

## **Appendix B**

### **Public Comments and Concerns**

#### **Anaconda Smelter NPL Site 2010 Five-Year Review**



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# Acronyms

ADLC	Anaconda-Deer Lodge County
ARLM	Atlantic Richfield Land Management
ALDC	Anaconda Local Development Corporation
CFWEP	Clark Fork Watershed Education Program
MDEQ	Montana Department of Environmental Quality
EAY	East Anaconda Yards
EPA	U.S. Environmental Protection Agency
IC	Institutional Control
NPL	National Priorities List
NRD	Natural Resource Damage
OCPA	Opportunity Citizens Protective Association
O&M	Operation and Maintenance
OU	Operable Unit
RDU	Remedial Design Unit
ROD	Record of Decision
UAO	Unilateral Administrative Order
WMA	Waste Management Area

# Section 1 Introduction

This appendix summarizes the process used to obtain community input for the Anaconda Smelter NPL Site 2010 Five-Year Review and provides a summary of all comments received during this process. The comments/concerns received cover a wide array of subjects and the Agencies have carefully considered all issues raised during the public interviews. Those comments that relate to remedial decisions the Agencies have made or will make regarding the functionality or protectiveness of the Selected Remedy for the Anaconda Smelter NPL Site are discussed in Section 4 of the 2010 Five-Year Review report. A summary of all the comments and concerns brought forth by the interviewees is provided herein.

## Section 2 Community Notification

Activities to involve the community in the five year review process were initiated with a kick-off meeting on April 7, 2010. The project team discussed the best ways of notifying the affected communities and of obtaining input from members of the public, regulatory agencies, and other entities. Postcards were sent to potential interviewees and display ads were placed in the local newspapers. The content of both ads followed the guidance and was approved by the Environmental Protection Agency (EPA) prior to placement. The first ad announced the start of the five-year review process and ran in the Anaconda Leader on April 16, 2010. The second ad will announce the completion of the five-year review process.

## Section 3 Obtaining Input

A number of interviews were planned with persons identified by the project team. As suggested in the guidance, potential interviewees included members of the general public, site neighbors, members of special interest groups, representatives of local government, and oversight personnel. Interviewees were called and asked to participate in the interviews. Individuals listed in Table 1 were called and asked to participate in the interviews. They were sent a list of questions via mail or email. Those questions were based on examples provided in the guidance. They were modified slightly to relate to the specific OU or OUs being discussed. All interviewees were asked the same basic questions and other questions were asked of individuals with specific knowledge about Site activities.

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Interviews were conducted with 25 individuals between May 2 and May 27, 2010. In addition to the face-to-face interviews, three people elected to provide the interview team with written comments, either via email or direct mail. A number of local residents were interviewed in February and March for the Silver Bow Creek five-year review. To the extent that their remarks were relevant for the Anaconda Smelter Site, their comments are also included. The interviewees are identified in Section 4 of the 2010 Five-Year Review report.

## Section 4 Community Interviews

To develop a five-year review that reflects community interests and concerns, EPA depends heavily on information obtained during community interviews. Most interviews took about two hours. While the interviews are considered confidential, notes from every interview were shared with the interview team, and the team has worked to ensure that all ideas from the community have been incorporated into this document. This document generally avoids the use of quotes to protect confidentiality. When people are quoted, no interviewee names have been attributed to specific comments. To further protect privacy, most personal information has been removed from the comments.

All of the interviews were conducted in groups. Interviewees were contacted several weeks in advance. Individuals known to be interested or actively involved in the site were encouraged to invite other participants to the meeting. Contacts included the Arrowhead TAG, Anaconda Project Facilitators, Anaconda Local Development Corporation (ALDC), Anaconda Chamber of Commerce, Anaconda Main Street Program, realtors, bankers, title companies, builders association, Opportunity Citizens Protective Association (OCPA), sportsmen groups, Ducks Unlimited, Golf Course Authority Board, Clark Fork Watershed Education Program (CFWEP), Natural Resource Damage (NRD), Garden Club, Tree Committee, Planning Board, Greenway, high school students, and Anaconda Deer Lodge County (ADLC) staff and commission.



# Section 5 Community Interview Questions

People participating in the interviews were told that the interviews were being conducted so EPA could get feedback to determine community interests. They were told that the information gathered would be used to address concerns and to assess methods that would best fit the needs and wishes of the community.

For ease of reading, comments have been sorted into similar categories (e.g., positive or negative). However, some comments may overlap a category. A summary of the results is shown in Table 2. Because this information was derived from conversations with interviewees, rather than from detailed written surveys, the numeric summaries are somewhat subjective and do not represent precise measurements.

