

Attachments

Attachment 1

Completed Site Inspection Checklist, Inspection Roster and Site Visit Summary Form

Five-Year Review Site Inspection Checklist

I. SITE INFORMATION			
Site name: Idaho Pole		Date of inspection: October 15 & 16	
Location and Region: Bozeman, Gallatin County Montana Region VIII		EPA ID: MTD006232276	
Agency, office, or company leading the five-year review: EPA Region VIII Montana Office		Weather/temperature: Sunny 50s, no wind 10/15 Sunny, high 60s, no wind 10/16	
Remedy Includes: (Check all that apply) ☐ Landfill cover/containment ☒ Access controls ☒ Institutional controls ☒ Groundwater pump and treatment ☐ Surface water collection and treatment ☒ Other Transitioning from active pump and treat to likely monitored natural attenuation. Groundwater recovery system was dismantled in 2018. Completed active soil remedy included a land Treatment Unit. ☐ Monitored natural attenuation ☐ Groundwater containment ☐ Vertical barrier walls			
Attachments: ☒ Inspection team roster attached ☒ Site map attached			
II. INTERVIEWS (Check all that apply)			
1. O&M site manager	Les Lonning Name	Environmental Manager Title	10/15/2019 Date
Interviewed ☒ at site ☐ at office ☐ by phone Phone no. _____ Problems, suggestions; ☐ Report attached The O&M Site Manager stepped down in July 2018 when the Groundwater Recovery System was dismantled and Idaho Pole's environmental manager assumed responsibilities as the O&M site manager. Les participated in the Five Year Review Kickoff meeting and the site walk-through. A separate interview discussing problems was not considered necessary given his participation.			
2. O&M staff	Heidi Kaiser Name	Hydrogeologist Title	10/15/2019 Date
Interviewed ☒ at site ☐ at office ☐ by phone Phone no. _____ Problems, suggestions; ☐ Report attached Heidi works for Hydrometrics, which is the primary environmental contractor for Idaho Pole. Heidi participated in the Five Year Review Kickoff meeting and the site walk-through. A separate interview discussing problems was not considered necessary given her participation. Several small issues were identified during the site visit. Heidi worked with EPA's Remedial Project Manager to resolve these issues during the site inspection.			

3. **Local regulatory authorities and response agencies** (i.e., State and Tribal offices, emergency response office, police department, office of public health or environmental health, zoning office, recorder of deeds, or other city and county offices, etc.) Fill in all that apply.

Agency _____
 Contact _____
 Name _____ Title _____ Date _____ Phone no. _____
 Problems; suggestions; ☐ Report attached _____

Agency _____
 Contact _____
 Name _____ Title _____ Date _____ Phone no. _____
 Problems; suggestions; ☐ Report attached _____

Agency _____
 Contact _____

Name	Title	Date	Phone no.
Problems; suggestions; ☐ Report attached			

Agency _____
 Contact _____
 Name _____ Title _____ Date _____ Phone no. _____
 Problems; suggestions; ☐ Report attached _____

4. **Other interviews** (optional) ☐ Report attached.

[illegible]

III. ON-SITE DOCUMENTS & RECORDS VERIFIED (Check all that apply)				
1.	O&M Documents x O&M manual X As-built drawings X Maintenance logs Remarks__ With the decommissioning of the Groundwater Recovery System and possible sale of the property south of I90, all hard copies of documents were moved to Hydrometrics Billings office. The O&M documents are readily available electronically and hard copies of pertinent SOPs are in Hydrometric's vehicles during groundwater sampling. It is noted that the O&M manual was written for an active pump and treat groundwater system. The Agencies anticipate receiving a Focused Feasibility Study in December 2019 that will evaluate alternatives for next phase of the groundwater remedy. Once a remedy is selected, the O&M manual will be revised to reflect the anticipated operation and maintenance going forward	☒ Readily available ☒ Readily available ☒ Readily available	☐ Up to date ☐ Up to date ☐ Up to date	☐ N/A ☐ N/A ☐ N/A
2.	Site-Specific Health and Safety Plan x Contingency plan/emergency response plan Remarks Hard copies of the Health and safety Plan and emergency plans are available in the vehicles of Hydrometrics employees who are working on the site.	☒ Readily available ☒ Readily available	☒ Up to date ☒ Up to date	☐ N/A ☐ N/A
3.	O&M and OSHA Training Records Remarks__ Electronically available in Hydrometrics Billings office.	☒ Readily available	☒ Up to date	☐ N/A
4.	Permits and Service Agreements ☐ Air discharge permit ☐ Effluent discharge ☐ Waste disposal, POTW ☐ Other permits_____ Remarks_____	☐ Readily available ☐ Readily available ☐ Readily available ☐ Readily available	☐ Up to date ☐ Up to date ☐ Up to date ☐ Up to date	☒ N/A ☒ N/A ☒ N/A ☒ N/A
5.	Gas Generation Records Remarks_____	☐ Readily available	☐ Up to date	☒ N/A
6.	Settlement Monument Records Remarks_____	☐ Readily available	☐ Up to date	☒ N/A
7.	Groundwater Monitoring Records Remarks__ Available electronically	☒ Readily available	☒ Up to date	☐ N/A
8.	Leachate Extraction Records Remarks_____	☐ Readily available	☐ Up to date	☒ N/A

9.	Discharge Compliance Records ☐ Air ☐ Water (effluent) Remarks_____	☐ Readily available ☐ Readily available	☐ Up to date ☐ Up to date	x N/A x N/A
10.	Daily Access/Security Logs Remarks____There are no personnel on site.	☐ Readily available	☐ Up to date	x N/A

IV. O&M COSTS																																											
1.	O&M Organization ☐ State in-house ☐ Contractor for State ☐ PRP in-house ☒ Contractor for PRP ☐ Federal Facility in-house ☐ Contractor for Federal Facility ☐ Other Private party site, costs not identified below.																																										
2.	O&M Cost Records ☐ Readily available ☐ Up to date ☐ Funding mechanism/agreement in place Original O&M cost estimate _____ ☐ Breakdown attached Total annual cost by year for review period if available <table style="width: 100%; border: none;"> <tr> <td style="width: 20%;">From _____</td> <td style="width: 20%;">To _____</td> <td style="width: 20%;"></td> <td style="width: 40%;">☐ Breakdown attached</td> </tr> <tr> <td style="text-align: center;">Date</td> <td style="text-align: center;">Date</td> <td style="text-align: center;">Total cost</td> <td></td> </tr> <tr> <td>From _____</td> <td>To _____</td> <td></td> <td>☐ Breakdown attached</td> </tr> <tr> <td style="text-align: center;">Date</td> <td style="text-align: center;">Date</td> <td style="text-align: center;">Total cost</td> <td></td> </tr> <tr> <td>From _____</td> <td>To _____</td> <td></td> <td>☐ Breakdown attached</td> </tr> <tr> <td style="text-align: center;">Date</td> <td style="text-align: center;">Date</td> <td style="text-align: center;">Total cost</td> <td></td> </tr> <tr> <td>From _____</td> <td>To _____</td> <td></td> <td>☐ Breakdown attached</td> </tr> <tr> <td style="text-align: center;">Date</td> <td style="text-align: center;">Date</td> <td style="text-align: center;">Total cost</td> <td></td> </tr> <tr> <td>From _____</td> <td>To _____</td> <td></td> <td>☐ Breakdown attached</td> </tr> <tr> <td style="text-align: center;">Date</td> <td style="text-align: center;">Date</td> <td style="text-align: center;">Total cost</td> <td></td> </tr> </table>			From _____	To _____		☐ Breakdown attached	Date	Date	Total cost		From _____	To _____		☐ Breakdown attached	Date	Date	Total cost		From _____	To _____		☐ Breakdown attached	Date	Date	Total cost		From _____	To _____		☐ Breakdown attached	Date	Date	Total cost		From _____	To _____		☐ Breakdown attached	Date	Date	Total cost	
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3.	Unanticipated or Unusually High O&M Costs During Review Period Describe costs and reasons: Decommissioning of the Groundwater Recovery System																																										
V. ACCESS AND INSTITUTIONAL CONTROLS ☐ Applicable ☐ N/A																																											
A. Fencing																																											
1.	Fencing damaged ☐ Location shown on site map ☒ Gates secured ☐ N/A Remarks New locks put on in 2019 that use same key as all groundwater monitoring wells																																										
B. Other Access Restrictions																																											
1.	Signs and other security measures ☐ Location shown on site map ☐ N/A Remarks <i>Residents know to contact les Lonning if there is trespass on Idaho Pole property. For example, a trespasser had broken into the green office building last year and a nearby resident contacted Les Lonning and local officials were contacted.</i>																																										

C. Institutional Controls (ICs)			
1.	Implementation and enforcement Site conditions imply ICs not properly implemented ☐ Yes x No ☐ N/A Site conditions imply ICs not being fully enforced ☐ Yes x No ☐ N/A Type of monitoring (e.g., self-reporting, drive by) _____ Frequency _____ Responsible party/agency _____ Contact _____ Name Title Date Phone no. Reporting is up-to-date ☐ Yes ☐ No x N/A Reports are verified by the lead agency ☐ Yes ☐ No x N/A Specific requirements in deed or decision documents have been met x Yes ☐ No ☐ N/A Violations have been reported ☐ Yes ☐ No x N/A Other problems or suggestions: ☐ Report attached ____Should the property be redeveloped both the deed restriction and Soils Management Plan need to be revisited._____ _____ _____ _____		
2.	Adequacy x ICs are adequate ☐ ICs are inadequate ☐ N/A Remarks _____ _____ _____		
D. General			
1.	Vandalism/trespassing ☐ Location shown on site map ☐ No vandalism evident Remarks Homeless people have been known to camp out in the Aspen grove on the north side of the interstate and a trespasser broke into the green office building on south side of interstate. _____		
2.	Land use changes on site x N/A Remarks ____if property is sold to a developer current land use south of I90 will change. _____ _____		
3.	Land use changes off site x N/A Remarks _____ _____		
VI. GENERAL SITE CONDITIONS			
A. Roads ☐ Applicable x N/A			
1.	Roads damaged ☐ Location shown on site map ☐ Roads adequate ☐ N/A Remarks _____ _____		

B. Other Site Conditions			
Remarks _____ _____ _____ _____ _____ _____			
VII. LANDFILL COVERS Applicable ☐ N/A			
A. Landfill Surface			
1.	Settlement (Low spots) Areal extent _____ Remarks _____	☐ Location shown on site map Depth _____	X Settlement not evident
2.	Cracks Lengths _____ Remarks _____	☐ Location shown on site map Widths _____ Depths _____	X Cracking not evident
3.	Erosion Areal extent _____ Remarks _____	☐ Location shown on site map Depth _____	X Erosion not evident
4.	Holes Areal extent _____ Remarks _____	☐ Location shown on site map Depth _____	X Holes not evident
5.	Vegetative Cover ☐ Grass ☐ Cover properly established ☐ No signs of stress X Trees/Shrubs (indicate size and locations on a diagram) Remarks____There are several trees that are growing on the edge of the Treated Soils Area. Hydrometrics plans to GPS the location of the trees to determine their proximity to the Treated Soils Area. See map for location. _____ _____		
6.	Alternative Cover (armored rock, concrete, etc.) X N/A Remarks _____ _____		
7.	Bulges Areal extent _____ Remarks _____	☐ Location shown on site map Height _____	X Bulges not evident

8.	Wet Areas/Water Damage ☐ Wet areas ☐ Ponding ☐ Seeps ☐ Soft subgrade Remarks_____	☒ Wet areas/water damage not evident ☐ Location shown on site map ☐ Location shown on site map ☐ Location shown on site map ☐ Location shown on site map	Areal extent_____ Areal extent_____ Areal extent_____ Areal extent_____
9.	Slope Instability Areal extent_____ Remarks_____	☐ Slides ☐ Location shown on site map	☒ No evidence of slope instability
B. Benches ☐ Applicable ☒ N/A (Horizontally constructed mounds of earth placed across a steep landfill side slope to interrupt the slope in order to slow down the velocity of surface runoff and intercept and convey the runoff to a lined channel.)			
1.	Flows Bypass Bench Remarks_____	☐ Location shown on site map	☐ N/A or okay
2.	Bench Breached Remarks_____	☐ Location shown on site map	☐ N/A or okay
3.	Bench Overtopped Remarks_____	☐ Location shown on site map	☐ N/A or okay
C. Letdown Channels ☐ Applicable ☒ N/A (Channel lined with erosion control mats, riprap, grout bags, or gabions that descend down the steep side slope of the cover and will allow the runoff water collected by the benches to move off of the landfill cover without creating erosion gullies.)			
1.	Settlement Areal extent_____ Remarks_____	☐ Location shown on site map Depth_____	☐ No evidence of settlement
2.	Material Degradation Material type_____ Remarks_____	☐ Location shown on site map Areal extent_____	☐ No evidence of degradation
3.	Erosion Areal extent_____ Remarks_____	☐ Location shown on site map Depth_____	☐ No evidence of erosion

4.	Undercutting ☐ Location shown on site map ☐ No evidence of undercutting Areal extent _____ Depth _____ Remarks _____ _____
5.	Obstructions Type _____ ☐ No obstructions ☐ Location shown on site map Areal extent _____ Size _____ Remarks _____ _____
6.	Excessive Vegetative Growth Type _____ ☐ No evidence of excessive growth ☐ Vegetation in channels does not obstruct flow ☐ Location shown on site map Areal extent _____ Remarks _____ _____
D. Cover Penetrations ☐ Applicable ☒ N/A	
1.	Gas Vents ☐ Active ☐ Passive ☐ Properly secured/locked ☐ Functioning ☐ Routinely sampled ☐ Good condition ☐ Evidence of leakage at penetration ☐ Needs Maintenance ☐ N/A Remarks _____ _____
2.	Gas Monitoring Probes ☐ Properly secured/locked ☐ Functioning ☐ Routinely sampled ☐ Good condition ☐ Evidence of leakage at penetration ☐ Needs Maintenance ☐ N/A Remarks _____ _____
3.	Monitoring Wells (within surface area of landfill) ☐ Properly secured/locked ☐ Functioning ☐ Routinely sampled ☐ Good condition ☐ Evidence of leakage at penetration ☐ Needs Maintenance ☐ N/A Remarks _____ _____
4.	Leachate Extraction Wells ☐ Properly secured/locked ☐ Functioning ☐ Routinely sampled ☐ Good condition ☐ Evidence of leakage at penetration ☐ Needs Maintenance ☐ N/A Remarks _____ _____
5.	Settlement Monuments ☐ Located ☐ Routinely surveyed ☐ N/A Remarks _____ _____

E. Gas Collection and Treatment ☐ Applicable X N/A		
1.	Gas Treatment Facilities ☐ Flaring ☐ Thermal destruction ☐ Collection for reuse ☐ Good condition ☐ Needs Maintenance Remarks _____ _____	
2.	Gas Collection Wells, Manifolds and Piping ☐ Good condition ☐ Needs Maintenance Remarks _____ _____	
3.	Gas Monitoring Facilities (<i>e.g.</i> , gas monitoring of adjacent homes or buildings) ☐ Good condition ☐ Needs Maintenance ☐ N/A Remarks _____ _____	
F. Cover Drainage Layer ☐ Applicable X N/A		
1.	Outlet Pipes Inspected ☐ Functioning ☐ N/A Remarks _____ _____	
2.	Outlet Rock Inspected ☐ Functioning ☐ N/A Remarks _____ _____	
G. Detention/Sedimentation Ponds ☐ Applicable X N/A		
1.	Siltation Areal extent _____ Depth _____ ☐ N/A ☐ Siltation not evident Remarks _____ _____	
2.	Erosion Areal extent _____ Depth _____ ☐ Erosion not evident Remarks _____ _____	
3.	Outlet Works ☐ Functioning ☐ N/A Remarks _____ _____	
4.	Dam ☐ Functioning ☐ N/A Remarks _____ _____	

H. Retaining Walls		☐ Applicable	☒ N/A
1.	Deformations	☐ Location shown on site map	☐ Deformation not evident
	Horizontal displacement_____	Vertical displacement_____	
	Rotational displacement_____		
	Remarks_____		
2.	Degradation	☐ Location shown on site map	☐ Degradation not evident
	Remarks_____		
I. Perimeter Ditches/Off-Site Discharge		☐ Applicable	☒ N/A
1.	Siltation	☐ Location shown on site map	☐ Siltation not evident
	Areal extent_____	Depth_____	
	Remarks_____		
2.	Vegetative Growth	☐ Location shown on site map	☐ N/A
	☐ Vegetation does not impede flow		
	Areal extent_____	Type_____	
	Remarks_____		
3.	Erosion	☐ Location shown on site map	☐ Erosion not evident
	Areal extent_____	Depth_____	
	Remarks_____		
4.	Discharge Structure	☐ Functioning	☐ N/A
	Remarks_____		
VIII. VERTICAL BARRIER WALLS		☐ Applicable	☒ N/A
1.	Settlement	☐ Location shown on site map	☐ Settlement not evident
	Areal extent_____	Depth_____	
	Remarks_____		
2.	Performance Monitoring	Type of monitoring_____	
	☐ Performance not monitored		
	Frequency_____	☐ Evidence of breaching	
	Head differential_____		
	Remarks_____		

IX. GROUNDWATER/SURFACE WATER REMEDIES ☒ Applicable ☐ N/A	
A. Groundwater Extraction Wells, Pumps, and Pipelines ☒ Applicable ☐ N/A	
1.	Pumps, Wellhead Plumbing, and Electrical ☐ Good condition ☒ All required wells properly operating ☐ Needs Maintenance ☐ N/A Remarks__Operations have been suspended. Pumps and some electrical associated with the extraction and injections wells were decommissioned in 2018. _____ _____ _____
2.	Extraction System Pipelines, Valves, Valve Boxes, and Other Appurtenances ☐ Good condition ☐ Needs Maintenance Remarks__Operations suspended. All infrastructure in Groundwater Recovery Building was decommissioned and properly disposed. Piping associated with the extraction and injection wells was blinded at the Groundwater Recovery Building and piping will be left in place.
3.	Spare Parts and Equipment ☐ Readily available ☐ Good condition ☐ Requires upgrade ☐ Needs to be provided Remarks During the inspection, it was determined that the hinge on one well need to be replaced. Spare parts for the monitoring wells were readily available to address this.
B. Surface Water Collection Structures, Pumps, and Pipelines ☐ Applicable ☒ N/A	
1.	Collection Structures, Pumps, and Electrical ☐ Good condition ☐ Needs Maintenance Remarks_____ _____
2.	Surface Water Collection System Pipelines, Valves, Valve Boxes, and Other Appurtenances ☐ Good condition ☐ Needs Maintenance Remarks_____ _____
3.	Spare Parts and Equipment ☐ Readily available ☐ Good condition ☐ Requires upgrade ☐ Needs to be provided Remarks_____ _____

C. Treatment System		☐ Applicable	☐ N/A
1.	Treatment Train (Check components that apply) ☐ Metals removal ☐ Oil/water separation ☐ Bioremediation ☐ Air stripping ☐ Carbon adsorbers ☐ Filters _____ ☐ Additive (e.g., chelation agent, flocculent) _____ ☐ Others _____ ☐ Good condition ☐ Needs Maintenance ☐ Sampling ports properly marked and functional ☐ Sampling/maintenance log displayed and up to date ☐ Equipment properly identified ☐ Quantity of groundwater treated annually _____ available in the annual groundwater assessment reports and reported in the Five Year Review _____ ☐ Quantity of surface water treated annually _____ Remarks _____ _____		
2.	Electrical Enclosures and Panels (properly rated and functional) ☐ N/A ☐ Good condition ☐ Needs Maintenance Remarks _____ _____		
3.	Tanks, Vaults, Storage Vessels x N/A ☐ Good condition ☐ Proper secondary containment ☐ Needs Maintenance Remarks Operations suspended in 2018 and Groundwater Recovery System decommissioned. _____		
4.	Discharge Structure and Appurtenances ☐ N/A x Good condition ☐ Needs Maintenance Remarks Injection wells and injection gallery are still in place and in good condition.		
5.	Treatment Building(s) ☐ N/A x Good condition (esp. roof and doorways) ☐ Needs repair ☐ Chemicals and equipment properly stored Remarks _____ _____		
6.	Monitoring Wells (pump and treatment remedy) ☐ Properly secured/locked ☐ Functioning ☐ Routinely sampled ☐ Good condition ☐ All required wells located ☐ Needs Maintenance ☐ N/A Remarks _____ _____		
D. Monitoring Data			
1.	Monitoring Data ☐ Is routinely submitted on time ☐ Is of acceptable quality		
2.	Monitoring data suggests: ☐ Groundwater plume is effectively contained ☐ Contaminant concentrations are declining		

D. Monitored Natural Attenuation

1. **Monitoring Wells** (natural attenuation remedy)

- ☐ Properly secured/locked ☐ Functioning ☐ Routinely sampled ☐ Good condition
☐ All required wells located ☐ Needs Maintenance ☐ N/A

Remarks _____

X. OTHER REMEDIES

If there are remedies applied at the site which are not covered above, attach an inspection sheet describing the physical nature and condition of any facility associated with the remedy. An example would be soil vapor extraction.

