PROPOSED PLAN PUBLIC MEETING

Proposed Plan for Neihart Residential Soils

(Operable Unit 1)

Carpenter-Snow Creek

Mining District Site

Cascade County, Montana

TRANSCRIPT OF PUBLIC COMMENTS

Neihart, Montana Wednesday, October 25th, 2006 6:37 - 8:25 P.M.

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1	Karen Ekstrom with CDM started the meeting at	1	health, then we'll be able to move into Carpenter Creek.
2	6:37 P.M. with a brief introduction of plan and agencies	2	And if you've seen those tailings piles up there and the
3	involved.	3	Silver Dyke mine and several other mines and waste piles,
4	At 6:43 P.M. Scott Brown, with EPA, discussed	4	we'll then turn our attention to those. They're not as
5	highlights of proposed plan.	5	much of a human health threat. They're more of an
6	At 6:59 P.M. the following question/answer period	6	environmental threat. And certainly something Monarch
7	was held:	7	people should be concerned about. We'll then hope that we
8		8	can address those over the next few years.
9	MS. COOK: What effect will Belt Creek have in	9	MS. COOK: Okay. Thank you.
10	Monarch?	10	MR. BROWN: Come on, you must have some
11	MR. RENNICK: Belt Creek. We sampled Belt Creek	11	questions.
12	surface water all the way through town here and at the	12	MR. WILLIAMS: I've got a question.
13	mouth of Carpenter Creek. And what we found was that the	13	MR. BROWN: Sir.
14	water along this stretch, down to Carpenter Creek, is clean	14	MR. WILLIAMS: When you were doing testing a
15	and meets water criteria. And the water below Carpenter	15	couple of years ago, I think you call it a screening level
16	Creek usually meets water quality criteria, except when you	16	of lead was 400 parts per million. Now, you're talking
17	have runoff coming out of Carpenter Creek. We were here	17	about 1200. Why?
18	one day and sampling	18	MR. BROWN: There's a model that EPA uses on a
19	MS. COOK: Sometimes it's copper color or ugly	19	national level, and there are some sites where 400 parts
20	color.	20	per million lead can cause a greater likelihood than we're
21	MR. RENNICK: Yes. All of a sudden it just	21	willing to accept, that more than five percent of the
22	turned to chocolate milk. And we followed that up, and	22	children in that population might have a blood lead level
23	sure enough it was coming out of Carpenter Creek. So,	23	above 10 micrograms per deciliter. I'm sorry that that
24	yeah, the metal levels were high in the water.	24	sounds so technical, but that's what it's based on.
25	MS. COOK: Does it go all the way to Monarch then	25	A model, again that's used given the situations
	Page 3		Page 5
1	and completely down to like Belt eventually?	1	of a community, the types of lead that are there, there are
2	MR. RENNICK: I would say that, you know, when	2	some model outputs that tell us that 400, even 250, is a
3	there's a big volume of water going down there, it gets	3	screening level, 250 parts per million lead often comes out
4	fairly diluted, even though there's contamination moving	4	as a screening level by use of that model. So you choose
5	down, the contamination levels aren't too high. I wouldn't	5	at the beginning the very lowest level that you think might
6	suspect, I don't know for sure, but I wouldn't suspect that	6	come out of the studies.
7	the water near Monarch is contaminated very often.	7	After all that is said and done, though, after we
8	MS. COOK: That's what I would like to know. May	8	ran the model specific for Neihart, we had a pretty broad
9	I have your picture, please?	9	range you know how computer mathematical models are,
10	MR. BROWN: May I add to that comment, ma'am?	10	there's a lot of uncertainty in them. So we had a range
11	What is your name, please?	11	from about 250, 400 and clear up to about 2700 parts per
12	MS. COOK: Pardon.	12	million lead that was considered, you know, possible of
13	MR. BROWN: Your name.	13	producing less than five percent of the population of
14	MS. COOK: Beverly Cook.	14	children with blood lead levels of up to 10 micrograms per
15	MR. BROWN: Mrs. Cook, you probably in Monarch	15	deciliter. So we chose what we thought was a protective
16	have seen the worst of the contamination that can come down	16	level.
17	through Monarch through Carpenter Creek and Snow Creek and	17	That level was consistent with levels that have
18	from Neihart. But what would happen if we saw another	18	been chosen in Butte; Anaconda; and an interim level, it's
19	flood like the 1964 flood? We just don't know.	19	not a final level, in East Helena. But we have substantial
20	MS. COOK: No, we don't.	20	amount of blood lead data for East Helena kids. About 2000
21	MR. BROWN: But after we are able to clean up	21	kids have been tested over the last ten years, and the
22	Neihart, and that's the most important thing we have on our	22	highest blood levels we're seeing there are now 4 or 5
23	plate right now at EPA	23	micrograms per deciliter. So, thanks, that's why we do
24	MS. COOK: That's what I wanted to know.	24	that.
25	MR. BROWN: because of the potential for human	25	Cathy may have more to respond to that too.