The interview team asked each group nine questions:

1. Do you have any specific concerns about the cleanup?
  - a. Atlantic Richfield Land Management Areas
  - b. Old Works - (East Anaconda Yards, Golf Course, Industrial Area, Mill Creek, Red Sands)
  - c. Smelter Hill/Slag (left in place to be developed as a commercial resource)
  - d. Upland Areas
2. Do you believe that the remedy is working?
3. Do you think that the remedy is protective?
4. Anaconda Deer Lodge County is working on Institutional Controls as part of the site remedy. Are there any issues or ideas about Institutional Controls that you'd like to ask or talk about?
5. Are you aware of any new information that would affect the protectiveness of the remedy?
6. Do you have any concerns about future land use? Other ideas about redevelopment?
7. What do you think about portions of the site being deleted from the NPL?
8. Would you like to review the five-year review?
9. Anything else you'd like to add?

Every effort was made to accurately summarize responses from interviewees. However, no judgments were made as to whether or not statements made by interviewees were factual. In many instances, the statements indicated that they did not have an accurate understanding of the issue they were commenting on. Some interviewee comments indicate that follow up may be needed.

# Section 6 Community Interview Responses

## 6.1 Concerns about Cleanup

The interview team specifically mentioned the Atlantic Richfield Land Management Areas (ARLM), Old Works, Smelter Hill/Slag and the Upland Areas. The interview team also told all participants that Community Soils is being addressed in a separate public process. EPA will be revisiting Community Soils in 2010. A new clean-up plan will be implanted in 2011. EPA is currently in the decision-making process, looking at different alternatives. There will be a focus feasibility study and a public process to review the proposed plan, and then the ROD Modification. As a result, there will be work plans in which EPA will again look at yards and attics.

A couple of people brought up concerns about the Dutchman area. Dutchman does not fall under any of the areas that the interview team mentioned. Issues related to the Dutchman area will be addressed in a ROD modification later this year. A public comment period for the ROD Modification addressing the Dutchman area was conducted in late 2009/early 2010. A new subcategory was added under question one (Section 4.4.2.1.5) dedicated to community concerns with the Dutchman area.

A few people mentioned the West Valley Rail Line. While this did not fall under any of the areas that the interview team mentioned, these issues are addressed in the technical section of this document. A new subcategory was added under question one (Section 4.4.2.1.6) dedicated to community concerns with the West Valley Rail Line.

Most of the interviewees mentioned Anaconda's loss of the Veterans Home and Bi-Mart at one point or another. Overall, the citizens were concerned with the stigma attached to being a Superfund site and how to address the issues related to redevelopment. Most of this is discussed under Section 4.4.2.6 Concerns about Future Land Use or Redevelopment.

A few people in the course of talking about these unsuccessful attempts at redevelopment mentioned that some areas still had piles of dirt or rocks that the citizens thought should have been completely cleaned already. These individuals felt that, *"the job was not finished."* After the community interviews, site tours were conducted with EPA, DEQ, Atlantic Richfield, Deer Lodge County, and any interested individuals to visit the areas mentioned. In every case, according to the Atlantic Richfield representative, the piles were kept for reclamation projects and will eventually be removed.

### 6.1.1 Opportunity Ponds Waste Management Area

Of the people interviewed, 45 percent had concerns with the Waste Management Area (WMA), formerly known as the Opportunity Ponds, which is part of the Atlantic Richfield Land Management Area (ARLM). Many people mentioned problems with dust, and Section 4.4.2.9 discusses wind and dust events more specifically.

Almost 20 percent of the interviewees were concerned about cows on the ARLM. They mentioned that this “Industrial” land should be taxed appropriately, and not taxed as “Agricultural” land.

Several people mentioned vegetation. Concerns included introducing vegetation that is aesthetically pleasing, that is not a monoculture, having good enough vegetation to create a game preserve, and that there is enough vegetation (30 percent cover is required by EPA). Two people disagreed with EPA’s standard of 30 percent cover, noting that, “*The State of Montana requires a 70 percent cover.*” A couple of people were concerned that a grass fire in the area could spread quickly. These people wanted the Opportunity Fire Department to have their own keys to the ARLM areas. Several interviewees mentioned trees and/or weeds. There were enough comments - and comments beyond the ARLM - that trees and weeds are addressed separately in Section 4.4.2.9.