XI. OVERALL OBSERVATIONS

A. Implementation of the Remedy

Describe issues and observations relating to whether the remedy is effective and functioning as designed. Begin with a brief statement of what the remedy is to accomplish (i.e., to contain contaminant plume, minimize infiltration and gas emission, etc.).

[illegible]

B. Adequacy of O&M

Describe issues and observations related to the implementation and scope of O&M procedures. In particular, discuss their relationship to the current and long-term protectiveness of the remedy.

[illegible]

C.	Early Indicators of Potential Remedy Problems
Describe issues and observations such as unexpected changes in the cost or scope of O&M or a high frequency of unscheduled repairs, that suggest that the protectiveness of the remedy may be compromised in the future.	
D.	Opportunities for Optimization
Describe possible opportunities for optimization in monitoring tasks or the operation of the remedy.	

Five Year Review Site Inspection Participation List

October 15, 2019

<u>Name</u>	<u>Organization</u>
Roger Hoogerheide	USEPA
Les Lanning	
Yueh Chuang	IPC BNSF
Lisa Dewitt	DEQ
Alan Stine	Olympos
Mark Engdahl	BNSF
HEIDI KAISER	Hydrometric
Alisa Hefner	Skeo
Miranda Maypin	Skeo



Monitoring wells 26A, B and C. No issues identified during the inspection.



Monitoring wells 27A and B which are the furthest downgradient wells with detectable concentrations of PCP



Looking south into Idaho Pole property on west side of L Street



Looking west at the Pasture Area north of I90.



Development opportunity sign in the northern most property.



Looking south east at Injection well 2 located in Bark-fill Area



Peizometer P3 showing the casing extending above the casing. The casing was cut on 10/16 to allow the lid to be securely fastened. See photo below after work was completed.





Well 11A. No issues identified during visit.



Wells 19A & B. No issues identified during the inspection.



Wells 9A, B and C without a lock. Photo taken on 10/16. This was discussed with the site operator who said that a lock would be placed on the well that day. Photo below shows inside casings.





Wells 24A, B and C. No issues identified during the site inspection.



The Green administrative building. A trespasser broke into this building and turned up the heat. Electricity was turned off as a result of the trespasser and the building is going to be relocated to an adjacent property pending permit approval from the City of Bozeman.



Treatment chemical remaining in the Groundwater Recovery System building after decommissioning of the WTP. Chemicals will be mixed with kitty litter to solidify and chemicals will be disposed in the local landfill.



Two photos showing mice dropping in the former treatment building.



Southside of I90 looking west at Barkfill Source Area



Injection well 1 looking east in barkfill source area.



Bohart lane ditch looking west. Community member noticed a black ooze in Spring 2019 during unusually high groundwater levels. Soil samples were collected in October 2019 and analyzed for pentachlorophenol and total extractable hydrocarbons. Samples results are below screening levels for industrial use.



Photos showing water in the substation ditch. No sheen was observed during the site visit.



Attachment 2

**Letters and Emails from Gallatin City-County Board of Health
and the Local Water Quality District Regarding the Idaho Pole
Site, Various Dates**

Hoogerheide, Roger

From: Kelley, Matt <Matt.Kelley@gallatin.mt.gov>
Sent: Wednesday, December 4, 2019 2:32 PM
To: Hoogerheide, Roger; lidewitt@mt.gov
Cc: Sundnas, Christine; Christenson, Lori; Steve Custer
Subject: Bozeman Idaho Pole Site
Attachments: ATT00001.txt

Hello Roger and Lisa - Some of us in Gallatin have been continuing to work to understand the ongoing efforts to de-list portions of the Bozeman IP site, including some efforts to better visualize the institutional controls that have been placed or lifted on certain parcels. I am hoping you can help me access some additional information that would be helpful as we plan for the future.

- First, I am wondering how we can access whatever GIS shape files exist for the site? Are those somewhere we can download them, or can they be sent to us? We would be interested in whatever GIS layers that EPA, DEQ, or MacFarlane Cascade has showing the boundaries and features of the site. I am particularly interested in shape files that can help us: visualize the plume as it is estimated to exist now as well as where it was years ago; the location of monitoring wells; the location of soil sampling locations; or any other GIS locations or layers relevant to the site. If shape files exist that would be great, but if you only have GIS coordinates for monitoring sites or any of the above we would like to have those as well. Copying in Christine Sundnas as she is more experienced in GIS than I am.
- Second, in reading the institutional controls filed with the Clerk and Recorder it appears to me (and please correct me if I am mistaken) that in 2017 the EPA and MDEQ agreed to remove restrictions on residential use for two tracts of land on the northern side of the Idaho Pole site. In discussing this with others, I can find no one in Gallatin County who was aware these restrictions were lifted. It would be helpful to see any documents or correspondence related to how this decision was made, who made it, and the rationale and science behind the decision. Judging by the large signs posted at this location advertising this land as a development opportunity, I anticipate the City and/or County may one day soon be asked to approve residential use on these parcels.

Thank you for your attention to this request.

-Matt



Matt Kelley, MPH / Health Officer

GALLATIN CITY-COUNTY HEALTH DEPARTMENT

P 406 582 3100 / F 406 582 3112 / E matt.kelley@gallatin.mt.gov



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www.healthygallatin.org

Gallatin City-County Health Department

Environmental Health Services
215 W. Mendenhall, Rm 108
Bozeman, MT 59715-3478
406-582-3120 • Fax: 406-582-3128

Date: February 15, 2018

To: Roger Hoogerheide, EPA

From: Gallatin City-County Health Department
(on behalf of Gallatin City-County Board of Health and Gallatin Local Water Quality District)

Subject: Questions re. Idaho Pole site

Roger:

In advance of the March 1 meeting, staff and board members of the Gallatin Local Water Quality District the Gallatin City-County the Board of Health met to discuss and summarize some key questions related to the ongoing cleanup at the Idaho Pole site. The group asked that we forward you a list of these specific questions in advance of the March 1 meeting in hopes of allowing you an opportunity to address these questions as completely as possible. They also asked me to convey appreciation for your willingness to meet to discuss these issues, and that their main priority for the meeting is better understanding these specific issues rather than revisiting the presentation provided during the community meetings in January.

Dr. Steve Custer, who sits on the Board of Health and the LWQD Board, and Tammy Swinney, director of LWQD, were both deeply involved in formulating these questions and may be the best contacts for points of clarification in advance of March 1.

Best regards,

Matt Kelley, MPH
Health Officer
Gallatin City-County Health Department

Cc. GCCHD files

Lori Christenson, EH Director
Steve Custer
Tammy Swinney



Questions:

1. What is the current status of petroleum hydrocarbons (carrier oil) in the sub surface?
2. What is the status of contamination north and east of Rocky Creek? Please address all contaminants for which there are standards in the ROD, especially petroleum hydrocarbons and dioxin, not just PCP.
 - a. Some of the wells north of Rocky Creek show measured values of (for example), <0.37 but the ROD standard is 0.2. Are there plans to sample again with a better detection limit?
 - b. Considering the sensitive nature of the site, why was the decision made to abandon wells 3-A, 3-B, and 18-B, each of which shows contamination above a ROD standard on last measurement (in the 1990's).
 - c. Are there any plans to conduct sampling to address whether groundwater down-gradient of the CGWA are contaminated? If so, please provide details. If not, why not?
 - d. Please provide any data or information relevant to these questions.
3. What is the current status of Rocky Creek Water and sediments?
4. Is soil remediated to a level at which there is no risk upon human contact? (Please be specific as to which soils you are addressing (LTU, the six acre area, or other area.)
 - a. Is there a human health risk from soil/bark fill contaminants leaching to the ground water?
5. What is the status of efforts to shrink the controlled groundwater area?
 - a. Does contamination from carrier fuels or other contaminants pose a threat to ground water users who might install a water well for fire protection or lawn irrigation in the southern part of controlled ground water area at this time? (What is the size of a cone of depression for such a well?)
 - b. Are there uses for the site, or portions of the site, that would not be compatible with efforts to protect human health or the environment?
 - c. If new buildings are allowed, would it be wise to require a vapor barrier below them? (Please explain).
 - d. Are you willing to write a letter that states that human contact with soils in the areas proposed for development are of no risk to human health or contact?
6. Are there plans to test the residential wells (R-1 – R-7 and R-9) for carrier fuels?

7. The 2010 Five-Year Review (p. 21) indicated that DEQ has tasked MBMG with entering historic groundwater data into GWIC and to ensure the data is available and up-to-date. Has this been done?
8. The 2016 Phase II Pilot Study Work Plan states that sufficient sample volume will be collected to allow for potential analysis for dioxins if PCP concentrations are elevated (>250 ug/L). Why is sampling for dioxin in groundwater tied to the concentration of PCP if dioxin has a ROD Cleanup Level? *A follow-up question:* In the 2016 Phase II Pilot Study Final Report, dioxin was sampled from one well (5-B). This does not seem representative enough to make an evaluation of dioxin levels throughout the IPC sit. What additional testing is planned to adequately evaluate dioxin levels throughout the IPC site?

LTU-related Questions:

1. Although Land Treatment Unit (LTU) operations ceased in October 2000 when Record of Decision (ROD) performance standards for PCP and PAHs were met, why was the dioxin cleanup standard not required to be met before closing the LTU?
2. Is the footprint of the LTU excluded in any way from future development? Do deed restrictions apply to the entire IPS? Is this a restricted area in any way?
3. Is it possible to create a deed restriction that prohibits outdoor watering? Dioxin is said to adhere tightly to soil particles, but there is concern about mobilizing dioxin and carrier fuel constituents by irrigating green space and landscaping, and by influence that leaching of fertilizer or pesticides may have on mobilization of dioxins.
4. Do the Institutional Controls apply to just the areas where treated soils have been left on site and where soils containing dioxin are buried, or do they apply to the entire IPC site?
5. Have the groundwater wells in the closed LTU area ever been sampled for carrier fuel constituents at any time to ensure they are 'clean'?
6. Do we know if carrier fuel constituents are present in the soils that also contain remaining dioxin in the closed LTU area?



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15th STREET, SUITE 3200
HELENA, MONTANA 59626

Ref: SEMD-C

January 29, 2020

Becky Franks, Board Chair,
Gallatin City-County Board of Health
215 W. Mendenhall
Bozeman, MT 59715

Steve Custer, Board Chair
Gallatin Local Water Quality District

Re: Environmental Protection Agency response to public comments regarding the notice of intent for partial deletion of the Idaho Pole Company Superfund Site (EPA-HQ-SFUND-1986-0005)

Dear Ms. Franks and Dr. Custer:

A Notice of Intent for Partial Deletion of Operable Unit (OU) 1 of the Idaho Pole Superfund Site was published in the Federal Register on July 19, 2019 (84 FR 34839). The publication of that notice was intended to inform the public that United States Environmental Protection Agency (EPA) planned to delete the surface and unsaturated subsurface soils portion of the Site from the National Priorities List and provide a 30-day public comment period on the proposed deletion. The closing date for comments on the Notice of Intent to Delete was August 19, 2019 and subsequently extended to September 6, 2019. Two written comments and three oral comments were received. All public comments were considered in EPA's final decision to delete a portion of the Site from the NPL.

This Responsiveness Summary was prepared to respond to comments submitted to EPA during the 30-day public comment period on the Notice of Intent for Partial Deletion of OU1 of the Idaho Pole Superfund Site (84 FR 34839). The original written comments are provided below while the oral comments are summarized. All comments in their entirety are available as Attachment S to this responsiveness summary. A copy of this responsiveness summary with the support materials included as attachments will also be placed at the information repositories at the following addresses:

U.S. EPA Montana Office; Federal Building, Suite 3200; 10 West 15th Street; Helena, MT 59626
Bozeman Public Library, 626 E. Main Street, Bozeman, MT 59715.

Below are the comments received with EPA's responses.



Comment #1: Per 40 CFR 300.425(e), [Gallatin City County Board of Health (GCCBOH) and Gallatin Local Water Quality District (GLWQD)] believe that further Superfund responses are needed to protect human health and the environment at the Site for the following reasons:

***Inadequate soil testing.** Soil testing performed at the Site in advance of the proposed delisting included five point composite samples in only four (4) locations from surface soils at a depth of 0-6 inches (Page 2, paragraph 2 and 3 in the June 2018 Idaho Pole Surface Soil Sampling Report). Sampling results are particularly scant or non-existent in areas of the Site north of Interstate 90 where the record indicates that surface contamination occurred where contaminated groundwater was at least seasonally near or at the surface. Specifically, the Federal Register, Vol. 84 No 139, Page 34842, column 2, paragraph 2, line 8 states, "Contaminated surface soils were identified in the Pasture Area." according to the Remedial Investigation and Feasibility Study. Soils from this area were excavated and treated in the land treatment unit (LTU). [It is assumed that] soil sampling in 2018 was conducted to confirm that the cover soil in areas where contaminated soils were excavated do not contain dioxin above the ROD cleanup level. No surface or subsurface soil samples were collected from the Pasture Area for testing during the 2018 soil-sampling event. Board members also noted that well 26-A, located in the north portion of the Pasture Area, sampled on September 26, 2017 had a pentachlorophenol (PCP) level of 3.60 [microgram/Liter (ug/L)] (2017 Groundwater Assessment Report Idaho Pole Company Site, Table 2-3. Groundwater Analytical Data September 2017). This is above the ROD cleanup level (1.0 ug/L), but no soil samples were collected from the Pasture Area. Board and staff believe additional soil testing at more locations including but not limited to the Pasture Area is necessary to evaluate risk to human health and the environment.*

Response:

The United States Environmental Protection Agency (EPA) and the Montana Department of Environmental Quality (MDEQ) believe that surface and unsaturated subsurface soils have been well-characterized as part of the remedial investigation and remedial design including extensive testing north of I-90. During the remedial investigation, multiple test pits were completed and soil samples were analyzed to characterize the nature and extent of contamination at the Site. In addition, light non-aqueous phase liquid (LNAPL) borings spaced 20 feet apart were completed on both sides of I-90 including 24 boreholes in the Pasture Area. Numerous test pits were excavated and soil samples collected during the Remedial Design to further define the extent of pentachlorophenol (PCP), polynuclear aromatic hydrocarbons (PAHs) and LNAPL. Sixteen test pits were excavated in the Pasture Area north of I-90 at locations of observed LNAPL-stained surface soils or locations intended to bound the area of LNAPL-affected media. It was determined that the soils requiring remediation north of I-90 were limited to the southeast portion of the Pasture Area adjacent to locations of LNAPL staining of the ground surface. Sections 4 and 5 of the Remedial Investigation Report for Idaho Pole Site, MultiTech Service, March 1992 (Attachment A) as well as sections 3 and 4 of the Additional Studies and Design Basis Report I Remedial Design/Remedial Action Idaho Pole Company, Geraghty & Miller, Inc, Feb 1995 (Attachment B) provide the information to support the statement that the soils have been well-characterized. In addition, all the construction requirements for excavation, treatment and placement of the impacted soils at the Idaho Pole Site have been met as described in the 1998 Preliminary Site Close Out Report (Attachment C); the 2002 Remedial Action Completion Report (Attachment D); and the 2003 Certification of Completion of the Soils Component of the Remedial Action (Attachment E). Four Five Year Reviews have also been completed since 1995 and each review has made the determination that the soil component of the remedy remains protective of human health and the environment.

Soil samples were collected in 2018 for dioxin analysis because EPA and MDEQ (the Agencies) determined that additional analyses of dioxins were needed to compare to recently revised EPA Regional Screening Levels (RSLs) for residential and industrial use. The re-evaluation of dioxin levels in soil was conducted using current dioxin science, including current EPA estimates for the toxicity of dioxin and current EPA risk assessment exposure factors. This evaluation was also conducted using existing soil site data, along with additional soil sampling data collected in 2018 (Attachment F). Additional soil samples were also collected north of I-90, the former roundhouse, the land treatment unit and treat soils area on September 30, 2019 and analyzed for PCP and PAHs (Attachment G). Analytical results were below cleanup levels established in the 1992 ROD and appropriate chemical contaminant RSLs for industrial use. The Agencies have determined that the soils have been well characterized and the soil remedy is protective of human health and the environment. Accordingly, it is appropriate to delete the surface and unsaturated subsurface soils from the National Priorities List (NPL).

With regards to PCP concentrations of 3.6 ug/L (micrograms/liter) in groundwater in Well 26-A, if mixed saturated subsurface soil in this area were brought to the surface because of an excavation, the soil results would contain very low levels of PCP in soil that would be below the ROD cleanup standard of 48 mg/kg (milligrams/kilogram) and the EPA Regional Screening Level of 4.0 mg/kg for industrial use.

Comment #2: It appears from the documentation that the soil treatment process did not positively reduce dioxin to the ROD level. Dioxin is an extremely toxic substance. The fact that the recently tested surface soils in one of the handful of sites outside of the Treatment Unit, is close to the ROD level for dioxin is concerning, as those should have been clean soils. Testing of treated soils for dioxin, as well as more comprehensive testing of both surface and subsurface unsaturated soils in additional areas beyond the locations sampled in 2018, is called for before any of the Site is developed and sampling and remediation becomes economically impractical.

... Were the soil dioxin furan cleanup standards met in the LTU soils used as the fill material... I didn't get a feel on what I read through that the levels of dioxins and furans were below EPA standards before they were used as fill material.

Response:

The Remedial Action Completion Report Soil Remediation Phase, December 2002, states "Based on the September 2000 Land Treatment Unit (LTU) soils sampling results, soil treatment was complete having met the ROD-specified performance standards. Soil analyses of the final list indicated that concentrations were below the ROD performance standard for PCP, total B2 (carcinogenic) PAHs and total D (non-carcinogenic) PAHs. Concentrations of dioxins were above the performance standard for dioxin." In recognition of this, EPA's May 21, 1996 Explanation of Significant Differences stated, "If the soil contains other contaminants that exceed the Record of Decision (ROD) levels, the soil will be isolated from groundwater, will be covered at the surface to prevent direct contact and Institutional Controls on future land use will be required." These dioxin-containing soils were purposely contained within the 4.5 acre Treated Soils Area. LTU closure activities were based on soil data meeting the ROD soil treatment goals for PCP and PAHs, but not for dioxins. The bottom elevation of the pits into which the treated soils were placed was surveyed to be at least one foot above the historic high groundwater level at the Site to prevent soil contact with the groundwater in the area. A 12 to 15-inch cover of clean

fill material was placed over the treated soils to prevent direct contact risk, as described in the remedial action objectives. The 4.5 acre Treated Soils Area is not being deleted from the NPL, its' protectiveness is being assessed during Five Year Reviews, and remains eligible for response actions if required, as does the portion of the site to be partially deleted from the NPL.

While the dioxin levels in the treated soils are above the ROD cleanup level, EPA and MDEQ have determined that the dioxins in the treated soils do not pose a risk to human health because the Institutional Controls on future land use discussed below will prevent human exposure.