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1	MS. LeCOURS: Catherine LeCours, Montana	1	design, we won't know that.
2	Department of Environmental Quality. For the residents,	2	Mr. Baker.
3	could you just clarify if your intention is to clean up all	3	MR. BAKER: There's a lot of fires that occurred
4	the parcels or only developed parcels now, what may happen	4	this last summer, and the Forest Service informs me that
5	to future development? I noticed as you were going across	5	more fires started in the Little Belt Mountains this last
6	your pages, you kind of alluded to if a house was built at	6	summer than for a number of years. It was a wet summer, so
7	some point. Could you just clarify, because I know there's	7	the fires were fortunately put out. When we get a really
8	been some changes in some of the wording that has been	8	dry summer, then they can't hold it. And five, ten,
9	used.	9	fifteen square miles is burnt up the valley from here, and
10	MR. BROWN: The sampling focused on developed	10	then you have ordinary rainstorms, not the big, big flood,
11	properties, properties where there was an existing house.	11	but ordinary rain storms, it's going to flush the material
12	But there are two ways to approach that, and we may not	12	that's downstream from here all the way down to Monarch.
13	know until we're in the actual cleanup itself whether we	13	In particular there's a lot of the material that was not in
14	would call this area that was not sampled part of the	14	the flood plain that is down into the flood plain. And
15	exposure unit for this developed area.	15	you've got boulders six feet in diameter that just go. And
16	Actually I should choose another example here.	16	with that kind of velocity, the tailings
17	Here's a mostly undeveloped property that wasn't sampled.	17	MR. BROWN: Neihart tailings pile.
18	Here's an area that was sampled, and there's a dwelling	18	MR. BAKER: Yeah, it's down in the creek bottom
19	there. As you can see, we concentrated most of the	19	there. There's over six feet in diameter. So why isn't it
20	sampling on developed properties. But there are two ways	20	going to just flush it down to Monarch? Why doesn't this
21	to deal with that. We could either go back and say, well,	21	action really have the potential for directing the compound
22	that's part of the exposure unit. Meaning we're standing	22	to people downstream, including Monarch?
23	there on the property, if a child lives there, is that	23	MR. BROWN: Well, you've just made what I think
24	child likely to be able to play in the next yard? These	24	is the argument for taking the Neihart tailings out of the
25	are probably small lots, and usually the answer is yes. If	25	Belt Creek flood plain and moving them to a safer place,
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1	it's above that [the selected cleanup level for lead, we	1	which we propose to do. Thank you. I hope everybody
2	will still clean it up] or if it's not above it, and we	2	supports that. We think that's roughly half the cost of
3	don't know what it is yet, we will sample it.	3	doing it [the entire cleanup for Neihart], but it [Neihart
4	Determinations are made at the time of the cleanup about	4	tailings pile] shouldn't have been there in the first
5	what we would have to do to protect a child, if a child	5	place. We used it as a temporary storage pile for the work
б	lived there.	6	we did in 2004.
7	Another way to do it is to say that it's likely	7	MR. BAKER: Well, in putting the Monarch
8	that everything that is undeveloped in Neihart is likely to	8	community at risk, we were not consulted.
9	become developed; and, therefore, we need to sample	9	MR. BROWN: Well, we did the best we could with
10	everything. And normally we don't do that until a process	10	the limited amount of funding. And that's why we're coming
11	we call remedial design. After we decide what is the	11	back two years later and saying we want to get it out of
12	appropriate action level, work out what are the	12	there. We don't want it to sit there any longer. We would
13	institutional controls, then we come in and we do more	13	actually like to do this work in 2007.
14	sampling. And I can assure you more sampling will be done,	14	MR. J. ANDERSON: Did I hear you correctly that
15	and decisions then are made in remedial design about just	15	you used that particular spot for a temporary spot to store
16	those kinds of things.	16	some other materials?
17	That's not a complete answer, but I can assure	17	MR. BROWN: In 2004, which was the second year
18	you that we aren't going to just do the developed lots and	18	after we had begun doing testing this was designated as
19	leave the undeveloped lots untouched. One way or another,	19	a Superfund site in 2001. By 2003 and 2004, EPA had CDM,
20	they will have to be addressed. Will we sample every	20	our contractor, up here sampling. And when we saw lead
21	undeveloped lot in Neihart? I think it's too early to say.	21	levels as high as 20,000 and 40,000 parts per million, we
22	But I personally do not believe, especially south of here	22	just said, oh, we've got to take some immediate action.
23	[pointing to the community center on a large map], every	23	Those are levels you don't want anywhere. A child who
24	lot has to be sampled. That gets to be a very expensive	24	might just spend a month up here with grandma and grandpa
25	and time consuming venture. But, again, until remedial	25	could be exposed to that, and that's dangerous.

