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.

Karen Ekstrom with CDM started the meeting at 6:37 P.M. with a brief introduction of plan and agencies involved.

At 6:43 P.M. Scott Brown, with EPA, discussed highlights of proposed plan.

At 6:59 P.M. the following question/answer period was held:

MS. COOK: What effect will Belt Creek have in Monarch?

MR. RENNICK: Belt Creek. We sampled Belt Creek surface water all the way through town here and at the mouth of Carpenter Creek. And what we found was that the water along this stretch, down to Carpenter Creek, is clean and meets water criteria. And the water below Carpenter Creek usually meets water quality criteria, except when you have runoff coming out of Carpenter Creek. We were here one day and sampling --

MS. COOK: Sometimes it's copper color or ugly color.

MR. RENNICK: Yes. All of a sudden it just turned to chocolate milk. And we followed that up, and sure enough it was coming out of Carpenter Creek. So, yeah, the metal levels were high in the water.

MS. COOK: Does it go all the way to Monarch then

and completely down to like Belt eventually?

MR. RENNICK: I would say that, you know, when there's a big volume of water going down there, it gets fairly diluted, even though there's contamination moving down, the contamination levels aren't too high. I wouldn't suspect, I don't know for sure, but I wouldn't suspect that the water near Monarch is contaminated very often.

MS. COOK: That's what I would like to know. May I have your picture, please?

MR. BROWN: May I add to that comment, ma'am? What is your name, please?

MS. COOK: Pardon.

MR. BROWN: Your name.

MS. COOK: Beverly Cook.

MR. BROWN: Mrs. Cook, you probably in Monarch have seen the worst of the contamination that can come down through Monarch through Carpenter Creek and Snow Creek and from Neihart. But what would happen if we saw another flood like the 1964 flood? We just don't know.

MS. COOK: No, we don't.

MR. BROWN: But after we are able to clean up Neihart, and that's the most important thing we have on our plate right now at EPA --

MS. COOK: That's what I wanted to know.

MR. BROWN: -- because of the potential for human

health, then we'll be able to move into Carpenter Creek. And if you've seen those tailings piles up there and the Silver Dyke mine and several other mines and waste piles, we'll then turn our attention to those. They're not as much of a human health threat. They're more of an environmental threat. And certainly something Monarch people should be concerned about. We'll then hope that we can address those over the next few years.

MS. COOK: Okay. Thank you.

MR. BROWN: Come on, you must have some questions.

MR. WILLIAMS: I've got a question.

MR. BROWN: Sir.

MR. WILLIAMS: When you were doing testing a couple of years ago, I think you call it a screening level of lead was 400 parts per million. Now, you're talking about 1200. Why?

MR. BROWN: There's a model that EPA uses on a national level, and there are some sites where 400 parts per million lead can cause a greater likelihood than we're willing to accept, that more than five percent of the children in that population might have a blood lead level above 10 micrograms per deciliter. I'm sorry that that sounds so technical, but that's what it's based on.

A model, again that's used given the situations

of a community, the types of lead that are there, there are some model outputs that tell us that 400, even 250, is a screening level, 250 parts per million lead often comes out as a screening level by use of that model. So you choose at the beginning the very lowest level that you think might come out of the studies.

After all that is said and done, though, after we ran the model specific for Neihart, we had a pretty broad range -- you know how computer mathematical models are, there's a lot of uncertainty in them. So we had a range from about 250, 400 and clear up to about 2700 parts per million lead that was considered, you know, possible of producing less than five percent of the population of children with blood lead levels of up to 10 micrograms per deciliter. So we chose what we thought was a protective level.

That level was consistent with levels that have been chosen in Butte; Anaconda; and an interim level, it's not a final level, in East Helena. But we have substantial amount of blood lead data for East Helena kids. About 2000 kids have been tested over the last ten years, and the highest blood levels we're seeing there are now 4 or 5 micrograms per deciliter. So, thanks, that's why we do that.

Cathy may have more to respond to that too.

MS. LeCOURS: Catherine LeCours, Montana Department of Environmental Quality. For the residents, could you just clarify if your intention is to clean up all the parcels or only developed parcels now, what may happen to future development? I noticed as you were going across your pages, you kind of alluded to if a house was built at some point. Could you just clarify, because I know there's been some changes in some of the wording that has been used.

MR. BROWN: The sampling focused on developed properties, properties where there was an existing house. But there are two ways to approach that, and we may not know until we're in the actual cleanup itself whether we would call this area that was not sampled part of the exposure unit for this developed area.

Actually I should choose another example here. Here's a mostly undeveloped property that wasn't sampled. Here's an area that was sampled, and there's a dwelling there. As you can see, we concentrated most of the sampling on developed properties. But there are two ways to deal with that. We could either go back and say, well, that's part of the exposure unit. Meaning we're standing there on the property, if a child lives there, is that child likely to be able to play in the next yard? These are probably small lots, and usually the answer is yes. If

it's above that [the selected cleanup level for lead, we will still clean it up] or if it's not above it, and we don't know what it is yet, we will sample it. Determinations are made at the time of the cleanup about what we would have to do to protect a child, if a child lived there.

