

**US EPA Meeting Notes about the Tremont City Barrel Fill
Tuesday, November 29th, 2017
Clark County Combined Health District**

Attending--

US EPA: Jim Saric, Project Manager, and Sue Pastor, Community Involvement Coordinator

Clark County Officials and Citizens: Charles Patterson, Facilitator

Ben Thaeler, Jim Bodenmiller, Lowell McGlothlin, Chuck Mellon (OEPA), Andy Dill, Marilyn Welker, Aaron Mabe (Sen. Bob Hackett's office), Karen Duncan, Larry Ricketts, Mark Allen (People for Safe Water), Chris Moore, Rodney Kaffenbarger, Warren Copeland

Summary of Topics and Probable Timeline

1) Explanation of Significant Differences (ESD) – Document which adds changes to the Oct. 2011 Record of Decision, describing the remedial action to be taken at the Barrel Fill

- Changes included: addition of the second liner and leachate collection system, removal of the slurry wall, and removal of the 997 barrels containing still bottoms
- The landfill will be constructed to meet Subtitle C Hazardous Waste Landfill requirements
- Jim has drafted ESD and delivered to his supervisors; once approved by them, OEPA's Chuck Mellon will review
- Final signed version expected by January 31st, 2018

2) Consent Decree (CD) – Legal document spelling out the Remedial Design/Remedial action agreement between the responsible corporations (PRPs) and US EPA

- US EPA lawyers putting together boilerplate language, which goes to Department of Justice (DOJ) lawyers who then work with PRP lawyers to finalize agreement
- Negotiations do NOT include any changes to ROD and ESD
- Process anticipated to conclude by end of 2018--if all goes as planned
- If one or more PRP seeks to delay process? US EPA will work with those PRPs who do sign the CD to proceed; \$5 million in escrow account will defray some costs for PRPs who do sign
- Jim will be "very involved" with negotiation process
- Signatory PRPs will pursue legal action against any other PRPs who do not sign
- Thirty-day public comment period will follow final CD, with comments reviewed by the DOJ

3) Following Consent Decree – Process moves into "Pre-Design Investigation" phase, during which actions are likely to include sampling, further testing, and writing the Quality Assurance Plan (QAP)

- QAP will include specifics of actual cleanup process and procedures
- Two elements: Remedial Design Work Plan which will include work schedule, and Remedial Action Work Plan
- Likely timeframe for this phase is a year and a half, suggesting the actual physical cleanup will most likely begin in Fall 2020

4) Oversight issues

- PRPs hire contractors who perform the cleanup
- US EPA works closely with OEPA to provide timely and appropriate oversight once cleanup begins; at times this will be daily presence and at other times as necessary
- US EPA hires contractor(s) to perform oversight on their behalf
- Preference for OEPA to be primary oversight agency for financial reasons

- Charles Patterson requested at least one Health District staff member also be qualified to perform oversight role

5) **Technical assistance support for community –**

- Once cleanup begins, community will have two possible sources to support technical assistance if desired: a) Technical Assistance Plan, or TAP, is an agreement with the PRPs who fund costs up to \$50,000 for community to hire technical assistance in order to understand reports, test results, etc.; or b) Technical Assistance Services for Communities, or TASC, in which community works with EPA oversight contractors for purpose of reviewing work and also to assess compliance with the approved design.
- Sue confirmed most recent EPA guidance document for these programs was issued 9/3/09.

Questions and answers from morning (Clark County Leaders) and evening (public) meetings:

Q: What if more than 997 barrels are found to contain still bottoms and/or other highly toxic substances?

A: Jim Saric: They will stay on site.

Q: What can our community do to help keep CD negotiations on track?

A: Jim: We'll think about that.

Q: Will stabilization of the solids that remain on site be used to address their hazardous characteristics?

A: Jim: Stabilization will only be used for purposes of engineering stability.

Q: Will groundwater and wells in areas immediately surrounding the site be monitored during the cleanup?

A: Jim – At this time that is not expected to be part of the design, but maybe we can explore that further.

Q: Who is responsible for long-term monitoring costs at the site, and what will happen in coming years if the remedy is not protecting our water?

A: Jim – The PRPs are required to have insurance for long-term financial assurance of the site's protectiveness. In the case of a breach of the hazardous contents, they would be required to pay for the needed remediation. US EPA does the actual monitoring every five years "in perpetuity."