yard removal oversight, progress meetings, technical coordinating, meetings with local government, and public meetings at approximately 200 miles per trip. DEQ does not anticipate any out-of state trips.

ANACONDA SMELTER

The EPA manages the Anaconda Smelter NPL Site under the following operable units (OUs): Community Soils, Old Works/East Anaconda Development Area, and the Regional Water, Waste & Soils. DEQ will participate with EPA in RD/RA activities, consent decree planning and negotiations with the PRPs. DEQ activities include Components A, B, C and D for all three OUs. DEQ will perform the following major activities as part of the cooperative agreement responsibilities:

Community Soils OU

The EPA issued the Community Soils OU ROD in September 1996. RD/RA will continue through the cooperative agreement period. In SFY 2016, EPA intends to consolidate ongoing and new activities under a Record of Decision (ROD) Amendment for this operable unit. EPA and DEQ will continue Preliminary Consent Decree negotiations with the PRPs. Major issues to be resolved in 2016 include agreement and initial implementation of Remedial Action for lead removal in residential yards. In SFY 2016 EPA and DEQ will assist with an agreement on Institutional Controls issues between the County and Atlantic Richfield is the other major issue.

Site-Specific Activities

DEQ activities include Components A, B, C, and D.

1. Provide support agency assistance for PRP RD/RA activities, including site visits, soils, waste, interior and attic dust sampling, design reports and work plans, progress reports, and schedules.
2. Attend/participate at technical, legal, and public meetings and at public or technical advisory committee meetings.
3. Participate in site-wide Consent Decree (CD) negotiations.
4. Attend community involvement activities including review and preparation of fact sheets, the Community Protective Measures Program (CPMP) and other informational materials, and respond to public inquiries.
5. Review legal adequacy of documents;
    a. Provide legal review of Unilateral Administrative Orders (UAO), PRP deliverables, ARARs evaluations, risk assessments, ROD amendments, Consent Decrees, and Administrative Orders on Consent (AOC).
    b. Review PRP compliance of ROD remediation objectives goals and evaluate adherence to state ARARs,
    c. Provide cost recovery and administrative record duties for state activities in support of EPA's cost recovery responsibilities; and
    d. Prepare review comments on RD/RA activities and documents.

Travel

Travel estimates include approximately 12 trips for site visits, yard removal oversight, progress meetings, technical coordinating, and negotiation and public meetings at approximately 176 miles per trip. DEQ does not anticipate any out-of state trips.

Old Works/East Anaconda Development Area OU

EPA issued the OW/EADA Record of Decision in 1994. RD/RA will continue at this OU through the cooperative agreement period. In SFY 2016, DEQ anticipates that the Agencies and PRPs will reconsider long-term operations and maintenance of the Golf Course waste cover. Major funding issues to be resolved in 2016 include County negotiations with Atlantic Richfield for Old Works Golf Course maintenance and property redevelopment funding. Collapse of the negotiations will initiate Agency revaluation of the Remedy for the entire Operable Unit.

Site-Specific Activities

DEQ activities include Components A, B, C and D.

1. Provide support agency assistance for PRP RD/RA activities, including conduct site visits, review progress reports and other documents, plans, and reports, and track schedules.
2. Attend technical, legal, and public meetings.
3. Attend community involvement activities including review of fact sheets and other informational materials, and respond to public inquiries.
4. Review legal adequacy of documents. Specific activities include:
    a. Provide legal review of UAOs, PRP deliverables, ARARs evaluations, risk assessments, Consent Decrees, and Administrative Orders on Consent;
    b. Review PRP compliance of ROD remediation objectives goals and evaluate adherence to state ARARs,
    c. Provide cost recovery and administrative record duties for state activities in support of EPA's cost recovery responsibilities; and
    d. Prepare review comments on RD/RA activities and documents.

Travel

Travel estimates include approximately 6 trips for site visits, technical, coordinating, and public meetings at approximately 176 miles per trip. DEQ does not anticipate any out-of state trips.