Another way to do it is to say that it's likely that everything that is undeveloped in Neihart is likely to become developed; and, therefore, we need to sample everything. And normally we don't do that until a process we call remedial design. After we decide what is the appropriate action level, work out what are the institutional controls, then we come in and we do more sampling. And I can assure you more sampling will be done, and decisions then are made in remedial design about just those kinds of things.

That's not a complete answer, but I can assure you that we aren't going to just do the developed lots and leave the undeveloped lots untouched. One way or another, they will have to be addressed. Will we sample every undeveloped lot in Neihart? I think it's too early to say. But I personally do not believe, especially south of here [pointing to the community center on a large map], every lot has to be sampled. That gets to be a very expensive and time consuming venture. But, again, until remedial

design, we won't know that.

Mr. Baker.

MR. BAKER: There's a lot of fires that occurred this last summer, and the Forest Service informs me that more fires started in the Little Belt Mountains this last summer than for a number of years. It was a wet summer, so the fires were fortunately put out. When we get a really dry summer, then they can't hold it. And five, ten, fifteen square miles is burnt up the valley from here, and then you have ordinary rainstorms, not the big, big flood, but ordinary rain storms, it's going to flush the material that's downstream from here all the way down to Monarch. In particular there's a lot of the material that was not in the flood plain that is down into the flood plain. And you've got boulders six feet in diameter that just go. And with that kind of velocity, the tailings --

MR. BROWN: Neihart tailings pile.

MR. BAKER: Yeah, it's down in the creek bottom there. There's over six feet in diameter. So why isn't it going to just flush it down to Monarch? Why doesn't this action really have the potential for directing the compound to people downstream, including Monarch?

MR. BROWN: Well, you've just made what I think is the argument for taking the Neihart tailings out of the Belt Creek flood plain and moving them to a safer place,

which we propose to do. Thank you. I hope everybody supports that. We think that's roughly half the cost of doing it [the entire cleanup for Neihart], but it [Neihart tailings pile] shouldn't have been there in the first place. We used it as a temporary storage pile for the work we did in 2004.

MR. BAKER: Well, in putting the Monarch community at risk, we were not consulted.

MR. BROWN: Well, we did the best we could with the limited amount of funding. And that's why we're coming back two years later and saying we want to get it out of there. We don't want it to sit there any longer. We would actually like to do this work in 2007.

MR. J. ANDERSON: Did I hear you correctly that you used that particular spot for a temporary spot to store some other materials?

MR. BROWN: In 2004, which was the second year after we had begun doing testing -- this was designated as a Superfund site in 2001. By 2003 and 2004, EPA had CDM, our contractor, up here sampling. And when we saw lead levels as high as 20,000 and 40,000 parts per million, we just said, oh, we've got to take some immediate action. Those are levels you don't want anywhere. A child who might just spend a month up here with grandma and grandpa could be exposed to that, and that's dangerous.

So we identified as much of that as we could in Neihart, but most of it was associated with these two mills [pointing to two former mills in Neihart on large map], the old mill from World War II right next door [to the community center] and the old mill on the north side of town. And those areas were cleaned up. So that we don't have any areas, that we're aware of, in Neihart that are above about 2600 or 2700 parts per million. Still not safe.

So what we're talking about now is what's left between 1200 and 2700. We want to get those out of here too. But the answer to your question is yes, we had nowhere else to put them. And we had an immediate need to get the 20,000 and 40,000 parts per million lead out of here, even for those children who might only spend a few weekends a year here.

MR. J. ANDERSON: So basically how much money has the community already spent for moving that material to that site, and now we have another proposal to move that material from there to another site?

MR. BROWN: Well, it's not going to add significantly to the cost, because, first of all, we didn't have to move it very far, and we had nowhere else to put it in 2004. Dick Bennett, who owns that property, was willing to allow us to put it there. And then we capped it. And

Dr. Baker is right, if a big flood came along, it's going to go downstream. But it was protected against at least moderate floods. That's the best we could do. Now we want to get it out of there. The cost so far that EPA has spent and its taxpayers' money -- we can't charge it to anyone but the federal budget -- was about $600,000 or $700,000. The studies that we've done are another probably two or three million up to this point. And --

MS. LeCOURS: Scott, sorry to interrupt, but you also may want to indicate, when the pile is moved from the creek, there's also more that is going to be taken out. We're not just going to be taking out what we put on there. There was already a pile there. So we will actually be moving that as well.

MR. BROWN: Good point. Thank you. Actually we added half again as much or a little more than 60 percent more. So there was already a need to do something with it. And, yes, it was a temporary action that we took.