All the dioxin results from the 2018 soil sampling event of surface soils were below relevant cleanup levels established in the 1992 Record of Decision and recently revised RSLs for industrial use but above recently revised RSLs for residential use which means that the surface soils south of I-90 that are outside of the 4.5 acre Treated Soils Area may not allow for unlimited use and unrestricted exposure (Attachment F). Under Superfund, Institutional Controls are normally placed on the property where conditions do not allow for unlimited use and unrestricted exposure. As part of the Idaho Pole remedy, two enforceable Institutional Controls identified below have been placed on the Idaho Pole property:

- 1) A Controlled Groundwater Use Area (CGA) was issued by the Montana Division of Natural Resources in 2001. This CGA restricts use of groundwater beneath the site for any purpose, except as provided in the remedial action or as otherwise authorized by EPA and MDEQ (Attachment J).
- 2) Land use restrictions are recorded on the deed with the Gallatin County Clerk and Recorder and include the following covenants, conditions and restrictions (among others) that run with the land as quoted directly from the Declaration of Institutional Controls (Attachment K):
 - a. Restriction on Construction. No construction, other than surface paving, landscaping, curbs, light standards, traffic signs, foundations (and related above-ground structures), utilities and greenways, shall take place on the Treated Soil Areas, except as provided in the Remedial Action or as otherwise authorized in writing by EPA and MDEQ.
 - b. Residential Development or Use Prohibited. No residential development or residential use of the property is allowed, unless approved by EPA and MDEQ. "Residential" includes, but is not limited to, permanent residential use; temporary residential use; limited residential use; short-term residential use; children's day care; mobile homes used for residential use (as contrasted to temporary on-site construction office or the like that is not used as a dwelling or for residential use) with or without footings; mobile home used for residential use (as contrasted to temporary on-site construction office or the like that is not used as a dwelling or for residential use) with or without a pad; and camping. It is Idaho Pole Company's intent that this limitation be construed as broadly as possible to prohibit any type of residential use whatsoever.
 - c. Restriction or Excavation within the Treated Soils Area (TSAs). No excavation deeper than 12 inches shall take place on the TSAs, unless authorized in writing by EPA and MDEQ and conducted in compliance with the March 2011 Agency-approved Soil Management Plan that is in EPA's and MDEQ's site files for the Idaho Pole Superfund Site, or such other soils and groundwater management plan that may be approved by EPA

and MDEQ ("Soil Management Plan"). Owner shall maintain a protective cover of at least 12 inches of clean soil over the TSAs. A 12 inch gravel layer, gravel and asphalt overlay, or other cover that prevents erosion and which maintains the integrity of the remedy can be substituted for clean soil.

- d. Restriction on Excavation within Controlled Ground Water Area. In addition to the Restriction on Excavation within the TSAs, above, no excavation shall be allowed on the Property within Controlled Ground Water Area (Decision 41H-114172) where that excavation reaches saturated soil or groundwater, except where the Owner receives prior written approval from MDEQ and EPA and meets the requirements of the Controlled Ground Water Area and the Soil Management Plan or except as otherwise authorized in writing by EPA and MDEQ.
- e. Restriction on Use of Ground Water. Ground water within the boundaries described by the Controlled Ground Water Area shall not be pumped, withdrawn, used, or developed for any purpose, except as provided in the Remedial Action or as otherwise authorized in writing by EPA and MDEQ. If the Controlled Ground Water Area is amended to allow for wells on the Property, subject to Owner first obtaining the requisite prior authorizations from EPA and MDEQ, Owner may be allowed to install and use one or more groundwater wells for the irrigation of landscaping features on the Property, to the extent permitted by such authorizations and otherwise in compliance with applicable law, including the Controlled Ground Water Area.

Comment #3: The relatively shallow depth of soil sampling (0 to 6 inches) is also a concern. As we understand the documents, the purpose of the partial deletion as stated in both the article in the Bozeman City Chronicle on May 7, 2019, and the EPA Idaho Pole webpage is to allow redevelopment of the land. Redevelopment as we understand it would require excavation for building foundations, water lines, sewer mains, and other underground utilities on the Site. Experience suggests such excavation would extend 6 to 8 feet below ground surface. The excavated material would be mixed and used to backfill-excavated areas. This excavation and mixing may bring contaminated materials from below the six-inch level. Because of this, contamination in the unsaturated and even the saturated zone in shallow groundwater areas may surface and be inhaled, ingested or otherwise come into contact with children and adults.

Response:

The purpose of the partial deletion is to acknowledge that all appropriate response actions have been implemented for the soils portion of the remedy at the Idaho Pole Site; that no further response action for soils is deemed necessary; and that the soils remedy as implemented poses no significant threat to public health or the environment. Redevelopment can occur absent of partial deletion as long as the protectiveness of the remedy is maintained.

Given current land use as an undeveloped field, a 0 to 6 inch sampling depth for surface soils is considered appropriate because deeper disturbances are not anticipated. Should a deeper disturbance of the subsoils be required for redevelopment, two enforceable Institutional Controls are in place to ensure protection of human health and the environment. Those Institutional Controls are identified in the

response to comment #2 (Attachments J and K).

Comment #4: Unknown fate of over 300,000 gallons of petroleum hydrocarbons spilled on the Site. The 2002 Remedial Investigation Report estimated that 327,000 gallons of petroleum hydrocarbons were spilled on the Site. To date, the EPA has not responded adequately to requests from the Board of Health as to the status of those contaminants. There are no estimates on how much of the fuel may have been recovered through soil excavation or other cleanup efforts.

According to the US Agency for Toxic Substance and Disease Registry (ATSDR) petroleum hydrocarbons can be harmful to human health if they are ingested, inhaled or touched by people. ATSDR states that exposure can cause serious health impacts, including irritation of the throat and stomach, central nervous system depression, difficulty breathing, and pneumonia from breathing liquid into the lungs. The compounds in some total petroleum hydrocarbons (TPH) fractions can also affect blood, immune system, liver, spleen, kidneys, developing fetus, and lungs. Certain TPH compounds can be irritating to the skin and eyes. The boards believe that no determination regarding public health and safety can be reached absent better understanding of TPH levels on the Site.

Response:

This 327,000 gallon estimate has often been referenced by the Gallatin Local Water Quality District and Gallatin City County Board of Health as a point of concern, but this number was only an estimate made during the remedial investigation to aid in gaining a general sense of the potential magnitude of resulting contamination issues, but is not useful for contaminant removal evaluations. First, the estimate involved a large amount of potential error. Second, as the products were used and introduced to the environment over more a quarter of a century, their composition and distribution changes through time. In other words, the hydrocarbons removed from the environment take a much different form than when they were emplaced.

As soon as petroleum hydrocarbon mixtures are released to the environment, they begin to undergo changes in which natural processes such as volatilization or degradation occur, thereby altering the chemical composition of the original environmental contamination. During this process the lighter hydrocarbon fractions (i.e., smaller molecular weight and less carbon numbers (C_5 - C_6 , C_7 - C_8)) decrease in concentration while relative concentrations of higher molecular weight (and carbon number) hydrocarbon fractions (identified as PAHs in the 1992 ROD) in residual Total Petroleum Hydrocarbons (TPH) increase in proportion to the overall mass of the remaining hydrocarbons in the environment. The remaining higher molecular weight hydrocarbons (PAHs) also have a higher organic carbon-water partitioning coefficient. In other words, the hydrocarbons that were characterized during the remedial investigation and removed from the environment during the remedial action were much different from than when they were originally released and are less soluble in water than the lighter weight hydrocarbon fractions. This is due to many factors, including but not limited to the complexity and heterogeneity of the sediments and soil, groundwater movement, degradation, their use in wood treatment operations and the long time span over which they were initially introduced in a variety of forms. In short, not all of the petroleum hydrocarbons released over time remain in the soil and groundwater in their original chemical form.

Additional investigations were conducted in 1994 to support the Soil Remedy Design. These investigations excavated more than 60 test pits in the Roundhouse area, the Pressure Plant area, along Cedar Street, the Barkfill area and in the Pasture area north of the I-90. These areas were expected to have the highest amount of contamination. The objective was to further characterize the soils for removal and treatment. Test pits were excavated to below the water table in most areas. It was assumed that the remaining hydrocarbon contaminants in groundwater at this Site would be in the form of LNAPL, or light non-aqueous phase liquids that are not soluble in water and which have a lower density than water. The LNAPL would float on the top surface of the groundwater layer and would not be able to sink below the groundwater layer due to their physical and chemical properties. During the 1994 investigations LNAPL was not observed in measureable quantities on the water table in any test pit, even after the pits had been left open for several hours. LNAPL existed primarily as staining with some sheens observed. The investigators defined unmeasurable LNAPL as more than a sheen but less than 0.01 feet in thickness. Please refer to sections 3 and 4 of the Additional Studies and Design Basis Report I, Geraghty & Miller, Inc, Feb 1995 for additional information (Attachment B). Based on this information, the pretreatment of LNAPL saturated soils by steam cleaning in the original remedy design was deemed not necessary, as insufficient LNAPL was found to warrant this step.

These data and the effects that the many complex factors have on the original composition of the petroleum hydrocarbons historically released indicate the original estimate in the RI report of 327,000 gallons of LNAPL was substantially overestimated. Areas where LNAPL was observed were excavated between 1995 and 1998 as part of the soil remedy and a LNAPL plume no longer exists at the Site.

Comment #5 Specific components of diesel fuel have not been sampled for recently in the soils and in the unsaturated zone. This is a concern for human health and the environment.

Response:

Site investigations conducted between 2014 and 2017 have focused on a range of potential petroleum hydrocarbon contamination in soils, subsurface soils, and groundwater. While these studies have not attempted to isolate the specific presence of diesel fuel components, diesel fuel would be only one component of petroleum hydrocarbon contamination in the subsurface soils and groundwater. In any case, the analysis of risks posed to human health and the environment by the presence of hydrocarbon contamination at the Idaho Pole Site encompasses any individual risk that might be posed by diesel fuel and its breakdown elements.

Total petroleum hydrocarbons (TPH) refer to a variety of complex technical mixture products or wastes. TPHs are generally grouped into three ranges (fractions) according to the number of carbon atoms in the chemical compound: TPH_{gasoline} (C5 – C12) TPH_{diesel} (C10 – C28) and TPH_{lubricating oil} (C14 - > C29). In some analyses, TPH fractions may be reported in small incremental hydrocarbon ranges, such as C₅-C₆, C₇-C₈, etc., but generally, TPH is most often grouped into the three fractions mentioned above, plus total hydrocarbons. Transformer oil was used in the wood treating applications by the Idaho Pole Company which has a fraction between C9 - > C29, the analysis of diesel range organics (C10 – C28) was considered an appropriate analysis to evaluate the presence of carrier fuel in the source area.

The presence of petroleum hydrocarbon compounds was investigated between 2014 – 2019 using various total and fractionated petroleum hydrocarbon analyses as well as PAH analyses. Because cleanup levels for fractionated petroleum hydrocarbons were not included in the ROD, the results were

compared to Montana MDEQ risk-based screening levels (RBSLs). MDEQ developed RBSLs for petroleum hydrocarbons based on generic site conditions and likely possible human exposure scenarios. They are intended to evaluate whether additional investigation is needed at a Site, not as site-specific cleanup levels. While they are not Site cleanup levels, they are useful in evaluating the extent of petroleum hydrocarbons at the Site and whether additional investigation into their presence may be warranted.

Although comment #5 pertains to soils, there is an overall concern with petroleum hydrocarbons expressed over the past few years and the following summarizes recent TPH investigation results for surface soil, subsurface soil, and groundwater.

Several phases of investigation into petroleum hydrocarbon concentrations in Site soil and groundwater have been conducted at the Site since 2014. Summaries of the investigation results are provided below.

1. 2014 Subsurface Soil Investigation in Barkfill Area (Attachment M)
 - a. Ten soil samples collected from four borings for TPH analysis from depths of 5 to 23 feet. Samples from three of those borings (five samples) contained TPH fraction concentrations > MDEQ RBSLs for leaching and direct contact (construction/commercial). All samples that had TPH Fraction concentrations > MDEQ RBSLs were in saturated soils.
 - b. The borings are all located within the barkfill area south of I-90 where treated soil were placed and Institutional Controls Institutional Controls prevent direct contact.
2. 2019 Surface Soil Sampling North of I-90 (Attachment G)
 - a. Two surface soil samples were collected from the ditch on the south side of Bohart Lane between monitoring wells GM-4 and GM-5 in response to a citizen report of a sheen in this area.
 - b. The samples contained petroleum hydrocarbon screen concentrations of 133 and 98 mg/kg. These results are below the level at which MDEQ has established for additional analysis, indicating no health risks from the petroleum hydrocarbons in this area.
3. Groundwater Monitoring – Several groundwater monitoring events for petroleum hydrocarbons have been conducted.
 - a. 2016 Phase II Pilot Study (Attachment N) – Groundwater samples collected from 14 monitoring wells at various times during the study were analyzed for diesel range organics. Seven of the wells were located south of I-90 in the treatment study area. Seven of the wells were located north of I-90, immediately down-gradient of the Barkfill Area, which is where saturated soil samples collected in 2014 contained TPH fractions above the MDEQ RBSLs.
 - i. Samples collected from two of the seven wells located within the Phase II Pilot Study contained petroleum hydrocarbon concentrations above the concentration at which MDEQ has established for additional fractionation. Additional fractionation was not completed as part of this pilot study because the objective of the sampling was to determine the presence of TPHs so that biosurfactants and bioamendments could be introduced in that area.
 - ii. The analytical results from samples collected north of I-90 were below the concentration at which MDEQ has established for additional fractionation, with the exception of one of the four samples collected from well 9-A, which was slightly above the fractionation level. That sample was collected immediately

following injections of a biosurfactant and bioamendments into the subsurface and subsequent samples collected from well 9-A did not contain detectable concentrations of diesel range fractions.

- iii. The results indicate that natural attenuation processes are effective at preventing down-gradient migration of petroleum hydrocarbon concentrations in groundwater.
- iv. Samples were collected from monitoring wells 5-A, P-4, GM-4, 9-A, 9-B, 11-A, 10-A, 24-A1, 24-B, 25-A, 25-B, 26-A, 26-B, RES-3, RES-4, RES-7, 27-A and 27-B in October 2019 and analyzed for petroleum hydrocarbon fractions. The results will be presented in the 2019 Groundwater Assessment Report and evaluated as part of the fifth Five-Year Review which is scheduled to be completed by September 2020.

Together, the data provided to date document the presence of petroleum hydrocarbons located in the saturated soils in the barkfill area south of I-90 and groundwater in the barkfill area and north of I-90 still pose a risk to human health and the environment. However, land and groundwater use restrictions prevent exposure to human health and ecological receptors. Saturated soils and groundwater at the site are not part of the partial deletion.

Comment #6: Smear Zone. The Federal Register states that "The majority of soils in the Barkfill and Pasture Areas were contaminated by non-aqueous phase liquid (NAPL) smearing in the saturated subsurface soil." It continues on to describe that the clean overburden was stripped off and the exposed contaminated soil layer was excavated and treated. Concern remains that NAPL smearing has occurred at other locations on the Site as well, particularly directly downgradient in the northern portion, where a shallow groundwater table is present. The 2014 Temporary Monitoring Well Installation Data Summary Report prepared for NorthWestern Energy measured water table depths at 1.26 feet to 8.26 feet below the ground surface at eleven temporary monitoring locations. One member of the public at the August 7 public meeting reported observing a sheen on surface water near the road ditches north of I-90 during spring time high-groundwater conditions. If contamination smearing is still occurring in this area, this would mean that soil and unsaturated -zone contamination is still present at least in the smear zone up-gradient of this surfacing groundwater. Other areas on the site may also have smeared contamination. If NAPL smearing is in fact present at the surface and in shallow subsurface unsaturated soils upgradient of and within these wetland areas, this is not protective of human health and the environment because shallow contaminated soils will be disturbed and exposed to the land surface during underground utility construction, and soil vapor intrusion could negatively affect human health if structures are placed in these areas.

Response:

EPA considers the smear zone to be the approximate 6.7 acres of potentially contaminated saturated soils discussed in Section 5.3.3 of the *Remedial Investigation Report for Idaho Pole Site*, MultiTech Service, March 1992. While these saturated soils are not being considered for deletion, the potential for LNAPL smearing and the seasonal fluctuations in groundwater containing wood treating constituents that could potentially impact surface and unsaturated subsurface soils has been evaluated by the Agencies and it is not considered a threat for the following reasons.

- Extensive investigations conducted in 1994 during soil remedial design and during soil investigations identified only a limited area of LNAPL on the groundwater surface north of I-90 adjacent to Bohart Lane. Sixteen test pits were excavated in the Pasture Area north of I-90 at locations of observed LNAPL-stained surface soils or locations intended to bound the area of LNAPL-affected media. It was determined that the soils requiring remediation north of I-90 were limited to the southeast portion of the Pasture Area adjacent to locations of LNAPL staining of the ground surface. Please refer to sections 3 and 4 of the Additional Studies and Design Basis Report I, Geraghty & Miller, Inc, Feb 1995 for additional information (Attachment B). A recovery trench was also installed in this area during the 1995 soil removal to prevent migration of LNAPL to down-gradient areas that had been remediated through excavation. Absorbent pads were used to collect the LNAPL and the quantity of LNAPL accumulating in the trench declined until it was no longer observed in 2014. In addition, groundwater monitoring has been conducted at least semi-annually since the soil removal action and LNAPL has not been observed in any of the monitoring wells located north of I-90. These data indicate that a LNAPL plume is not present in this area, precluding the possibility of LNAPL smearing and impacting surface and unsaturated subsurface soils.
- Groundwater monitoring conducted since the remedial investigation has identified a dissolved phase PCP plume north of I-90 that is shrinking in extent and magnitude over time (Attachment O). The highest PCP concentrations north of I-90 have been measured in the deeper B zone aquifer, which does not have the potential to impact surface soil. PCP concentrations measured in the shallow aquifer north of I-90 over the last ten years have not exceeded 200 µg/L. The highest concentrations have also been measured adjacent to Bohart Lane at GM-4 and concentrations decline rapidly in a down-gradient (northeasterly) direction. The dissolved phase PCP concentrations north of Bohart Lane are several orders of magnitude less than the PCP soil cleanup level of 48 mg/kg identified in the 1992 ROD and do not have the potential to cause impacts to surface and unsaturated subsurface soils above that cleanup level.

The observed sheen on the surface water within the center line of L Street and near the road ditches along Bohart Lane north of I-90 has been discussed with this community member who will contact EPA should this sheen be observed in the future. Furthermore, anyone can call their local or state officials or they can call EPA at 303- 293-1788 to report a release. The EPA number is a 24 hour hotline manned by EPA for the public to report a release.

In preparation for the Five-Year Review and to determine if the sheen observed is impacting surface and unsaturated subsurface soils, two five-point composite samples were collected in the ditch between Bohart Lane and I-90 and analyzed for PCP and fractionated petroleum hydrocarbon. An additional sample was also collected in the Pasture Area and analyzed for PCP and PAHs. All results came back below ROD cleanup levels for PCP and PAHs, EPA RSLs for industrial use and below the State of Montana RBSLs for fractionated petroleum hydrocarbons.

Comment #7: The other issue is the roundhouse. Everybody knows what's going on...at the Livingston rail yard...I didn't get a good feel in the reports or the information I've read on how extensive that contamination may have been. It was typically, diesel contamination and sometimes chlorinated solvents were used in those operations...

Response:

The roundhouse operated from the late 1800s through the 1930s before chlorinated solvents were widely used commercially; and, perhaps because of this, chlorinated solvents were not detected during the remedial investigation. Roundhouse soil samples collected during the remedial investigation and the remedial design identified PAHs as the primary contaminant of concern which is consistent with a diesel contaminant that has undergone degradation over time. Test pits completed during the remedial investigation and remedial design indicated that impacted soils in the former roundhouse were limited to a depth less than 4 feet, which is above the groundwater table in this area. This is consistent with small surficial releases that may have occurred during minor engine maintenance at the roundhouse. Major engine maintenance was conducted at the Livingston, Montana rail yard. For more information, please refer to the Remedial Investigation Report for Idaho Pole Site, MultiTech Service, March 1992 (Attachment A); the Additional Studies and Design Basis Report I, Geraghty & Miller, Inc, Feb 1995 (Attachment B) and pages 14 – 23 of the Cultural Resource Inventory of the Idaho Pole Site, GCM services, June 1990 (Attachment P).