Regional Water, Waste, & Soils OU

The EPA issued the Regional Water, Waste, and Soils OU ROD in September of 1998. The OU includes the former Smelter Hill, Flue Dust, and Regional Soils operable units. In 2001, EPA included additional areas with smelter emission contamination and fluvial deposited tailings. RD/RA will continue in SFY 2015. DEQ will continue to participate in site-wide consent decree planning and negotiations with EPA and the PRPs. Preliminary Consent Decree work on technical issues will be on-going and include development and Agency approval of Remedial Action Work Plans for the following: Stucky Ridge; Lost Creek; Smelter Hill; Uplands; Anaconda Ponds; South

Opportunity; Fluvial Tailings; Warm Springs Creek; Smelter Hill Facilities; and West Galen Individual Site Work Plans.

Negotiations between the State, EPA, the County and Atlantic Richfield on Institutional Controls will continue. Development of plans for the following are ongoing: Vegetation Management Plans; Ground Water Management, including monitoring; statistical evaluation methodology; Domestic Well monitoring; surface water management and compliance evaluation; storm water management; biological monitoring; Community Protective Measures Program; data management; engineering controls; slag operations and closure; development of a Technical Impracticability Waiver evaluation for Total Recoverable Metals; and Potential Record of Decision Modification.

Site-Specific Activities

DEQ activities include Components A, B, C and D.

1. Provide support agency assistance for PRP RD/RA activities, including conduct site visits, review progress reports and other documents, plans, and reports, and track schedules.
2. Review and comment on draft and revised RD/RA Consent Decree or Unilateral Administrative Order (UAO) and planning documents, and Draft and revised RD/RA SOW, and related criteria documents
3. Continue review of repository vegetation caps and of operation and maintenance of the Smelter Hill Repository Complex.
4. Attend technical, legal, and public meetings.
5. Attend community involvement activities including review of fact sheets and other informational materials, and respond to public inquires.
6. Coordinate with Montana Natural Resource Damage (NRD) Program concerning restoration of the Anaconda Smelter NPL Site including technical, legal, and policy meetings, injury, damage, and restoration documents review, and restoration activities evaluation.
7. Coordinate and consult with other state agencies such as the Montana Department of Transportation, Montana Fish Wildlife and Parks, and the State Historic Preservation Office, and local governments for review of and comment on pertinent activities and/or documents.
8. Review legal adequacy of documents Specific activities include:
    a. Provide legal review of Administrative Orders on Consent, Unilateral Administrative Orders, PRP deliverables, ARARs evaluations, risk assessments, contracts, task orders, and Consent Decrees.
    b. Review Institutional Controls Plan, Project Management Plan, Groundwater, Storm Water,

and Surface Water Management Plans, Vegetation Management Plan, the Site Management Plan, and other site-wide Documents for legal sufficiency;

c. Review PRP compliance with ROD remediation objectives goals and evaluate adherence to state ARARs,

d. Provide cost recovery and administrative record duties for state activities in support of EPA's cost recovery responsibilities;

e. Review RD/RA documents and reports; and

f. Assist EPA in the planning, preparation, and negotiation of the RD/RA Consent Decree or preparation of UAOs for Regional Water, Waste, and Soils.

Travel

Travel estimates include approximately 30 trips for site visits, technical, coordinating, and public meetings at approximately 176 miles per trip. DEQ does not anticipate any out-of state trips.

BN SOMERS

BN Somers is an EPA enforcement-lead project conducted under CERCLA authority. The DEQ will provide support agency assistance to EPA. Soil treatment has attained remedial goals and the land treatment unit closure is complete. The agencies established a controlled groundwater area in 2003. Since that time, BNSF has collected quarterly monitoring data in accordance with the Groundwater Treatment System Interim Monitoring Plan (Interim Monitoring Plan) to evaluate the stability of the dissolved phase plume of the COCs and to verify that the plume is naturally attenuating. Results were reported in quarterly and annual interim monitoring reports.

Review of groundwater data collected during the interim monitoring period showed continuing concentrations down-gradient of the existing controlled groundwater area (CGA). In addition, investigations on or near the recently acquired properties adjacent to the BNSF Somers Site proper indicate that creosote and/or dissolved phase constituents above the cleanup levels established in the USEPA 1989 Record of Decision (ROD) are present in the subsurface beyond the proposed TI boundary and existing Controlled Groundwater Area. As a result of the aforementioned issues, USEPA and DEQ determined that additional work, as defined in the Consent Decree is necessary.