MR. J. ANDERSON: Well, you know, what I see as the problem that we have here, and we keep throwing money, good money after bad money, and it's just -- I mean the taxpayers across the board of the United States are picking up these kinds of projects. And there needs to be a fix, you know, go in and fix it, get it done. And the only thing that I see here, you know, back in the early 1800s

when the prospectors were running around and digging up the mountain sides, is that they didn't know the chemical composites that were underneath the soil that was covering up these elements. And once you take that, the over top, we call it overlay or topsoil, off or dig holes and bring the stuff out, you're bringing out minerals and stuff that, added to water and air, make basically the problem that we're seeing now a hundred years later.

MR. BROWN: That's right.

MR. J. ANDERSON: And the only way that we can possibly fix this on a permanent basis is bury all this stuff again and make the sites designated to not be moved or dug up again. And that, you know, by covering them up and not allowing the elements, such as rain, water, or air, the creeks will eventually clean themselves up and be back to, like you say, 2000 or 450 parts per million or whatever.

MR. BROWN: I agree with you.

MR. J. ANDERSON: But then on the other hand, you'll have those weather conditions and fire conditions where there's just nothing you can do, as far as you know. You get an area up above that burns, has a wild fire and completely burns out all the vegetation, and then we get two feet or three feet of snow where it warms up to 50, 60 degrees and melts, you're going to have a mountain side,

the whole mountain side slough off again and move down into the creek, and it will be totally contaminated again.

MR. BROWN: Well, I can't disagree with anything that you say. But as I stated earlier, the problem we face is limited funding and trying to protect the community of Neihart as best we can. There is no perfect solution.

And one could argue that we should first go up into all of these areas that sit above Neihart before we do that [clean up Neihart residential areas]. But then the basic question is where is the exposure likely to occur? The exposure is occurring where the kids are playing or where they're likely to play, and that's in Neihart. And then you hope and pray that you don't get a lot of it [more lead] washing down [from the mines and waste piles on the timbered slopes above Neihart].

I happen to think, this is my own personal opinion, I'm happy to have you who have lived here tell me what you think, that a lot of the contamination that we find here in Neihart came from miners that brought it first by wagon, then by old trucks. It was carelessly handled at these mills. And then there was a train, and I don't know how efficient the train was. And then there were the floods that moved it around. But it was probably all associated, or most of it was associated with early careless handling.

Now, they didn't think it was careless at the time. They were building a state, you know. We all respect and appreciate what these miners did. They brought food home, and they built Montana. But now we have to try to fix the problem.

I don't think we're going to see those [days] again. And if we are going to see mining on a large scale again, you know it's going to be more controlled. It's going to be more environmentally friendly. So the best we can do is to try to get it out of these residential areas.

The casual person who goes up and plays on an unsafe waste pile is not going to be exposed to the point where there's a danger. It has to be daily -- a daily contact -- and mostly children who drop there sucker and put it back in their mouth.

MR. LEWIS: That pile you pointed out there that recently moved, how contaminated is that?

MR. BROWN: Don't know but I suspect.

MR. LEWIS: I thought there was previous testing of that pile. That was mostly an unloading dock for that guy to get his big equipment off and take it up there.

MR. BROWN: Could be.

MR. LEWIS: I know where a lot of that gravel or tailings went, and that's why I'm asking you how contaminated it is, because that was used for stabilizing

marshes right up O'Brien, I remember that, and all over town.

MR. BROWN: I have a feeling that things get mixed up. And if it was this close to the mill, there's probably some pretty high levels of metals in there.

MR. LEWIS: Leading me to my next question.

MR. BROWN: We want to stop that.

MR. LEWIS: I've got 1,000 yards of that under my carport. So what's going to -- how deep are you going to go?

MR. BROWN: Let's bury it.

MR. LEWIS: The house, okay.

MR. BROWN: We know that there are more mechanisms than we can imagine by which soil -- contaminated materials -- were brought into Neihart. And now, again, recreationists and fishermen and casual visitors really face -- their greatest risks are the unsafe conditions under these exploration holes and unsafe shafts and things like that. In terms of human health, it's children's exposure in a residential setting [that is most important], and that's what we were concerned about.

MALE SPEAKER: You thought it was topsoil.

MS. BELTRONE: Does the cleanup that was proposed remove that pile that's in the picture [pointing to a photo of the Queen of the Hills mill north of Neihart]?

MR. BROWN: This one?

MS. BELTRONE: No?

MR. BROWN: No, not yet. And ask me why?

MS. BELTRONE: And why, Scott?

MR. BROWN: Because -- and this is purely subjective. Where does a child face a greater risk: Coming out of [playing in] Neihart or going around that dangerous corner on the highway to get there [the Queen of the Hills mill] to play in? Which is the greater risk?

MS. BELTRONE: That's not to say it's at the carport.

MR. BROWN: We've got a lot of the problems in the timber on both, especially on the east side. And we can't get to those [areas] yet. We've got to address those areas where we think children are likely to play. And I don't think any mom or dad or grandma or grandpa is likely to let the kids play there [referring to mines and waste pile above Neihart]. Just to get there, on the highway over this hill, is a very dangerous thing to do. So we think it's not a high likelihood of exposure. It doesn't mean it should sit there forever. That's what we will address next.