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1	So we identified as much of that as we could in	1	when the prospectors were running around and digging up the
2	Neihart, but most of it was associated with these two mills	2	mountain sides, is that they didn't know the chemical
3	[pointing to two former mills in Neihart on large map], the	3	composites that were underneath the soil that was covering
4	old mill from World War II right next door [to the	4	up these elements. And once you take that, the over top,
5	community center] and the old mill on the north side of	5	we call it overlay or topsoil, off or dig holes and bring
6	town. And those areas were cleaned up. So that we don't	6	the stuff out, you're bringing out minerals and stuff that,
7	have any areas, that we're aware of, in Neihart that are	7	added to water and air, make basically the problem that
8	above about 2600 or 2700 parts per million. Still not	8	we're seeing now a hundred years later.
9	safe.	9	MR. BROWN: That's right.
10	So what we're talking about now is what's left	10	MR. J. ANDERSON: And the only way that we can
11	between 1200 and 2700. We want to get those out of here	11	possibly fix this on a permanent basis is bury all this
12	too. But the answer to your question is yes, we had	12	stuff again and make the sites designated to not be moved
13	nowhere else to put them. And we had an immediate need to	13	or dug up again. And that, you know, by covering them up
14	get the 20,000 and 40,000 parts per million lead out of	14	and not allowing the elements, such as rain, water, or air,
15	here, even for those children who might only spend a few	15	the creeks will eventually clean themselves up and be back
16	weekends a year here.	16	to, like you say, 2000 or 450 parts per million or
17	MR. J. ANDERSON: So basically how much money has	17	whatever.
18	the community already spent for moving that material to	18	MR. BROWN: I agree with you.
19	that site, and now we have another proposal to move that	19	MR. J. ANDERSON: But then on the other hand,
20	material from there to another site?	20	you'll have those weather conditions and fire conditions
21	MR. BROWN: Well, it's not going to add	21	where there's just nothing you can do, as far as you know.
22	significantly to the cost, because, first of all, we didn't	22	You get an area up above that burns, has a wild fire and
23	have to move it very far, and we had nowhere else to put it	23	completely burns out all the vegetation, and then we get
24	in 2004. Dick Bennett, who owns that property, was willing	24	two feet or three feet of snow where it warms up to 50,
25	to allow us to put it there. And then we capped it. And	25	60 degrees and melts, you're going to have a mountain side,
	Page 11		Page 13
	5		
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1	Now, they didn't think it was careless at the	1	MR. BROWN: This one?
2	time. They were building a state, you know. We all	2	MS. BELTRONE: No?
3	respect and appreciate what these miners did. They brought	3	MR. BROWN: No, not yet. And ask me why?
4	food home, and they built Montana. But now we have to try	4	MS. BELTRONE: And why, Scott?
5	to fix the problem.	5	MR. BROWN: Because and this is purely
6	I don't think we're going to see those [days]	6	subjective. Where does a child face a greater risk:
7	again. And if we are going to see mining on a large scale	7	Coming out of [playing in] Neihart or going around that
8	again, you know it's going to be more controlled. It's	8	dangerous corner on the highway to get there [the Queen of
9	going to be more environmentally friendly. So the best we	9	the Hills mill] to play in? Which is the greater risk?
10	can do is to try to get it out of these residential areas.	10	MS. BELTRONE: That's not to say it's at the
11	The casual person who goes up and plays on an	11	carport.
12	unsafe waste pile is not going to be exposed to the point	12	MR. BROWN: We've got a lot of the problems in
13	where there's a danger. It has to be daily a daily	13	the timber on both, especially on the east side. And we
14	contact and mostly children who drop there sucker and	14	can't get to those [areas] yet. We've got to address those
15	put it back in their mouth.	15	areas where we think children are likely to play. And I
16	MR. LEWIS: That pile you pointed out there that	16	don't think any mom or dad or grandma or grandpa is likely
17	recently moved, how contaminated is that?	17	to let the kids play there [referring to mines and waste
18	MR. BROWN: Don't know but I suspect.	18	pile above Neihart]. Just to get there, on the highway
19	MR. LEWIS: I thought there was previous testing	19	over this hill, is a very dangerous thing to do. So we
20	of that pile. That was mostly an unloading dock for that	20	think it's not a high likelihood of exposure. It doesn't
21	guy to get his big equipment off and take it up there.	21	mean it should sit there forever. That's what we will
22	MR. BROWN: Could be.	22	address next.
23	MR. LEWIS: I know where a lot of that gravel or	23	MS. GODWIN: So is that where the institutional
24	tailings went, and that's why I'm asking you how	24	controls come into it, as far as letting people know not to
25	contaminated it is, because that was used for stabilizing	25	take dirt from that area?
	Page 15		Page 17
1	marshes right up O'Brien, I remember that, and all over	1	MR. BROWN: Well, I hope it's more than letting
2	town.	2	them know they shouldn't. I think in areas where we've
3	MR. BROWN: I have a feeling that things get	3	[EPA] been involved, we've had boards of health pass
4	mixed up. And if it was this close to the mill, there's	4	regulations against the indiscriminate transport of
5	probably some pretty high levels of metals in there.	5	materials. Even if you don't think it's contaminated,
6	MR. LEWIS: Leading me to my next question.	6	there has to be a permit in some counties.
7	MR. BROWN: We want to stop that.	7	MR. O'NEILL: You would have to fence it.
8	MR. LEWIS: I've got 1,000 yards of that under my	8	Getting back to whose got the liability and such, up on
9	carport. So what's going to how deep are you going to	9	that hillside, he was just pointing at, okay, there's
10	go?	10	pieces that are for sale up there, 13 acres, 35 acres and
11	MR. BROWN: Let's bury it.	11	all of that, and they're covered with mine dumps, where
12	MR. LEWIS: The house, okay.	12	does the liability go when somebody buys the 13-acre piece
13	MR. BROWN: We know that there are more	13	up there? Do we still pay for it out of the Superfund or
14		14	does the liability go with the property?
15	mechanisms than we can imagine by which soil		
15	contaminated materials were brought into Neihart. And	15	MR. BAIRD: You want me to answer that one?