Comment #8: ... the ROD was issued in 1992 and I'm wondering if the standards set out in the ROD have been updated with new research..... I want to make sure that all of the standards that are being met in this remedial effort aren't old standards that are now not considered accurate anymore.

Response:

EPA conducts Five-Year Reviews to determine if the remedy continues to be protective of human health and the environment and considers new information about contaminant standards. The last Five-Year Review for the Idaho Pole Company Site, conducted in 2015, included a technical assessment to support the determination that the remedy is functioning as designed and is expected to remain protective of human health and the environment. This assessment included evaluating whether the exposure assumptions, toxicity data, cleanup levels, and remedial action objectives (RAOs) used at the time of remedy selection are still valid. The evaluation conducted in the 2015 Five-Year Review concluded that, for the soil remedy as well as for the remedy as a whole, the remedy approach remains valid when those changes are considered. This evaluation will be conducted again for the next Five-Year Review, scheduled to be completed in 2020.

In addition, EPA issued new screening levels for dioxins in 2014 that are more stringent than the site-specific cleanup dioxin values identified in the 1992 ROD. Confirmatory sampling was conducted in 2018 in areas where historic wood treating operations and response actions occurred to ensure that the dioxin levels in soils did not exceed the new screening levels for industrial use (Attachment F). A re-evaluation of dioxin levels in soil was conducted using current dioxin science, including current EPA estimates for the toxicity of dioxin and current EPA risk assessment exposure factors. That evaluation was based on existing soil site data, along with additional soil sampling data collected in 2018. In addition, soil samples analyzed for PCP and PAHs in September 2019 were compared against EPA RSLs for industrial use since the risk assessment exposures assumptions of PCP and PAHs have been modified since the 1992 ROD (Attachment G). EPA RSLs are based on generic site conditions and exposure scenarios and are meant to be conservative since they are intended to be used to evaluate whether additional investigation and response may be needed at a Site, not as de facto site-specific cleanup levels. Analytical results for PCP and PAHs were below EPA RSLs for industrial use.

Comment #9: If the Site's soil is partially delisted, development will occur and excavation for underground utilities will be necessary. There is concern that excavation and gravel backfill around utility lines will introduce preferential pathways for the contaminated groundwater, potentially transporting contamination to off-site down gradient locations. In addition to this concern, shallow subsurface contamination smearing, whether in saturated or unsaturated soils, is likely to be encountered during excavation and could bring contamination to the land surface, reintroducing a human health contact risk. The Boards, including representatives of the City of Bozeman and Gallatin County, would like EPA's guidance and further clarification on these issues and their recommended resolution prior to delisting the majority of the Site's surface and unsaturated subsurface soils, which will likely result in development proposals that must be evaluated by the respective entities.

And, so water lines are typically buried between six and eight feet deep that's into the ground water table in much of this area. Sewer lines I'm not sure where but it flows downhill so I'm not sure where a sewer line or how deep it would need to be so again those are conduits that if they are in or near the contaminant plume, that plume could then be drawn along that that gravel filled ditch ... that can then become a conduit to carry contamination away from the site...

I am concerned that allowing development of the Idaho Pole site and/or within the controlled groundwater site and the underground infrastructure that will entail, will provide a perfect conduit for contaminated water to be transported elsewhere....

We believe that development of the Site- both to build structures and install utilities – undoubtedly would require excavation that may exacerbate the health concerns related to the connections between groundwater and soils. We and members of the public express concern that utility trenching could provide conduits through which contaminants in the soil and water would migrate. Additionally, we are concerned that the position of the boundary between saturated and unsaturated soils in the delisting statement changes both seasonally and from year to year as groundwater fluctuates. This fluctuation and attendant uncertain position would not protect public health during construction and excavation and potentially during the life of a building. We also note the inexact knowledge of groundwater depth throughout the Site, a limitation that underscores the important connection between the land and the groundwater. We believe the Site poses a risk to public health based on this connection.

... I remember talking to a developer one time who has a history of developing areas of high groundwater and I asked him how he went about doing that and his response was once we lace in the sewer and water lines the gravel bed acts like a huge French drain and it drops the water table so, you can expect that this smear zone will in essence be drained into the over digs for your sewer system and since those are all set to grade that's an actual perfect conduit to move any of this tainted water

Response:

The potential for encountering impacted saturated soils and groundwater is an important consideration for building construction and utility installation. However, it is less of a concern if buildings and utilities are constructed properly, and where construction takes any remaining contamination into account. This is based on experience at other Superfund sites that have implemented widely used construction methods. To ensure protection of human health and to minimize contaminant migration during any future construction activities, Paragraph 10(d) of the Restated and Amended Declaration of Institutional Controls requires development of a soils management plan and prior written approval from EPA and

MDEQ prior to construction of utilities that may encounter impacted saturated soils and groundwater (Attachment K).

Comment #10: It is possible that soil vapor intrusion into future structures on Site could present a human health hazard. Naphthalene, a semi-volatile compound, or other components of diesel fuel remaining in residual subsurface contamination in the smear zone, or in shallow groundwater could volatilize and present an indoor air hazard in overlying structure. No Institutional Controls or mechanisms requiring the use of soil vapor mitigation systems are required for future structures at this time. Additionally, to our knowledge, a soil-vapor-intrusion assessment has not been conducted.

I think we talked about VOCs well will light PAH's or other potential VOCs from past hydrocarbon impacts within the groundwater cause vapor intrusion into the new utility lines or living areas. We touched on that naphthalene being one of them that's in diesel again a diesel plume map would be nice to see here not just not just PAHs or PCPs.

Response:

Since many factors affect vapor migration, the State of Montana's 2011 Vapor Intrusion guidance specifies the pathway should initially be considered a potential threat for all current or potential future structures located within 100 feet laterally from soil, soil vapor, or groundwater contaminated with petroleum hydrocarbons. It is not anticipated that any additional structures that will be continuously occupied will be proposed for construction or constructed in the approximately 6.7 acre area where wood treating constituents containing petroleum hydrocarbons were historically identified. Should new or exisiting structures be continuously occupied in the area where petroleum hydrocarbons have historically been detected, the Agencies will work with the property owner to investigate the indoor air pathway following the 2011 Montana Vapor Intrusion Guide and EPA's 2015 Technical Guide for Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Vapor Sources to Indoor Air (Attachment Q).

Comment #11: ... real estate development is very complex and ... we try ... to kill these things off as fast as we can. ... We're still here. We have not found any reason to stop doing what we're doing here right now as far as bringing these sites .. into redevelopment...

Response:

Comment noted. However, any development on Idaho Pole property must comply with the Institutional Controls that have been placed on the property and receive appropriate local government approval.

Comment #12: Inadequate collaboration and consultation with local governments that will be responsible for assuring public health and safety of future potential development at the Site. The EPA decision notice of intent to delist portions of the Site was reached without any meaningful consultation, collaboration, or notification of the local government entities that would be burdened with the responsibility for making decisions on future use of the land. According to testimony by EPA staff Roger Hoogerheide at the boards' August 7, 2019, meeting, the MDEQ agreed to support delisting absent any opportunities for public comment from the affected community or any outreach to government officials who would shoulder responsibility for governing future use of the Site. Board members are concerned that local governments and taxpayers will be burdened with decisions about land use and the liability that comes with future potential health impacts. Further, Mr. Hoogerheide stated at the August 7

meeting that EPA would remain involved in the Site but also stated that there is no clear mechanism for EPA to work with local officials to determine safe uses for the Site. Board members feel that local zoning rules are insufficient to ensure appropriate use of the Site as those rules are malleable and subject to exceptions. One board member noted that current zoning in Bozeman allows childcare facilities in all parts of the city. The board feels strongly that safe use of the Site demands specific and comprehensive understanding about regulatory mechanisms that would be protective of public health. Absent such mechanisms, the boards feel it would be irresponsible to move ahead with delisting.

Now it's been brought up that, yeah, it's going to be storage units and so forth but quite honestly it could take a while and it could be somebody else coming in and doing something totally different so I think we have to make sure that we safeguard with the idea that at this juncture, essentially anything can happen here.

Response:

The following activities have been done as part of communicating to the public and local government partners that the soil and unsaturated soil components of the remedy no longer poses a public health risk and to ensure that local governments and taxpayers will not be burdened with decisions about land use and liability that might result from future potential health impacts.

- 1) The construction requirements for treatment of the soils at this site have been met as described in the 1998 Preliminary Site Close Out Report and the 2002 Remedial Action Completion Report (Attachments C & D). These reports are available on EPA's webpage at <https://www.epa.gov/superfund/idaho-pole>.
- 2) Even if a site or a portion of a site is deleted from the NPL, additional response actions can be taken if conditions warrant. EPA has placed Burlington Northern Santa Fe Railroad Company and the Idaho Pole Company (Respondents) under an Administrative Order for cleanup at the Site (EPA Docket No. CERCLA VIII-93-26). While work is still being done to address the groundwater and saturated subsurface soils components of the remedy, Paragraph XII provides EPA with the authority to require the Respondents to conduct additional work that may be necessary to protect human health and the environment (Attachment R).
- 3) Institutional Controls on groundwater use have been implemented through the establishment of a Controlled Groundwater Area (Attachment J). Enforceable deed restrictions have also been placed on the property which cannot be restated or amended without EPA and MDEQ approval. Both of these measures will prevent human exposure to any remaining contamination and minimize risks to human health. Specifically, Paragraph 10(b) of the Restated and Amended Declaration of Institutional Controls prohibits residential development or use of the property within city limits (Attachment K).

"Residential Development or Use Prohibited. No residential development or residential use of the property is allowed, unless approved by EPA and MDEQ. "Residential" includes, but is not limited to, permanent residential use; temporary residential use; limited residential use; short-term residential use; children's day care; mobile homes used for residential use (as contrasted to temporary on-site construction office or the like that is not used as a dwelling or for residential use) with or without footings; mobile home used for residential use (as contrasted to temporary on-site construction office or the like that is not used as a dwelling or for residential use) with or without a pad; and camping. It

is Idaho Pole Company's intent that this limitation be construed as broadly as possible to prohibit any type of residential use whatsoever.”

- 4) The Agencies notified the public as early as May 2010 during a public meeting that the soils component of the remedy was completed (https://www.bozemandailychronicle.com/news/idaho-pole-superfund-site-deemed-clean/article_adc01f94-598f-11df-95e8-001cc4c002e0.html) but could not proceed with the partial deletion until the new RSLs for dioxin were finalized.
- 5) Four Five Year Reviews have been completed since 1995. Each review has made the determination that the soil component of the remedy remains protective of human health and the environment. Notices have been placed in the Bozeman Chronicle announcing the start and completion of each Five Year Review and the most recent Five Year Review Report is available on EPA's webpage at <https://www.epa.gov/superfund/idaho-pole>.
- 6) The Agencies identified that the partial deletion was being evaluated during presentations to the public in December 2017 and to the boards in March 2018, as well as in the November 2017 fact sheet that was sent to local residences, local government offices and elected officials.
- 7) At NPL Sites, §300.425(e)) describes the State's, i.e. MDEQ's, role with the deletion process: EPA should consult with the State and request concurrence on the EPA's intent to delete the site. A site or portion of a site cannot be deleted from the NPL without state concurrence. A state has no public participation requirements for concurrence determination of deletion of a NPL site or partial deletion per the NCP. Although a formal concurrence memo from the State is required for publication, it is suggested that the Region obtain verbal or informal concurrence on the intent to delete before the deletion docket is prepared and the NOID is drafted. A formal concurrence letter must be obtained before Headquarters concurs on the deletion. There is no requirement that MDEQ independently solicit public comment. The EPA published notification of the proposed partial deletion in the Federal Register, including a request for public comments. In addition, a press release was issued on July 19, 2019 and a notice was published in the local paper on July 21, the Bozeman Chronicle, which provided multiple methods to submit comments, specified where additional information about the site could be found, and provided contact information in case community members had questions concerning the proposed deletion.
- 8) EPA was available for a public meeting with the Gallatin City County Board of Health and Gallatin Local Water Quality District on August 7, 2019 to answer questions and address concerns about the partial deletion. EPA also re-opened the public comment period at the request of local government until September 6, 2019 to provide additional opportunities for the public to submit comments concerning the proposed partial deletion.
- 9) The Bozeman Chronicle published two articles about the partial deletion during the public comment period. (https://www.bozemandailychronicle.com/news/city/epa-wants-to-kick-part-of-idaho-pole-site-off/article_ee667f2f-ec7e-5ef8-ba7a-27480a890ac3.html) (https://www.bozemandailychronicle.com/news/health/health-officials-question-epa-plan-to-delist-bozeman-superfund-site/article_c50b772a-3928-5aea-975b-b6f3c47d594d.html)
- 10) EPA and MDEQ met with local officials on October 15, 2019 to understand local official questions and concerns regarding partial deletion and redevelopment of the Idaho Pole site. EPA also held a public meeting on October 15, 2019 to provide information and answer questions regarding the partial deletion proposal. The Bozeman Chronicle published an article about this

meeting (https://www.bozemandailychronicle.com/news/epa-seeks-to-ease-concerns-about-bozeman-superfund-site/article_b104ae21-b1e9-51a5-8fee-bf7ebc316437.html)

- 11) Greg Sopkin, EPA Region VIII Regional Administrator, submitted a letter to the editor stating that EPA's decision to delete the soils from the NPL will be based on sound science which was published in the Bozeman Chronicle on November 1, 2019.
https://www.bozemandailychronicle.com/opinions/guest_columnists/idaho-pole-decision-will-be-based-on-science/article_1cb44651-7eec-5a07-863f-817ef5137017.html
- 12) EPA recognizes the role of local government in land use decisions and attempts to partner with state and local government to implement appropriate land use restrictions as Institutional Controls.

Comment #13: The soils and unsaturated subsurface soils proposed for delisting were cleaned up to industrial and commercial standards. A portion of the area proposed for delisting is in the Gallatin County-Bozeman Area zoning district currently designated as sub district Agriculture Suburban, which allows for many different types of development. Future human health could be at risk if residential development were to occur on this parcel. Any new development would also likely require utility trenching due to restrictions of the Controlled Groundwater Area encompassing the Site which do not allow any new wells to be drilled.

Response:

During the remedial investigation, only groundwater contamination was detected on the properties that are currently designated as sub district Agriculture Suburban in the Gallatin County-Bozeman Area zoning district (Attachment A). Soils and unsaturated soils on these properties do not pose a human health risk and are eligible to be deleted from the NPL. This is also why the Declaration of Institutional Controls was restated and amended on August 21, 2017 to lift the residential use restrictions on these properties (Attachment K). However, to ensure continued protection of human health and the environment should these properties be redeveloped, Institutional Controls have been placed on the properties and restrictions on use are included in the property deed designated as sub district Agriculture Suburban. These include prohibitions on groundwater use and development of a soils management plan and EPA and MDEQ approval before excavating into saturated soils (Attachments J & K).

Comment #14: EPA staff have described that EPA and MDEQ would assist with providing input into future land use for the Site. However, it is unclear to the boards the mechanism by which these agencies would interact with the City of Bozeman and the County of Gallatin to determine future site use that is safe for human health. We are concerned that the City of Bozeman and Gallatin County would have little or no legal ground to stand on in prohibiting certain uses of the Site, after partial delisting of the surface.

At minimum, a Memorandum of Understanding (MOU) between the City of Bozeman, the County of Gallatin, U.S. EPA and Montana DEQ should be composed and finalized to outline roles of each party when determining appropriate future use of the property to ensure human health and environmental protection. Partial delisting should not occur until and MOU is finalized and signed.

... as far as a Memorandum of Understanding between the different parties here and stakeholders what type of enforcement would be possible with that, I mean is it just a feel-good document or is there something that actually could prevent a use that would be a public health issue.

Response:

The Agencies are committed to assist the City of Bozeman and Gallatin County in the redevelopment of the Idaho Pole Site and can provide input on future land use for the Site at the request of the local governments. However, a formal mechanism such as an MOU is not needed prior to the Agencies' determination to delete the surface and unsaturated subsurface soils outside of the 4.5 acre Treated Soils Area from the NPL. The Agencies have determined that the Notice of Institutional Controls as restated and amended contains the land use restrictions to ensure that future redevelopment is done in a manner that protects human health and the environment (Attachment K). These restrictions also cannot be restated or amended without the Agencies' review and approval. Groundwater use restrictions also cannot be amended without an official rule-making from the Montana Department of Natural Resources and Conservation. Therefore, the City of Bozeman and Gallatin County Institutional Controls can invoke these Institutional Controls and deed restrictions to assist in restricting future land uses. .

Comment #15: Per 40 CFR 300.4259(e), GCCBOH and GLWQD believe that responsible parties or other persons have not implemented all appropriate response actions required for the following reasons:

***Absence of clear, comprehensive statement of scientific rationale for finding that the delisting would not pose a threat to human health.** We do not believe that EPA, MDEQ and Idaho Pole Company have provided the public and government partners with an adequate assessment and rationale for the apparent position that the Site does not pose a public health risk. The Site has been on the National Priorities List for 33 years, in large part in order to protect human health and environment. Despite this history, there is inadequate communication or documentation explaining to local officials and residents why the EPA and MDEQ consider all but 4.5 acres of the surface and unsaturated subsurface to no longer be a substantial risk to human health. We believe a clear statement of this rationale is needed.*

I am also concerned that this delisting is driven more by a rush to develop instead of sound science and a concern for public health. I am equally concerned knowing that the delisting is being pushed by the current administration

I'm concerned that the driving force on this is from the administration's viewpoint of trying to get this off the list instead of a true analysis that yes the problem has been solved. I understand the development pressure of anything especially Creekside has all kinds of desirability in this day and age so I can see a significant amount of economic pressure coming to opening this up for development and I am very concerned if this came down from the top and this administration being an incredibly anti-science administration that we're releasing this for the right reasons.

Response:

The desire for property development is not a factor considered by EPA when determining whether a site or a portion of a site should be deleted from the NPL.

Please refer to the response to comment #12 on communications and documentation explaining to local officials and residents why the EPA and MDEQ consider all but 4.5 acres of the surface and unsaturated subsurface to no longer be a substantial risk to human health.

Under part 40 Code of Federal Regulations, section 300.425(e)(1), a release may be deleted from the NPL where no further response is necessary. In making this determination, EPA must consult with the State and consider whether any of the following criteria have been met:

- (i) responsible parties or other persons have implemented all appropriate response actions required; (ii) all appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or (iii) the remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

The LTU was closed in 2002, treated soils placed on-site, and Institutional Controls placed on the property, thus completing the remedy for the soils portion of the Site. Since that time, no further information has come to light that would indicate the need for additional soils removals. Also, additional soil samples were collected in 2018 and 2019 to confirm that Institutional Controls are placed appropriately to protect human health and the environment. After consultation with MDEQ and considering response actions taken to date, EPA has determined that no further response is necessary to address any risk to human health and the environment posed by any contaminants that may remain in the surface and unsaturated subsurface soils outside of the 4.5 acre Treated Soils Area. As a result, those portions of the site are being deleted from the NPL. EPA believes the response for these portions of the Site is complete and protective of human health and the environment as documented in the deletion docket and as required by statute and regulation. The decision to delete portions of the Site is based on sound science and a concern for public health, especially since remaining components of the remedy specified in the 1992 ROD such as groundwater and saturated subsurface soils may still pose a risk to human health and environment and EPA will continue to administer an appropriate response at these portions of the Site.

Comment #16: Per 40 CFR 300.425(e), GCCBOH and GLWQD believe that all appropriate Fund-financed response under CERCLA has not been implemented, and additional response action by responsible parties is appropriate for the following reasons:

The proposed partial delisting of the unsaturated soils inadequately considered the connections of the soil to groundwater and saturated soils. Some members of both boards expressed concern that it is impractical and inappropriate to delete sections of the Site from the National Priorities List without additional consideration of connections between the land, groundwater, and saturated soils. One board member noted that the Site was placed on the National Priorities List in a manner that sought cleanup of the entire Site – soil, saturated soil and groundwater – but is now being broken into pieces in order to accommodate development and the EPA's current emphasis on deleting sites from the national Priorities List. The board member noted the absence of a scientific rationale for this fragmentation of the Site.