MS. GODWIN: So is that where the institutional controls come into it, as far as letting people know not to take dirt from that area?

MR. BROWN: Well, I hope it's more than letting them know they shouldn't. I think in areas where we've [EPA] been involved, we've had boards of health pass regulations against the indiscriminate transport of materials. Even if you don't think it's contaminated, there has to be a permit in some counties.

MR. O'NEILL: You would have to fence it. Getting back to whose got the liability and such, up on that hillside, he was just pointing at, okay, there's pieces that are for sale up there, 13 acres, 35 acres and all of that, and they're covered with mine dumps, where does the liability go when somebody buys the 13-acre piece up there? Do we still pay for it out of the Superfund or does the liability go with the property?

MR. BAIRD: You want me to answer that one?

MR. BROWN: Yes, that is why I brought you up here.

MR. BAIRD: Under the Superfund statute, landowners, whoever owns the land, has liability for the contamination on it. EPA, however, has a policy that says that, if you're building a residence or you have residential property and you didn't put the waste there or cause an exacerbation of the problem and you cooperate with EPA during a cleanup, we're not going to charge you any kind of cost recovery in a case like that.

So to answer your question, I mean, whoever is a landowner of contaminated property has the liability. However, in most cases, for residential purposes, we don't do any kind of cost recovery against the residential landowner.

MR. BROWN: Good idea. Each question that you ask, would you please state your name.

MR. O'NEILL: Sonny O'Neill.

MS. EKSTROM: In the interest of time, since we have 12 people signed up who want to give comment, what we're going to do is break now and people can come up and look at the displays. And if you think of any other things you want to ask, we can do that afterwards. And take about a ten-minute break and get some coffee, things like that.

And then when we come back, what I'm going to do, there was a spot on the sign-up sheet that indicated whether you wanted to comment, and since there's 12 people, I'm going to call people up in order. You don't have to get up, but state your name for the stenographer, tell us what your comment is or question, and then we'll take that down. And hopefully we're going to try, I think we're going to go with four minutes a comment, because that's about 45 minutes or thereabouts. So that should get us through at a reasonable hour.

And if there's, and if there's anyone who is not

on the list who wants to ask a question or give a comment, once we've gone through, then it will be your turn. That will be great.

MS. LeCOURS: Can you clarify the difference between what we were just doing and what is happening after the break?

MS. EKSTROM: Yeah.

MS. LeCOURS: Thank you.

MS. EKSTROM: The question and answer period was more of a give and take. And typically in Superfund proposed plan, when you get to the comment section, there's not going to be an answer given by EPA. Scott may feel like he wants to say something or provide an answer. But typically people get up, they state their concern or they state a comment; or, you know, if you're happy with what is going on, feel free to state that. If you have concerns, state that. And bear in mind that you also have an opportunity to provide comment in writing. So if it's a complicated comment that might be better served in writing, we encourage you to do that, since there is going to be a four-minute limit. Does that cover it, Cathy?

MS. LeCOURS: And those will be responded to?

MS. EKSTROM: Yes, right. Yeah, I said that earlier. The comments will come in. We'll have the transcription. EPA will go over each of the comments. A

lot of times we categorize them. There will be a lot of comments addressing the same subject, so we'll categorize them and answer them all in that category; or we will answer each one of them each individually. And those will be in a response summary document, and that is included in the recommended decision that will come out. So that will be a public document, and everyone can read that.

And, again, your comments will be taken into account in EPA's final decision on what the plan will be at the site. So we encourage you to make comments. And if you don't feel comfortable standing up and giving a comment orally, you can e-mail it or send it in by mail.

MR. BROWN: And we welcome you to come up and say what you would like to say tonight. And if you would like to write six more letters to us to define what your thoughts are, we welcome that. Make as many comments as you like.

Furthermore, it's not uncommon for the community, for the health department, or the health board, or the county commissioners to say, EPA, given the complexity of this and our uncertainty over institutional controls and we're just not sure yet, we want another 30 days to comment, and we would like you to come back and explain some things a little better, or we've got more people who want to make comments, or we want to hear what these

comments are, what comments have you gotten after 30 days, we're happy to do that. We can extend the comment period. We usually do, in fact. And we can have another comment, another session like this, if you would like.

And so it's up to you at this point. You tell us what you need, so that you're comfortable. I can't let it go six months or a year, because we need to make some decisions, but do let us know.

MS. STRATHY: I have one, but I'm not a very competent computer user. Will some of these, like a summary of comments, be on a web site anywhere?

MR. BROWN: That's a good idea.

MS. EKSTROM: In many sites, we do put them up on a web site.

MR. BROWN: Would you like us to do that, as we're getting the comments, is to distribute them on a web site?

MS. STRATHY: Yes.

MR. BROWN: Done. Thank you, Robin.