16	contaminated materials were brought into Neihart. And now, again, recreationists and fishermen and casual	16	MR. BROWN: Yes, that is why I brought you up
16 17	contaminated materials were brought into Neihart. And now, again, recreationists and fishermen and casual visitors really face their greatest risks are the unsafe	16 17	MR. BROWN: Yes, that is why I brought you up here.
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	Page 18		Page 20
1	So to answer your question, I mean, whoever is a	1	lot of times we categorize them. There will be a lot of
2	landowner of contaminated property has the liability.	2	comments addressing the same subject, so we'll categorize
3	However, in most cases, for residential purposes, we don't	3	them and answer them all in that category; or we will
4	do any kind of cost recovery against the residential	4	answer each one of them each individually. And those will
5	landowner.	5	be in a response summary document, and that is included in
6	MR. BROWN: Good idea. Each question that you	6	the recommended decision that will come out. So that will
7	ask, would you please state your name.	7	be a public document, and everyone can read that.
8	MR. O'NEILL: Sonny O'Neill.	8	And, again, your comments will be taken into
9	MS. EKSTROM: In the interest of time, since we	9	account in EPA's final decision on what the plan will be at
10	have 12 people signed up who want to give comment, what	10	the site. So we encourage you to make comments. And if
11	we're going to do is break now and people can come up and	11	you don't feel comfortable standing up and giving a comment
12	look at the displays. And if you think of any other things	12	orally, you can e-mail it or send it in by mail.
13	you want to ask, we can do that afterwards. And take about	13	MR. BROWN: And we welcome you to come up and say
14	a ten-minute break and get some coffee, things like that.	14	what you would like to say tonight. And if you would like
15	And then when we come back, what I'm going to do,	15	to write six more letters to us to define what your
16	there was a spot on the sign-up sheet that indicated	16	thoughts are, we welcome that. Make as many comments as
17	whether you wanted to comment, and since there's 12 people,	17	you like.
18	I'm going to call people up in order. You don't have to	18	Furthermore, it's not uncommon for the community,
19	get up, but state your name for the stenographer, tell us	19	for the health department, or the health board, or the
20	what your comment is or question, and then we'll take that	20	county commissioners to say, EPA, given the complexity of
21	down. And hopefully we're going to try, I think we're	21	this and our uncertainty over institutional controls and
22	going to go with four minutes a comment, because that's	22	we're just not sure yet, we want another 30 days to
23	about 45 minutes or thereabouts. So that should get us	23	comment, and we would like you to come back and explain
24	through at a reasonable hour.	24	some things a little better, or we've got more people who
25	And if there's, and if there's anyone who is not	25	want to make comments, or we want to hear what these
	Page 19		Page 21
1	on the list who wants to ask a question or give a comment,	1	comments are, what comments have you gotten after 30 days,
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1	(Whereupon, a recess was taken at 7:28 p.m. to	1	this cleanup for all our citizens, as well as tourists or
2	7:41 p.m.)	2	recreationists that come up here. And I think it's a
3	MS. EKSTROM: I didn't have on my new reading	3	really good thing.
4	classes, so I accidently read the column that said people	4	Just small children were mentioned quite a bit in
5	that wanted to be added to the mailing list. And we have	5	the conversation earlier, and we have three new families
б	12 people that wanted to be added to the mailing list.	6	that bought property or moved into town just this summer,
7	We actually have fewer people who want to give	7	and they have children that are grade school or middle
8	comments during the meeting. So it won't be such a crush.	8	school age, no older than that. So we have more exposure
9	But we do have, lets see, six signed up right now. And we	9	now than we've ever had, since I've been here anyway. So
10	will call those people, and call on those people one at a	10	we have to get that lead out.
11	time in the order that they signed up. And, again, if	11	The town of Neihart is working towards the same
12	anyone wants to give a comment after that, just raise your	12	thing on our 115-year-old waterline up O'Brien Creek that
13	hand, and we'll call on you. So this is just to make sure	13	has lead joints. And so every citizen and tourist is
14	that we get the people who indicated that they wanted to	14	exposed to lead in the water to some very small decimal
15	comment, give them a chance.	15	number. I don't know what it is, but it's there, and we
16	So the first commenter will be Peggy Beltrone,	16	want to get rid of it. All we've got to do is find the
17	and I'll let you know if you go past four minutes.	17	money to do that.
18	MS. BELTRONE: Thank you. Peggy Beltrone,	18	So we've both got our agendas, and I think
19	chairman of the Cascade County Commission, also member of	19	they're both good ones. So I'm all for remedying this
20	the Cascade County Board of Health.	20	situation, and I know that they will do a good job. Based
21	I just wanted to make a comment that we will be	21	on their '04 activity, they did a great job. They attended
22	reviewing this information as a board of health at our	22	to everyone's needs, and there was no comments or no
23	upcoming meeting. And at that time we might consider	23	complaints that were left here when they left. So
24	asking for additional time to make a recommendation. But	24	everybody was satisfied, and I'm sure they will be again
25	the board of health will be coming forward with a comment.	25	this time.
	Page 23		Page 25
1	Just some of my reaction to what I've heard here	1	MS. EKSTROM: Thank you, Bill. Next, and I
2	is a concern about the institutional controls or how can we	2	having trouble with the last name, it looks like Andy
3	guaranty that this cleanup is enough and stays clean with	3	Baker. Is it Baker?
4	the many piles of slag and contamination in the area. So I	4	MR. ANDY BAKER: Yes.
5	know that the board of county commissioners has discussed	5	
б	at length the need to understand and receive funding for		MS. EKSTROM: Great.
_	at longth the need to understand and receive randing for	6	MS. EKSTROM: Great. MR. ANDY BAKER: My name is Andy Baker. I'm a
7	institutional controls, such as education into the future.	6 7	
8		Ũ	MR. ANDY BAKER: My name is Andy Baker. I'm a