The Idaho Pole Site contains one Operable Unit (OUI), including soils and groundwater contamination. The proposed soils delisting at the Site removes a large area that serves as a buffer around the treated soils area. In the view of some Board members, delisting a subset of the soil portion of the Site is not aligned with the original intent of the Superfund listing as a single Operable Unit. Because of the interconnectedness between soil and the very shallow groundwater table at the Site (less than 10 feet at the northern portion of the Site), human health and environmental concerns remain.

I do not think this site can be realistically separated into the surface cap and subsurface smear zone.

Response:

The National Priorities List (NPL) is the priority list of hazardous waste sites in the United States eligible for long-term remedial investigation and remedial action (cleanup) financed under the federal Superfund. The NPL is intended primarily to guide EPA in determining which sites are so contaminated as to warrant further investigation and significant cleanup.

NPL sites require that a ROD be issued. The ROD is the public document that explains the remediation plan for the cleanup at a Superfund site. While the 1992 Idaho Pole ROD identified one operable unit at the Idaho Pole Site, a separate remedy for the soil and groundwater components was issued. The soil component of the remedy was implemented between 1995 and 2002 while the groundwater component is ongoing. Designation of OUs at a site is an administrative function at EPA's discretion.

The Agencies carefully evaluated the partial deletion of the soil component of the remedy at the Idaho Pole Site, and part of this evaluation considered the Treated Soils Area as well as the groundwater and smear zones. The LTU was closed in 2002, treated soils placed on-site, and Institutional Controls placed on the property, thus completing the remedy for the soils portion of the Site. Since that time, no further information has come to light that would indicate the need for additional soils removals. Also, additional soil samples were collected to confirm that Institutional Controls are placed appropriately to protect human health and the environment. Part of the Institutional Controls includes a Soils Management Plan that addresses management of soils that may be excavated onsite, particularly in the treated soils area. The groundwater component of the remedy, which includes the saturated soil smear zone, remains on the NPL.

Accordingly, it is appropriate to delete the surface and unsaturated subsoils from the National Priorities List (NPL). The Partial Deletion Rule, which allows the EPA to delete portions of NPL sites, provided that deletion criteria are met, was published in the Federal Register on November 1, 1995 as the "Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List (60 FR 55466). EPA may pursue partial deletions of sites by area or media once deletion criteria for that portion of the site is met. However, deletion of a portion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a portion of a site from the NPL also does not in any way alter the EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Under part 40 Code of Federal Regulations, section 300.425(e)(3) states that the deletion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions.

Comment #17: I'm not sure whether the developer has plans and where those plans are, but I don't have a feel for where the ground water restriction zone is. We know where the soil or surface soil zone is

which restrictions are but not where the groundwater restriction areas ... and how that's going to affect development of the area. And, ... does the developer have a map showing where his land will be developed?

Response:

The groundwater remedy component is not being considered for deletion at this time. Groundwater use restrictions have been placed on all Idaho Pole property through a deed restriction. The final order establishing the Controlled Groundwater Area and a site map of the groundwater restriction zone are available at Montana Department of Natural Resources and Conservation website using the following link:

<http://dnrc.mt.gov/divisions/water/water-rights/controlled-ground-water-areas/idaho-pole-company-site>

No plans have been provided to the Agencies regarding redevelopment of the property. Potential purchasers of the property are obligated to make all appropriate inquiries about the condition of the property and develop the property in a manner that does not exacerbate any remaining contamination or interfere with cleanup response actions including those land use and groundwater restrictions specified in the Institutional Controls.

Comment #18 Other maps of plumes that I'd like to be able to review would be all free phase and dissolved phase chemicals of concern that are at below or above the MCL for the EPA or the Montana WQB7 for both ... carcinogenic compounds and non-carcinogenic compounds. I just don't have a feel for how big the plume is and what chemicals of concern are there.

Average depth to groundwater throughout the study area apparently is between five and fifteen feet but I'd like to see a map that shows those seasonally over several years and this comes back to Mrs. Sweeney's information or request for information for utilities that may be placed that have to support businesses in the area typically water lines, city water lines and since I'm a taxpayer I don't want to see a bond issue come forward in the future to say now we need to pay for this legal issue that's going on, like at the landfill

Response:

Groundwater monitoring has been conducted at least semi-annually since the early 1990s and free phase LNAPL has not been observed in any of the monitoring wells since the soil and groundwater remedies were implemented in 1995. The groundwater remedy component is not being considered for deletion at this time. Contaminant plume and groundwater elevation figures are presented in the annual Groundwater Assessment Reports. The entire documents are available for public review at the U.S. EPA Montana Office, Federal Building, Suite 3200, 10 West 15th Street, Helena, MT 59626, (406) 457-5046, Hours: Mon-Fri 8 am to 5 pm or can be provided upon request.

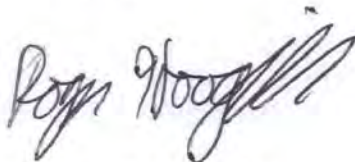
In addition, several wells located downgradient of the source area will be analyzed for polycyclic aromatic hydrocarbons and total extractable hydrocarbons in October 2019. These data will be presented in the 2019 Groundwater Assessment Report, and dissolved phase plume maps will be generated if contaminants of concern are detected above cleanup levels established in the ROD. The results will also be evaluated as part of the fifth Five Year Review which is scheduled to be completed in September 2020.

Comment #19 The smear zone map of the diesel and PAH's as compared to the de-listing areas I think that would be an interesting map to see of the smear zone.

Response:

The smear zone is considered saturated soils and is not being considered for deletion at this time. Please refer to Section 5.3.3 of the Remedial Investigation Report for Idaho Pole Site, MultiTech Service, March 1992 for additional information concerning the smear zone prior to remediation (Attachment A).

Sincerely,



Roger Hoogerheide
EPA Remedial Project Manager

cc: File
J. Vranka, EPA (electronic copy without attachments)
A. Urdiales, EPA (electronic copy without attachments)
L. DeWitt, MDEQ (electronic copy with attachments)
T. Stoops, MDEQ (electronic copy without attachments)
C. Balliew, MDEQ (electronic copy without attachments)

Attachment A: Remedial Investigation Report for Idaho Pole Site
Attachment B: Additional Studies and Design Basis Report I Remedial Design/Remedial Action Idaho Pole Company
Attachment C: 1998 Preliminary Site Close Out Report
Attachment D: 2002 Remedial Action Completion Report
Attachment E: 2003 Certification of Completion of the Soils Component of the Remedial Action
Attachment F: Idaho Pole Company Site Bozeman, MT Report of Surface Soil Sampling June 2018
Attachment G: Idaho Pole Company Site Bozeman, MT Report of Surface Soil Sampling October 2019
Attachment H: Idaho Pole Company Site Bozeman, MT Treated Soil Area Dioxin Evaluation Report
Attachment I: 1996 Explanation of Significant Differences for the Idaho Pole Company Site
Attachment J: 2001 Final Order Controlled Groundwater Area
Attachment K: Notice of Institutional Controls including the Restated and Amended Notice of Institutional Controls
Attachment L: Montana Risk-Based Corrective Action Guidance for Petroleum Releases
Attachment M: 2014 Subsurface Soil Investigation in Barkfill Area Analytical Summary Report
Attachment N: 2016 Phase II Pilot Study Report Idaho Pole Company Bozeman, MT
Attachment O: 2014 – 2018 Potentiometric Maps, PCP Isocontours in “A” Wells and PCP Isocontours in “B” Wells
Attachment P: Cultural Resource Inventory of the Idaho Pole Site
Attachment Q: Montana and EPA Vapor Intrusion Guidance

Attachment R: Administrative Order for Remedial Design/Remedial Action
Attachment S: Partial Deletion Public Comments

Response:

The smear zone is considered saturated soils and is not being considered for deletion at this time. Please refer to Section 2.3.3 of the Remedial Investigation Report for Idaho Pole Site, Attachment A, dated March 1992 for additional information concerning the smear zone prior to reclamation (Attachment A).

Sincerely,



Roger Hoogheide
EPA Remedial Project Manager

(electronic copy without attachment)
(electronic copy without attachment)
(electronic copy without attachment)
(electronic copy without attachment)
(electronic copy without attachment)

E. Ballwe, MDEQ
T. Stoop, MDEQ
L. DeWitt, MDEQ
A. Litalien, EPA
J. Vranika, EPA

Attachment A: Remedial Investigation Report for Idaho Pole Site
Attachment B: Additional Studies and Design Basis Report I Remedial Design/Remedial Action for Idaho Pole Company
Attachment C: 1998 Preliminary Site Closure Report
Attachment D: 2002 Remedial Action Completion Report
Attachment E: 2003 Certification of Completion of the Smear Component of the Remedial Action
Attachment F: Idaho Pole Company Site Boxman, MT Report - 1 Surface Soil Sampling June 2018
Attachment G: Idaho Pole Company Site Boxman, MT Report of Surface Soil Sampling October 2019
Attachment H: Idaho Pole Company Site Boxman, MT Report of Surface Soil Sampling October 2019
Attachment I: 1998 Explanation of Significant Differences for the Idaho Pole Company Site
Attachment J: 2001 Final Order Controlled Groundwater Area
Attachment K: Notice of Institutional Controls including the Remedial and Amended Notice of Institutional Controls
Attachment L: Montana Risk-Based Corrective Action Guidance for Petroleum Releases
Attachment M: 2014 Subsurface Soil Investigation in Borehole Area Analytical Summary Report
Attachment N: 2016 Phase II Pilot Study Report Idaho Pole Company Boxman, MT
Attachment O: 2014 - 2018 Potentiometric Maps, PCP Data and "A" Wells and "B" Wells in "B" Wells
Attachment P: Cultural Resource Inventory of the Idaho Pole Site
Attachment Q: Montana and EPA Vapor Intrusion Guidance



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15th STREET, SUITE 3200
HELENA, MONTANA 59626

Ref: SEMD-C

January 29, 2020

Matt Kelley, MPH
Health Officer
Gallatin City-County Board of Health
215 W. Mendenhall
Bozeman, MT 59715

Re: Environmental Protection Agency Response to Questions and Comments re: Idaho Pole Submitted Through the Gallatin City-County Board of Health and Gallatin Local Water Quality District

Dear Mr. Kelley:

The Environmental Protection Agency (EPA) and Montana Department of Environmental Quality (also referred to as "the Agencies") previously provided oral responses to February 15, 2018 comments submitted by the Gallatin City-County Board of Health during a public meeting on March 1, 2018. However, the Gallatin Local Water Quality District and the Gallatin City County Board of Health continue to request responses to these comments and a schedule for receipt of responses. In addition, other responses have been submitted electronically via email. As part of the responsiveness summary for the Notice of Intent for Partial Deletion, the Agencies are providing written responses to questions and comments received outside of the partial deletion responses. Copies of the original comments received are provided as Attachment N1 to this letter.

1. What is the current status of petroleum hydrocarbons (carrier oil) in the subsurface?

The extent of wood treating constituents containing petroleum hydrocarbons in the subsurface soils is known to be limited to a small area south of I-90 in the barkfill area (Exhibit 1). This area was re-investigated in 2014 when several boreholes were installed per the In-Situ Enhanced Aerobic Degradation Pilot Study Workplan (Attachment A1). Twenty-one boreholes and 3 groundwater wells were installed. Visual and olfactory hydrocarbon impacts were evident in the saturated bark fill chip layer and extended a few feet into the gravels and cobbles as well into the saturated soils above the water table but did not appear to extend to the fine-grained unit below the gravels. Non-aqueous phase liquid (NAPL) was observed in five boreholes and generally occurred between 10 and 12 feet below ground surface in sand and fine gravels. A hydrocarbon sheen was also observed in an additional six boreholes. Please refer to Section 2.3 of the Idaho Pole Company Proposed In-Situ Enhanced Biodegradation Phase II Pilot Study Work Plan for additional information (Attachment B1).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF PUBLIC AFFAIRS

As part of the Phase II Pilot Study, bio-amendments and a biosurfactant were injected into the subsurface in 2015 and 2016 and groundwater was sampled for pentachlorophenol, polycyclic aromatic hydrocarbons (PAHs), dioxin/furans and petroleum hydrocarbon fractions. Groundwater samples collected from 14 monitoring wells at various times during the study were also analyzed for diesel range organic fractions. Seven of the wells were located south of I-90 in the treatment study area and the other seven wells were located north of I-90, immediately down-gradient of the Barkfill Area. Exhibit 2 shows the historical extent of polycyclic aromatic hydrocarbons detected in groundwater and the PAH results from sampling conducted in 2017 while the bullets below summarize the groundwater sampling results as they pertain to petroleum hydrocarbons.

- Samples collected from two of the seven wells located within the Phase II Pilot Study south of I-90 contained petroleum hydrocarbon fractions generally above 200 milligrams/Liter (mg/L) which Montana Department of Environmental Quality (MDEQ) has established for additional fractionation analyses. However, additional fractionation was not completed as part of the Phase II Pilot Study because the objective of the sampling was to determine the presence of petroleum hydrocarbons.
- The analytical results from samples collected north of I-90 were below 200 mg/L, with the exception of one of the four samples collected from well 9-A, which was slightly above the fractionation level. That sample was collected following injections of a biosurfactant and bio-amendments into the subsurface and subsequent samples collected from well 9-A did not contain detectable concentrations of diesel range organic fractions.
- Samples were collected from monitoring wells 5-A, P-4, GM-4, 9-A, 9-B, 11-A, 10-A, 24-A1, 24-B, 25-A, 25-B, 26-A, 26-B, RES-3, RES-4, RES-7, 27-A and 27-B in October 2019 and analyzed for PAHs and petroleum hydrocarbon fractions. The results will be presented in the 2019 Groundwater Assessment Report and evaluated as part of the fifth Five-Year Review which is scheduled to be completed by September 2020.

Please refer to the 2nd Half 2016 Progress report (Attachment C1), the 2017 1st Half Progress report (Attachment D1) and the 2017 2nd Half 2017 Progress report (Attachment E1) and Exhibit 2 for additional information.

Exhibit 1

(The red and black squares below indicate where NAPL was observed in borehole corings in 2014)



2. What is the status of contamination north and east of Rocky Creek? Please address all contaminants for which there are standards in the ROD, especially petroleum hydrocarbons and dioxin, not just PCP

Two wells (RES-9 and 28-B) are located north and east of Rocky Creek. No contamination above ROD cleanup levels is known to currently exist in these wells. In August 1990, November 1990, March 1991, and June 1991 RES -9 was sampled for PAHs and PCP. In March 1991, RES-9 was also analyzed for dioxins/furans. The analytical results showed no detectable compounds of PAHs and dioxin/furans. RES-9 had one detection of PCP in June 1991 at 0.24 micrograms/Liter (ug/L) (Cleanup Level for PCP is 1 ug/L). Section 4.3.3 of the Remedial Investigation (RI) report discusses

sampling of residential wells while Appendix E of the RI Report contains the data collected from RES-9. Res-9 has been sampled for PCP every September since the early 1990s and has not had any other detection of PCP above laboratory detection limits since June 1991.

PCP concentrations at 28-B have been below laboratory detection limits since 2006, with the exception of detections below the cleanup level of 1 ug/L in 2009, 2013 and 2014 (Exhibit 3). Well 28-B was being sampled semi-annually until 2018 when the schedule was revised to every five years. Appendix A of the 2018 Groundwater Assessment Report contains all historic well data collected from 28-B since Idaho Pole assumed monitoring responsibilities while Appendix F contains historic data collected from Res-9 (Attachment F1).

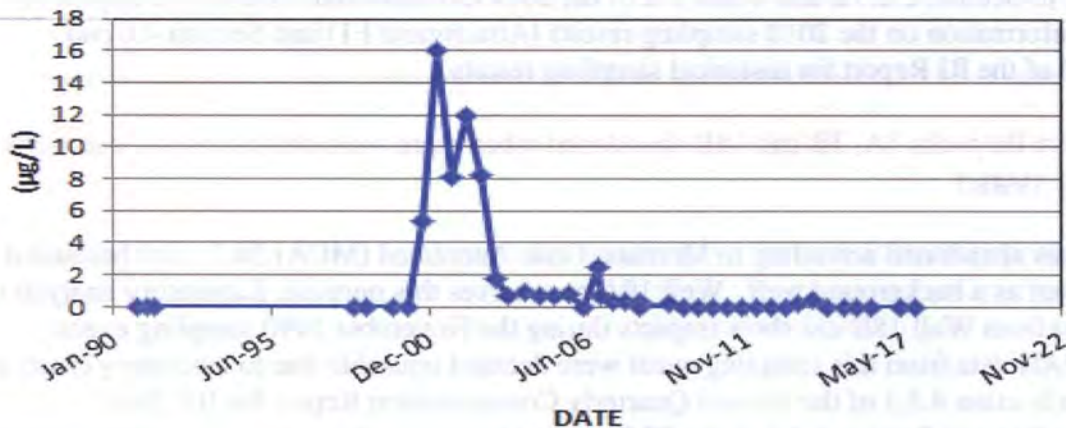
Exhibit 2

Estimated extent of PAH's exceeding ROD cleanup level



Exhibit 3

28-B PCP



PAH and PCP analyses were conducted in the 1990s at Well 28B. Laboratory analysis of groundwater from Well 28B did show PAH impacts during the November 1990 sampling event. However, PAH data from this sampling event were deemed mostly unusable due to laboratory errors discussed in Section 4.3.1 of the Second Quarterly Contamination Report for IPC Site (Attachment G1) and Section 4.3.2 of the RI Report. All analysis for PAHs from August 1990, March 1991, and June 1991 came back below laboratory detection limits.

Recently, Res-9 and 28B were sampled for PAH compounds during the April 2018 groundwater monitoring event. All analytes were reported below detections limits. Please refer to Section 2.2.3.2 and Table 2-2 of the 2018 Groundwater Assessment Report for additional information on the April 2018 monitoring event (Attachment F1). There has never been a detection of dioxins in groundwater above the ROD based cleanup level in any on-site well. Therefore, no additional samples have been collected in wells north and east of Rocky Creek and analyzed for dioxins since the Remedial Investigation. Should dioxin ever be detected north of I-90 above ROD based cleanup levels, EPA has placed Burlington Northern Santa Fe Railroad Company and the Idaho Pole Company (Respondents) under an Administrative Order for cleanup at the Site (EPA Docket No. CERCLA VIII-93-26). Paragraph XII provides EPA with the authority to require the Respondents to conduct additional work that may be necessary to protect human health and the environment.

- a. Some wells north of Rocky Creek showed measured values of < 0.37 but the ROD cleanup value is 0.2. Are there plans to sample again with a better detection limit?

The Agencies do not currently plan to sample for PAHs in groundwater north of Rocky Creek with a different detection limit. As discussed above, Res-9 and 28B are the two wells located north and east of Rocky Creek. Laboratory analysis of groundwater from Well 28B did show PAH impacts during the November 1990 sampling event. Nearly all PAH data from this sampling event were deemed unusable due to laboratory errors as discussed in Section 4.3.1 of the Second Quarterly Contamination Report for IPC Site (Attachment G1). Res-9 had a sample collected in June 1991 and analyzed for PAHs. All analysis came back below laboratory

detection limits, which EPA acknowledges were higher than the PAH cleanup levels established in the 1992 ROD. Res-9 and 28B were sampled for PAH compounds during the April 2018 groundwater monitoring event. All analytes were reported below laboratory detections limits. Please refer to Section 2.2.3.2 and Table 2-2 of the 2018 Groundwater Assessment Report for additional information on the 2018 sampling results (Attachment F1) and Section 4.0 and Appendix E of the RI Report for historical sampling results.

b. Why were the wells 3A, 3B and 18B abandoned when there were detections in these wells in the early 1990s?