A few people referred to the Plant Water Retention Basins as “*mini-wetlands.*” These people were concerned with insects such as mosquitoes, specifically the issues of taxing landowners for mosquito control and the possibility of introducing West Nile Virus. Another concern with these “wetlands” was that the habitat created would lead to bird strikes at the airport or animals encroaching on the runways or highways. One group was concerned that this remedy was not working as intended (“*infiltration greater than 10 percent won’t work*”) and should be revisited. This person suggested that the tailings should be drilled so that the materials within the ponds can be characterized (e.g., ground water/surface water management system). Another concern was that the community doesn’t know how many gallons the treatment system can handle.

A few people had concerns with monitoring wells. Questions included are there enough wells, are the wells in the appropriate places, and are they tested often enough. More than one person cited a presentation at Trout Unlimited by FWP that indicated a drop in fish at the mouth of Warm Springs Ponds. A few people said that they would like to see the data. Charlie Coleman noted that the ROD Modification would address many of these water issues, and that this will also be subject to a five-year review where community input is always highly valued.

Some people had concerns with arsenic. Specifically, people were concerned that the drain tiles would quit functioning and that arsenic might get into the wells or that the plume might spread toward Opportunity. Another concern was that Mill Creek uses flood irrigation, and the water there may be contaminated, possibly effecting human health or crops. A few people noted that it had been years since there was high water or a flood event, and that the capture system may not be adequate. A number of people felt like the acceptable level for arsenic in the area was too high.

A few people mentioned the need for a good potable water and sewer system. One person said that he was concerned that the plume of heavy metals was coming toward them and would ruin their wells. Another person in this group noted that in the current situation many septic tanks were right next to wells. A third person in the group said, “*We don’t know if we’re drinking bad water. There’s so much cancer; we don’t*

*need no more."*

There were a few complaints about tailings. One complaint was about tailings left in the horse pasture on the frontage road by the railroad tracks. This person noted that from Stewart Street, one could not see Opportunity. He said that Opportunity residents did not like this. Another person noted that a cinder path used to run along the south side of Stewart Street, and was concerned about potential contaminants.

Numerous people mentioned ATV use. This concern affects most areas of the Site and will be addressed separately in herein.

A few people mentioned the need to preserve cultural or historic features. Since this was a broad concern that covers areas beyond ARLM, it is addressed separately herein.

One person mentioned that she was disappointed that, *"the agencies and PRPs made decisions without thinking of the ramifications or impacts to the community."* Specifically, she was concerned that *"the horse pastures owned by the Anaconda Company and once available to citizens in the Opportunity area were taken away by Arco in the mid-1990s."*

A few people said that they really disliked people saying *"Opportunity Ponds."* They believed that this term was a stigma to their community and asked to use the term ARLM.

## 6.1.2 Old Works

Of the people interviewed, 42 percent mentioned concerns with the Old Works area. The Old Works area includes East Anaconda Yards, the Golf Course, Industrial Area, Mill Creek, and Red Sands.

General concerns included ongoing O&M. For example, one person expressed concern that no-one had systematically walked the storm water system and that there had been flooding on Jackson Street. Another concern was that there was no dredging out of the storm water systems, and it was hard to tell where responsibility for this sort of maintenance lies. A few people are concerned that the area has not had any big storm or flood events since the area has been remediated.

Concerns with East Anaconda Yards included not enough sampling, work not being done quickly enough, and consistent cap depths from one parcel to the next. One person noted that there were incomplete covers so when there was storm water drainage, the water cut through and could spread the contamination. Another person pointed out that properties that are not properly remediated are pathways to exposure, whether it's via wind or people just walking by. This person mentioned the land that the hospital recently purchased from the railroad. Charlie Coleman noted that the land was not remediated when it was railroad property, but when the land becomes *"Adjacent to Railroad,"* it will be an immediate candidate for clean-up.

The golf course came up repeatedly. Concerns included slope stability issues, the cost to the county of maintaining the trail (particularly if there are failing slopes), the current lack of housing, and the preservation of historic or cultural features in the area. For example, Red Sands is nearby and might be exposing people to contaminants. The community initially wanted to keep the site for historic significance, but the access restrictions are not working. Children play in the area, potentially exposing themselves to arsenic, lead, and cadmium. Since historical or cultural significance was a broad concern that covers areas beyond Old Works, it is addressed separately herein.

Concerns with the industrial area included long-term O&M, and the need to re-visit sites for several years before agreeing to the remedy. In a recent rain storm, a ditch was eroded. Responsibility for repair was unclear to the community. The person that brought this up mentioned the need to have a maintenance schedule so that issues could be addressed before they became catastrophic. Another person mentioned the need to sample at depth in this area.