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8	institutional controls, such as education into the future. And I imagine our comments and the comments from the board	7 8	MR. ANDY BAKER: 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
8 9	institutional controls, such as education into the future. And I imagine our comments and the comments from the board will continue to along that line.	7 8 9	MR. ANDY BAKER: 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.
8 9 10	institutional controls, such as education into the future. And I imagine our comments and the comments from the board will continue to along that line. And I do appreciate the EPA for responding so	7 8 9 10	MR. ANDY BAKER: 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
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	Page 26		Page 28
1	would be moving the materials, the tailings, if you don't	1	MR. V. ANDERSEN: Yeah. The institutional
2	know where they're going, then you really don't know	2	controls. Long-term memory is another one. The
3	exactly how much it's going to cost. So you allocated	3	institutional controls, before we, the state, would buy
4	money to try to cover that. But I guess my comment is what	4	anything or ask that the county buy into anything, we want
5	if it would actually cost more than that to move it to a	5	them spelled out in painful detail and costed out, so that
6	site that would fix the problem and it's further than you	6	everyone knows exactly what it is that they're buying into
7	think it is or you don't know. That's my comment.	7	or not buying into.
8	MR. BROWN: Thank you. That's a good comment.	8	Like I say, our comments will be more detailed
9	MS. EKSTROM: Okay. Great. And the next is	9	later, and I assume show up on the web site, when we get
10	David Baker.	10	that up and running.
11	DR. BAKER: Yes. I'm Dr. David Baker from	11	MS. EKSTROM: Well, that was quick. That was
12	Monarch. I'm a research scientist and earth scientist.	12	everybody who signed up. So if anyone else wants to
13	And my comments are on the major plumbing and in	13	comment, you know, it doesn't have to be technical. It
14	particular with respect to the deep aquifers. Because all	14	doesn't have to be it doesn't have to be anything. It
15	of the waste, that is a high energy environment, and the	15	could be just how you feel about what is going on, or do
16	wastes, the heavy metals, simply go down the creek sooner	16	you have concerns, or you're happy with something. You
17	or later. Just when you walk up here, it gets down past	17	like cookies. Well, great.
18	Monarch, it's gets flowing across limestone. In the middle	18	And we'll be here if anyone wants to discuss what
19	of August, the entire flow of Belt Creek disappears into	19	is on the board again. That seemed to be pretty popular,
20	the ground.	20	breaking up and talking to other folks. So if that's all,
21	Our previous conceptions about the famous Madison	21	then good night. Thanks for coming. Drive carefully. And
22	limestone aquifer was that it was taking thousands of years	22	we will have the comment period open until the 18th, unless
23	to reach Giant Springs in Great Falls. However, they have	23	it gets extended. Scott says another 30 days.
24	measured tritium coming out of Giant Springs. Tritium is	24	And we'll let you know also, if it doesn't get
25	from atmospheric testing of hydrogen bombs. They've	25	extended and the comment period is over and the comments
	Page 27		Page 29
1	measured fluorophore hydrocarbons coming out of the	1	are available to the public and available on the web site,
2	springs. By looking carefully at which of those compounds	2	we'll make a comment and let everybody know.
3	are coming out, the revised estimate is 20 years transit	3	MR. J. ANDERSON: I think it should be extended
4	time from the Little Belt Mountains up to Giant Springs.	4	for the simple fact like the gentlemen what was your
5	So that's a very different picture. You have heavy metals	5	name?
6	that are going down the creek. They can go into a deep	6	MR. BAKER: Andy Baker.
7	aquifer. Giant Springs, they'll selling the water with the	7	MR. J. ANDERSON: Like Andy said, we've got an
	bottling company as a good alternative to getting city		
8		8	estimated cost to move this stuff, you know, somebody
8 9	water. It's a big plumbing concern.	8 9	estimated cost to move this stuff, you know, somebody putting in a bid to do some of the work, not knowing where
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9	water. It's a big plumbing concern. MS. EKSTROM: Okay. Thank you, David. Vic Andersen.	9 10 11	estimated cost to move this stuff, you know, somebody putting in a bid to do some of the work, not knowing where the site is going to be to move this stuff, you know, you've got the cart before the horse.
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	Page 30		Page 32
1	go. And we looked all up Snow Creek and Carpenter Creek	1	safely and do it in a cost effective manner.
2	looking for areas that were flat enough, that were on the	2	One thing we know: We can't take those two
3	sunny side of the valleys, so you get a lot of the	3	tailings deposits on Carpenter Creek and move them 20 miles
4	evapotranspiration off of the reclaimed surface of this	4	away. Nobody here would support that. You're talking
5	repository, where you wouldn't get water percolating down	5	about tens [of millions of dollars], if not \$100 million to
6	through it. Flat areas, sunny areas, areas with property	6	do that. So that's what we're working on. And it's an
7	ownership, how far it is from town, things like that.	7	intricate process. And I want to think that we can take
8	And what we did was we made assumptions. And, I	8	care of those three problems: Neihart tailings and those
9	guess, the primary assumption is that the repository would	9	two big piles on Carpenter Creek. And as soon as we can
10	be located somewhere around eight miles from here, eight	10	get that done, we can move up to the Silver Dyke tailings.
11	miles up or seven miles up Carpenter Creek, like where the	11	MR. BUROW: Just can I ask another question?
12	Carpenter Creek tailings is now. That was one of our	12	MR. BROWN: Sure you may.
13	probable sites. Because Carpenter Creek tailings, if	13	MR. BUROW: I'm Fred Burow. She's still taking
14	anyone a lot of you have driven up there and you have	14	notes, so I'll get that in there. And, yes, I am running
15	seen that, it's obvious that something has to be done with	15	for office. I'm running for Cascade County Commission, and
16	Carpenter Creek tailings eventually. They have to be moved	16	that is why I'm here tonight.
17	out of the creek bottom. The stream has to be	17	The other reason I'm here is because I do enjoy