DEQ-Specific Activities

DEQ activities will include those outlined in Components A, B, C and D.

1. Provide support agency assistance for PRP RD/RA activities, including site visits, review of progress reports and other documents, plans, and reports, and tracking schedules.

2. Review and comment on PRP submittals including the monitoring reports, data collection reports, benzene treatment system, and the annual comprehensive reports for groundwater.
3. Review and comment on (quarterly) monitoring reports following interim suspension of active groundwater treatment.
4. Review and comment on PRP generated Focused Feasibility Study.
5. Conduct community involvement activities including review of fact sheets and other informational materials, attend public meetings, and respond to public inquiries as necessary.
6. Provide legal review including:
    a. Provide cost recovery and administrative record duties for state activities in support of EPA's cost recovery responsibilities;
    b. Review RD/RA documents and reports;
    c. Assist EPA in the planning and preparation of decision documents.
    d. Provide legal review as needed for PRP compliance of ROD remediation objectives goals and evaluate adherence to state ARARs.

Travel

Travel estimates include approximately six trips for site visits and meetings at approximately 400 miles per trip. DEQ does not anticipate any out-of state trips.

EAST HELENA

The East Helena NPL Site is the location of a lead and zinc smelter operated by ASARCO LLC for over 100 years. The ASARCO facility shut down in April 2001. The EPA listed the site on the NPL in 1983. A ROD was issued September 2009, for residential soils and undeveloped land. Additionally, the EPA and DEQ Resource Conservation and Recovery Act (RCRA) programs administer the smelter facility including groundwater and surface soils. RCRA activities within the ASARCO facility are outside the scope of this cooperative agreement application. EPA manages contaminated off smelter site soils through CERCLA. DEQ management assistance commitments include the offsite soils and coordination with RCRA actions.

Residential Soils Remedial OU-1

Site-Specific Activities

DEQ activities at the site include commitments outlined in Components A, B, C and D.

1. Provide support agency assistance for site visits, review progress reports and other documents, plans, and reports, and track schedules.
2. Attend technical, legal, and public meetings including the Lead Program's advisory committee meetings.

3. Conduct community involvement activities including review of fact sheets and other informational materials, and respond to public inquiries.
4. Coordinate with state and federal agencies responsible for RCRA corrective action of the Process Ponds and Process Fluids OU, the Groundwater OU, slag pile, ore storage, and surface soils within the ASARCO facility.
5. Manage contract with state DOJ for legal involvement.
6. Provide legal review including:
    a. Review of work plans, PRP deliverables, and ARAR issues;
    b. Prepare and execute contracts and task orders;
    c. Provide cost recovery and administrative record duties for state activities in support of EPA's cost recovery responsibilities; and Travel

Travel

Travel estimates include approximately 10 trips for site visits, technical, coordinating, and public meetings at approximately 20 miles per trip.

IDAHO POLE

The Idaho Pole Company (IPC) pole treating facility is located near Bozeman, Montana. The plant began operation in 1946. In 1992, the DEQ Superfund Program completed a ROD for the site, and in 1993, the Idaho Pole Company began conducting the RD/RA. The facility closed in 1997 and since then the majority of facility structures have been dismantled. RA construction is complete while treatment of groundwater is ongoing. Soil treatment has attained remedial goals and the land treatment unit closure and reclamation has been completed. EPA established a Controlled Groundwater Area in February 2001.

Site-Specific Activities

DEQ will continue to conduct support agency activities as outlined in Components A, B, C, and D.

