

Comments on the Neihart Proposed Plan

Comments on the Proposed Plan comment are segregated into the following groups:

1. Written comments received by email or standard mail
2. Comments reported in the Great Falls Tribune
3. Comments received during the public meetings held on October 25, 2006, from 6:37 to 8:25 P.M. at the Neihart Community Center, Neihart Montana, and on November 30, 2006 from 6:30 to 7:57 P.M. at the Cascade County Commissioner's chamber in Great Falls, Montana

1. WRITTEN COMMENTS RECEIVED BY EMAIL OR STANDARD MAIL

Comment: Hansen 1

Submitted by Layne Hansen
December 1, 2006

Scott -

Again, thanks for the effort on getting me a copy of the proposed plan for Neihart. I suspect that your staff came up with a number of alternatives - and the chosen Alternative 2B is the most popular. I do appreciate the fact that Alternative 2B involves removing the tailings. And it appears that your staff did sufficient testing of water to support some of the decision process. And as you discussed, O'Brien Creek appears to be not as effected as other areas. That is a good thing to know for our property.

As I had mentioned during our conversation, our experience here with the EPA was not a positive one, especially since they asked for input, and completely ignored our concerns/input over a clean up site. Your report mentioned that you also spent time in the community - one would hope that concerns from residents were successfully addressed.

If possible, please keep me on an emailing list for future updates on the Neihart project.

Thanks!

Sincerely,

Layne Hansen
Naches, Washington

Comment: Ellerman 1

Submitted by
Ed Ellerman
PO Box 91
Neihart, MT 59465

Do you support the EPA's preferred cleanup action for Neihart?

Yes No

Do you own property in Neihart? Yes No

Additional Comments (if any):

I am in favor of clean up. I have fuel spill on my property. When are you going to stop study and clean up? You don't even read the existing monitoring wells. So why waste money on further study? My land is for sale \$200,000.00.

Have you informed individual land owners of additional hot spots?

Comment: Fairservice 1

RE: Placing of your EPA questionnaires.

Scott,
Dec. 14, 2006

Sorry I missed you recently, I was either in my office right in front of the place that you placed your questionnaires and I didn't hear you or I might have been in the kitchen in the back of the house.

Tonight is the evening we have dinner at the Community Center here in Neihart, therefore you can rest assured I will hand out your questionnaires.

Maybe I will get to meet you someday anyway have a Merry Christmas.
Sincerely

J. G. Fairservice, Sr. U.S. Army retired
P. O. Box 34
Neihart, Montana 59465

Comment: Williams 1

Submitted by David Williams
202 North Madison Street
Neihart, MT 59465
December 18, 2006

Dear Mr. Brown,

I am a full time resident of Neihart at 202 N. Madison. There is a vacant piece of property directly across the street from my residence located on the North East corner of West Keegan and North Madison (legal description - 02235532 1-08-99999). It is owned by the State of Montana and is listed as a "problem parcel" according to the lot and parcel map dated 9/16/06 from the Cascade County Assessors Office. I would appreciate if you could find out why it is listed as a "problem parcel" and if sampling was done, what levels of contamination were found. The reason I am concerned is because my grand-children visit several times during the year.

Look forward to your response. Thanks.

David Williams

Comment: Trumbull 1

Submitted by Tim Trumbull
2903 Farmway Road
Caldwell, Idaho 83607
December 19, 2006

Dear Mr. Brown,

Yesterday I found out EPA's proposed Plan for Cleanup of Soils in Neihart, MT has been released for public comment. I own a single lot in the Compromise Gulch area in Neihart, below the Compromise Mine. I would be interested in reviewing the plan, but I am unable to travel to any of the document repositories. Would it be possible to obtain a copy of the plan for me to review? If a print copy is too voluminous to send, a CD would be acceptable. My home address is: 2903 Farmway Road, Caldwell, Idaho 83607. Or if the plan is available for review via a website, then maybe you could just direct me to the website address?

Thank you for your help in this matter.

Sincerely,

Tim T. Trumbull

Comment: Trumbull 2

Tim T. Trumbull
2903 Farmway Road
Caldwell, Idaho 83607
January 3, 2007

Dear Mr. Brown,

Thank you for sending me the proposed plan and extending the deadline for me to comment on the plan.

I've read through the proposed plan and have determined that none of the proposed alternatives address my primary concern, which is the surface water discharge from the Compromise Mine Shaft located up gradient from my property. The Compromise Mine discharge passes through my property in Neihart. I had hoped that some type of treatment for this contaminated water source would be contemplated in the proposed cleanup plan. It would appear that EPA's planned activities for the Neihart area will leave this source of contamination unchanged; and thus the continual contamination of my property by this discharge shall also remain unchanged.