MS. EKSTROM: Five or ten minutes for a break?

MR. BROWN: You're the boss.

MS. EKSTROM: Okay. Let's do ten, because that will give people a chance to talk. And afterwards if there's something that you want to discuss with us not on the record, that's fine too.

(Whereupon, a recess was taken at 7:28 p.m. to 7:41 p.m.)

MS. EKSTROM: I didn't have on my new reading classes, so I accidently read the column that said people that wanted to be added to the mailing list. And we have 12 people that wanted to be added to the mailing list.

We actually have fewer people who want to give comments during the meeting. So it won't be such a crush. But we do have, lets see, six signed up right now. And we will call those people, and call on those people one at a time in the order that they signed up. And, again, if anyone wants to give a comment after that, just raise your hand, and we'll call on you. So this is just to make sure that we get the people who indicated that they wanted to comment, give them a chance.

So the first commenter will be Peggy Beltrone, and I'll let you know if you go past four minutes.

MS. BELTRONE: Thank you. 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 to 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 and remember the intent of folks wanting to continue to have development of properties here and a continued legacy for this valley.

MS. EKSTROM: Thanks, Peggy. And next we've got Bill Lewis.

MR. LEWIS: 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.

MS. EKSTROM: Thank you, Bill. Next, and I having trouble with the last name, it looks like Andy Baker. Is it Baker?

MR. ANDY BAKER: Yes.

MS. EKSTROM: Great.

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 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.

MR. BROWN: Thank you. That's a good comment.

MS. EKSTROM: Okay. Great. And the next is David Baker.

DR. BAKER: Yes. 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 gets 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 fluorophore 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.

MS. EKSTROM: Okay. Thank you, David. Vic Andersen.

MR. V. ANDERSEN: I'm Vic Andersen. I'm with the Department of Environmental Quality in Helena. I'm a bureau chief of the mine ways 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. And what is my third one? Help me.

MS. LeCOURS: The institutional controls.

MR. V. ANDERSEN: Yeah. The institutional controls. Long-term memory is another one. 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.

MS. EKSTROM: Well, that was quick. That was everybody who signed up. So if anyone else wants to comment, you know, it doesn't have to be technical. It doesn't have to be -- it doesn't have to be anything. It could be just how you feel about what is going on, or do you have concerns, or you're happy with something. You like cookies. Well, great.

And we'll be here if anyone wants to discuss what is on the board again. That seemed to be pretty popular, breaking up and talking to other folks. So if that's all, then good night. Thanks for coming. Drive carefully. And we will have the comment period open until the 18th, unless it gets extended. Scott says another 30 days.

And we'll let you know also, if it doesn't get extended and the comment period is over and the comments

are available to the public and available on the web site, we'll make a comment and let everybody know.

MR. J. ANDERSON: I think it should be extended for the simple fact like the gentlemen -- what was your name?

MR. BAKER: Andy Baker.

MR. J. ANDERSON: Like Andy said, we've got an 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.

MR. BROWN: You know, I think it's our prerogative to help you out with some of these. Normally we don't like to try to answer your comments, but if we can and it helps you all, Bob, let's take a moment and talk about that. That's a legitimate concern that Andy has raised.

Let's talk about the assumptions that we have made in our feasibility study and past history of being able to then stick pretty close to those costs that we've estimated. We did take into consideration that, you know, you talked about the sites that you've examined.

MR. RENNICK: We did a preliminary look at what we call the preliminary area of depository studies. We looked at places where 27,000 cubic yards of material could

go. And we looked all up Snow Creek and Carpenter Creek looking for areas that were flat enough, that were on the sunny side of the valleys, so you get a lot of the evapotranspiration off of the reclaimed surface of this repository, where you wouldn't get water percolating down through it. Flat areas, sunny areas, areas with property ownership, how far it is from town, things like that.

And what we did was we made assumptions. And, I guess, the primary assumption is that the repository would be located somewhere around eight miles from here, eight miles up or seven miles up Carpenter Creek, like where the Carpenter Creek tailings is now. That was one of our probable sites. Because Carpenter Creek tailings, if anyone -- a lot of you have driven up there and you have seen that, it's obvious that something has to be done with Carpenter Creek tailings eventually. They have to be moved out of the creek bottom. The stream has to be reconfigured. So we thought that we might be able to combine moving the tailings from here up there with that construction as well.

So we made a series of assumptions. One is that the trip was going to be eight miles, and factored that into the cost. If you go to the feasible study, and you can get it at the Belt Creek Ranger station, and it explains in painful detail all those assumptions, and then

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 used, that kind of stuff.

MR. BROWN: I would like to add, Andy, that the Forest Service and EPA have been talking for a couple of years. Our attorneys are talking to each other. And each time we talk, I see more promise with those two big tailings deposits that slipped down from the Silver Dyke Mine up on Carpenter Creek and have caused an environmental catastrophe up there. You can think of many, many reasons Monarch people would like to see those cleared out of the flood plain and reconfigured. Well, we think this is a great opportunity to move things [containiminated soils] out of Neihart and move the Neihart tailings out of the flood plain. Those are immediate threats, health threats, combined with environmental threats. And then combine that with fixing those two big problems, maybe even all the way up to the Silver Dyke tailings deposit up there.