1. Provide support agency assistance for PRP RD/RA activities, including site visits, review progress reports and other documents, plans, and reports, and track schedules.
2. Review and comment on deliverables including the annual report on groundwater treatment operations, and quarterly groundwater and residential well monitoring reports.
3. Assist EPA with the finalization of the 5-Year Review.
4. Assist EPA with the evaluation of groundwater treatment to determine whether additional groundwater remediation is appropriate, and evaluate the appropriate path forward to reach remedial goals. Recently, additional source area characterization has been performed and pilot testing for potential residual source area remediation has been proposed, with the long-term goal of eliminating the need for pump and treat operation if the residual source area remediation efforts are successful.
5. Attend technical, legal, and public meetings.

6. Conduct community involvement activities including review of fact sheets and other informational materials, and respond to public inquiries.
7. Provide legal review including:
    a. Review legal adequacy of RD/RA activities and reports;
    b. Review PRP compliance with ROD remediation objectives goals and evaluate adherence to state ARARs, and
    c. Provide cost recovery and administrative record duties for state activities in support of EPA's cost recovery responsibilities.

Travel

Travel estimates include approximately two trips for site visits, technical, coordinating, and public meetings at approximately 220 miles per trip.

LIBBY GROUNDWATER

The EPA listed the Libby Groundwater Site in 1983 in response to drinking water contamination from the wood treating wastes disposed of and spilled at the site from 1946 to 1969. EPA issued the ROD in 1989 and Explanations of Significant Differences (ESD) in 1993 and 1996 to modify the applicable groundwater standards. In 2011 the fourth 5 Year Review report stated that both the surface soils and groundwater remedies had failed and are no longer protective. Now with EPA and DEQ oversight and under the Consent Decree, the PRP will continue conducting RD/RA activities at the site in SFY 2016. The activities include bioremediation of soils in a land treatment unit, treatment of extracted groundwater with a bioreactor and in-situ treatment of groundwater.

Site-Specific Activities

DEQ commitments are those as outlined in Components A, B, C and D.

1. Provide support agency assistance for PRP RD/RA activities, including site visits, review progress reports and other documents, plans, and reports, and track schedules.
2. Review and comment on deliverables including the soils and groundwater treatment annual report, the annual Upper and Lower Aquifers report, land treatment unit operations and closure correspondence and reports, and the monthly monitoring reports.
3. Assist EPA with the evaluation of groundwater treatment to determine whether additional groundwater remediation is appropriate. Assist EPA with review, comment, and evaluation of the ongoing pilot studies of bio-sparging and steam enhanced extraction.
4. Assist EPA with reassessment of the dioxin cleanup value for soils, and participate in the development of the appropriate decision document to incorporate any changes to this cleanup value.
5. Attend technical, legal, and public meetings.
6. Conduct community involvement activities including review of fact sheets and other informational materials, and respond to public inquires.
7. Provide legal review including:
    a. Review legal adequacy of RD/RA activities and reports;

b. Review PRP compliance of ROD remediation objectives goals and evaluate adherence to state ARARs;
c. Participate in potential preparation of an ESD if necessary; and
d. Provide cost recovery and administrative record duties for state activities in support of EPA's cost recovery responsibilities.

Travel

Travelestimates include approximately two trips for site visits, technical, coordinating, and public meetings at approximately 620 miles per trip.

LOCKWOOD SOLVENT OU 2 BRENTAGG SITE

Significant groundwater contamination was discovered below the community of Lockwood, Montana, in 1998. Subsequent investigations have identified large groundwater plume(s) of chlorinated solvents that present significant threats to human health and the environment. The Lockwood Solvent Groundwater Plume Site (LSGPS) was proposed for placement on the NPL in the Federal Register in May 2000 and final listing occurred in December 2000. Currently the agencies are developing plan to allow the Lockwood Sewer and Water District to complete infrastructure changes to its residential sewer system.

The agencies anticipate that RD/RA will be initiated in SFY 2016including design and conduct a field pilot demonstration of ozone sparging and soil vapor extraction and operate the demonstration long enough to determine the zone of influence of the injection wells and to determine the effectiveness in removing the source area chlorinated hydrocarbons. Design, build and operate an in-situ oxidation field demonstration of permanganate injection in the tank farm source area and operate the system long enough to determine the radius of influence of the injection wells and the effectiveness of chlorinated oxidation. Using the field test data, design a remediation system for the two major source areas. Design a plume remediation and control system down gradient of the source areas. Continue semi-annual ground water monitoring to measure remedial action progress and to develop a data base to track natural attenuation. Develop soil and ground water institutional controls, including a ground water control area.