Thank you for this opportunity to comment on the proposed plan. If possible, please advise me when a final Record of Decision has been completed.

Sincerely,
Tim T. Trumbull

Comment: Bennett 1

Submitted by Dick Bennett, 12/20/06
207 Johnston Street
PO Box 74
Neihart, MT 59465
406-236-5569

Do you support the EPA's preferred cleanup action for Neihart?

Yes No

Do you own property in Neihart? Yes No

Additional Comments (if any):

The Option 3 "All Soils" is just not reasonable. Fences and signs should be built to prevent further contamination. City government & citizens should agree to support this

effort. It would stop if residents agreed to police enforcement. The emergency cleanup in 2004 removed did a good job for the residential areas of town. The offer of \$20,000 to get an info program going is very fair.

Comment: MDEQ 1

Submitted by Sandi Olsen
Division Administrator Remediation Division
Montana Department of Environmental Quality
December 21, 2006

Following are the Montana Department of Environmental Quality (DEQ) comments on the Preferred Cleanup Alternative as identified in the Proposed Plan.

MDEQ Comment 1. The boundary lines of the Operable Unit and the Preferred Alternative are not consistent. If the Preferred Alternative were to encompass the entire Operable Unit, then at a minimum the surrounding waste piles and abandoned mines shown in Figure 1 of the Proposed Plan would be included in the remedy. The Preferred Alternative is limited to residential/commercial soils only within the community of Neihart. The Preferred Alternative does not include groundwater, surface water, sediments, or waste piles. Please clarify the exact extent of the Selected Remedy in the Record of Decision and re-define the Operable Unit, both spatially and by media, or revise the Selected Remedy to include the entire Operable Unit.

MDEQ Comment 2. While the Risk Assessment may have identified residential soil as the primary exposure pathway, this does not mean that exposure to groundwater through residential use does not also present a potential human health risk. DEQ recognizes the lack of domestic wells currently in use in Neihart. However, DEQ requests EPA proceed with a Controlled Groundwater Area designation and subsequent permitting requirements to ensure **future** reduction of risk to human health through exposure to groundwater. There is **not** sufficient information in the Administrative Record to eliminate groundwater as a human health risk concern. Until the site-wide Remedial Investigation and Feasibility Study (which will include both groundwater and surface water within Neihart) are complete (as of now, further work at this site has not been funded or scheduled), all potential residential exposure pathways in the Neihart OU should be managed. The Record of Decision shall include a commitment and brief plan for the Controlled Groundwater Area designation of the Neihart Operable Unit.

MDEQ Comment 3. The Record of Decision shall include very specific language regarding the sampling and evaluation of every single parcel of land (regardless of

whether it is developed or not) within the Neihart Operable Unit. The Proposed Plan is not clear on the complete scope of future sampling and remediation of every single parcel.

MDEQ Comment 4. DEQ supports the removal of the Neihart Tailings and placement into an engineered, appropriately located repository. However, the Preferred Alternative does not identify the cleanup standard to be used in Belt Creek. Will the cleanup be based on removal of visible tailings or will the final removal be based on sediment and surface water sampling in Belt Creek? If the removal is to be based on sampling, please identify the standard to which the concentrations will be compared. If the removal is to be based on visual criteria, EPA must be willing to return later if the ecological risk assessment identifies a remaining exposure pathway from residual tailings in Belt Creek.

MDEQ Comment 5. The Proposed Plan did not include adequate discussion of anticipated Institutional Controls (ICs). The Proposed Plan identified Cascade County as responsible for determining necessary institutional controls. EPA has published a guidance document entitled "Institutional Controls: A Site Manager's Guide to Identifying, Evaluating, and Selecting Institutional Controls at Superfund and RCRA Corrective Action Cleanups" (EPA 540-F-00-005, 09/2000). This guidance clearly defines the steps a site manager, not a county or other entity, uses to identify and evaluate the appropriate IC's for a site. DEQ supports the inclusion of local and state governments as well as other impacted parties in the ICs decision making process; however, the responsibility of identifying and evaluating potential institutional controls is the responsibility of EPA, in consultation with the state. ICs should be considered and included in detailed discussions beginning with the Feasibility Study. ICs are a critical part of the remedy decision and success of the implemented remedy. Please provide details of anticipated Institutional Controls, including information regarding costs, enforcement, implementation, funding, etc. in the Record of Decision.