Well 18B was abandoned according to Montana Code Annotated (MCA) 36.21.810 because it was redundant as a background well. Well 19A now serves this purpose. Laboratory analysis of groundwater from Well 18B did show impacts during the November 1990 sampling event. However, PAH data from this sampling event were deemed unusable due to laboratory errors as discussed in Section 4.3.1 of the Second Quarterly Contamination Report for IPC Site (Attachment G1) and Section 4.3.2 of the RI Report. Otherwise, this well has not shown impacts above ROD cleanup levels and has served as an upgradient monitoring well for water levels only during recent years until it was abandoned in 2017. Appendix A of the 2018 Groundwater Assessment Report (Attachment F1) contains all historic well data collected from 18-B since Idaho Pole assumed monitoring responsibilities while Attachment H1 contains the workplan that provides the rationale for abandoning Well 18B.

Groundwater at wells 3A and 3B has shown impacts as this well pair was completed in the Pressure Plant source area. Please refer to Appendix A of the 2018 Groundwater Assessment Report for historical groundwater information on these wells (Attachment G1). However, during periodic remedy optimizations at the Site, it was determined that Wells 3A and 3B were redundant for monitoring purposes, since monitoring well 22 is downgradient of the same area and serves to monitor groundwater in the area. Therefore, the Agencies allowed for abandonment of this well pair according to MCA 36.21.810 (Attachment H1).

c. Are there any plans to conduct sampling to address whether water downgradient of the Controlled Groundwater Area (CGWA) are contaminated?

There currently are no plans to conduct sampling downgradient of the CGWA. Groundwater monitoring at downgradient wells north of I-90 has been conducted since the 1990s. The leading edge of the contaminant plume was well documented prior to any soil and groundwater remediation and is well within the boundary of the CGWA established in 2001. As soon as remediation of the soil was completed and the groundwater recovery system went into operation, the concentrations within the plume decreased significantly. Please refer to Attachment II showing PCP isocontours between 2014 – 2018 showing a significant decrease in the size of groundwater plume since remediation of the soil and groundwater commenced. As a result, the Agencies have no reason to believe groundwater plumes will grow or exceed beyond the boundaries of the CGWA.

If so, please provide details, If not, why not?

At this time, the existing CGWA includes a 170 foot downgradient and a 320 foot cross gradient buffer area beyond the extent of the plume. This buffer is based on a well pumping rate of 500 gallons per minute in high permeability conditions using MODFLOW software. Input aquifer parameters include a groundwater gradient of 0.011 ft/ft, aquifer thickness of 25 feet and a porosity of 0.25 (Attachment J1). The design of this buffer and sampling results showing decreasing groundwater contamination mean there should be no reason to sample beyond the CGWA. If at a later date, it is determined that contamination in downgradient wells is trending upward based on samples from the single well Mann Kendall analysis or from similar statistical analyses and/or is beyond the current extent of the contaminated plume, EPA has placed Burlington Northern Santa Fe Railroad Company and the Idaho Pole Company under an Administrative Order for cleanup at the Site (EPA Docket No. CERCLA VIII-93-26). Paragraph XII provides EPA with the authority to require the Respondents to conduct additional work that may be necessary to protect human health and the environment.

3. What is the current status of Rocky Creek water and sediment?

Rocky Creek was investigated during the Remedial Investigation. Numerous sediment and surface water samples were collected and analyzed for PCP and PAHs. It was determined during the investigation that Rocky Creek was not impacted by wood treating constituents from Idaho Pole. Please refer to Sections 4.2.2, 4.3.2, 4.4 and Appendix E of the RI Report for additional information.

Current groundwater monitoring results indicate that there is no groundwater plume in the A horizon that extends into Rocky Creek. PCP isocontour maps for the past 5 years (2014 – 2018) are provided in Attachment II to support this statement. Therefore, no monitoring of Rocky Creek surface water or sediments is currently conducted, nor is any sampling planned for the future since neither medium was identified in the Record of Decision. If it is determined that contamination has the potential to extend into Rocky Creek, EPA has placed Burlington Northern Santa Fe Railroad Company and the Idaho Pole Company under an Administrative Order for cleanup at the Site (EPA Docket No. CERCLA VIII-93-26). Paragraph XII provides EPA with the authority to require the Respondents to conduct additional work that may be necessary to protect human health and the environment.

4. Is soil remediated to a level at which there is no risk upon human contact? (Please be specific as to which soils you are addressing (LTU, the six acre area, or other area)?

The soil remedy selected in the Record of Decision does not allow for unlimited use/unrestricted exposure, which means that there is some risk to human health on all properties where soils were excavated (south of I-90 and the Pasture Area north of I-90), treated (LTU) and placed (the Treated Soils Area). However, Institutional Controls have been placed on the land as part of the remedy to limit or prevent human contact and ensure short and long term protectiveness of human health and the environment.

Is there a human health risk from soil/bark fill contaminants leaching to the groundwater?

The dissolved phase groundwater plume that is monitored semi-annually indicates that contaminants continue to diffuse into the groundwater. However, given the groundwater use restrictions through the CGWA, as well as the restrictions on excavating in saturated soils and groundwater that have been placed on the property through the deed restriction, the potential for direct contact with groundwater and any impact on human health has been significantly reduced.

5. What is the status of efforts to shrink the controlled groundwater area?

The size of the controlled groundwater area was established to prevent human exposure to potentially contaminated groundwater. Even though the contaminant plume continues to recede, there is no current effort to modify the CGWA boundaries.

- a. Does contamination from carrier fuels or other contaminants pose a threat to groundwater users who might install a water well for fire protection or lawn irrigation in the southern part of controlled groundwater area at this time? (What is the size of a cone of depression for such a well?)

No new wells of any kind can be installed in the CGWA, except for purposes of remediation or as authorized by EPA and MDEQ. These land use restrictions are recorded on a deed with the Gallatin County Clerk and Recorder and include the following covenants, conditions and restrictions (among others) that run with the land as it pertains to groundwater use:

- a. Restriction on Use of Ground Water. Ground water within the boundaries described by the Controlled Ground Water Area shall not be pumped, withdrawn, used, or developed for any purpose, except as provided in the Remedial Action or as otherwise authorized in writing by EPA and MDEQ. If the Controlled Ground Water Area is amended to allow for wells on the Property, subject to Owner first obtaining the requisite prior authorizations from EPA and MDEQ, Owner may be allowed to install and use one or more groundwater wells for the irrigation of landscaping features on the Property, to the extent permitted by such authorizations and otherwise in compliance with applicable law, including the Controlled Ground Water Area.

In order for any other kind of well to be allowed on the property, the CGWA would need to be amended through a formal rule-making process administered by the Department of Natural Resources and Conservation and the land use restrictions would need to be restated and amended. Should this occur, the existing CGWA south of I-90 includes a 170 foot upgradient buffer as well as a 320 foot cross gradient buffer area beyond the extent of the plume. The results of the buffer zone boundaries are included as Figure 3 and Figure 7 in the Controlled Groundwater Area Petition and Supporting Documentation (Attachment J1). This buffer is based on a well pumping rate of 500 gallons per minute in high permeability conditions using MODFLOW software. Input aquifer parameters include a groundwater gradient of 0.011 ft/ft, aquifer thickness of 25 feet and a porosity of 0.25. Installation of a

water well for fire protection or lawn irrigation outside of this buffer zone should not be affected by groundwater contamination in the southern part of the CGWA.

b. Are there uses for the site, or portions of the site, that would not be compatible with efforts to protect human health or the environment?

Any use that violates the land use restrictions recorded with the Gallatin County Clerk and Recorder would be incompatible with the Agencies' efforts to protect human health and the environment. Under Superfund, Institutional Controls are placed on the land as part of a remedy to ensure short and long term protectiveness of human health and the environment. Two enforceable Institutional Controls are in place which define appropriate uses for the site or portions therein:

- 1) A Controlled Groundwater Use Area was issued by the Montana Division of Natural Resources in 2001. This CGWA restricts use of groundwater beneath the site for any purpose, except as provided in the remedial action or as otherwise authorized by EPA and MDEQ.
- 2) Land use restrictions as restated and amended are recorded on the deed with the Gallatin County Clerk and Recorder and include the following covenants, conditions and restrictions (among others) that run with the land as quoted directly from the Declaration of Institutional Controls:
 - **Restriction on Construction.** No construction, other than surface paving, landscaping, curbs, light standards, traffic signs, foundations (and related above-ground structures), utilities and greenways, shall take place on the Treated Soil Areas, except as provided in the Remedial Action or as otherwise authorized in writing by EPA and MDEQ.
 - **Residential Development or Use Prohibited.** No residential development or residential use of the property is allowed, unless approved by EPA and MDEQ. "Residential" includes, but is not limited to, permanent residential use; temporary residential use; limited residential use; short-term residential use; children's day care; mobile homes used for residential use (as contrasted to temporary on-site construction office or the like that is not used as a dwelling or for residential use) with or without footings; mobile home used for residential use (as contrasted to temporary on-site construction office or the like that is not used as a dwelling or for residential use) with or without a pad; and camping. It is Idaho Pole Company's intent that this limitation be construed as broadly as possible to prohibit any type of residential use whatsoever.
 - **Restriction on Excavation within the TSAs.** No excavation deeper than 12 inches shall take place on the TSAs, unless authorized in writing by EPA and MDEQ and conducted in compliance with the March 2011 Agency-approved Soil Management Plan that is in EPA's and MDEQ's site files for the Idaho Pole Superfund Site, or such other soils and groundwater management plan that may be approved by EPA and MDEQ ("Soil Management Plan"). Owner shall maintain a protective cover of at least 12 inches of clean

soil over the TSAs. A 12 inch gravel layer, gravel and asphalt overlay, or other cover that prevents erosion and which maintains the integrity of the remedy can be substituted for clean soil.

- Restriction on Excavation within Controlled Ground Water Area. In addition to the Restriction on Excavation within the TSAs, above, no excavation shall be allowed on the Property within Controlled Ground Water Area (Decision 41H-114172) where that excavation reaches saturated soil or groundwater, except where the Owner receives prior written approval from MDEQ and EPA and meets the requirements of the Controlled Ground Water Area and the Soil Management Plan or except as otherwise authorized in writing by EPA and MDEQ.
- Restriction on Use of Ground Water. Ground water within the boundaries described by the Controlled Ground Water Area shall not be pumped, withdrawn, used, or developed for any purpose, except as provided in the Remedial Action or as otherwise authorized in writing by EPA and MDEQ. If the Controlled Ground Water Area is amended to allow for wells on the Property, subject to Owner first obtaining the requisite prior authorizations from EPA and MDEQ, Owner may be allowed to install and use one or more groundwater wells for the irrigation of landscaping features on the Property, to the extent permitted by such authorizations and otherwise in compliance with applicable law, including the Controlled Ground Water Area.

c. If new buildings are allowed, would it be wise to require a vapor barrier below them?

Based on the general low volatility of constituents that were used in historic wood treating operations and are thus present in soils and groundwater, a vapor barrier should not be required. A few vapor pressures of the key constituents of concern follow:

- Vapor pressures of PAHs range from 1×10^{-11} to 0.04 torrs,
- Vapor pressure of PCP is 1×10^{-4} torrs; and
- Vapor pressure of dioxin congener TCDD is 1.7×10^{-6} torrs.

Compounds with vapor pressures greater than 5 torrs are generally classified as volatile. (i.e., vapor pressure for trichloroethene and tetrachloroethene are 60 and 14 torrs, respectively).

Since many factors affect vapor migration, the State of Montana's 2011 Vapor Intrusion guidance specifies the pathway should initially be considered a potential threat for all current or potential future structures located within 100 feet laterally from soil, soil vapor, or groundwater contaminated with petroleum hydrocarbons. It is not anticipated that any additional structures that will be continuously occupied are planned to be constructed or will be constructed in the approximately 6.7 acre area where wood treating constituents containing petroleum hydrocarbons were historically identified (Exhibit 2). Should new or existing structures be continuously occupied in the area where petroleum hydrocarbons have historically been detected, the Agencies will work with the property owner to investigate the indoor air pathway following the 2011 *Montana Vapor Intrusion Guide* and EPA's 2015

Technical Guide for Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Vapor Sources to Indoor Air.

- d. Are you willing to write a letter that states human contact with soils in the areas proposed for development are of no risk to human health or contact?

The Notice of Intent for Partial Deletion of OU1 of the Idaho Pole Superfund Site (84 FR 34839) and supporting material published in the Federal Register on July 19, 2019 as well as the response to comments provided on the Notice of Intent for Partial Deletion is sufficient written documentation to state that the soil remedy for constituents of concern addressed in EPA's ROD is protective of human health and the environment. EPA's remedy is also reviewed at least once every five years and a protectiveness statement made during each review concerning the soil remedy.

6. Are there plans to test the residential wells (R1- R7 and R9) for carrier fuels?

Groundwater samples were collected from RES-3, RES-4 and RES-7 and analyzed for PAHs and total petroleum hydrocarbon fractions in October 2019. Sampling results for these constituents would indicate the presence or absence of carrier fuels. The results will be presented in the 2019 Groundwater Assessment Report and evaluated as part of the fifth Five-Year Review which is scheduled to be completed by September 2020. Because no PAHs were detected in the sample collected from RES-9 in April 2018, it was determined unnecessary to sample RES-9 for total petroleum hydrocarbons. RES-1, RES-2, RES-5, and RES -6 had samples collected and analyzed for PAHs during the remedial investigation. All results came back below laboratory detection limits. Since RES-1, RES-2, RES-5, and RES -6 were not sampled since these wells are located outside of the CGWA. If PAHs and total petroleum fractions are detected above risk-based cleanup and screening levels in any residential well, EPA has placed Burlington Northern Santa Fe Railroad Company and the Idaho Pole Company (Respondents) under an Administrative Order for cleanup at the Site (EPA Docket No. CERCLA VIII-93-26). Paragraph XII provides EPA with the authority to require the Respondents to conduct additional work that may be necessary to protect human health and the environment including but not limited to sampling RES-1, RES-2, RES-5, and RES -6 for PAHs and total petroleum hydrocarbon fractions.

7. The 2010 five year review indicated that MDEQ has tasked [Montana Bureau of Mine and Geology] MBMG with entering historic groundwater data into [Groundwater Information Center] GWIC and to ensure the data is available and up-to-date. Has this been done?

Groundwater data collected since Idaho Pole assumed responsibility for sampling is maintained in a database by Hydrometrics, Idaho Pole's primary environmental contractor. Historic groundwater data are updated and submitted as Appendix A and Appendix F to the annual Groundwater Assessment Reports. Since historic data are readily available and updated every year in the annual Groundwater Assessment Report, it was deemed by the Agencies repetitive to enter those same historic groundwater data into GWIC.

The most recent Groundwater Assessment Report (2018) is provided as Attachment F1.

8. The 2016 Phase II Pilot Study workplan states that sufficient sample volume will be collected to allow for potential analysis for dioxins if PCP concentrations are elevated ($> 250 \text{ ug/L}$). Why is sampling of dioxin in groundwater tied to concentration of PCP if dioxin has a ROD cleanup level?

As part of the development of the Pilot Study II workplan (Attachment B1), the Agencies were concerned that the introduction of a biosurfactant into the subsurface had the potential to mobilize dioxin compounds. Because dioxin is associated with the PCP as an impurity in the manufacturing of PCP, high PCP levels are a good indication that there is a potential for a detectable concentrations of dioxin. A contingency trigger of 250 ug/L was agreed upon because no well other than 5-A and P-4, two wells located in the source area, has had PCP concentrations above this value in several years.

A follow-up question: In the 2016 Phase II Pilot Study Final Report, dioxin was sampled from one well (5-B). This does not seem representative enough to make an evaluation of dioxins throughout the IPC site.

Dioxin sampling has occurred at more than one well at the Site. Wells 5-B and P-2 were sampled during July and August 2016 as part of the 2016 Phase II Pilot Study Work Plan. In addition, monitoring wells 19-A, 5-A, P-4 and GM-4 were sampled during January and March 2016 for dioxins (Attachment K1). A field blank consisting of distilled water was also taken at 5-A during the March 2016 event only.

Results from these four 2016 sampling events are summarized below:

- During January 2016 the only sample with detectable 2,3,7,8-TCDD was 5-A at 21 pg/L (below the ROD cleanup level of 30 pg/L) (Attachment K1);
- During March 2016, all samples were non-detect for 2,3,7,8-TCDD (Attachment K1); and
- 2,3,7,8-TCDD was non-detect for 5-B and P-2 during both the July and August 2016 sampling events (Attachment C1).

Additional testing for dioxin in groundwater is planned to coincide with every upcoming EPA Five Year Review. Samples were collected 5-A, 5-B, 19-A and GM-4 in October 2019 for dioxin analyses. The results will be presented in the 2019 Groundwater Assessment Report and evaluated as part of the fifth Five-Year Review which is scheduled to be completed by September 2020.

LTU Related questions

1. Although LTU operations ceased in October 2000 when the ROD performance standards for PCP and PAHs were met, why was the dioxin cleanup standard not required to be met before closing the LTU?

Biological methods that were used to treat PCP and PAHs at the Idaho Pole Site are ineffective at treating dioxins to ROD performance standards. Page 6 of the 1996 ESD includes language that recognized this limitation:

“ If the soil contains other contaminants that exceed the Record of Decision (ROD) levels, the soil will be isolated from groundwater, will be covered at the surface to prevent direct contact and institutional controls on future land use will be required.”

LTU closure activities were based on soil data meeting the ROD soil treatment goals for PCP and PAHs, but not for dioxins. The treated soils are isolated from groundwater because soils have been placed above historic high groundwater levels. Treated soils have also been capped with a minimum of a 12-inch cover to prevent direct contact. Institutional Controls in the form of a deed restriction have also been placed on the property. Please refer to response to comment 5b above for the specific Institutional Controls that have been placed on the Treated Soils Area.

2. Is the footprint of the LTU excluded in any way from future development?

The footprint of the LTU excludes any development that would violate land use restrictions on file with Gallatin County Clerk and Recorder. The following use restrictions as restated and amended are recorded on the deed for the former LTU footprint:

- a. Residential Development or Use Prohibited. No residential development or residential use of the property is allowed, unless approved by EPA and MDEQ. "Residential" includes, but is not limited to, permanent residential use; temporary residential use; limited residential use; short-term residential use; children's day care; mobile homes used for residential use (as contrasted to temporary on-site construction office or the like that is not used as a dwelling or for residential use) with or without footings; mobile home used for residential use (as contrasted to temporary on-site construction office or the like that is not used as a dwelling or for residential use) with or without a pad; and camping. It is Idaho Pole Company's intent that this limitation be construed as broadly as possible to prohibit any type of residential use whatsoever.
- b. Restriction on Excavation within Controlled Ground Water Area. In addition to the Restriction on Excavation within the TSAs, above, no excavation shall be allowed on the Property within Controlled Ground Water Area (Decision 41H-114172) where that excavation reaches saturated soil or groundwater, except where the Owner receives prior written approval from MDEQ and EPA and meets the requirements of the Controlled Ground Water Area and the Soil Management Plan or except as otherwise authorized in writing by EPA and MDEQ.
- c. Restriction on Use of Ground Water. Ground water within the boundaries described by the Controlled Ground Water Area shall not be pumped, withdrawn, used, or developed for any purpose, except as provided in the Remedial Action or as otherwise authorized in writing by EPA and MDEQ. If the Controlled Ground Water Area is amended to allow for wells on the Property, subject to Owner first

obtaining the requisite prior authorizations from EPA and MDEQ, Owner may be allowed to install and use one or more groundwater wells for the irrigation of landscaping features on the Property, to the extent permitted by such authorizations and otherwise in compliance with applicable law, including the Controlled Ground Water Area.

Do deed restrictions apply to the entire site?

The restrictions on groundwater use apply to the entire area within the CGWA and are also recorded as a deed restriction on all Idaho Pole property. Other deed restrictions apply to all property owned by Idaho Pole although the restrictions vary depending on the location. For example, there are construction and excavation restrictions that only apply to the 4.5 acre Treated Soils Area while there are excavation restriction into saturated soils and groundwater that apply to all property owned by Idaho Pole. There are also residential use restrictions that are in place on all property owned by Idaho Pole within city limits but these restrictions have been lifted on the properties currently designated as sub district Agriculture Suburban in the Gallatin County-Bozeman Area zoning district because no soil contamination was ever detected on the properties designated as sub district Agriculture Suburban in the Gallatin County-Bozeman Area zoning district. Please refer to response to comment 5b for additional information on the deed restrictions in place.