Site-Specific Activities

DEQ commitments include those in Components A, B, C, and D.

1. Provide support agency assistance for PRP activities, including site visits, draft quarterly reports, review progress reports and other documents, review work plans and draft design reports, support filed work oversight, and track schedules.
2. Review and comment on site documents including RD/RA documents, IC development documents and groundwater work plans.

3. Attend technical, legal, and public meetings including meetings with Yellowstone County.
4. Review fact sheets and other informational materials, and respond to public inquiries.
5. Provide cost recovery and administrative record duties for state activities in support of EPA's cost recovery responsibilities;
6. Interpret state ARARs for the Lockwood site; and
7. Review and comment on Lockwood Institutional Controls, including coordination with local governments.

Travel

Travel estimates include approximately four overnight trips for site visits, technical, coordinating, and public meetings at approximately 540 miles per trip. DEQ does not anticipate any out-of state trips.

MILLTOWN RESERVOIR SEDIMENTS

Milltown Reservoir Sediments OU

The Milltown Reservoir Sediment site is 7 miles east of Missoula, Montana. The EPA, with DEQ concurrence, issued the Milltown ROD in December 20, 2004 and concluded the Consent Decree (CD) negotiations with the Settling Defendants in July 2005 and the effective date of the CD is April 10, 2006. The RA work was completed in June 2012. Remaining work will consist of IC and O&M oversight.

Site-Specific Activities

DEQ activities will consist of Components A, B, C and D.

1. Attend technical, legal, and public meetings.
2. Conduct community involvement activities including review of fact sheets and other informational materials, and respond to public inquiries.
3. Provide legal review of PRP deliverables and Consent Decree required documents. Specific activities include:
   a. Review and comment on Institutional Controls.
   b. Annual Site Inspection
   c. Review and oversight of the Long-Term Post Remedial Action Operation and Maintenance Plan.

Travel

Travel estimates include approximately four trips for site visits and public meetings at approximately 250 miles per trip.

SILVER BOW CREEK/BUTTE AREA

The Butte Area of the Silver Bow Creek/Butte Area NPL site includes 5 operable units which are Mine Flooding, Priority Soils, Rocker, Warm Springs Ponds and Westside Soils. DEQ activities are detailed below by each individual OU.

Mine Flooding Operable Unit

EPA issued the ROD in 1994 and concluded consent decree negotiations in 2002. DEQ will continue its involvement in consent decree required activities including review of migratory bird monthly reports, monthly water level monitoring reports, annual water quality and water level reports, pertinent historic documents, treatment plant operations activities, and water treatment plant performance testing.

Site-Specific Activities

DEQ activities include those in Components A, B, C, and D.

1. Provide support agency assistance for PRP activities, including site visits, review progress reports and other documents, plans, and reports, and track schedules.
2. Review and comment on consent decree monitoring and related issues, including data evaluation and review of the annual pit filling model update report and remedial action correspondence, activities, and documents.
3. Assist in oversight of operations and maintenance and performance tests of the Horseshoe Bend Water Treatment Plant (HBWTP).
4. Attend technical, legal, and public meetings.
5. Conduct community involvement activities including review of fact sheets and other informational materials, participate on the Berkeley Pit Public Education (Pit Watch) Committee, and respond to public inquiries.
6. Coordinate with Montana Natural Resource Damage Program concerning restoration activities including technical and policy meetings, injury, damage and restoration documents review, and restoration evaluations.
7. DEQ will continue to manage contracts and task orders with the Montana Bureau of Mines and Geology (MBMG) to implement the Monitoring Program established in the 2002 Consent Decree.
8. Provide legal review of PRP deliverables and Consent Decree required documents. Specific activities include:
    a. Prepare and execute contracts and task orders;
    b. Review and comment on RD/RA documents;
    c. Interpret BMF state ARARs; and
    d. Review and comment on BMF Institutional Controls and BMPs.