18	reconfigured. So we thought that we might be able to	18	this area quite a lot. I've camped a lot up towards the
19	combine moving the tailings from here up there with that	19	Hughesville area. We've spent a lot of time up there. I
20	construction as well.	20	enjoy fishing these streams. So that's one of the reasons
21	So we made a series of assumptions. One is that	21	I'm here. I want to know what I'm catching and what I'm
22	the trip was going to be eight miles, and factored that	22	eating.
23	into the cost. If you go to the feasible study, and you	23	But the other question I have, since this has
24	can get it at the Belt Creek Ranger station, and it	24	already been established as a Superfund site and what have
25	explains in painful detail all those assumptions, and then	25	you, you have a fund that has been set up in the amount of
	Page 31		Page 33
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1	back here where we figured the cost. I mean you've done	1	so many dollars. Can you tell us what that figure is, how
1 2		1 2	
	back here where we figured the cost. I mean you've done this probably as an engineer. But all of the assumptions are in here too, distances, types of trucks that would be		so many dollars. Can you tell us what that figure is, how
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			rage so
1	there's some bridges ahead of it, and I cannot see	1	MR. LEWIS: But that's a reality. We did have
2	MR. BROWN: About 50th in line to get roughly a	2	some state guidance on the water supply. And we've been
3	50/50 match to fix that water supply line that comes down	3	living with a heavy burden ever since.
4	from O'Brien Creek. All of this is competitive. And I	4	MS. BELTRONE: Scott.
5	can't promise that if we go to Washington, D.C. and say we	5	MR. BROWN: Peggy.
6	need 3.8 million over the next two or three years, I can't	6	MS. BELTRONE: I think it's important to put this
7	promise that we're going to get it. But because it's a	7	into perspective in terms of the resources of the taxpayers
8	human health matter, not strictly an ecological matter,	8	of Cascade County and what they can afford to clean up on
9	there's a better chance of it.	9	what you described as this nationally important
10	MR. BUROW: Roughly how much have you spent to	10	contribution that was made from this area. And I think
11	date? You were up here in '04 and did a lot of clean up.	11	that to assume that in the plethora of duties that the City
12	MR. BROWN: In 2004 EPA used what we called	12	County Health Department and the Cascade County commission
13	emergency funding, and that was about \$600,000 to \$700,000.	13	has to do that we can be experts on what institutional
14	But the studies that we've been conducting under Superfund,	14	controls are necessary. We need to look to EPA and look at
15	since it was designated a Superfund site, the studies have	15	examples of what has happened in the mountain community in
16	probably come up to between \$2.5 million and \$3 million so	16	Colorado and as to what has worked and what will work to
17	far.	17	clean up this area that you know is a national treasure and
18	MR. BUROW: Thanks. That includes all the	18	is a national responsible.
19	studies you've done?	19	So I guess I would lay it back to the EPA and say
20	MR. BROWN: Yes, so far. And the \$3.8 million	20	it is important for us to have your best recommendations on
21	that we're proposing would include engineering design and	21	what has worked in other parts of the country. And short
22 23	everything else.	22	of that, we're going to have to look at what else we can do
	I have to make one more comment about	23 24	to get this area clean, because we'll be back to this same situation, if we can't control the migration of this
24 25	institutional controls. I appreciate your concern, but, you know, EPA can only do so much. We can't come in and	24 25	contaminant back into the community or, you know, from
20	you know, El A can only do so much. We can t come in and	25	
	Page 35		Page 37
1	make everything right again.	1	outside of the community randomly taking from this pile.
2	What was Neihart what was the board of health	2	So it's really something that we made a conscious
3	doing, and what were the county health department and the	3	decision to seek the Superfund designation for these areas
4	county commission doing to protect public health up here	4	up here, because we were overwhelmed with other
5	before this was a Superfund site? You still have that	5	responsibilities running county government and the
6	obligation. Now it's a little more evident, but EPA is not	6	resources of the very small population comparatively. So I
7	the one to decide what the institutional controls should	7	would just like to make sure that that is on the record.
8	be. You have to tell us what institutional controls you	8	MR. BROWN: Well, thank you. That's important.
9	want to fit into this, and then we adopt them. We say this	9	Cherry.
10	is what the community this is what the local governments	10	MS. LONEY: I wanted to add something to
11	need and want to protect. So when we're gone you want	11	Commissioner Beltrone's. In terms of resources, the
12	us out of here; we want out of here we don't want to	12	resources that you described that EPA has put into the
13	tell you what to do. So you have to tell us what are the	13	cleanup so far equals almost the entire operating budget of
14	institutional controls that you need to protect the	14	the entire City County Health Department for all of the
15	citizens and the recreationists and the residents of	15	myriad of activities and services we provide. So it just
16	Neihart.	16	simply isn't feasible for us to develop resources. We
17	So I'm sorry that that sounds a little brash, but	17	don't have any discretionary money to put towards a lot of
18	that's the way it is. Counties and cities have to tell us	18	institutional controls. So the cost is a very real issue
19	what the institutional controls are and what you can live	19	for us. We don't want to institute something that simply
20	with 20 years down the road, because we're going to be	20	isn't doable for us.
21	gone. We can just help you get this to a certain level,	21	MR. BROWN: Well, Catherine and I stand behind
22	and then we're gone. And I think that's what you want.	22	the commitment we have made to Cascade County. And I hope
23	MR. LEWIS: Well, I can tell you in a word what	23	it will be known by the Neihart residents that we have met
24	happened before you came. Nothing, nothing.	24	with Cherry and her staff and Peggy and the fellow
25	MR. BROWN: We're all to blame.	25	commissioners many times. So we'll go to bat for you.