The former A-1 lumber parcels property came up many times. Specifically, residents would like to see more development such as housing around the A-1. One person mentioned that if there were at least seasonal housing, maintenance could be paid for by renters.

A few people brought up concerns with weeds. Weeds effect more than just the Old Works area and are covered separately herein.

### 6.1.3 Smelter Hill/Slag

Of the people interviewed, 54 percent mentioned Smelter Hill/Slag. More than 20 percent of the respondents discussed the slag in terms of a commercial resource. If the slag is not used as a commercial resource by 2012, it will be capped. The community is supportive of capping. If the resource is not developed prior to 2012, an interested party could remove the cap when/if there is an interest in using the slag.

A few people suggested that tourists might be interested in viewing the stack. Concerns were funding and exposure to contaminants.

Several people mentioned dust or wind. One issue that is unique to the slag pile is that numerous residents have reported damage to automobiles (*"marred paint, clogged air filters, and engine damage"*). Because the other wind and dust issues effect areas beyond Smelter Hill and the slag pile, they are addressed separately herein.

### 6.1.4 Upland Areas

Of the people interviewed, 29 percent mentioned Uplands. There were two primary concerns in the community.

The first concern is that some of the slopes are so steep, that vegetation will not take hold in the loose soil. Erosion is then a problem that affects other areas, as silt becomes an issue.

The second concern was that the county did not know how to address concerns from landowners. The county was unclear on the long-term plan, and was uncomfortable answering questions about human health and the environment. One county representative said, *“If they have a cow and they eat the cow are they going to get sick? I don’t know.”*

### 6.1.5 Dutchman Area

The Dutchman area was not specifically brought up by the interview team, yet a few interviewees mentioned concerns. One person was concerned with animals crossing the highway.

Written comments included a concern that while Dutchman has traditionally been an area heavily used by waterfowl, this use has decreased leading to a loss of recreational and hunting use. The writer thought that the decreased waterfowl use was due in part to increased habitat created by on the parcel surrounded by Highway 48, Highway 1 and Interstate 15. This is an area used to store waste and toxic materials and is currently inaccessible to the public.

### 6.1.6 West Valley Rail Line

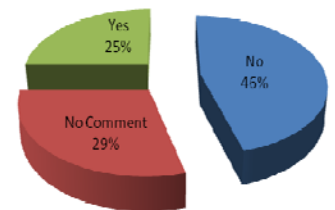
A few interviewees mentioned concerns with the West Valley Rail Line. The primary concern is that historically horses and ATVs have used the rail line, and that their continued use will damage the remedy.

## 6.2 Remedy is Working

Question 2 was intended to determine if community members thought the remedy was working. In reality, with two-hour interviews scheduled with a variety of groups, this question was often not addressed. People came to the interviews with their own concerns and/or talked extensively about some of issues identified in other questions. When a question was left unaddressed, groups were asked if they would like to reschedule for additional speaking time, but none selected that option. Hence, 29 percent of the interviewees had no comment.

Those that thought the remedy was not working cited several reasons. The reasons included erosion issues, piles of materials left on the Site, attic dust, *“surprises”* when trying to encourage redevelopment, and inadequate caps. Each of these concerns will be described in more detail in this section, as well as addressed in the technical section.

Do you believe the remedy is working?



## 6.3 Remedy Is Protective

Question 3 was intended to determine if community members thought the remedy was protective. Of the people that responded to the question, almost everyone thought that the remedy was protective. However, many people did not have time to respond to the question, and elected not to meet, write or call with additional comments.

Those people that did comment noted that EPA seemed much more progressive and inclusive in the last few years. As one person noted, *"It's really nice to involve the county, not just EPA and Arco."* A few people mentioned that the loss of the Veterans Home was more of a *"perception or a political twist"* than an actual contamination issue with the property.

Two people thought the remedy was not protective. They cited the *"vague ROD"* and listed attic dust and wind-blown contaminants as a concern. The ROD will be revisited and address these issues in 2010.

## 6.4 Institutional Controls (ICs)

There were dozens of comments on ICs. Most (85 percent of the people that chose to comment) believed that ICs were in place and were working well. Fifteen percent of the people who responded had concerns with O&M issues.