Travel

Travel estimates include approximately 15 trips for site visits, technical, coordinating, and public meetings at approximately 150 miles per trip. DEQ does not anticipate any out of state travel.

Butte Priority Soils Operable Unit (BPSOU)

EPA issued the BPSOU Record of Decision (ROD) in September 2006. Post-ROD work is focused on defining the remedial designs and remedial actions (RD/RA) that will satisfy the requirements of the ROD, and will provide the technical and legal basis for successful Consent Decree (CD) negotiations. The major RD/RA components consist of:

- Residential Metals Abatement Program (RMAP)
- Non-residential soil and waste management (in part BRES)
- Ground water management and monitoring
- Surface water management and monitoring, including storm water management (BMP Program)
- Long-Term Operations and Maintenance Programs (O&M) for BRES, BMPs, RMAP, and ground water management
- Institutional Controls (ICs) include managing (a) Controlled Ground Water Area (CGA), (b)County zoning and permits (waste management and storm water management), (c) Deed notices for capped waste-in-place

Major components of CD negotiations consist of:

- Evaluation of the technical impracticability of meeting certain DEQ-7 standards for surface water
- Evaluating the long-term effectiveness of the ground water management system and finalizing the long-term ground water monitoring program
- Finalizing a storm water BMP program and long-term surface water monitoring program

These actions are ongoing from the prior fiscal year.

Site-Specific Activities

DEQ activities include those in Components A, B, C, and D.

1. Providing legal, technical, and other consultation to EPA including policy refinement, development of binding agreements, establishment of best management practice concepts and artifacts, field site visits, oversight of system conditions, review of technical memorandums, white papers, progress reports and other documents including designs, plans, and reports, tracking and managing technical reports and data (DEQ in-house filing system), and tracking schedules.
2. Evaluation of technical issues concerning surface water, groundwater, reclamation caps and covers, residential metals abatement program (RMAP), and institutional controls (ICs).
3. Attendance to technical, legal, stakeholder and public meetings.
4. Assist community involvement including review of fact sheets and other informational materials, provide public education as requested, and respond to public inquires.
5. Review and comment on correspondence and meetings with BSB local government concerning ICs, and their operation and maintenance (O&M) programs.

6. Coordinate with Montana Natural Resource Damage Program including technical and policy meetings, reviewing restoration documents, and resource restoration.
7. Provide legal review of Administrative Orders on Consent, Unilateral Administrative Orders, PRP deliverables, ARARs evaluations, risk assessments, and Consent Decrees. Specific activities include:
    a. Review legal adequacy of documents including post-ROD planning documents;
    b. Provide cost recovery and administrative record duties for state activities in support of EPA's cost recovery responsibilities;
    c. Assist EPA in the planning, preparation, and negotiation of the RD/RA Consent Decree or preparation of UAOs.
    d. Interpret BPS state ARARs; and
    e. Review and comment on BPS ICs and BMPs.

Travel

Travel estimates include approximately 18 trips for site visits, meetings, technical, coordination, and public meetings at approximately 150 miles per trip. DEQ anticipates four out-of-state trips for two DEQ staff to attend CD meetings, and negotiations, or site specific training in Denver, CO.

Rocker Timber Framing and Treating Plant Operable Unit (Rocker)

EPA issued the ROD in December 1995. The Rocker Timber Framing and Treating Plant is located approximately seven miles west of the City of Butte along Silver Bow Creek. The facility operated from 1909 until 1957 to preserve wood products with creosote and arsenic using dip and pressure treating methods. ARCO began the RD/RA June 1996 and completed construction in 1997. The agencies and ARCO signed the consent decree in 2000. DEQ will continue to provide support agency assistance during operation and maintenance and potentially during a contingent remedy.

Site-Specific Activities

DEQ commitments are generally those as outlined in Components A, B, C and D.

1. Provide support agency assistance for PRP operations and maintenance activities, including site visits, review progress reports and other documents, plans, and reports, and track schedules.
2. Review and comment on RD/RA documents including draft groundwater monitoring reports, and remedial action correspondence, activities, and documents.
3. Evaluate groundwater monitoring results to determine the necessity of a contingent remedy.
4. Attend technical, legal, and public meetings.

