

ATTENDANCE

Name	Title	Organization
Patricia Gallery	President	Atlantic Richfield
Jean Martin	Senior Counsel- Litigation and Dispute Resolution	Atlantic Richfield
Chris Greco	Vice President	Atlantic Richfield
Jamie O'Keefe	Government Affairs Manager	Atlantic Richfield
J.P. Gallagher	Chief Executive	BSB
Eric Hassler	Reclamation	BSB
Julia Crain	Reclamation	BSB
Sean Peterson	Attorney	BSB
MacKenzie Christensen	Admin Assistant	BSB
KC Becker	Regional Administrator	EPA Region 8
Ben Bielenberg	Acting Director Superfund/Emergency Management Division	EPA Region 8
Aaron Urdiales	Acting Deputy Director Superfund/Emergency Management Division	EPA Region 8
KC Schefski	Regional Counsel	EPA Region 8
Kelly Watkins	Chief of Staff	EPA Region 8
Taylor Gillespie	Public Affairs Director	EPA Region 8
Christopher Dorrington	Director – MT DEQ	Montana DEQ
Katie Garcin-Forba	Bureau Chief- Superfund, AML and Construction Bureau	Montana DEQ
Amy Steinmetz	Waste Management and Remediation Division Administrator	Montana DEQ
Jon Morgan	Legal Counsel	Montana DEQ
Harley Harris	Asst. Attorney General	NRDP
Katherine Hausrath	Asst. Attorney General	NRDP

MEETING LOCATION AND TIME

Building: Butte Emergency Operations Center

Meeting Time: 1:00 pm

DISCUSSION SUMMARY

Roles, Responsibilities, and Objectives

- Goal: All partners want what's best for Butte in a timely fashion that uses money wisely, and we want to do the best possible based on the standard at the time.
- We need improved communication to the public about the progress being made and clarity of roles/responsibilities of the different parties.
- DEQ is working on a map of geographic area, a list of projects by zone, and related parties with contact information.
- A lot has been accomplished. Work is going on regularly outside of the big projects, and designs for the bigger projects are being finalized and getting ready to start by the end of the summer.
- We need to communicate more clearly and holistically about how the remedies protect public health and the environment.

Community Engagement

- EPA: a lot of work is going on and progress is being made, but we haven't done a good job of communicating it. We're working on communicating more effectively with the community and public; creating a different staffing structure with increased RPMs and CICs; and creating a newsletter to share updates and an FAQ. Our goals are putting more people on site, putting answers in writing for the community to reference, being as transparent as possible, and repeating messages. The main goal is to build trust.
- BSB shared that they have an FAQ page with good visitation, and we should cross link resources and include statements there.
- Principals discussed meeting more regularly and hiring a facilitator for the technical group meetings, as well as providing guidance and clarifying expectations for that group about how they'll run their meetings, memorialize discussions, and elevate issues. The overarching goal is building trust with the community.

On-Site Material: Process and Timeline for Discussion

- EPA plans to put together a position paper about on-site material usage and hear community feedback. The core of the proposal is protecting public health and the remedy, and the goal is to be transparent, to educate, and to hear feedback from the community. EPA will share the proposal with principals for feedback as part of that process.
- The public wants to know where contamination is located and why AR cannot remove it all. AR wants EPA or the CD parties to answer those questions by explaining why onsite remedy is necessary, how some soil is being screened and reused and why, how we protect human health and the environment when soil is reused on site, and how the same actions are used successfully in other cleanups. We are working on a visual to help explain how potential reuse would be protective as part of the remedy.

- These actions are how we're planning to answer the public's request for information, but it will not be possible to repeat this type of extended process for all remedy design details and decision points.
- Going forward, the principals plan to establish a better process for identifying issues and potential areas of disagreement earlier and elevating them to the principal level for discussion and resolution.

NRDP Perspective on Changes to the Consent Decree (CD)

- NRDP raised that it would be helpful to have a "decision tree" framework to determine what to do if we must deviate from the CD statement of work.
- Principals discussed the need for this decision framework to identify what constitutes a change, whether it is allowable within the CD or whether the CD needs to be changed, how it would be documented, and how the technical and legal teams will know what and when to elevate.
- There was discussion about the Paragraph 27 "minor modifications" section being useful for documentation purposes.

Remedy Design and Construction Schedule

- AR shared that three projects are kicking off in late summer and fall. Three weeks out from submitting the 95% design for one project, another is awaiting 60% design comments, and the rest are advancing towards 60% design. A decision on onsite material usage is needed to finalize some of these designs.
- At the current pace, projects will be completed by 2028 if EPA approves the designs and construction work starts this year.

Repository Siting Proposal

- Community outreach will begin with the repository siting committee, then outreach to the neighborhood near the proposed repository site including an open house for the broader community, and finally bringing it to the BSB Council before submitting the consensus recommendation to EPA in consultation with DEQ. We hope to submit the proposal to EPA and DEQ in late August or mid-September.

Confidentiality Order

- AR believes there may be a misperception in the community that the confidentiality order has been lifted.
- The parties agreed that the order remains in place, prohibiting the sharing of settlement communications with the public. The order covers past, present, and future settlement negotiations at all the Clark Fork Sites. There are still OUs and remedial actions not currently settled by a consent decree where settlement communications would remain covered by the order.
- EPA raised that we should be transparent to the extent information isn't protected.
- The principals agreed to have the attorneys put together a public statement to explain what the confidentiality order does and doesn't cover, what parts are ongoing, etc.

Quality Assurance Project Plan (QAPP) Process

- BSB shared concerns that the quality assurance requirements are impacting their ability to finalize required documentation. Review of submittals, comments, and responses is taking a long time and the QAPP process for the RMAP program is cumbersome. This problem takes BSB staff's and EPA staff's time to review, respond, and approve.
- EPA agreed to look into the process and timeline to see if there are areas of improvement.

Clarity in Activities and Responsibilities

- BSB shared concerns that reporting activities due to the state of Montana, such as stormwater, general development, and land use restrictions based on location, aren't intended to be rolled under the CERCLA umbrella. DEQ shared these concerns.
- EPA indicated that it is receiving questions about how the protectiveness of the remedy will be maintained with the active mining site nearby. The mine is operated under a state permit but there are concerns about impact to the Superfund cleanup, and EPA needs to know how it's permitted and monitored to ensure protection over time.
- DEQ stated that there are robust monitoring networks, and the air quality program could demonstrate that it's protective.
- EPA requested more information to answer incoming questions with support from the state.

Lead Levels

- EPA shared that the agency is actively looking at residential soil screening levels for lead. The proposal is at OMB and if/when they decide to move it forward, we'll have to have conversations with the principals group about next steps.
- AR indicated that any proposed change would begin a lengthy process. Even if lead clean-up levels go down, the current RMAP program will continue to prioritize the higher lead-level properties, and the RMAP program will continue to be useful for the Butte community. The program has made good progress already.

Westside Soils

- BSB said the council asked to come to EPA for a full update on the site, timeframe, etc.
- EPA indicated that a response to the questions raised is being drafted.

Conclusion

- Principals will aim to meet twice a year going forward and will discuss having senior and middle management meet periodically.
- Principals agreed to clarify chain of command and process for elevation of issues and communication.
- Principals agreed on the importance of sending a clear message to the community about the protectiveness of the remedy and to prioritize effective internal and external communication more broadly.

- EPA plans a range of community engagement strategies including adding to the FAQ, sending a regular newsletter with updates, and engaging with the community concerning onsite material. EPA will also issue a press release following the meeting as part of the increased commitment to transparency.