

**SPECIAL MEETING MINUTES  
THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS  
FOR APRIL 10, 2019**

**ROLL CALL**

In attendance: Brendan McDonough, Shawn Fredrickson, Josh O'Neill, Eric Mankins, John Morgan, Michele Shea, Dan Olsen, Bill Andersen, Dan Callahan, Cindi Shaw and John Sorich

Also, in attendance: Dave Palmer, Eileen Joyce, Danette Gleason, Jason Parish, Colleen Safratowich and Jennifer Bradford.

**PRAYER AND PLEDGE**

Led by Commissioner McDonough

**PUBLIC COMMENT ON ANY TIEMS ON THE CONSENT AGENDA**

Joe Griffin- 1121 W. Diamond

- To sign decent decree or not?
- Has been working with the Superfund since 1990
- Has been Project Manager for DEQ since 2004 for Butte Priority Soils.
- Proposed Plan that is before you tonight represent a lot of work by a lot of very skilled people.
- Suggest on your staff members that have guided BSB through this.
- Understand the very complex details
- Offer services for questions in understanding the complexity of this decree.

Bill McGregor-423 N. Excelsior

- VP CTEC
- CTEC was founded when prior Chief Executive Don Peoples was being flooded with highly technical documents
- He asked for a group of citizens that were highly trained to help him out
- Most complex set of documents that you will face in many years
- CTEC is here to support independent technical advisors.
- Contact us when you have questions, here to help.



*Chief Executive Dave Palmer has called a Special Meeting of the Butte-Silver Bow Council of Commissioners for April 10, 2019 at 7:30 p.m. in the Butte-Silver Bow Council Chambers, Room 312, Courthouse Building for the following purpose to wit:*

1. COMMUNICATION NO. 19-153

Nikia Greene, US EPA Region 8 Montana Office Remedial Project Manager requesting Council of Commissioners allow time on the April 10, 2019 agenda for a presentation about the BPSOU Proposed Plan for a Record of Decision Amendment.

Chief Executive Palmer

- Were asked to present this information before presenting it to the Public.
- Lots of information to absorb, will answer any questions
- 60-day period for public comment starting tomorrow
- Two public meetings April 23 and May 23
- Meetings will be recorded
- BSB will be responding with written comments during this 60 day
- Eric will handle technical questions, Mollie will handle legal questions, Julia will handle public output/concerns and Karen will answer any questions regarding the health studies.
- Starting the beginning of next week, we will have an answer/question with the Commissioners at the beginning of each Regular meeting
- Staff is available at any time, to answer questions.

Commissioner Fredrickson

- Thanked Chief Executive Palmer & Nikia Greene for listening to his request to have the information presented to Commissioner first
- Also thanked the Superfund team for providing the information
- Question regarding the water standards waiver. Gong to ask for the waiver, do the work, and then test again and then expand the waiver?
- If it meets the standards does it go back to MT DEQ 7 standards?

Nikia Greene



- It will not go back, because it will never leave there
- The only upfront waiver is for Copper and Zinc during storm events
- The look at the other ones that could potentially could be waived would be looked at during construction and during that 9-12 yr. monitoring period.
- We are hopeful that we will not have to do that
- We need that monitoring time to be sure.

Commissioner Fredrickson

- Upstream contamination?
- Where is upstream Blacktail Creek is being contaminated?
- Is that why growth gulch is being extended?
- Is it further East in my district?

Nakia Greene

- We are talking about further East.
- Don't know why?
- EPA will be investigating that during the remedial investigation on Priority Soils

Commissioner Morgan

- Is there a process for waiving these waivers, to insure it is the right thing to do?

Nakia Greene

- EPA takes TI waivers very seriously
- There is a major process
- This process has been started since 2014
- Once you get to a point where DEQ and EPA can trust the model
- Goes through the process of review before it gets to this point

Commissioner Fisher

- The waiver for state standards to Federal standards, is that for just Butte Silver Bow Creek or is it going to be state wide?

Nakia Greene

- That TI zone that I showed just from East side to the West side?

Commissioner Fisher

- Has concerns, about the state having a different set of standards.
- When you reroute the creek around Slag Wall apparently that is going to go through our hot plant is now.
- Years ago, that was a manganese plant, when they knocked that down, they just knocked that stack into there.
- Is there a plan to alleviate any problems we might have with that?