It sounds energetic, but we have to think that way. We can't deal with each problem separately, and we can't just imagine that we can't do those things. So we, over the next several months, are really going to push to work with the forest service to find an area where we can consolidate those [tailings piles on Carpenter Creek] all

safely and do it in a cost effective manner.

One thing we know: We can't take those two tailings deposits on Carpenter Creek and move them 20 miles away. Nobody here would support that. You're talking about tens [of millions of dollars], if not $100 million to do that. So that's what we're working on. And it's an intricate process. And I want to think that we can take care of those three problems: Neihart tailings and those two big piles on Carpenter Creek. And as soon as we can get that done, we can move up to the Silver Dyke tailings.

MR. BUROW: Just can I ask another question?

MR. BROWN: Sure you may.

MR. BUROW: I'm Fred Burow. She's still taking notes, so I'll get that in there. And, yes, I am running for office. I'm running for Cascade County Commission, and that is why I'm here tonight.

The other reason I'm here is because I do enjoy this area quite a lot. I've camped a lot up towards the Hughesville area. We've spent a lot of time up there. I enjoy fishing these streams. So that's one of the reasons I'm here. I want to know what I'm catching and what I'm eating.

But the other question I have, since this has already been established as a Superfund site and what have you, you have a fund that has been set up in the amount of

so many dollars. Can you tell us what that figure is, how much has been allocated for this clean up and how much has been spent to date.

MR. BROWN: Nothing has been allocated. Each year EPA has to, we in the Montana office, have to go to our headquarters in Washington, D.C., and say here is a proposal. So the proposal we've put before you today, estimating $3.8 million, if we get the nod from you that you can live with that, then we can go to EPA Washington and we can say we need this money for 2007 to get it started. So all we can tell them is we think the whole cleanup is going to be about 3.8 million, and it may take two or three years to do it. So we're going to need a million to get started. And we won't know until later on in the year whether or not we're going to get that.

And I think I said it earlier, I would like to say it again, we're optimistic that, if the price tag doesn't get too high here, that we're going to get approval, and that we can start in 2007, and we can put a pretty big dent in this.

I happen to also know, Bill, that was it you or someone asked me to look into that pipe. That's a competitive process. You were about 50th in line in Montana.

MR. LEWIS: Yeah, that's not good enough, because

there's some bridges ahead of it, and I cannot see --
MR. BROWN: About 50th in line to get roughly a 50/50 match to fix that water supply line that comes down from O'Brien Creek. All of this is competitive. And I can't promise that if we go to Washington, D.C. and say we need 3.8 million over the next two or three years, I can't promise that we're going to get it. But because it's a human health matter, not strictly an ecological matter, there's a better chance of it.
MR. BUROW: Roughly how much have you spent to date? You were up here in '04 and did a lot of clean up.
MR. BROWN: In 2004 EPA used what we called emergency funding, and that was about $600,000 to $700,000. But the studies that we've been conducting under Superfund, since it was designated a Superfund site, the studies have probably come up to between $2.5 million and $3 million so far.
MR. BUROW: Thanks. That includes all the studies you've done?
MR. BROWN: Yes, so far. And the $3.8 million that we're proposing would include engineering design and everything else.
I have to make one more comment about institutional controls. I appreciate your concern, but, you know, EPA can only do so much. We can't come in and

make everything right again.
What was Neihart -- what was the board of health doing, and what were the county health department and the county commission doing to protect public health up here before this was a Superfund site? You still have that obligation. Now it's a little more evident, but EPA is not the one to decide what the institutional controls should be. You have to tell us what institutional controls you want to fit into this, and then we adopt them. We say this is what the community -- this is what the local governments need and want to protect. So when we're gone -- you want us out of here; we want out of here -- we don't want to tell you what to do. So you have to tell us what are the institutional controls that you need to protect the citizens and the recreationists and the residents of Neihart.
So I'm sorry that that sounds a little brash, but that's the way it is. Counties and cities have to tell us what the institutional controls are and what you can live with 20 years down the road, because we're going to be gone. We can just help you get this to a certain level, and then we're gone. And I think that's what you want.
MR. LEWIS: Well, I can tell you in a word what happened before you came. Nothing, nothing.
MR. BROWN: We're all to blame.

