

Notes for Idaho Pole Public Meeting-Jan. 13, 2021
6:30 p.m.-8:30 p.m.

Idaho Pole is one of the oldest Superfund sites in Montana. The cleanup has been completed.

Recap of Dec. 3 meeting:

EPA has not received a redevelopment plan from any developer for the property.

On the last meeting, the EPA explained the difference of an excavation that would encounter groundwater vs excavation that would not.

The other thing that was brought up in the last meeting was regarding insufficient soil samples taken and the depth of soils taken. The depth of samples taken was based on current land use. Depending on the use of the site, additional soil samples would need to be collected and Agencies would work with the developer accordingly.

Residential use was also a question at the last meeting. If this was the requested development, it would require a risk assessment and an amendment to the Record of Decision to allow for the change in use. This would allow for public participation during the public comment period that is required after the proposed plan is issued.

The zoning designations are guidance that the city works with the developer on any proposed development. The Institutional Controls on the Idaho Pole property are enforceable and take precedent over a zoning designation.

The Institutional Controls were lifted to allow residential use on properties north of Interstate-90 because these properties are not in the original area of surface soil contamination (i.e., the surface soils are not contaminated, only the groundwater is contaminated.)

The last thing discussed at the last meeting were future liability considerations.

Institutional Controls:

Institutional Controls- are you aware of any instances where EPA institutional controls fail?

- Residential properties sometimes require investigation and remediation at Superfund sites. The EPA requires property owner approval to sample or remediate and property owners do not always allow access.
- If a property owner does not allow access, a notification is filed with the county clerk's office for any potential buyer.

When Institutional Controls are put in place, they are evaluated every five years and can be modified based on review recommendations.

Some success story examples include:

- The Mouat Industries site was able to be modified to allow for use. The Town of Columbus modified ICS that allowed for a public works facility at the site. The EPA and DEQ worked

with the city to ensure ICs were protective of human health. A portion of the property is used a parking lot to cap the repository.

- At the Idaho Pole site on the third, five year review in 2010 the Institutional Controls were modified to put an enforceable deed restriction based on information that came out of the Five-Year Review. It was the same situation for the Somers Former Tie Treating Plant site. That Five-Year Review also recommended a controlled groundwater area revision based on revising boundaries which was modified in 2018. The Somers site is also in the process of moving forward with the state purchasing a portion along the lake to create a state park.

What could Institutional Control failure look like for the Idaho Pole?

- Spreading of the treated soils outside of the 4.5-acre boundary. As part of any development, the treated soils area will need to be monitored and protected to ensure that treated soils are not impacted.
- The EPA and/or DEQ will oversee the construction project, or an EPA on-scene coordinator, during any type of redevelopment that involves the disturbance of soils to ensure that the treated soils area is not impacted.
- Construction would also need to implement best management practices that includes signage on where to drive, additional cap material such as road base and/or fencing. Until a redeveloper comes forward with a proposal, the EPA and DEQ do not have the specific best management practices that should be in place, that will depend on construction and site use.

Questions:

- How do we get copies of the groundwater report on the property outside of the city?
 - o The 2019 annual report and groundwater report is on the EPA website at: <https://semspub.epa.gov/src/document/08/100008841>
 - o Follow up question: If we had trouble accessing the information we wanted, who would we contact?
 - Roger Hoogerheide: Hoogerheide.Roger@epa.gov, 406-457-5031
- Are there properties that would not allow you access for cleanup or evaluation? Do you have a list of those properties?
 - o Everyone of the property owners has allowed access for sampling.
- What is your involvement when a development plan is submitted to the city of county?
When are DEQ and EPA brought into the development process?
 - o EPA and the DEQ have open dialogue with the City of Bozeman. The city would likely receive the first submittal and there are going to be things that they will require separate from EPA and the DEQ. As part of their process, the EPA and DEQ will also review.
 - o The City of Bozeman Public Works Director confirmed on the meeting that they would review and then consult with EPA and the DEQ.
- What is the amount of time (days and hours) allowed for EPA to be onsite when development is happening?
 - o There is not a restricted amount. The EPA and DEQ can work beyond an 8-hour day, if needed, and will be compensated in time to use at a later date. An on-scene coordinator can also go beyond their normal working day, if needed, and would be paid.
 - o Follow up: How hands-on is the EPA when the development starts and are you able to stop it, if needed?