5. Conduct community involvement activities including review of fact sheets and other informational materials, and respond to public inquiries.
6. Coordinate with Montana Natural Resource Damage Program concerning technical and policy meetings, injury, damage and restoration documents review, and restoration activity evaluation.
7. DEQ will continue to manage contracts and task orders with the Montana Bureau of Mines and Geology (MBMG) to assist with PRP's update of the site conceptual model and possibly a groundwater flow model.
8. Provide legal review of PRP deliverables and Consent Decree required documents. Specific activities include:
    a. Include verification of PRP compliance with ROD and state ARARs,
    b. Review RD/RA documents;
    c. Interpret state ARARs for the Rocker site; and
    d. Review and comment on Rocker Institutional Controls and BMPs.

Travel

Travel estimates include approximately four four trips for site visits, technical, coordinating, and public meetings at approximately 160 miles per trip. DEQ does not anticipate any out-of state trips.

Warm Springs Ponds (WSP) Operable Unit

EPA issued RODs in 1991 and 1994. The Warm Springs Ponds (WSP) is a system of tailings treatment and settling ponds located at the downstream terminus of Silver Bow Creek. The company built the original ponds in the 1910s to trap tailings carried by Silver Bow Creek. The pond system received an upgrade in the mid-1950s with a lime treatment facility added in the late 1960s. Response actions began at the WSP in 1990 and Atlantic Richfield completed construction in 1994. The evaluation of pond operations will continue.

Site-Specific Activities

DEQ activities will include Components A, B, C and D.

1. Provide support agency assistance for PRP activities, including site visits, review progress reports and other documents, plans, and reports, and track schedules.
2. Review operation and maintenance, including monthly monitoring and other pertinent data collected by ARCO, and participate in meetings to evaluate Pond operations.
3. Participate in evaluations and discussions with EPA, the PRP, public interest groups, and local governments concerning water treatment operation and maintenance and water quality discharge issues that may arise (e.g., floods, upsets).
4. Review and participate in discussions regarding the ongoing implementation of the ecological monitoring plan for the WSP.
5. Attend technical, legal, and public meetings including meetings of the Clark Fork River Technical Assistance Committee (CFRTAC), or Anaconda-Deer Lodge government.

6. Conduct community involvement activities including review of fact sheets and other informational materials, and respond to public inquires.
7. Coordinate with Montana Natural Resource Damage Program concerning restoration activities including technical and policy meetings, injury, damage and restoration documents review, and restoration evaluations.
8. Coordinate and consult with other state and federal agencies such as the Montanan Department of Transportation, Fish Wildlife and Parks (FWP) for contingencies in the event of upset conditions and coordination of related issues. Provide technical review and coordination with FWP and DEQ Water Protection Bureau regarding water quality and fisheries issues related to the operation and maintenance of the WSP.
9. Consult with the US Fish Wildlife Service, and the Confederated Salish and Kootenai Tribes for review of and comment on pertinent activities and/or documents.
10. Continue interdepartmental funding agreement with Montana Department of Natural Resources and Conservation (DNRC) for their expertise in evaluation of dam safety.
11. Provide legal review of PRP deliverables and Consent Decree required documents. Specific activities include:
    a. Prepare and execute interagency agreements;
    b. Review RD/RA documents;
    c. Include verification of PRP compliance with ROD and state ARARs,
    d. Provide cost recovery and administrative record duties for state activities in support of EPA's cost recovery responsibilities;
    e. Interpret WSP state ARARs; and
    f. Review and comment on WSP Institutional Controls and BMPs.

Travel

Travel estimates include approximately six trips for site visits, technical, coordinating, and public meetings at approximately 180 miles per trip. DEQ does not anticipate any out-of state trips.

Westside Soils Operable Unit (WSOU)

The Butte Westside Soils Operable Unit encompasses areas of Silver Bow County that have experienced mining activities but lie outside of other OU boundaries, generally north and west of BPSOU. EPA is not planning any remedial activities for WSOU during SFY 2016 and DEQ is not requesting any MA funding at this time.