MR. LEWIS: But that's a reality. We did have some state guidance on the water supply. And we've been living with a heavy burden ever since.
MS. BELTRONE: Scott.
MR. BROWN: Peggy.
MS. BELTRONE: I think it's important to put this into perspective in terms of the resources of the taxpayers of Cascade County and what they can afford to clean up on what you described as this nationally important contribution that was made from this area. And I think that to assume that in the plethora of duties that the City County Health Department and the Cascade County commission has to do that we can be experts on what institutional controls are necessary. We need to look to EPA and look at examples of what has happened in the mountain community in Colorado and as to what has worked and what will work to clean up this area that you know is a national treasure and is a national responsible.
So I guess I would lay it back to the EPA and say it is important for us to have your best recommendations on what has worked in other parts of the country. And short of that, we're going to have to look at what else we can do to get this area clean, because we'll be back to this same situation, if we can't control the migration of this contaminant back into the community or, you know, from

outside of the community randomly taking from this pile.
So it's really something that we made a conscious decision to seek the Superfund designation for these areas up here, because we were overwhelmed with other responsibilities running county government and the resources of the very small population comparatively. So I would just like to make sure that that is on the record.
MR. BROWN: Well, thank you. That's important. Cherry.
MS. LONEY: I wanted to add something to Commissioner Beltrone's. In terms of resources, the resources that you described that EPA has put into the cleanup so far equals almost the entire operating budget of the entire City County Health Department for all of the myriad of activities and services we provide. So it just simply isn't feasible for us to develop resources. We don't have any discretionary money to put towards a lot of institutional controls. So the cost is a very real issue for us. We don't want to institute something that simply isn't doable for us.
MR. BROWN: Well, Catherine and I stand behind the commitment we have made to Cascade County. And I hope it will be known by the Neihart residents that we have met with Cherry and her staff and Peggy and the fellow commissioners many times. So we'll go to bat for you.

We'll knock ourselves out to try to get funding for the county, so you can manage those [institutional controls].

But the decision about what they should look like and how you want them to look in the end is your decision. So I'm going to ask you the question one more time: What is the more real threat in the future to Neihart after EPA is gone? That we didn't get enough soils out of Neihart? Or the indiscriminate excavation of areas that we couldn't find anyway, no matter what the cleanup level was? Or the continuing actions of people moving soil around carelessly? Which is the greater threat? I mean I think we know which is the greater threat. It's not whether the action level is 1200 or 800 or 200. This is the greatest threat you have right here [pointing to map showing mines and waste piles above Neihart and to the picture of buried waste in Neihart]. And that's where institutional controls are the only measure, the only thing that you can do to try to keep that [exposure to children] to a minimum.

And Catherine and I will go to bat for you and try to get funding for that, but you have to say this is what we think the institutional controls need to be to do that. We're here for the long term, EPA is not. And this is how much money we're going to need, and I don't know what that is yet.

MR. BAIRD: Well, and kind of an add on to what

you're saying. The institutional controls, who they are, it is kind of an iterative process. We'll be able to give some guidance as to what we think will be appropriate. But I think what Scott is also saying is we need to hear back from the community as to whether or not some of those institutional controls are acceptable. For instance, in cases like this, in 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 18 inches and you uncover something like this, then you need to notify the proper authorities as to what you should be doing, or there may be prohibitions that you not dig below 18 inches without getting some kind of a permit, or something like that, before you do any kind of digging. So it is an iterative process where we kind of tell you this is what we think is safe, but we need to hear back from you if you're willing to live with those institutional controls.

And I think as far as the Superfund goes, one thing I would like to add with that, is the Superfund is basically gone at this point. There used to be a Superfund, and they call these Superfund cleanups. But the Superfund was funded by a tax on petroleum products, and that tax was not reenacted in the early '90s. So ever since that tax was eliminated, you know, that fund has been

dwindling. And at this point in time, EPA only gets funding for these kind of cleanups through appropriations through the federal government when they start looking at the budget. And in recent years EPA has been seeing a decrease in its overall funding. So there is no giant Superfund out there anymore that is funding a lot of these cleanups. We're just like all of the other federal agencies, we're only able to do some of these projects based on available funding.

MR. BROWN: So be careful what you wish for.

MR. BUROW: Anyhow, we have a question here again. I'll go to you.

DR. BAKER: We have a request. This is not Butte, Montana. This is not Zortman. This is a relatively small area that has mining and the proper cleanup is relatively small. What we request is to have government officials restrain the stream of adverse publicity and press releases. It's having an adverse effect on our area.

We like to think that we have some things to offer the tourism, that we have a nice area. We don't think this is a really disastrous problem. And we just had a cafe, that had really good food, fail. There is a stream of bad press that we are on the receiving end, and it's hyped beyond any degree of reasonableness. We request restraint on the part of government officials who have

their own agenda to hype it beyond belief.

MR. BROWN: Excellent comment. And I personally try to do all I can to -- I get a lot of telephone calls from people out of state. I tell them this is one of the most beautiful parts of Montana, and it is. But I can't control what the newspapers are saying. And if you have some suggestions about ways that we can improve the situation, other than get moving as quickly as we can, which we're trying to do --

DR. BAKER: This is a meeting and it can be reported on in various ways, and it can be exaggerated.