One interview summed up the feelings of the majority when he said, *"When you live in it your whole life, you don't think of it as contaminated soil. But now, we know to call, and we get a prompt response. The program works slick."*

Another person reminded those at the largest group meeting (12 attendees), *"We have a link off [www.anaconda-deerlodge.mt.gov](http://www.anaconda-deerlodge.mt.gov) page, you can look up your property, and see what's been done."*

A person from the county reported that the first year of the Development Permit System (DPS), 12 people applied for permits; the second year there were 120 permits issued; and in 2010, the county expected to issue 200 permits. Many interviewees noted that it appeared contaminated materials had been hauled all over the county. While these people thought ICs were currently very effective, they were concerned that the ICs would continue to be effective and funded for the long-term.

One person mentioned that a drought year may affect remediation efforts. While this interviewee noted that dilution is the solution in normal years, there may be greater pressure in the long run.

More than one person mentioned the contractors training as a plus, and effective for the community. One of these people said, *"The Veterans Home was a wake-up call for this community. Now contractors take this as the norm."*

Another person said that they weren't concerned with educating big developers. They were much more concerned about reaching the average citizen. This person believes

that most people will just ignore any regulations or permits, figuring that *“this isn’t really going to hurt me.”*

One person wrote in with concerns about ICs. Below is a synopsis of his comments:

- Institutional controls do not meet the Superfund mandate of really cleaning up a site. To clean up means to make free of contamination.
- Institutional controls are not permanent remedies. Rather, institutional controls permanently leave pollutants in place.
- Institutional controls do nothing to reduce the toxicity of the hazardous materials. Lead, arsenic, mercury, and cadmium don’t naturally attenuate over time, but keep their toxicity indefinitely.
- Institutional controls are designed, implemented and monitored poorly.
- Institutional controls have inherent enforcement problems.
- Institutional controls have severe legal problems that work against effective reduction of the threats to human health and the environment posed by toxic materials.
- Institutional controls are ineffective.
- Institutional controls for a Superfund site are usually the result of a defective process that limits public participation and which leads to a haphazard development of institutional controls for a particular site.
- Institutional controls are poorly understood and poorly defined.

EPA has noted all concerns. As appropriate, they will be addressed in the technical section of this five-year review.

## **6.5 New information about Protectiveness of the Remedy**

Several people noted that while it was once believed that aerial dispersion was the primary cause of contamination, it is now known that community members historically used contaminated material as fill. People mentioned sidewalks, railroad spurs, and roads built in the 1930s have slag or tailings underneath. One person suggested looking at historic maps and photographs to identify areas of particular concern. This person wanted samples taken closer together.

Many people mentioned that access controls are not working. These comments are included separately herein.

One person mentioned the one hundred year flood, as it relates to the storm water drain system and Warm Springs Creek. Part of the EPA, DEQ, Atlantic Richfield, ADLC site tour includes looking at the lower works area. Another interviewee in this group noted that people ride motorbikes in this area.

## **6.6 Concerns about Future Land Use or Redevelopment**

Redevelopment is a big issue for residents and almost everyone interviewed had several comments. Most of the interviewees mentioned Bi-Mart and/or the Veterans Home as two recently failed attempts at redevelopment. One person in a large group interview was very enthused about the new Education Center and noted the benefits



of being seen from the highway. More than one person said that while local people will take the risk of building on formerly contaminated land (for example the bank, and CCCS, Northwest Energy), it is much harder to convince others to take that risk, including many state and federal agencies. These interviewees listed recent struggles with the Department of Commerce, Economic Development Administration (EDA), and USDA.

People mentioned the need for paperwork/ data that tracks the history of a parcel. More than one person noted the value of GIS in reviewing the history of various parcels. While ICs are now in place, one representative of the county said, “there needs to be more resources to implement the ICs.”

Several people noted that while other communities have lead pipes, radon, asbestos, or other issues, they don’t seem to suffer with the stigma that Superfund sites have. Discussions about deleting portions of the site may address some of the issues and are discussed below.

Many people noted that reclamation costs should not be the burden of the developer. One person suggested a tax break for developers.

A few people mentioned the need for contractor training. One person noted that more than 30 people came to the training last year. A few people mentioned that contractors should all be HAZWOPER certified to work in the area.

One person noted the importance of not rushing the process. She said, “Sometimes we overlook things because we are so hungry for development.”

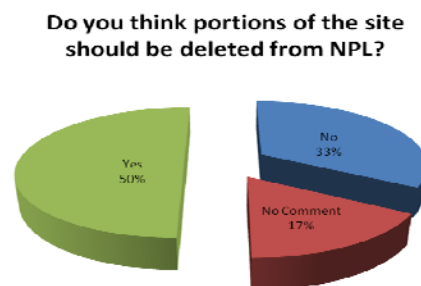
Most interviewees mentioned their dislike of fences. One person suggested growing grain on the Opportunity Ponds area for a bio-fuels company. He said that not only would it address redevelopment issues, but also noted that more of Anaconda’s water should stay in Anaconda.

