

Town of Dewey Humboldt
Environmental Issues Advisory Committee
DRAFT MEETING MINUTES
July 28, 2011, 1:30 pm

1. **CALL TO ORDER.** *The meeting was called to order at 1:35 pm.*
2. **ROLL CALL:** *EIAC Committee Members Bob Bowman, Floyd Wright, Doris Cellarius, and Chair Treasha deFrance were present.*
3. **CONSENT AGENDA** - All matters listed under the Consent Agenda are considered to be routine by the Town Committee and will be enacted by one motion.

3.1. Minutes. Minutes from June 30, 2011 Regular Meeting. *Bob Bowman made a motion to approve 3.1 Minutes from the June 30, 2011 Regular Meeting, Floyd Wright seconded the motion and the minutes were passed unanimously.*

4. **REGULAR AGENDA – Unfinished Business** - Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

4.1 Iron King Mine- Humboldt Smelter Superfund Site. *Committee members discussed EPA's invitation for EIAC to have a table at their upcoming community meeting and decided it is not within our tasking to do so, but will have a flier and applications for EIAC membership present at the meeting; our invitation to the Aug 23 working meeting with town staff and EPA/ADEQ; availability for members to meet with Monika O'Sullivan when she is in town, Aug 31 is the preferred date; dust emissions are low currently due to all the rain; background and cleanup level questions and concerns including that we may have higher background metal levels here as a mining areal; Doris reported on the EPA and Dept. of Energy webinar she participated in re: liabilities involving redeveloping superfund areas into renewable energy projects. She emailed Monika O'Sullivan the contact information for the presenters so specific questions could be asked regarding our location. Doris will send more information to the group about the potential liabilities; concerns about siting a biomass plant here and that is might be cost prohibitive; unknowns about what discussions are underway between the EPA/ADEQ and various site property owners, and how those unknowns might influence the community making well informed discussions; upcoming EPA choice of remedy for the site.*

Public comment during this item was made by Len Marinaccio regarding his becoming a member of the Community Coalition of Dewey-Humboldt (CCODH), the EPA Technical Assistance Grant Recipient, and that his intention is to help facilitate relationship building between the CCODH and the Town and EIAC. Len discussed the D-H community values and how they are applicable to remediation decisions which should seek to preserve them.

The chair will write an email to Monika O'Sullivan and ask the following questions that came up during discussions:

1. *What are the benchmarks or guidelines for arsenic in residential soil (EPA, ADEQ, ATSDR or other) that are relevant for this site as they are considered safe levels for human health and the environment?*
2. *Please explain the relationship between the background level that will be determined and the cleanup level that will be used.*
3. *Since more remediation costs more than less remediation, what role does EPA's economics play in the remediation decisions?*
4. *At the Jan. 4, 2011 meeting between EPA and the Town Council, EPA information says there are "about 90 parcels" with arsenic levels greater than background, which "is up to 66 ppm". In*

your recent email responding to EIAC questions, you said there are about 50 homes of concern at 66 ppm arsenic. Can you explain the change from 90 in January to 66 in your recent email?

5. *Did you contact the presenter of the EPA webinar that Doris participated in regarding liabilities siting renewable energy projects on superfund sites and regarding her questions about how Potentially Responsible Parties who are unable to financially participate in cleanups can participate in other ways?*
6. *Regarding the large tailings pile remedy, earlier this year you said that discussions with North American Industries were underway and they have a business plan they were presenting, but it was a long term one and hampered by some legal and other matters. At the same time, EPA is moving forward with selecting the remedy, one of which leaves some of the tailings accessible. This is the highest risk remedy for the public health, but allows the owner to do their business plan. Can you give us an update on how this business plan is shaping up, and how EPA is moving forward with their planning in light of the owner's intentions and progress?*
7. *If a potentially responsible party has no financial resources at the time of the cleanup, and enters an agreement with EPA on that basis, but then goes on to create a financially successful business on the remediated land, can EPA recoup any of their remediation costs at that time?*
8. *When the CCODH submits their required reports, will those be on EPA's website? If not, where can they be found?*
9. *Regarding Community Right to Know information, without knowing what businesses are operating on the site, we do not know what might be in use or stored at those businesses. Can you tell us what businesses are operating on the site? Do you have any idea of the nature of the experimentation with processing that we hear goes on at North American Industries? Ironite used to file those reports, but now we have no idea what chemicals might be stored or used there and this is relevant to Emergency Preparedness as well as Community Right to Know (as we follow up on a citizen comment from last months meeting).*

5. REGULAR AGENDA – New Business - Discussion and Possible Action on matters not previously presented to the Committee.

5.1. Doris Cellarius report on discussion with Nick Angelito re: Community Right to Know, Emergency Preparedness and communication issues. *Doris discussed concerns raised by a citizen at our last meeting regarding the good standing and accuracy of the Town's Emergency Response Plan and communications that might involve EIAC. Doris learned that our plan is up to date and there are no problems with it. As far as the Community Right to Know information, currently no businesses are filing those reports that we know of, but without knowing what businesses are operating on the site, we don't know what to look up in the database. This question will be raised with Monika O'Sullivan. We will request copies of the Town's Emergency plan for our September meeting.*

6. COMMENTS FROM THE PUBLIC. *None at this item.*

7. ADJOURN. *The meeting was adjourned at 3:05.*

Treesha deFrance, Chair

ATTEST:

Judy Morgan, Town Clerk