Is this a restricted area in anyway?

The former LTU has groundwater use restrictions including excavation into saturated soils and groundwater. There are also residential use restrictions.

3. **Is it possible to create a deed restriction that prohibits outdoor watering? Dioxin is said to adhere tightly to soil particles, but there is concern about mobilizing dioxin and carrier fuel constituents by irrigating green space and landscaping, and by influence that leaching of fertilizer or pesticides may have on mobilization of dioxins**

A restriction that specifically prohibits outdoor watering could be created but this restriction is not deemed necessary by the Agencies at this time. There are already restrictions on groundwater use in the CGWA and the Notice of Institutional Controls as Restated and Amended. However, should any redevelopment plans contemplate a greenspace on the 4.5 acre Treated Soils Area, the EPA and MDEQ will revisit this in consultation with the City of Bozeman's Economic Development Council.

4. **Do the Institutional Controls apply to just the areas where treated soils have been left on site and where soils containing dioxin are buried, or do they apply to the entire site?**

The restrictions on groundwater use apply to the entire area within the CGWA and are also recorded as a deed restriction on all Idaho Pole property. Other deed restrictions apply to all property owned by Idaho Pole although the restrictions vary depending on the location. For example, there are construction and excavation restrictions that only apply to the 4.5 acre Treated Soils Area while there are excavation restrictions into saturated soils and groundwater that apply

to all property owned by Idaho Pole. There are also residential use restrictions that are in place on all property owned by Idaho Pole within city limits but these restrictions have been lifted on the properties currently designated as sub district Agriculture Suburban in the Gallatin County-Bozeman Area zoning district because no soil contamination was ever detected in the soils on the properties designated as sub district Agriculture Suburban in the Gallatin County-Bozeman Area zoning district.

5. Have the groundwater wells in the closed LTU area ever been sampled for carrier fuel constituents at any time to ensure they are clean?

Three downgradient monitoring wells (LTU-1, LTU-2 and 2-A) and one upgradient well (19-A) were monitored before, during and after LTU operations to determine whether constituents leaked from the LTU during its operation. No constituents of concern were detected - these include PCP, PAHs (representing the higher molecular weight hydrocarbons that are less susceptible to degradation) and dioxins. Please refer to Section 3.0 of the Construction Completion Report Idaho Pole Site (Attachment L1) and Section 1.2.1.2 and Appendix B of the Land Treatment Unit Closure Workplan (Attachment M1)

6. Do we know if carrier fuel constituents are present in the soils that also contain remaining dioxin in the closed LTU area?

As soon as petroleum hydrocarbon mixtures are released to the environment, they begin to undergo a weathering in which natural processes such as volatilization or degradation occur, thereby changing the chemical composition of the original environmental contamination. During this process the lighter hydrocarbons (i.e., smaller molecular weight and less carbon numbers (C_5 - C_6 , C_7 - C_8)) decrease in concentration while relative concentrations of higher molecular weight (and carbon number) hydrocarbons (identified as PAHs in the Record of Decision) in residual TPH increase in relation to the overall mass of the remaining hydrocarbons in the environment. Therefore, the longer the TPH remains in the environment and is subjected to weathering the less the TPH mixture resembles the product or waste that was originally spilled, leaked, or otherwise released.

PAHs which represent the higher molecular weight hydrocarbons that are less susceptible to degradation once released to the environment are indicators of carrier fuel constituents as discussed in the response to the first question. A soil cleanup level was established for these PAHs in the 1992 ROD that does not allow for unlimited use and unrestricted use. This cleanup level recognizes that biological treatment of soils is not effective in eliminating 100% of the wood treating constituents. These higher molecular weight PAHs were detected in the treated soils prior to LTU closure but were not detected above cleanup standards in the treated soils. All treated soils were excavated from the LTU and placed in the Treated Soils Area. Therefore, it is likely that carrier fuel constituents as PAHs are present in the soils in the Treated Soils Area.

Response to Comments Received on March 20, 2018

- 1. We understand that sampling is very expensive, but can you help clarify why all the residential wells (except Res-8 and Res-10) are not planned to be sampled for PAHs? We**

note that Res-1, Res-2, and Res-6 showed Benz(a)anthracene above the ROD standard in 1991, and that all residential wells showed non-detection levels that were above the ROD standard. If they are still in use, from a public health standpoint, sampling all of the residential wells seems appropriate; and it would provide more solid validation for a protectiveness statement for the groundwater remedy.

Section 4.3.3 of the RI report discusses quarterly sampling of residential wells while Appendix E of the RI report contains the PAH data. In August 1990, RES -1 through RES-10 were sampled for PAHs. The analytical results showed no detectable compounds. RES-1 through RES-10 were sampled for PAHs again in November 1990. Only Res-10 had detectable PAHs that were not flagged as suspect. In March 1991, residential wells 01 through 09 were analyzed for PAHs and no PAHs were detected in any wells. In June 1991, all residential wells were again sampled for PAHs. Section 4.1.1 of the Final Fourth Quarterly Contamination Report for Idaho Pole Site (Attachment A) states that the PAH data collected in June 1991 are suspect due to poor performance on QC samples (lab duplicates, a field blank and standard reference material), and a possible degradation of the GC system performance during the sample run and Section 4.3.3 of the RI Report also discusses this. Therefore, the data is suspect and should be interpreted with caution. Res-09 was sampled for PAHs in April 2018. All analytes were reported below detections limits. Please refer to Section 2.2.3.2 and Table 2-2 of the 2018 Groundwater Assessment Report for additional information on the April 2018 monitoring event. Res-3, Res-4 and Res-7 were also sampled for PAHs in October 2019. The rationale for these wells is that these wells are inside the Controlled Groundwater Area. The results will be presented in the 2019 Groundwater Assessment Report and evaluated as part of the fifth Five-Year Review which is scheduled to be completed by September 2020.

2. Just to clarify, when you state that wells will be sampled for PAHs, are you referring to the individual B2 PAHs that have a ROD standard: Benzo(a)pyrene, Benz(a)anthracene, Benzo(b)fluoranthene, Benzo(k)fluoranthene, Chrysene, Dibenz(a,h)anthracene, Indeno(1,2,3-CD)pyrene; or Total D PAHs: Naphthalene, Fluorene, Phenanthrene, Anthracene, Fluoranthene, Pyrene, Benzo(g,h,i)perylene; or both? We think, at a minimum, chemicals which have a ROD standard should be sampled.

PAH analysis includes the individual B2 and the Total D PAHs.

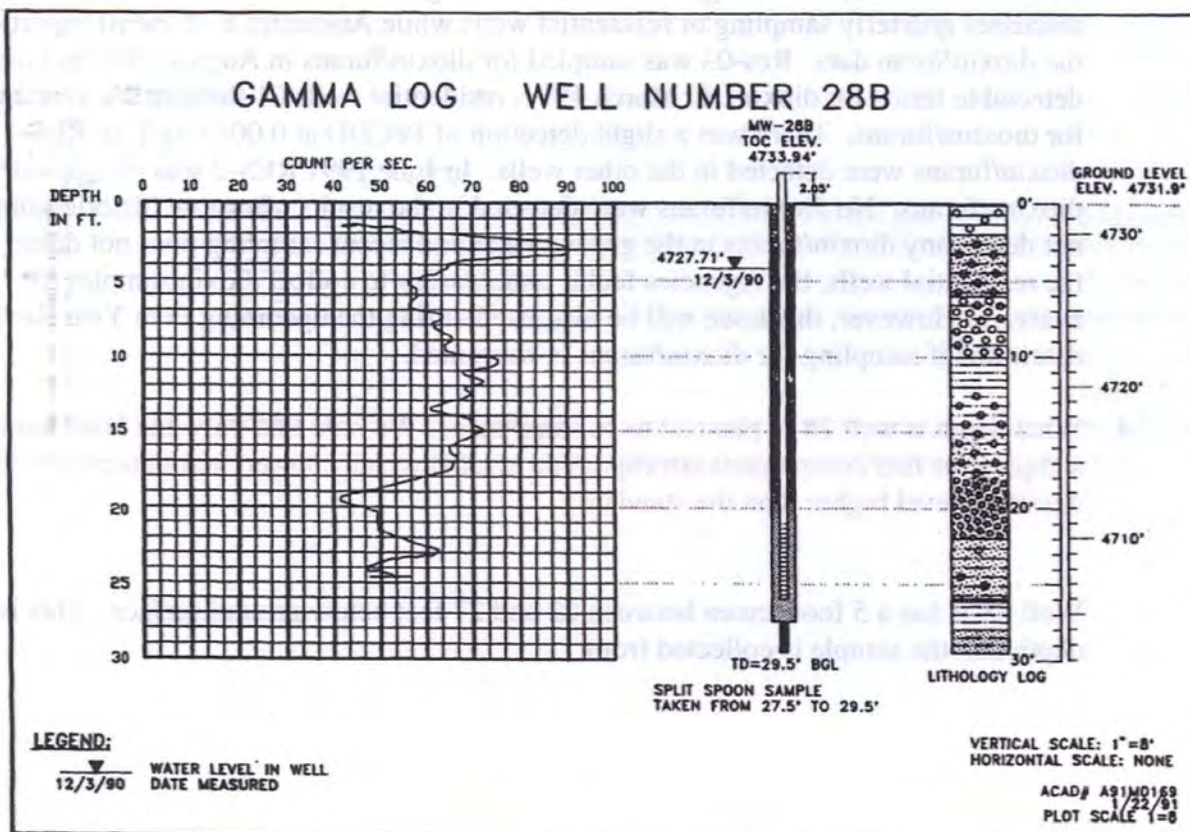
3. We remain concerned about 2,3,7,8-TCDD (Dioxin) in the wells. We understand that dioxin is an impurity of PCP and does not readily dissolve in water and adsorbs to soil. The 2015 Five-Year Review Report indicated dioxin had not been sampled and needed to be. At our meeting in March it was stated that two wells were sampled for dioxin (5-B and P-2) in 2016 and the results indicated dioxin levels less than the ROD Cleanup Level, but dioxin did exceed the Toxicity Equivalence Quotient per the DEQ-7 Human Health Standard (Table 2, IPC 2016 Phase II Pilot Study Report). It is understandable, that the determination was made to sample for dioxin in the future if detections of PCP are $>250 \mu\text{g/L}$. However, since dioxin is listed as a COC in the ROD and the residential wells have never been sampled for this, sampling all residential wells would lead to some reassurance and provide additional data for a protectiveness statement for the groundwater remedy.

Dioxins were sampled during the remedial investigation. Section 4.3.3 of the RI report discusses quarterly sampling of residential wells while Appendix E of the RI report contains the dioxin/furan data. Res-03 was sampled for dioxin/furans in August 1990 and had no detectable limits for dioxin. In March 1991, residential wells 01 through 09 were analyzed for dioxins/furans. There was a slight detection of PeCDD at 0.0013 ug/L in RES-2. No dioxin/furans were detected in the other wells. In June 1991 RES-2 was resampled for dioxins/furans. No dioxin/furans were detected in the results. Because historic sampling did not detect any dioxin/furans in the groundwater and recent sampling does not detect PCP in the residential wells, the Agencies feel it unnecessary to collect dioxin samples for analysis. However, this issue will be evaluated during the upcoming Five Year Review to determine if sampling for dioxin/furans is warranted.

4. What depth is well 28-B planned to be sampled at? We note that only one level has ever been sampled for fuel components (stratigraphic level B which showed non-detection with the detection level higher than the standard).

Well 28-B has a 5 foot screen between 22 and 27 feet below ground surface. This is the depth that the sample is collected from.

A-29



Response to Comments Received on December 5, 2019

Some of us in Gallatin have been continuing to work to understand the ongoing efforts to de-list portions of the Bozeman IP site, including some efforts to better visualize the institutional controls that have been placed or lifted on certain parcels. I am hoping you can help me access some additional information that would be helpful as we plan for the future.

- First, I am wondering how we can access whatever GIS shape files exist for the site? Are those somewhere we can download them, or can they be sent to us? We would be interested in whatever GIS layers that EPA, MDEQ, or MacFarlane Cascade has showing the boundaries and features of the site. I am particularly interested in shape files that can help us: visualize the plume as it is estimated to exist now as well as where it was years ago; the location of monitoring wells; the location of soil sampling locations; or any other GIS locations or layers relevant to the site. If shape files exist that would be great, but if you only have GIS coordinates for monitoring sites or any of the above we would like to have those as well. Copying in Christine Sundnas as she is more experienced in GIS than I am.

In an October 15 meeting with the City of Bozeman, EPA and MDEQ agreed to provide the City of Bozeman with a GIS shapefile of features for the Idaho Pole Superfund site that are in the Agencies' possession. This information will be provided to the City of Bozeman's Economic Development Council. If additional GIS information is desired, please direct any future request for shape files directly to Les Lonning, Idaho Pole's Environmental manager, at les.lonning@gmail.com.

- Second, in reading the institutional controls filed with the Clerk and Recorder it appears to me (and please correct me if I am mistaken) that in 2017 the EPA and MDEQ agreed to remove restrictions on residential use for two tracts of land on the northern side of the Idaho Pole site. In discussing this with others, I can find no one in Gallatin County who was aware these restrictions were lifted. It would be helpful to see any documents or correspondence related to how this decision was made, who made it, and the rationale and science behind the decision. Judging by the large signs posted at this location advertising this land as a development opportunity, I anticipate the City and/or County may one day soon be asked to approve residential use on these parcels.

During the remedial investigation, only groundwater contamination was detected on the properties that are currently designated as sub district Agriculture Suburban in the Gallatin County-Bozeman Area zoning district. Soils and unsaturated soils on these properties do not pose a human health risk and are eligible to be deleted from the NPL. This is also why the Declaration of Institutional Controls was restated and amended on August 21, 2017 to lift the residential use restrictions on these properties. However, to ensure continued protection of human health and the environment should these properties be redeveloped, Institutional Controls have been placed on the properties and restrictions on use are included in the property deed designated as sub district Agriculture Suburban. These include prohibitions on groundwater use and development of a soils management plan and EPA and MDEQ approval before excavating into saturated soils.

Records created during and within a government agency's internal decision-making process may be considered deliberative process privilege and exempt from release to the public. Since the request is for documents and correspondence related to how the decision was made, who made it, and the rationale and science behind the decision, please consider resubmitting this to EPA as Freedom of Information Act request.

Sincerely,



Roger Hoogerheide
EPA Remedial Project Manager

cc: File
J. Vranka, EPA (electronic copy without attachments)
A. Urdiales, EPA (electronic copy without attachments)
L. DeWitt, MDEQ (electronic copy with attachments)
T. Stoops, MDEQ (electronic copy without attachments)
C. Balliew, MDEQ (electronic copy without attachments)

Attachment A1: In-situ Enhanced Aerobic Degradation Pilot Study Workplan
Attachment B1: Proposed In-situ Enhanced Aerobic Degradation Phase II Pilot Study Workplan
Attachment C1: Idaho Pole Semi-Annual Progress Report – July through December 2016
Attachment D1: Idaho Pole Semi-Annual Progress Report – January through June 2017
Attachment E1: Idaho Pole Semi-Annual Progress Report – July through December 2017
Attachment F1: 2018 Groundwater Assessment Report
Attachment G1: Second Quarterly Contamination Report for Idaho Pole Site
Attachment H1: Idaho Pole Site – Request for Well Abandonment
Attachment I1 : 2014 – 2018 Potentiometric Surface Maps, PCP isocontours in “A” wells and PCP isocontours in “B” Wells
Attachment J1: Controlled Groundwater Area Petition and Supporting Documentation
Attachment K1: Idaho Pole Company Site – Results of Dioxin testing in Groundwater at Select Wells –
REVISED
Attachment L1: Construction Completion Report Idaho Pole Site Volume 1
Attachment M1: Land Treatment Unit Closure Workplan
Attachment N1: Copies of Additional Comments Received

Hoogerheide, Roger

From: Swinney, Tammy <Tammy.Swinney@gallatin.mt.gov>
Sent: Tuesday, March 20, 2018 10:34 AM
To: Hoogerheide, Roger; lidewitt@mt.gov
Cc: Kelley, Matt; Steve Custer [REDACTED]; Christenson, Lori; Miller, Christine
Subject: Idaho Pole Follow-up & April Sampling Plan

Hello Roger and Lisa,

Thank you for the recent update and the decision by EPA and MDEQ to request Idaho Pole sample well 28-B and four residential wells (Res-9, Res-7, Res-4, and Res-3) for PAHs as part of the next sampling event anticipated for April 2018. We appreciate your efforts to ensure that the residential well water is safe.

There are a few questions we hope you can provide some additional information and clarification on related to this planned sampling:

1. We understand that sampling is very expensive, but can you help clarify why all the residential wells (except Res-8 and Res-10) are not planned to be sampled for PAHs? We note that Res-1, Res-2, and Res-6 showed Benz(a)anthracene above the ROD standard in 1991, and that all residential wells showed non-detection levels that were above the ROD standard. If they are still in use, from a public health standpoint, sampling all of the residential wells seems appropriate; and it would provide more solid validation for a protectiveness statement for the groundwater remedy.
2. Just to clarify, when you state that wells will be sampled for PAHs, are you referring to the individual B2 PAHs that have a ROD standard: Benzo(a)pyrene, Benz(a)anthracene, Benzo(b)fluoranthene, Benzo(k)fluoranthene, Chrysene, Dibenz(a,h)anthracene, Indeno(1,2,3-CD)pyrene; or Total D PAHs: Naphthalene, Fluorene, Phenanthrene, Anthracene, Fluoranthene, Pyrene, Benzo(g,h,1)perylene; or both? We think, at a minimum, chemicals which have a ROD standard should be sampled.
3. We remain concerned about 2,3,7,8-TCDD (Dioxin) in the wells. We understand that dioxin is an impurity of PCP and does not readily dissolve in water and adsorbs to soil. The 2015 Five-Year Review Report indicated dioxin had not been sampled and needed to be. At our meeting in March it was stated that two wells were sampled for dioxin (5-B and P-2) in 2016 and the results indicated dioxin levels less than the ROD Cleanup Level, but dioxin did exceed the Toxicity Equivalence Quotient per the DEQ-7 Human Health Standard (Table 2, IPC 2016 Phase II Pilot Study Report). It is understandable, that the determination was made to sample for dioxin in the future if detections of PCP are >250 µg/L. However, since dioxin is listed as a COC in the ROD and the residential wells have never been sampled for this, sampling all residential wells would lead to some reassurance and provide additional data for a protectiveness statement for the groundwater remedy.
4. What depth is well 28-B planned to be sampled at? We note that only one level has ever been sampled for fuel components (stratigraphic level B which showed non-detection with the detection level higher than the standard).

Thanks for your time on this and we appreciate the continued dialogue. We are looking forward to hearing from you.

Best Regards,
Tammy

Tammera Swinney

District Manager
Gallatin Local Water Quality District
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406-582-3145
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From: Hoogerheide, Roger <Hoogerheide.Roger@epa.gov>
Sent: Wednesday, March 07, 2018 11:22 AM
To: Kelley, Matt <Matt.Kelley@gallatin.mt.gov>; Swinney, Tammy <Tammy.Swinney@gallatin.mt.gov>; Steve Custer [REDACTED]; Christenson, Lori <Lori.Christenson@gallatin.mt.gov>; [REDACTED]
Cc: lidewitt@mt.gov
Subject: Idaho Pole Follow-up

As a follow up to our meeting last week, EPA and MDEQ have requested that Idaho Pole sample wells 28-B, Res-9, Res-7, Res-4 and Res-3 for PAHs as part of the next scheduled sampling event which I anticipate will be in April. The four residential wells are located either within the boundaries of the Controlled groundwater area or just outside of the boundary while 28-B is located just north and east of Rocky Creek. At the meeting, I stated that I would get back to the group within a couple of weeks as to which additional downgradient wells would be sampled for the constituents of carrier fuels and this email serves as that notification.