## 6.7 Delete Portions of the Site from the NPL

Half of the interviewees thought that portions of the site should be deleted from the NPL. The interviewees that supported deleting portions of the site, thought it would help the community with development.

Those that believed the site should not be deleted from the NPL (about one third of the interviewees) were also primarily concerned with redevelopment. These interviewees just didn’t think that deletion would help significantly.

Almost 20 percent of the interviewees didn’t respond to the question. In a two-hour group interview, it is possible that many community members hadn’t



previously thought of deleting the site from the NPL and/or were not yet certain of the implications. This topic should not be dropped, but revisited.

## **6.8 Receive the five-year review**

Most (almost 85 percent) of the interviewees requested a copy of the five-year review document. The only people that did not want to see the document did not have access to email or trusted others in the community to inform them. Several people mentioned that they were thankful that EPA seemed to be more available to community members and to seriously consider all comments.

## **6.9 Anything else you'd like to add?**

Most of the interviewees had additional comments. These comments are summarized under the following subcategories (followed by percentage of interviewees that mentioned the subcategory):

- trees (46 percent)
- trails (17 percent)
- access control issues (54 percent)
- dust/wind (58 percent)
- weeds (25 percent)
- depth of caps (25 percent)
- samples (25 percent)
- deed restrictions (46 percent)
- beetle kill (8 percent)
- preserving historic features (21 percent)
- site extent (less than 1 percent recommend expanding)

### **6.9.1 Trees**

Almost half of the interviewees mentioned the need for trees in the area. Everyone that mentioned trees liked the fact that some trees were already planted and wanted more trees. One man specifically mentioned wanting more fruit trees, primarily for habitat and aesthetics. People cited numerous reasons for wanting trees including habitat, protection from erosion, an aesthetically pleasing landscape, a wind barrier, a visual barrier, a place for organics to collect, and bringing back the historic character of the town.

A number of people mentioned the issue of having to break through caps to plant trees. The county has ICs in place and will sample, take out any contaminated soil, and bring in new soil free of charge.

### **6.9.2 Trails**

Almost 20 percent of the people mentioned trails in the course of the interview. While everyone that mentioned the trails liked the trails, maintenance was a concern to some. Maintenance issues included cracking asphalt, weeds, and erosion from the hills above the trails.

Some people wanted to see trails in areas that did not yet have trails. Charlie Coleman mentioned that the county is developing a Master Trail Plan, and suggested that people take such concerns to the county.

### 6.9.3 Access Control Issues

More than half of the people interviewed mentioned access control issues. There were reports of trespass on nearly every portion of the Site, primarily with dirt bikes, ATVs and sometimes horses. None of the interviewees liked fencing or signs. One person said that if any fences had to be put up, the fences should be wildlife-friendly. Several people noted that children, in particular, ignore all signs and fences. One of the interviewees even went so far as to say, *"Fences are like a challenge. They want to get in even more than if it weren't fenced."*

One interviewee suggested putting in some sort of control that would make features unattractive to dirt bike riding. Another interviewee suggested fines for trespassing. One person suggested an educational program for 10 to 14-year-olds to tell young people about the redevelopment goals of the community and the potential exposure issues. A few people suggested creating areas where children can ride bikes and play, including a trail system from town to the motocross trails.

### 6.9.4 Dust/Wind

Almost 60 percent of the interviewees mentioned dust or wind issues. The bulk of these concerns centered on the Opportunity Ponds area, but there were many general concerns as well. All interviewees agreed that the dust situation had greatly improved over the last five years, but many said that there was still room for improvement, given the recent high wind and dust event in early May.

At each interview, Wendy Thomi handed out a letter addressed to Charlie Coleman, EPA, from Atlantic Richfield, dated May 12, 2010 signed by Shannon Dunlap, Construction Manager, RE: High Winds and Dust on May 3, 2010. The letter basically described how Atlantic Richfield will address dust control in West Galen, RDU 7 - North of Warm Springs Creek, RDU 8 - Opportunity Ponds B1 Cells, RDU 8 - Opportunity D2 Cells, RDU 8 - Opportunity Ponds C1 Cells. The methods identified in the letter included land management, polymer, magnesium chloride, water, and re-vegetation.