MR. BUROW: I can go next. But, anyhow, Fred Burow. I guess my thought, listening to some of this here too, is either the Cascade County Health Department or EPA or you guys, someone should step up to the plate and some of these sites like we're looking at here where they're moving that material should put some kind of signage up there. Maybe it's shot down. But at least try to put signage up asking people not to be moving contaminated soil, this is contaminated soil.

MR. BROWN: You know on the surface that always sounds like a good idea. But when we start putting signs up -- Bill --

MR. LEWIS: Yeah, that's a good idea.

MR. BROWN: -- would you like that?

MS. BUSKIRK: No, because there's all our bad press right there. It's all --

MR. LEWIS: A fence with nothing on it is better than a sign.

MR. BROWN: And fencing things off that have a low probability of creating exposure for children is what we have to consider at this point. We can't do it all at once.

MR. BAIRD: Well, and one thing I would like to say with regards to that. Earlier I had talked about how residential property owners had no liability when we did cleanups. If, however, somebody does go to some of these places and brings a whole bunch of this material onto their residential property for filling, for yard work, whatever, that changes the whole policy. At that point they do become liable, because they actually brought the waste to their property. That's something you can get out too, if you're going to be bringing this stuff to your yards, to your property, you're going to be liable for it. That's a whole different scenario.

MR. BROWN: Sir.

MR. HAMLETT: My name is Brad Hamlett. My question is who is the lucky owner of these mine sites and tailings? Who does the property actually belong to?

MR. BROWN: Well, we know who the owners are or

who has the mineral rights. We do have all of that information. I can't always tell you right off the top of my head. Probably people in here who can. Dick Bennett can. And I've often spoken with him about these things. He's just an encyclopedia, so is Dr. Baker. But that really isn't something for us to be -- to spend a lot of time on yet and perhaps never, because most of these mining claims belong to families. And, as Rick said, it's not our policy to go after someone whose grandfather may have made a few bucks and, you know, 50 or 100 years ago. We just, we're just not going to do that.

MR. HAMLETT: Well, mineral rights are one thing. Who owns the surface rights? Federal government, state government?

MR. BROWN: Well, the Forest Service owns quite a bit of land around here, but most of these mining claims are not on Forest Service land. Most of it is private. And, you know, each situation is unique. And believe me, we've looked at all of them. Most of them are families, who might have inherited this, and they're the third or fourth generation, or they're someone that brought the property recently, because they wanted recreational property. They have no intention of mining. It's not our intention to go after those people and say you're responsible for this terrible mess. We can't do that.

MR. J. ANDERSON: I've got some comments.

MR. BROWN: Your name.

MR. J. ANDERSON: Jerome Anderson. You know, we're all here. I come to be a part of this meeting tonight because I live in Montana, was born here, and I've been around this area, and I've seen some of this, the mines and stuff. And, yeah, they look nasty. They look ugly. They need to be cleaned up or refurbished or, you know, like they want to move this one pile down here to another site. I guess the reason why I come is to make sure that the dollars that are going to be spent, as a community of Cascade County, is going to get the most done for that money, okay, and fix the problem once and for all. And common sense has to come into play here.

You know, Peggy said, you know, we need to rely on EPA. Well, we have things in play to protect problems of moving dirt and stuff like that. It's called going to the state and getting a permit to have a pit. A pit is where they take gravel out of, topsoil, those kinds of things to put on people's places and develop. Okay. Common sense, we need -- if we're going to have a community up here, we need to find a place that can be tested, that has clean soils, and can designate that a pit, if somebody needs some gravel, needs some topsoil, those type of things. And if we don't do that, then we're going to have

this problem of people, oh, this looks like a good spot, dig up some dirt and haul it to their place. And not even common sense, they just want some gravel, but yet they're taking contaminated stuff.

And the mines, to go back years ago, you have a mine there, they're probably running ten different people's ores through those mines. One particular site up here might have the most, highest concentrated parts of lead. So when that part is run through that mine, that portion of the tailings will have high lead contents. Other portions of the tailings won't. So some of that soil, without having it completely tested from start to finish, you're not going to know which are the higher and lower levels, okay. You know, to designate a site to put this stuff and clean it up, that's great.

But I got one thing to come back to is this right here, it says October 2004, surface capped and stabilized to prevent surface water running off to Belt Creek. Okay. Anytime you are in a mountains region, you've got surface water. It doesn't matter. It all runs downhill. Just like we've been to some meetings, upper Missouri River drainage, this is one of the upper Missouri drainages that have been thought about becoming a roadless area, no roads built, no timber harvest, no this and that. This is a drainage. It goes to Belt Creek. Belt Creek flows into

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.

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.

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.

MR. J. ANDERSON: And once that's done, you've buried the contaminants again, and as long as they're not opened up or flooded or whatever, pushed down and not exposed to air and water, then they do not become like battery acid again.

MR. BROWN: I'm sorry. Put it down on paper. But I urge you first to read the feasibility study, because what you just described is in the feasibility study. Thank you very much folks.

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

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 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.