Page 36

 Well knock ourselves out to ry to get funding for the 2 county, so you can manage these fination countols. But the decision about what they should look like and how you can manage they should look like and how you wan them to look in the end is your decision. So I'm going to aky out he quassion one more time: What is how read thrat in the future to Nehart after EPA is the more real threat in the future to Nehart after EPA is the more read threat in the future to Nehart after EPA find anyway, no matter what the cleanup level was? Or the is goars? That we dinkt get ender there? I mean was? find anyway, no matter what the cleanup level was? Or the a stage areat threat. If is not whether the action level is the greater threat? I mean was find anyway, no matter what meet on laway is the greater threat? I mean was find anyway, no matter what meet and to the yicture of buried waste in Norken J, and that's where insuitunion controls are that find anyway in the situation or any and the proper cleanup. Site on you. find anyway in the situation controls are that any the site in the stream of adverse publicity and thave right hat the institutional controls are to to to do what we think the institutional controls were to to to do what we think the institutional controls were to to so any adverse of reasonablenes. you're saying. The institutional controls were to great the avere site were were done store mathem and you more ywere were done that is you. you're saying. The institutional controls were to so that you wore different and you three any is to the adverse on the mere yong you any degree of reasonablenes. you're saying. The institutional controls were you to so you. this ki		5		5
3 But the decision about what they should look like 3 Imough the federal government when they shart looking at 4 and how you want them to look in the end is your decision. 4 the budget. And in recent years EPA has been seeing a 5 So Tro going to ask you the question one more time: What 5 between the decision of Neithar? 7 is going? That we ddrit yet enough solis out of Neithar? 7 clearuses. We're just like all of the other federal 9 ford anyway, no matter what the clearup level was? Orth 8 agencies, we're only able to do some of these projects 10 continuing actions of perple moving soil around carelessly? 10 MR. BUROW: Anyhow, we have a question here 11 their epioning to whether the action level was? Orth 12 again. Tlig to you. 12 is the greater threat. If's no whether the action level was? orth 13 IDR. BAKER: We have a request. This is not 14 have right hear [pointing to whether the action level was? orth 13 DR. BAKER: We have a not Zortman. This is a realtavely 15 pilles above Neihari and to the picture of buried wasts in 13 DR eat that has mining and the proper cleanup is 16 trediaridy small. 14 <td>1</td> <td></td> <td></td> <td></td>	1			
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5 So Tra going to ask you the question one more time: What 6 is decrease in its overall funding. 6 is demore real threat in the future to Neihart after EPA 7 is decrease in its overall funding. 7 is off. So The indiscriminate excavation of areas that we couldn't 9 agencies, we're only able to do some of these projects 9 ontinuing actions of people moving soil around carelessity. 10 montaning. MR. BROWN: So be carell what you wish for. 11 Which is the greater threat. It's not whether the action level 2 again. Ift go to you. 13 is 1200 or 800 or 200. This is the greatest threat you 13 BOR. BAKER: We have a request. This is not 14 have right here ploining to may showing mines and wasit 16 relaively small. What we request is to have government 17 officials restrain the stream of adverse publicity and 18 thet continuing controls are the 12 what which her jouring to using its more and all of this is a real atviced 14 14 13 is hor greater thread: Plant have prove and 14 14 14 14 have right we'n we'n and the performing the may bar or and 16 relaively small. What we have ane trans and adverse publicity and <	3		3	
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 find anyway, no matter what the cleanup level was? Or the continuing actions of people moving soil around carclessly? continuing actions of people moving soil around carclessly? Which is the greater threat? I mean I think we know while MR. BLROW: So be careful what you wish for. Which is the greater threat. It's not whether the action level is to or 800 or 200. This is the greatest threat you have right here [pointing to map showing mines and wasten Neihard. And that's where institutional controls are the institutional controls are the obst for you and think what Castoring and I will go to bat for you and think the institutional controls need to be to do that we think the institutional controls need to be to do the resort funding for that, but you have to say this is what we think the institutional controls need to be to do that we think the institutional controls need to be to do the resort funding for that, but you have to say this is macher the long term, EPA is not. And this this kind of an iterative process. We'll be able to give some guidance as to what we think will be appropriate. Bi this kind a lot of other towns where we've done residential cleanups, there might be an institutional ootrol such as, if you're digging in your yard below lik sind a lot of other towns where we've done residential cleanups, there might be an institutional control such as, if you're digging in your yard below lik shou for any there we've done residential cleanups, there might be an institutional control such as, if you're digging in your yard below lik shou for the towns where we've done residential cleanups, there might be an institutional residential cl	7		7	
10 continuing actions of people moving soil around carelessly? 10 MR. BROWN: So be careful what you wish for. 11 Which is the greater threat. If's not whether the action level 12 again. I'll go to you. 13 is 1200 or 800 or 200. This is the greatest threat you 13 is 1200 or 800 or 200. This is the greatest threat you 14 have right here [pointing to map showing mines and wase 14 Butte, Montana. This is not Zortman. This is a relatively 15 snichters and 10 will go to bat for you and 16 relatively small. What we request is to have government 17 only measure to children] to a minimum. 10 press releases. It's having an adverse publicity and 18 what we think the institutional controls need to be to do 20 offer the tourism, that we have a nice area. We don't 21 what that is yet. 20 offer the tourism, that we have a nice area. We don't 23 is how mach money we're going to need, and I don't know 23 thik what Sott is also saying is we need to hear back 24 what that is yet. 25 restraint on the part of government. And I personally 23 soing many mover some thing is your you you you 24 hyped beyond any degree of reasonableness. We request 24 <td>8</td> <td></td> <td></td> <td></td>	8			
11 MR. BUROW: Anyhow, we have a question here 12 is the greater threat? I mean I think we know which 11 MR. BUROW: Anyhow, we have a question here 12 is the greater threat. It's not whether the action level 13 IDE addition 14 have right here [pointing to map showing mines and waste 14 BURE, MACRE: We have a request. This is not 15 piles above Neihart and to the picture of buried waste in 15 Small area that has mining and the proper cleanup is 16 Neiharl, And that's where institutional controls are that 15 srall area that has mining and the proper cleanup is 17 only measure, the only thing that you can do to try to keen 16 relatively small. What we request is to have government 18 that [exposure to children] to a minimum. 18 press releases. It's having an adverse epublicity and 19 Math at is yet. 20 offer the torism, that we have a nice area. We don't 21 think this is a reality disastros problem. And we just had 22 acfe, that had realy good food, fail. There is a stream 23 is bow much money we're going to need, and I don't kow 23 fobda press that we are on the receiving end, and it's 24 hydre saying. The institutional controls, w				C C
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•	23	Superfund was funded by a tax on petroleum products, and	23	up Bill
25 since that tax was eliminated, you know, that fund has been 25 MR. BROWN: would you like that?	24	•	24	-
	25	since that tax was eliminated, you know, that fund has been	25	MR. BROWN: would you like that?