MDEQ Comment 6. Please identify the exact page, table or attachment of the Human Health Risk Assessment for the Neihart Residential Area Operable Unit (CDM, June 2005) that identifies 1,200 mg/kg lead protective of human health, using a geometric standard deviation of 1.6 in the lead model. It is inappropriate to insert a remediation level that is not supported by site-specific calculations or evaluations. DEQ supports a soil cleanup level of 615 mg/kg for lead (CTE and GSD of 1.6), as represented in Table 3-1 of the Feasibility Study for Neihart.

MDEQ Comment 7. The Proposed Plan identifies a new Remedial Action Objective of "prevent the contamination of clean areas by the indiscriminate use of mine wastes as construction fill" which was not discussed in the Feasibility Study. While DEQ supports the need to prevent contamination of "clean areas", the Preferred Alternative does not address this new Objective. Please provide a thorough evaluation, including specific remedy components, of how the Selected Remedy in the Record of Decision will achieve this Remedial Action Objective.

Comment: Cascade City-County Board of Health (CCCBH) - January 9, 2006

Submitted by Marcus Johnson, M.D., Chairman
Cascade City-County Board of Health
January 9, 2006

Dear Scott:

Thanks for seeking our perspective on future clean up in the Neihart area and for attending our December 7 meeting to provide an overview of activities thus far. We appreciated an opportunity to hear from both EPA and the Montana Department of Environmental Quality. Based on the information available to us, the Board of Health offers the following recommendations:

CCCBH January 9, 2006 Comment 1. The Camp Dresser McKee (CDM) reports for Human Health Risk Assessment (HHRA) and Draft Feasibility Study for Remediation indicate that site specific "Central Tendency Exposure" risk (CTE) and default exposure risk (as identified by national "reasonable maximum exposure" risk, or RME, are both above acceptable levels for residents at selected locations within Neihart for both cancerous and non-cancerous metals. Therefore, the Cascade City-County Board of Health recommends further clean up of Neihart to assure that acceptable risk levels as defined by "Central Tendency Exposure" assessment methods are attained. The Board recommends that EPA and DEQ come to agreement as to what specific contaminant level concentrations create unacceptable levels of risk per CTE risk assessment methods.

CCCBH January 9, 2006 Comment 2. Because there are overall water quality concerns in the entire area, the Board further recommends EPA follow up to assure groundwater clean up in the basin as well as to secure and provide safe drinking water in the community.

CCCBH January 9, 2006 Comment 3. The Board also recommends that EPA provide an educational trust to fund the cost of institutional controls deemed appropriate and that the Board of Health, Cascade County, and the town of Neihart be involved in development and approval of such.

Comment: Cascade City-County Board of Health (CCCBH) December 27, 2006

Submitted by Marcus Johnson, Chairman
City-County Board of Health
December 27, 2006

Dear Scott,

Thank you for extending the comment period. We do appreciate your concern and attentiveness to the people of the Neihart area and Cascade County. However, the Cascade City-County Board of Health still needs clarification in several areas. In addition to the Board of Health comment letter submitted in January of 2006 (copy is attached), we have the following comments regarding the EPA proposed plan for cleanup of the Neihart soils. The Board of Health makes the following comments with the condition and understanding that MDEQ is financially responsible for implementation, administration, and all other costs associated with an institutional control program.

CCCBH December 27, 2006 Comment 1. The County Health Board does not wish to specifically comment on actionable concentration level for lead in soil. We understand there are discussions between DEQ and EPA for cleanup between 400 and 1200 ppm of lead. We tend to agree that long term institutional controls are as important as selection of an actionable concentration, and simply request that lead concentrations be brought to safe levels for future resident children in Neihart.

CCCBH December 27, 2006 Comment 2. The Board requests that statistically reliable lead sampling, inclusive of at least one sample in each developed or developable (as defined by being less than 20% slope) ownership of less than 9,000 square feet within the incorporated town boundary, be included as part of the EPA scope. Those developed or developable parcels over 9,000 square feet should be sampled on a square footage apportioned basis. We understand that City lots are small, and *do not* specifically request one sample per lot. For example, if one entity owns 4 lots that total 12,500 square feet and are developable from a topographic standpoint, we request that EPA sample that parcel twice. We do not feel steep (greater than 20% slope) hillside lots or that each 25 foot wide lot must be sampled.

CCCBH December 27, 2006 Comment 3. Queen of the Hills mine wastes as well as other accessible mine wastes near Neihart should either be removed or otherwise contained (perhaps via use of large native stone “rip-rap”) in order to prevent the transporting of contaminated soils from mine waste piles to property in Neihart.

CCCBH December 27, 2006 Comment 4. It is our understanding that the EPA will provide \$20,000 seed money for initial institutional controls and may provide more funding in the future. We further understand you will assist us in obtaining funding.