Nakia Greene

- That needs to be we characterized
- Quite a bit of investigation on what is in there and how we clean it up.

Commissioner Andersen

- Figure 4 Abatement and the expansion area.
- These will be done by request; can you enlighten me on that

Nakia Green

- We know there is not a lot of historic mine dumps outside the residential areas.
- To have the availability of Gold Standard, Multipath program from county line to county line
- It's about education and getting the word out
- Now have the ability to call RMAP to have them come out and investigate and mediate the problem

Commissioner Fisher

- You mentioned that there was a benefit to catch basins to building a plant, I just don't see how that would work.

Nakia Green

- I didn't mean if I said it would work better, I think it would work just as good.
- The catch basins are working as a treatment facility, it's a passive treatment versus a chemical treatment.
- If you were to have a chemical facility, you would have to have both.
- It's a neutral thing
- The treatment facility would be as good as the basins

Commissioner Fisher

- Not being derogatory
- It seems that the reason we would use the catch basins versus a plant is cost, a plant would cost more than these catch basins.
- With the problems we are having with our storm water I am just afraid that if we have years like we have now, once these basins overflow, won't we be out of compliance.
- The compliance thing bothers me, and superfund is over for us, does that put Butte Silver Bow in a bad position?

Nikia Greene

- No, it doesn't.
- The cost is a neutral savings.



- It's not about the money
- If you see in the proposed plan the original record of decision, and that remedy cost of no treatment facility versus a treatment facility.
- You look at these basins and the cost difference may have been 1 million dollars.

Commissioner McDonough

- Question I get is are we or are we not going to have a Silver Bow Creek
- I see here that Blacktail Creek looks very well defined
- Could you tell us how this plan dovetails into Silver Bow Creek and if they are planning to have it included in the plans.

Nakia Greene

- Efforts with Upper Silver Bow Creek and Restore Our Creek is that it is not a part of changes to the 2006 Record of Decision.
- Restore our Creek sent some additional asks a few months back.
- Parties are very close to responding to those additional asks.

Eric Hassler- Superfund Operations Manager

- In regard to the ponds.
- We need ponds regardless, we would need them even if we had a treatment facility to hold the water back because a facility can't take on that much water all at once.
- As a municipality keep in mind the benefits of MS4, States Regulation in regard to municipal storm water.
- We have the same issues as a municipality for other containment, these ponds will help address those issues.
- Our community would be taxed to find solutions to address these problems
- They have an effect outside Superfund

Commissioner Fisher

- MS4 has been a contentious issue
- For the South side of town, it does not work for new development
- For those that have to go through Storm water regulation which our zoning department goes through its expansive and a hassle.
- People on the South we do pay for our storm water through our taxes.

Commissioner Andersen

- My own clarification
- ROD was originally decided in 2006, that is when the money is allocated



Nakia Greene

- No

Commissioner Andersen

- When was this first money set?

Eric Hassler

- The first version of the money allocation was in 2006.
- It has been modified once in 2012
- Will need to be modified again due to the work that has been presented this past year and a half.
- It is not set in stone.
- Money is an ongoing process that Atlantic Richfield and Butte-Silver Bow will work through.

Commissioner Andersen

- I put it into the inflation calculator is roughly 26% increase.
- To equal a dollar spent in 2006, we would have to spend \$1.26 today
- Just wanted more insight on how that was going to be taken care.

Eric Hassler

- In the allocation agreement we have build in inflation and increases on an annual basis,
- It has been well vetted
- Take it into consideration

Mollie Maffei

Just wanted to clarify that inflation is considered when the allocation was done for work that is being done and continuing to be done.

*It was moved by Commissioner Morgan, seconded by Commissioner Shaw to Note Communication 19-153 and place on file. The motion passed with a verbal vote of 12 yea and 0 nay.*

**ADJOURN**

*It was moved by Commissioner Morgan, seconded by Commissioner Shaw to adjourn the meeting.*

Meeting was adjourned at 8:35 p.m.



Dave Palmer, Chief Executive

ATTEST:

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Clerk & Recorder