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	Page 42		Page 44
1	MS. BUSKIRK: No, because there's all our bad	1	MR. J. ANDERSON: I've got some comments.
2	press right there. It's all	2	MR. BROWN: Your name.
3	MR. LEWIS: A fence with nothing on it is better	3	MR. J. ANDERSON: Jerome Anderson. You know,
4	than a sign.	4	we're all here. I come to be a part of this meeting
5	MR. BROWN: And fencing things off that have a	5	tonight because I live in Montana, was born here, and I've
6	low probability of creating exposure for children is what	6	been around this area, and I've seen some of this, the
7	we have to consider at this point. We can't do it all at	7	mines and stuff. And, yeah, they look nasty. They look
8	once.	8	ugly. They need to be cleaned up or refurbished or, you
9	MR. BAIRD: Well, and one thing I would like to	9	know, like they want to move this one pile down here to
10	say with regards to that. Earlier I had talked about how	10	another site. I guess the reason why I come is to make
11	residential property owners had no liability when we did	11	sure that the dollars that are going to be spent, as a
12	cleanups. If, however, somebody does go to some of these	12	community of Cascade County, is going to get the most done
13	places and brings a whole bunch of this material onto their	13	for that money, okay, and fix the problem once and for all.
14	residential property for filling, for yard work, whatever,	14	And common sense has to come into play here.
15	that changes the whole policy. At that point they do	15	You know, Peggy said, you know, we need to rely
16	become liable, because they actually brought the waste to	16	on EPA. Well, we have things in play to protect problems
17	their property. That's something you can get out too, if	17	of moving dirt and stuff like that. It's called going to
18	you're going to be bringing this stuff to your yards, to	18	the state and getting a permit to have a pit. A pit is
19	your property, you're going to be liable for it. That's a	19	where they take gravel out of, topsoil, those kinds of
20	whole different scenario.	20	things to put on people's places and develop. Okay.
21	MR. BROWN: Sir.	21	Common sense, we need if we're going to have a community
22	MR. HAMLETT: My name is Brad Hamlett. My	22	up here, we need to find a place that can be tested, that
23	question is who is the lucky owner of these mine sites and	23	has clean soils, and can designate that a pit, if somebody
24	tailings? Who does the property actually belong to?	24	needs some gravel, needs some topsoil, those type of
25	MR. BROWN: Well, we know who the owners are or	25	things. And if we don't do that, then we're going to have
	Page 43		Page 45
1	who has the mineral rights. We do have all of that	1	this problem of people, oh, this looks like a good spot,
2	information. I can't always tell you right off the top of	2	dig up some dirt and haul it to their place. And not even
3	my head. Probably people in here who can. Dick Bennett	3	common sense, they just want some gravel, but yet they're
4	can. And I've often spoken with him about these things.	4	taking contaminated stuff.
5	He's just an encyclopedia, so is Dr. Baker. But that	5	And the mines, to go back years ago, you have a
6	really isn't something for us to be to spend a lot of	6	mine there, they're probably running ten different people's
7	time on yet and perhaps never, because most of these mining	7	ores through those mines. One particular site up here
8	claims belong to families. And, as Rick said, it's not our	8	might have the most, highest concentrated parts of lead.
9	policy to go after someone whose grandfather may have made	9	So when that part is run through that mine, that portion of
10	a few bucks and, you know, 50 or 100 years ago. We just,	10	the tailings will have high lead contents. Other portions
11	we're just not going to do that.	11	of the tailings won't. So some of that soil, without
12	MR. HAMLETT: Well, mineral rights are one thing.	12	having it completely tested from start to finish, you're
13	Who owns the surface rights? Federal government, state	13	not going to know which are the higher and lower levels,
14	government?	14	okay. You know, to designate a site to put this stuff and
15	MR. BROWN: Well, the Forest Service owns quite a	15	clean it up, that's great.
16 17	bit of land around here, but most of these mining claims	16	But I got one thing to come back to is this right
17	are not on Forest Service land. Most of it is private.	17	here, it says October 2004, surface capped and stabilized
18	And, you know, each situation is unique. And believe me,	18	to prevent surface water running off to Belt Creek. Okay.
19 20	we've looked at all of them. Most of them are families,	19	Anytime you are in a mountains region, you've got surface
20	who might have inherited this, and they're the third or fourth generation, or they're someone that brought the	20 21	water. It doesn't matter. It all runs downhill. Just like we've been to some meetings, upper Missouri Piver
21		21	like we've been to some meetings, upper Missouri River
21 22		ົ່ງງ	drainage this is one of the unper Missouri drainages that
22	property recently, because they wanted recreational	22 23	drainage, this is one of the upper Missouri drainages that have been thought about becoming a roadless area, no roads
22 23	property recently, because they wanted recreational property. They have no intention of mining. It's not our	23	have been thought about becoming a roadless area, no roads
22 23 24	property recently, because they wanted recreational		

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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	the Missouri River. I mean these things are common sense things that need to be looked at and go that's why we're here at a meeting to say, you know, we've got a potential problem. The potential problem is the water is going to continue to run out of this canyon to the Missouri River for as long as this planet turns on its axis and goes around and around. And so how can we spend our money to get the most out of it, so that we don't have these minerals leaching down into the soil and into MR. BROWN: So if you could commit those thoughts to, very good thoughts, to the next step on how what you would recommend to EPA and the state and the community, what is that, what in your opinion is the common sense or the engineering approach that you would take? That's what we need you to write down.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	CERTIFICATE OF REPORTER STATE OF MONTANA)) ss. County of Cascade) I, Joan P. Agamenoni, Court Reporter and Notary Public for the State of Montana, residing in Great Falls, Montana, do hereby certify: That I was duly authorized to and did report the public hearing in the above-entitled cause; That the foregoing pages of this transcript constitute a true and accurate transcription of my stenotype notes of said hearing. I further certify that I am not an attorney nor counsel of any of the parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action. IN WITNESS WHEREOF, I have hereunto set my hand
17 18 19 20 21 22 23 24	MR. J. ANDERSON: Can I tell you? MR. BROWN: No. You've got another minute. MR. J. ANDERSON: Okay. Find the lowest, flattest canyon, whether it be Carpenter Creek or one of these other places, that's got a contaminated, you know, slag pile, and line it with bentonite, because bentonite we've got a dump down there in Great Falls, why did they put that as a dump, because bentonite holds that stuff, and it doesn't leach down into the aquifers below the surface.	18 19 20 21 22 23 24 25	and seal on this the 6th day of October, 2006. Joan P. Agamenoni Court Reporter Notary Public, State of Montana Residing in Great Falls, Montana. My Commission expires: 5/24 2008.
	Page 47	10	
2 3 4 5 6 7	If we've got to bring some of that up and line a canyon with bentonite, line it, put all this waste in there, cover it over, put topsoil over the top, and get it covered with lawn, so when the snows melt, they run off, they're running off over the top of that stuff, and it's clean water into the creeks and down below. MR. BROWN: Thank you.		
8	MR. J. ANDERSON: And once that's done, you've		

9 buried the contaminants again, and as long as they're not 10 opened up or flooded or whatever, pushed down and not

exposed to air and water, then they do not become like

14 But I urge you first to read the feasibility study, because what you just described is in the feasibility study. Thank

MR. BROWN: I'm sorry. Put it down on paper.

(Whereupon, the hearing concluded at 8:25 p.m.)

11

12 13

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16 17

battery acid again.

you very much folks.