CCCBH December 27, 2006 Comment 5. With regard to the institutional controls, a clear understanding of

- What the controls will be,
- Who will be responsible, and

- Who will fund them, needs to be addressed in the proposed plan.

CCHD is willing to be of assistance regarding institutional controls, but must have these questions answered before any agreement can be made. The Board is interested in the concept of institutional controls, and will support county administration of such **if they are not a financial burden to the local health department**. We support only those controls that will be funded by the state of Montana, as discussed and proposed in the meeting with you, Catherine LeCours, and the County Board of Health on December 6, 2006. Examples of apparently viable institutional controls include but are not limited to:

- Education, inclusive of brochures, handouts, posters, attendance at meetings, and use of the media,
- Signing and fencing as appropriate
- Routine blood testing of area residents for lead concentration
- Soil sampling and testing as appropriate and **as MDEQ financial resources allow**.

An inspection and permitting procedure as appropriate and **as fully funded by MDEQ, inclusive of County staff travel time, testing, administrative oversight, direct and indirect overhead cost**.

In conclusion, we've had some difficulty understanding the Superfund process. With the different entities involved (EPA, DEQ, ATSDR, Town of Neihart, Cascade County, CCHD, etc), knowing the respective roles and responsibilities of the various entities can be confusing. Our goal here is to attempt to clarify our concerns and to clearly state our limitations given current capacity and resources.

Comment: Turnbull 2

Submitted by Tim Trumbull
2903 Farmway Road
Caldwell, Idaho. 83607
January 3, 2007

Dear Mr. Brown,

Thank you for sending me the proposed plan and extending the deadline for me to comment on the plan.

I've read through the proposed plan and have determined that none of the proposed alternatives address my primary concern, which is the surface water discharge from the Compromise Mine Shaft located up gradient from my property. The Compromise Mine discharge passes through my property in Neihart. I had hoped that some type of treatment for this contaminated water source would be contemplated in the proposed

cleanup plan. It would appear that EPA's planned activities for the Neihart area will leave this source of contamination unchanged; and thus the continual contamination of my property by this discharge shall also remain unchanged.

Thank you for this opportunity to comment on the proposed plan. If possible, please advise me when a final Record of Decision has been completed.

2. COMMENTS REPORTED IN THE GREAT FALLS TRIBUNE

Comment: Beltrone 1

Comments by Peggy Beltrone made in the Great Falls Tribune, October 20, 2006

...“county commissioners want to make sure the plan provides for financing adequate education efforts by the city-county health agency. Residents need to be made aware of the dangers of moving contaminated soils into their yards”...

...the county would like the new plan to provide dollars so the health agency can “carry out this education”...

Comment: Lewis 1

Comments by Bill Lewis made in the Great Falls Tribune, December 18, 2006

...“the practice of scattering contamination has to stop”...

Comment: Beltrone 2

Comments by Peggy Beltrone made in the Great Falls Tribune, December 18, 2006

...“the county would prefer that the EPA clean up the Queen of the Hills mill site near town, a popular source of fill. The EPA’s current plan doesn’t address that soil. We need to contain that attraction as part of the cleanup rather than rely on institutional type controls for the remedy.”

3. COMMENTS RECEIVED DURING PUBLIC MEETINGS

3A. Comments received during the October 25, 2006 public meeting

Comment: Beltrone 3A1

I am Peggy Beltrone, chairman of the Cascade County Commission, also member of the Cascade County Board of Health. I just wanted to make a comment that we will be reviewing this information as a board of health at our upcoming meeting. And at that time we might consider asking for additional time to make a recommendation. But the board of health will be coming forward with a comment.

Just some of my reaction to what I've heard here is a concern about the institutional controls or how can we guaranty that this cleanup is enough and stays clean with the many piles of slag and contamination in the area. So I know that the board of county commissioners has discussed at length the need to understand and receive funding for institutional controls, such as education into the future. And I imagine our comments and the comments from the board will continue along that line. And I do appreciate the EPA for responding so quickly to the remedial action two years ago. There was a lot of debate in this community about going to that Superfund designation. There were comments at the time that going to a Superfund designation would go to a fencing -- putting fences around properties and keeping us from developing. And so I'm going to remember those comments from my constituents at the time when they were concerned about what might happen if it became a Superfund site and remember the intent of folks wanting to continue to have development of properties here and a continued legacy for this valley.