- The EPA on-scene coordinator, or DEQ project officer or EPA project manager can stop the work if the construction is compromising human health and the environment. There will be oversight including weekly construction meetings. The Primary Responsible Party will also likely have a presence as it is in their best interest to not spread contamination.
- Outside of the area of known soil impacts, has there been enough soil sampling to determine that development will not spread the contaminations, and at what depths were the samples taken? If they were not sampled, what was the rationale behind that decision?
 - Samples that were taken as part of the Remedial Investigation in the early 90's did a fairly extensive evaluation of nature and intent and drove the cleanup plan. The recently collected samples were evaluated at a depth of 1-12 inches based on current land use and it was an appropriate sample depth based on the direction that was provided. That is insufficient depth for any redevelopment, therefore it's likely that new soil samples will be required.
 - Follow up question: Who will manage the protocol for sampling?
 - The EPA and DEQ.
- What is your preferred surface use in the area of contaminated soils? I.e. parking lot, building etc. or vegetated area? If vegetated, is it better to fence it off or leave it as open space? I'm thinking of what is best for 100 years from now when people may not know about the contamination. How does this information get transferred beyond our lifetime?
 - Plant the site in native wildflowers to allow for the migration for Monarch butterflies, Roger suggests personally. If there is a developer, the EPA thinks a parking lot would be the most appropriate use. A grassy cover is probably not an appropriate use if that grass required irrigation. Paving would be the best option. Perhaps a marker notifying the public of the history could be beneficial.
- Re failure, you mentioned the 100 year flood plain and the possibility of treated soils area being disturbed by floods. The area between road and freeway is flood area.
 - The City of Bozeman answered that to their recollection it does not extend south of Cedar Street. All of the maps of the 100 and 500 year flood plains are on the City's Infrastructure Viewer and GIS Mapping at: <https://gisweb.bozeman.net/Html5Viewer/?viewer=floodplain>
 - EPA would have to do additional research and check the recent maps on whether a portion of the Treated Soils are within the 100 year floodplain.
 - Follow-up question: There was mention of a possible water main break on the last meeting?
 - This is hypothetical, but if the developer wanted to run utilities through the treated soils area they would need a fail safe method that should it break that water would not go through the treated soils area. The preference would be to run the utilities along Cedar Street.
 - Follow-up statement: Let the record show that this may be a concern for the area.
- Restrictions: I have the impression residential is not allowed on the first floor of a prospective building. Wouldn't all floors be appropriate? Kids might live on any residential floor. Where is residential appropriate?
 - At this point, given the cleanup level that was established in the Record of Decision, no residential use is allowed on that property. Should a redeveloper say that would like to develop the property and allow for residential they would be required to collect additional Additional samples need to be collected and DEQ and the EPA would rerun the risk assessment to see if residential use is allowable. The developer

- would be responsible for any remediation that is more stringent than what is required under the Record of Decision.
- Follow-up from City of Bozeman rep: Are you talking about specifically the 4.5 acres or whole acreage?
 - The EPA is looking at the full 40-acres. EPA would required sampling from any type of depth. For example, as part of redevelopment , roads will need to be constructed through the 40-acres, they would disturb the soil and would require sampling.
 - Does the surficial soil outside the soil treatment area meet EPA/DEQ residential soil quality standards right now?
 - The EPA can't speak to that because a risk assessment has not been run to determine what the appropriate cleanup level would be for residential. Since there is no number to compare the results to, we can't say it would or would not.
 - Follow-up question: If a developer wants to put in residential housing outside of the treated soil area and they encounter soil that exceeds the standards then they have to cleanup in order to meet those standards? The developer themselves would have to pay for that not the PRPs?
 - Yes, but if you encounter something above the industrial standards that may change the responsibility.
 - On the city's map the entire area between Cedar St. and the interstate is indicated as "Regulated Floodway." I'm not sure what that means? The structure and the treated soils area next to it (north of Cedar St) are indicated as within the 500-year floodplain. Actually all of the Treated Soils Area looks to be within the 500 year floodplain.
 - The regulated floodway has restrictions on what can be built there. Those restrictions defer to federal regulations. There are no FEMA regulations for 500 years, but are based on 100 year floodplain. You can find more information at: <https://www.fema.gov/glossary/floodway>
 - Would onsite workers be required to have Hazwoper (40 hour Hazardous Waste Operation) training to protect them?
 - Yes that is standard best management practices to train for contaminated soil. People who would need Hazwoper training would be people putting in foundations or utilities that would require trenching and disturbance of soils.

Five Year Review:

Five Year Review is required by law if waste is left in place. At the Idaho Pole site there is a treated soils area - this site requires it.

A Five Year Review was issued in September 2020 and the review determined that the site is protective of human health and the environment. The soil and groundwater remedies are working as intended and the Institutional Controls are in place.

In order to be protective in the long term, the following actions were identified:

- It was determined that there was no regular inspection of the treated soils site. Revise the operation and maintenance plan to identify an informal schedule to ensure Institutional Controls are in place and functioning as intended. If a developer were to come in, there would be a more formal schedule established.
 - Follow-up question: If there is development around the property, does it change your schedule of review?

- This type of monitoring is only for the treated soils area. Outside of the superfund boundaries, the EPA would need a heads up to have the public inform the EPA of the development happening outside of the boundary.
- As a result of turning off the pump and treat system, and a pilot study of adding a surfactant that allowed for release of contamination, the review showed there was an increase in concentrations in some of the downgradient wells on Idaho Pole property. There are no wells right at the boundary of the controlled groundwater area. The Five Year suggests installing some wells to monitor. The wells have been installed. Idaho Pole sampled them and the report came in yesterday showing that all wells are either non-detect or below the cleanup level. The wells will continue to be monitored and if there is an exceedance the EPA will work to address it.
- Follow-up: Did the dewatering that occurred impact the wells?
 - EPA looked at the report recently and would be interested to know where that dewatering occurred. If it was on the south side of the interstate it would be outside of the area that impacts the recently installed wells.
- Complete the focused feasibility study

Questions:

- Would you be willing to meet with the Northeast Neighborhood Association again?
 - Yes

Next Meeting: Cover the focused feasibility study and redevelopment questions. Send in questions in advance.

Left off on slide "Please explain why the soil remedy currently protects human health and the environment..."