A few people noted that while ARLM had come a long way in the last few years, they did not stop work during the high wind event. These people suggested greater guidance for people working the ARLM area. Charlie Coleman noted that community members can call Ken Brockman (BOR), Jim Kuipers or David Dobrinen. Brockman has the authority to shut everything down, but may not see everything the community members see. One interviewee said, *"I was with Ken a couple weeks ago when he got a call. I was very impressed with how quickly he could button things down!"*

Several interviewees noted that ATVs exacerbated the problem by tearing up vegetation and loosening soil. Concerns about wind and dust from the community included blowing contaminants killing vegetation, low visibility, damage to

automobiles and homes, potential threat to human health, and potential threat to aquatic health.

One person mentioned the lack of medical monitoring, not exclusively as it related to dust. She was concerned about the overall health and safety of residents.

### 6.9.5 Weeds

Almost 40 percent of the interviewees mentioned problems with weeds. One person mentioned seeing knapweed near the golf course. Another person said that the Brundy Creek bottom is full of Canadian Thistle and knapweed. A third person said that Kochia is a known pest and is in the seed mix used by Arco. This person also noted that the county is using expensive double- or triple-strength herbicides to kill weeds and suggested that EPA talk to the weed board.

### 6.9.6 Depth of Caps

One quarter of the people interviewed mentioned problems with depth of caps. Several people were concerned with areas that were capped to two inches, pointing out that one may not see contamination at that depth and it is fairly easy to expose more than two inches of soil. These community members wanted yards sampled to 18 inches. One person noted that the depth of caps can be inconsistent in a given area. Charlie Coleman noted that the original assumption was that contamination was from aerial contamination and this is now known to be incorrect. Coleman said that contamination at depth in yards is part of the ROD modification effort. This issue will be revisited. The ROD modification will likely include lead, interior dust, and contamination at depth.

### 6.9.7 Samples

One quarter of the people interviewed mentioned problems with depth of samples. Arsenic at depth will be an issue that is revisited during the ROD modification.

More than one person did not understand soil sampling of yards in the area. These people thought that soils were mixed. Actually, sample results list a mathematical composite. This is an educational issue.

Two people suggested that EPA sample more than 18 inches if a property was known to be contaminated. One person was not concerned that properties were capped greater than 18 inches, but just wanted to know where the contaminants were. This person also wanted confirmation sampling on remediated properties.

One person reported that the sampling crew needs to communicate better with residents. He wanted to be at his home when his yard was sampled, so that he could show the crew his areas of concern. He does not have confidence in the results of his sample because he is not sure where the sample was taken. Charlie Coleman noted that this should not be the norm, and that this issue would be addressed.

### 6.9.8 Deed Restrictions

Almost half of the interviewees had concerns with deed restrictions. Comments included Atlantic Richfield's covenants are too onerous, even other federal agencies made it a challenge to work on Superfund sites, and *"alarming deed restrictions on titles are red flags scared away developers."*

One person noted that no-one enforced the restrictions. This person reported that the district judge said the owner had to enforce restrictions and since Atlantic Richfield did not enforce the restriction, there is a new commercial building in town.

EPA has noted that covenants may not be an effective IC. There will have to be other mechanisms to communicate restrictions to the property, perhaps via the permit system.

### 6.9.9 Beetle Kill

Almost one tenth of the interviewees were concerned with pine bark beetle killing trees in the area. There were two primary concerns. The first concern was that the area was losing oxygen with the loss of trees, and there needed to be more reclamation and tree planting, particularly on Stucky Ridge.

The second concern was multi-faceted. The loss of trees would not only contribute to erosion, but there could be contamination, formerly underground, exposed when the trees tipped over. One can also generally find higher levels of arsenic in these areas because when the wind slows down in the trees, it can drop contaminants. These people were concerned that *"when that goes, it's really going to go!"*

### 6.9.10 Preserving Historic Features

Almost one quarter of the interviewees mentioned historic or cultural features. While a few people thought that history and/or culture should be preserved almost at any cost, they were in the minority. They pointed to heritage and tourism, as reasons to preserve areas and/or artifacts. One finally admitted that artifacts must be weighed against human health and safety, and another conceded that *"we would have to keep school children out of the area."*

One person said that he would be happy to work with the State Historic Preservation Officer to document artifacts and/or make plaques. It is a recommendation of the five-year review that EPA work with OCPA to identify resources to protect historic artifacts. At a minimum, those resources could be used to write a report documenting the artifacts for the county and for schools.