Comment: Lewis 3A1

I'm Bill Lewis, the mayor of this small town. I feel it's my duty, as the mayor, to support this cleanup for all our citizens, as well as tourists or recreationists that come up here. And I think it's a really good thing. Just small children were mentioned quite a bit in the conversation earlier, and we have three new families that bought property or moved into town just this summer, and they have children that are grade school or middle school age, no older than that. So we have more exposure now than we've ever had, since I've been here anyway. So we have to get that lead out. The town of Neihart is working towards the same thing on our 115-year-old waterline up O'Brien Creek that has lead joints. And so every citizen and tourist is exposed to lead in the water to some very small decimal number. I don't know what it is, but it's there, and we want to get rid of it. All we've got to do is find the money to do that. So we've both got our agendas, and I think they're both good ones. So I'm all for remedying this situation, and I know that they will do a good job. Based on their '04 activity, they did a great job. They attended to everyone's needs, and there was no comments or no complaints that were left here when they left. So everybody was satisfied, and I'm sure they will be again this time.

Comment: A. Baker 3A1

My name is Andy Baker. I'm a part-time resident of Monarch, when I come to visit my dad. I work professionally as an engineer up in Alaska. And just here to come to the meeting and learn about this. I was reading the alternative 2(b), the preferred

alternative. It says there's 7,300 cubic yards of soil and roadway material and then another 27,850 cubic yards of Neihart tailings waste will be removed. Scott, in your presentation, you didn't indicate that a site had been found where this material would go to, and yet there is a cost estimate. So until a site is identified, you do not know how much it's going to cost to move the material. And I guess I just thought people should be aware of that. That seems to be the hard nut here, because the material got moved in 2004 to a place where now it has to be moved again at an additional cost. The tough question is where is it going to go to. And I don't think that's been answered yet. I'm sure you're working on it. I just bring that up because, if the cost, if you said that half of the cost of the cleanup would be moving the materials, the tailings, if you don't know where they're going, then you really don't know exactly how much it's going to cost. So you allocated money to try to cover that. But I guess my comment is what if it would actually cost more than that to move it to a site that would fix the problem and it's further than you think it is or you don't know. That's my comment.

Comment: D. Baker 3A1

I'm Dr. David Baker from Monarch. I'm a research scientist and earth scientist. And my comments are on the major plumbing and in particular with respect to the deep aquifers. Because all of the waste, that is a high energy environment, and the wastes, the heavy metals, simply go down the creek sooner or later. Just when you walk up here, it gets down past Monarch, it's getting flowing across limestone. In the middle of August, the entire flow of Belt Creek disappears into the ground. Our previous conceptions about the famous Madison limestone aquifer was that it was taking thousands of years to reach Giant Springs in Great Falls. However, they have measured tritium coming out of Giant Springs. Tritium is from atmospheric testing of hydrogen bombs. They've measured fluoro hydrocarbons coming out of the springs. By looking carefully at which of those compounds are coming out, the revised estimate is 20 years transit time from the Little Belt Mountains up to Giant Springs. So that's a very different picture. You have heavy metals that are going down the creek. They can go into a deep aquifer. Giant Springs, they'll selling the water with the bottling company as a good alternative to getting city water. It's a big plumbing concern.

Comment: Vic Andersen 3A1

I'm Vic Andersen. I'm with the Department of Environmental Quality in Helena. I'm a bureau chief of the mine waste cleanup bureau. We have three major concerns, and we'll be delivering more detailed comments later. Our concerns are the cleanup level. The state wants a lower, more stringent cleanup level. The second one is the area, we want all of Neihart cleaned up, not just developed lots and a few undeveloped lots nearby. We want everything sampled and cleaned up, thereby negating any need for institutional controls. It will be available for development, residential and otherwise, to other parts of the county. The institutional controls, before we, the state, would buy

anything or ask that the county buy into anything, we want them spelled out in painful detail and costed out, so that everyone knows exactly what it is that they're buying into or not buying into. Like I say, our comments will be more detailed later, and I assume show up on the web site, when we get that up and running.

3B. Comments received during the November 30, 2006 public meeting

Comment: R. Golightly 3B1

My name is Randy Golightly. I live at Number 70 Carpenter Creek Lane. My basic concern is the tailings on Carpenter Creek. These tailings pose a serious health threat downstream. I would like to see these tailings become part of the, i.e., Superfund cleanup as soon as possible. These tailings, again, pose a super problem downstream, especially when we have heavy rains or heavy snows. Other than that, I am done commenting.

Comment: McDaniel 3B1

You want my name? Well, my name is Old Man McDaniel. I support your attitude and your program, and I would like to see you get to work, clean up Neihart, clean up the area. But I really believe that Carpenter Creek, Hughesville is more of a problem, should be cleaned up first. Neihart should be left to the tail end.