Representative comments from those opposed to keeping historic or cultural features included:

- *"If there is an issue of contamination, clean up the area. That should be the highest priority."*
- *"If we can save a little, great – but too much has been left and it should be clean, even if it means it all has to go."*

- *“There are serious erosion issues caused by ATVs in the historic areas that we left at Old Works.”*
- *“If these historic areas were removed and there were less contamination, maybe we could build on the golf course.”*
- *“Let’s blow up the stack, it makes this place look like Love Canal and that’s a problem for redevelopment.”*
- *“You call RTI and document it or whatever, but the highest priority is to clean this up.”*

### 6.9.11 Site Extent

Several interviewees had comments concerning the extent of the site. Most comments related to the extent of the current site, the confusion of knowing who was responsible for what, and concerns with communication across OU or RDU boundaries.

One person suggested a holistic approach to sharing resources and lessons learned. For example, there are many resources that could be shared, including, but not limited to: public outreach, best practices, forms for tracking information, informational packets, educational materials, and tools for communicating with the public (e.g., such as mapping websites). There are undoubtedly other areas in which resources could be shared, knowledge gained, and overall costs reduced by sharing information and resources.

Two people mentioned areas of contamination that have not been previously identified. For example, the railroad bed goes all the way to Georgetown. Tailings go all the way up Warm Springs Creek all the way to the campground. These areas are not currently under EPA’s purview. The areas would have to be investigated to see if Atlantic Richfield – or who – may have a connection to them.

**Table 1**

**Interviewees for the 2010 Anaconda Smelter NPL Site Five-Year Review**

Name	Affiliation
Barbara Andreozzi	Street Tree Project – Montana State University (MSU) Extension Services
Alan Badar	Citizen
Katherine Basirico	Anaconda Environmental Education Institute (AEEI)
Rosemary Carrigan	Anaconda Garden Club
Connie Ternes Daniels	Anaconda Deer Lodge County (ADLC) Planning Director
Jim Davison	Arrowhead Foundation – Anaconda's Technical Assistance Grant (TAG) Group
Terry Galle	Anaconda Local Development Corporation (ALDC) Planning Board
Debra Gorman-Badar	Chair Anaconda ADLC Planning Board
Becky Guay	ADLC CEO
Jim Kuipers	ADLC Superfund Consultant, Kuipers & Assoc.
Pete Lorello	ADLC Commissioners
Milo Manning	AEEI, Chairman of Greenway Service District, Arrowhead Superfund PR contract
Bob Meredith	Southwest Montana Community Federal Credit Union
Skip Meyer	VP Opportunity Citizens Protective Association (OCPA)
Joan Morris	Garden Club
Serge Myers	OCPA
George Niland	OCPA, Clark Fork River Technical Assistance Committee (CFRTAC)
Carl Nyman	County Consultant
Rose Nyman	ADLC Commissioner
Robert Pierce	ADLC Commissioner
Dr. John W. Ray	Montana Tech Professor (written comments)
Penny Ryan	Citizen (written comments)
Chuck Stokke	Citizen (written comments)
Mark Sweeney	ADLC Commission, Arrowhead
Lorry Thomas	Anaconda Sportsmen
Neal Warner	ADLC Commissioner
Jim Yeoman	Private Businessman, Arrowhead Member

**Table 2**  
**Summary of Responses to Interview Topics**  
**2010 Anaconda Smelter NPL Site Five-Year Review**

Topic	Summary
Concerns with site*	Concerns included Opportunity Ponds area (45%), Old Works (42%), Smelter Hill/Slag (54%), and Uplands (29%). A few mentioned Dutchman and West Valley.
Remedy is working	25% Yes, 46% No, 29% No Comment
Remedy is protective	Many people did not respond to the question. Of the interviewees that did respond, all felt that the remedy was protective.
Issues with ICs	Of the interviewees that responded to the question, 85% felt ICs/permits were working, 15% were concerned with ongoing O&M.
New information*	Comments included method of contamination, access controls not working, concerns with 100 year flood.
Concerns about future Landuse/Redevelopment*	Many respondents mentioned Bi-Mart or the Veterans Home as indicators of work needed for redevelopment.
Delete portions of site from NPL	50% Yes, 33% No, 17% No Comment
Would like DRAFT	83% Yes, 17% No
Anything else*	Comments included need more trees, like trails, access control issues, problems with dust/wind, weeds, depth of caps, samples, deed restrictions, beetle kill, preserving historic features (or not), and the extent of the site.

*\*Interviewees could provide more than one response to this topic*