Once the analytical results have been validated, I plan to issue an addendum to the 2015 Five Year Review which will include a protectiveness statement for the groundwater remedy. This addendum, which will be a public document and will be available on EPA's Idaho Pole webpage, will be the written response to questions 2, 2(a) and 6 that were submitted by the subcommittee to EPA and DEQ on February 15, 2018.

From: Kelley, Matt [<mailto:Matt.Kelley@gallatin.mt.gov>]
Sent: Monday, March 05, 2018 5:45 PM
To: Swinney, Tammy <Tammy.Swinney@gallatin.mt.gov>; Hoogerheide, Roger <Hoogerheide.Roger@epa.gov>; lidewitt@mt.gov
Cc: Steve Custer [REDACTED]; Christenson, Lori <Lori.Christenson@gallatin.mt.gov>
Subject: RE: IPC Follow-up

Agreed. Thank you for taking the time.

From: Swinney, Tammy
Sent: Friday, March 2, 2018 10:33 AM
To: Hoogerheide, Roger <Hoogerheide.Roger@epa.gov>; lidewitt@mt.gov
Cc: Steve Custer [REDACTED]; Kelley, Matt <Matt.Kelley@gallatin.mt.gov>; Christenson, Lori <Lori.Christenson@gallatin.mt.gov>
Subject: IPC Follow-up

Hi Roger and Lisa,

I wanted to thank both of you again for meeting with the GLWQD Board and the Board of Health Environmental Subcommittee yesterday. The sharing of information was, for me, very beneficial and I believe we all have a clearer picture of the activities occurring at the Idaho Pole Site.

Best regards,
Tammy

Tammera Swinney
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Date: August 28, 2019

To: U.S. Environmental Protection Agency, Montana
Office; Federal Building, Suite 3200; 10
West 15th Street; Helena, MT 59626

From: Gallatin City-County Board of Health
Gallatin Local Water Quality District Board

Subject: Public comments regarding proposed partial delisting of Idaho Pole Company
Superfund Site (Docket Id#: EPA-HQ- SFUND-1986-0005)

To Whom It May Concern:

We are writing today to comment and highlight concerns related to the proposed partial delisting of the surface and unsaturated subsurface soils at the Idaho Pole Company Superfund Site (Site) from the National Priorities List (Docket Id#: EPA-HQ- SFUND-1986-0005). We ask that you consider several points in this document and accept them as public comment on the proposed delisting.

We would also like to take this opportunity to extend our appreciation to Roger Hoogerheide who met with members from two Gallatin County government agencies and their boards in a public meeting on August 7, 2019. At this public meeting, Mr. Hoogerheide answered questions, provided information and heard public comment. We are appreciative of his time and his willingness to meet with both Boards on short notice. We also recognize that the Environmental Protection Agency and Idaho Pole Company have taken significant steps over the course of the last 33 years to mitigate contaminants harmful to human health and the environment at the Idaho Pole Company Site.

The boards that oversee two government agencies – Gallatin City-County Health Department and the Gallatin Local Water Quality District – met to gather facts, hear public comment, and identify issues of public health concern related to the Idaho Pole Company Superfund Site.



These bodies have the following responsibilities, interest and expertise in the proposed delisting:

Gallatin City-County Board of Health (GCCBOH), the lead public health authority in Gallatin County. GCCBOH is required by Montana State Law (MCA 50-2-116) to protect the public from disease or other issues of public health importance, through actions to ensure the removal of contaminants that might cause disease or adversely affect public health.

The Gallatin Local Water Quality District Board (GLWQD), is a non-regulatory department of Gallatin County government. GLWQD was created by Gallatin County Commission Resolution No. 1995-55 to protect, preserve, and improve the quality of surface water and groundwater in the District.

This correspondence summarizes facts gathered during the August 7, 2019 meeting and from the many years of communication regarding the cleanup on the Site, along with concerns expressed over the years by the boards to the US Environmental Protection Agency (EPA), the Montana Department of Environmental Quality (MDEQ), and the Idaho Pole Company. The boards sought to connect the comments to specific criteria identified by EPA as requirements for the deletion of "the surface and unsaturated subsurface soils of the Idaho Pole Company Superfund Site (Site) outside of the 4.5 acre Treated Soils Area, from the National Priorities List". The criteria identified by EPA fall into three categories:

1. The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.
2. Responsible parties or other persons have implemented all appropriate response actions required; or
3. All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate.

The comments below reflect concerns expressed by members of these boards.

Comments:

1. Per 40 CFR 300.425(e), GCCBOH and GLWQD believe that further Superfund responses are needed to protect human health and the environment at the Site for the following reasons:
 - a. **Inadequate soil testing.** Soil testing performed at the Site in advance of the proposed delisting included five-point composite samples in only four (4) locations from surface soils at a depth of 0-6 inches (Page 2, paragraphs 2 and 3 in the June 2018 Idaho Pole Surface Soil Sampling Report). Sampling results are particularly scant or non-existent in areas of the Site north of Interstate 90 where the record indicates that surface contamination occurred where contaminated groundwater was at least seasonally near or at the



surface. Specifically, in the Federal Register, Vol. 84 No 139, Page 34842, column 2, paragraph 2, line 8 states, "Contaminated surface soils were identified...in the Pasture Area." according to the Remedial Investigation and Feasibility Study. Soils from this area were excavated and treated in the land treatment unit (LTU). [It is assumed that] soil sampling in 2018 was conducted to confirm that the cover soil in areas where contaminated soils were excavated do not contain dioxin above the ROD cleanup level. No surface or subsurface soil samples were collected from the Pasture Area for testing during the 2018 soil-sampling event. Board members also noted that well 26-A, located in the north portion of the Pasture Area, sampled on September 26, 2017 had a pentachlorophenol (PCP) level of 3.60 ug/L (2017 Groundwater Assessment Report Idaho Pole Company Site, Table 2-3. Groundwater Analytical Data September 2017). This is above the ROD cleanup level (1.0 ug/L), but no soil samples were collected from the Pasture Area. Board and staff believe additional soil testing at more locations including but not limited to the Pasture Area is necessary to evaluate risk to human health and the environment.

It appears from the documentation that the soil treatment process did not positively reduce dioxin to the ROD level. Dioxin is an extremely toxic substance. The fact that the recently tested surface soils in one of the handful of sites outside of the Treatment Unit, is close to the ROD level for dioxin is concerning, as those should have been clean soils. Testing of treated soils for dioxin, as well as more comprehensive testing of both surface and subsurface unsaturated soils in additional areas beyond the locations sampled in 2018, is called for before any of the site is developed and sampling and remediation becomes economically impractical.

The relatively shallow depth of soil sampling is also a concern. As we understand the documents, the purpose of the partial deletion as stated in both on the article in the Bozeman Daily Chronicle on May 7, 2019, and the EPA Idaho Pole webpage is to allow redevelopment of the land. Redevelopment as we understand it would require excavation for building foundations, water lines, sewer mains and other underground utilities on the Site. Experience suggests such excavation would extend from 6 to 8 feet below ground surface. The excavated material would be mixed and used to backfill-excavated areas. This excavation and mixing may bring contaminated materials from below the six-inch level. Because of this, contamination in the unsaturated and even the saturated zone in shallow groundwater areas may surface and be inhaled, ingested or otherwise come into contact with children or adults.

Once the construction is completed, this process could create preferential pathways (essentially giant French drains) through which contaminants located in the soil and groundwater could migrate and transport to off-site, down gradient locations.



Specific components of diesel fuel have not been sampled for recently in the soils and in the unsaturated zone. This is a concern for human health and the environment.

b. Unknown fate of over 300,000 gallons of petroleum hydrocarbons spilled on the Site. The 2002 Remedial Investigation Report estimated that 327,000 gallons of petroleum hydrocarbons were spilled on the Site. To date, the EPA has not responded adequately to requests from the Board of Health as to the status of those contaminants. There are no estimates on how much of the fuel may have been recovered through soil excavation or other cleanup efforts.

According to the US Agency for Toxic Substance and Disease Registry (ATSDR) petroleum hydrocarbons can be harmful to human health if they are ingested, inhaled, or touched by people. ATSDR states that exposure can cause serious health impacts, including irritation of the throat and stomach, central nervous system depression, difficulty breathing, and pneumonia from breathing liquid into the lungs. The compounds in some total petroleum hydrocarbon (TPH) fractions can also affect the blood, immune system, liver, spleen, kidneys, developing fetus, and lungs. Certain TPH compounds can be irritating to the skin and eyes. The boards believe that no determination regarding public health and safety can be reached absent better understanding of TPH levels on the Site.

c. Smear zone. The Federal Register states that “The majority of soils in the Barkfill and Pasture Areas were contaminated by non-aqueous phase liquid (NAPL) smearing of the saturated subsurface soil.” It continues on to describe that the clean overburden was stripped off and the exposed contaminated soil layer was excavated and treated. Concern remains that NAPL smearing has occurred at other locations on the Site as well, particularly directly down gradient in the northern portion, where a shallow groundwater table is present. The 2014 Temporary Monitoring Well Installation Data Summary Report prepared for NorthWestern Energy measured water table depths at 1.26 feet to 8.93 feet below the ground surface at eleven temporary well locations. One member of the public at the August 7 public meeting reported observing a sheen on surface water near the road ditches north of I-90 during spring time high-groundwater conditions. If contamination smearing is still occurring in this area, this would mean that soil and unsaturated-zone contamination is still present at least in the smear zone up-gradient of this surfacing groundwater. Other areas on the site may also have smeared contamination. If NAPL smearing is in fact present at the surface and in shallow subsurface unsaturated soils upgradient of and within these wetland areas, this is not protective of human health and the environment because shallow contaminated soils will be disturbed and exposed to the land surface during underground utility construction, and soil vapor intrusion could negatively affect human health if structures are placed in these areas.



d. **Vapor-Intrusion.** It is possible that soil vapor intrusion into future structures on Site could present a human health hazard. Naphthalene, a semi-volatile compound, or other components of diesel fuels remaining in residual subsurface contamination in the smear zone, or in shallow groundwater could volatilize and present an indoor air hazard in overlying structures. No institutional controls or mechanisms requiring the use of soil vapor mitigation systems are required for future structures at this time. Additionally, to our knowledge, a soil vapor-intrusion assessment has not been conducted.

e. **Inadequate collaboration and consultation with local governments that will be responsible for assuring public health and safety of future potential development at the Site.** The EPA decision notice of intent to delist portions of the Site was reached without any meaningful consultation, collaboration, or notification of the local government entities that would be burdened with the responsibility for making decisions on future use of the land. According to testimony by EPA staff Roger Hoogerheide at the boards' August 7, 2019, meeting, the MDEQ agreed to support the delisting absent any opportunity for public comment from the affected community or any outreach to government officials who would shoulder responsibility for governing future use of the Site. Board members are concerned that local governments and taxpayers will be burdened with decisions about land use and the liability that comes with future potential health impacts. Further, Mr. Hoogerheide stated at the August 7 meeting that EPA would remain involved in the Site but also stated that there is no clear mechanism for EPA to work with local officials to determine safe uses for the Site. Board members feel that local zoning rules are insufficient to ensure appropriate use of the Site as those rules are malleable and subject to exceptions. One board member noted that current zoning in Bozeman allows childcare facilities in all parts of the city. The boards feel strongly that safe use of the Site demands specific and comprehensive understanding about regulatory mechanisms that would be protective of public health. Absent such mechanisms, the boards feel it would be irresponsible to move ahead with delisting.

The soils and unsaturated subsoils proposed for delisting were cleaned up to industrial and commercial standards. A portion of the area proposed for delisting is in the Gallatin County-Bozeman Area zoning district currently designated as sub district Agriculture Suburban, which allows for many different types of development. Future human health could be at risk if residential development were to occur on this parcel. Any new development would also likely require utility trenching due to restrictions of the Controlled Groundwater Area encompassing the Site which do not allow any new wells to be drilled.

EPA staff have described that EPA and MDEQ would assist with providing input into future land use for the Site. However, it is unclear to the boards the mechanism by which these agencies would interact with the City of Bozeman



and the County of Gallatin to determine future site use that is safe for human health. We are concerned that the City of Bozeman and Gallatin County would have little or no legal ground to stand on in prohibiting certain uses of the Site, after partial delisting of the surface.

At minimum, a Memorandum of Understanding (MOU) between the City of Bozeman, the County of Gallatin, U.S. EPA, and Montana DEQ should be composed and finalized to outline roles of each party when determining appropriate future use of the property to ensure human health and environmental protection. Partial delisting should not occur until an MOU is finalized and signed.

2. Per 40 CFR 300.425(e), GCCBOH and GLWQD believe that responsible parties or other persons have not implemented all appropriate response actions required for the following reasons:

a. **Absence of clear, comprehensive statement of scientific rationale for finding that the delisting would not pose a threat to human health.** We do not believe that EPA, MDEQ and Idaho Pole Company have provided the public and government partners with an adequate assessment and rationale for the apparent position that the Site does not pose a public health risk. The Site has been on the National Priorities list for 33 years, in large part in order to protect human health and the environment. Despite this history, there is inadequate communication or documentation explaining to local officials and residents why the EPA and DEQ consider all but 4.5 acres of the surface and unsaturated subsurface to no longer be a substantial risk to human health. We believe a clear statement of this rationale is needed.

3. Per 40 CFR 300.425(e), GCCBOH and GLWQD believe that all appropriate Fund-financed response under CERCLA has not been implemented, and additional response action by responsible parties is appropriate for the following reasons:

a. **The proposed partial delisting of the unsaturated soils inadequately considered the connections of the soil to groundwater and saturated soils.** Some members of both boards expressed concern that it is impractical and inappropriate to delete sections of the Site from the National Priorities List without additional consideration of connections between the land, groundwater, and saturated soils. One Board of Health member noted that the Site was placed on the National Priorities List in a manner that sought cleanup of the entire Site - soil, saturated soil and groundwater - but is now being broken into pieces in order to accommodate development and the EPA's current emphasis on deleting sites from the National Priorities List. The board member noted the absence of a scientific rationale for this fragmentation of the Site.



The Idaho Pole Site contains one Operable Unit (OU01), including soils and groundwater contamination. The proposed soils delisting at the Site removes a large area that serves as a buffer around the treated soils area. In the view of some Board members, delisting a subset of the soil portion of the Site is not aligned with the original intent of the Superfund listing as a single Operable Unit. Because of the interconnectedness between soil and the very shallow groundwater table at the Site (less than 10 feet at the northern portion of the Site), human health and environmental concerns remain.

We believe that development of the Site – both to build structures and install utilities – undoubtedly would require excavation that may exacerbate the health concerns related to the connections between groundwater and soils. We and members of the public express concern that utility trenching could provide conduits through which contaminants in the soil and water would migrate. Additionally, we are concerned that the position of the boundary between saturated and unsaturated soils in the delisting statement changes both seasonally and from year to year as groundwater level fluctuates. This fluctuation and attendant uncertain position would not protect public health during construction and excavation and potentially during the life of a building. We also note the inexact knowledge of groundwater depth throughout the Site, a limitation that underscores the important connection between the land and the groundwater. We believe the Site poses a risk to public health based on this connection.

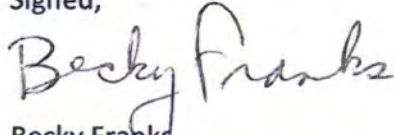
If the Site's soil is partially delisted, development will occur and excavation for underground utilities will be necessary. There is concern that excavation and gravel backfill around utility lines will introduce preferential pathways for the contaminated groundwater, potentially transporting contamination to off-site down gradient locations. In addition to this concern, shallow subsurface contamination smearing, whether in saturated or unsaturated soils, is likely to be encountered during excavation and could bring contamination to the land surface, reintroducing a human health contact risk. The Boards, including representatives of the City of Bozeman and Gallatin County, would like EPA's guidance and further clarification of these issues and their recommended resolution prior to delisting the majority of the Site's surface and unsaturated subsurface soils, which will likely result in development proposals that must be evaluated by the respective entities.

Thank you for the opportunity to provide these comments. While members of the two Boards do not share identical concerns, this document seeks to summarize and detail the primary concerns expressed by members over the past number of weeks.



For the reasons describe above, we feel that it is inappropriate to delist even partial areas of the Idaho Pole Company Superfund Site at this time.

Signed,



Becky Franks

Board Chair, Gallatin City-County Board of Health



Steve Custer (PhD, Geologist)

Board Chair, Gallatin Local Water Quality District

Board member, Gallatin City-County Board of Health

Cc:

Joe Skinner, Chair, Gallatin County Commission

Cyndy Andrus, Mayor, City of Bozeman

Shaun McGrath, Director, Montana Department of Environmental Quality

Lisa DeWitt, Montana Department of Environmental Quality



Oral Comments Provided During the August 7, 2019 Meeting

Dennis Franks

My name is Dennis Franks from [REDACTED] in the city here and I do have a small environmental company and just have a few questions or concerns that facing the volume of data I was not able to review everything so some of the questions have been answered but I still have a few others. (Go ahead and be sworn in please or No thank you).

Thank you this is a current plume map that I hadn't seen before the PCP. Other maps of plumes that I'd like to be able to review would be all free phase and dissolved phase chemicals of concern that are at below or above the MCL for the EPA or the Montana wq seven for both carcinogens are carcinogenic compounds and non-carcinogenic compounds. I just don't have a feel for how big the plume is and what chemicals of concern are there.

2) Average depth to groundwater throughout the study area apparently is between five and fifteen feet but I'd like to see a map that shows those seasonally over several years and this comes back to Mrs. Sweeney's information or request for information for utilities that may be placed that have to support businesses in the area typically water lines, city water lines and since I'm a taxpayer I don't want to see a bond issue come forward in the future to say now we need to pay for this legal issue that's going on, like at the landfill. And, so water lines are typically buried between six and eight feet deep that's into the ground water table in much of this area. Sewer lines I'm not sure where but it flows downhill so I'm not sure where a sewer line or how deep it would need to be so again those are conduits that if they are in or near the contaminant plume, that plume could then be drawn along that that gravel filled ditch which is what that is, you bury it in gravel and that can then become a conduit to carry contamination away from the site and along that conduit to other areas away from the from the Idaho Pole site.

Again, that's utilities questions; if we can get those, I'm not sure whether the developer has plans and where those plans are, but I don't have a feel for where the ground water restriction zone is. We know where the soil or surface soil zone is which restrictions are but not where the groundwater restriction areas are ah and how that's going to affect development of the area. And, is the does the developer have a map showing where his land will be developed.

I think we talked about VOCs well will light PAH's or other potential VOCs from past hydrocarbon impacts within the groundwater cause vapor intrusion into the new utility lines or living areas. We touched on that naphthalene being one of them that's in diesel again a diesel plume map would be nice to see here not just not just PAHs or PCPs.

Where the soil dioxin furan cleanup standards met in the LTU soils used as the fill material so I didn't get a feel on what I read through that

the levels of dioxins and furans were below action levels EPA standards before they were used as fill material.

The smear zone map of the diesel and PAH's as compared to the de-listing areas I think that would be an interesting map to see of the smear zone.

The other issue is a round house everybody knows what's going on Livingstone rail yard has a round house basically there I didn't get a good feel in the reports or the information I've read on how extensive that contamination may have been. It was typically, diesel contamination and sometimes chlorinated solvents were used in those operations thank you.

Brian Leland

Good morning my name is Brian Leland I live at [REDACTED] just a few questions.

One, the ROD was issued in 1992 and I'm wondering if the standards set out in the ROD have been updated with new research data health concerns. I know having served on the Board of Health that there was a dramatic change in the levels of lead for instance that were deemed excessive/acceptable. Now no level is considered acceptable, so I want to make sure that all of the standards that are being met in this remedial effort aren't old standards that are now not considered accurate anymore.

Number two, I would suggest that this combined board extend the Public comment period, learning about this in the Bozeman Daily Chronicle I don't think is expedient on being able to fully research all of the nuances that this potentially very expensive decision could lead to.

Number two or number three rather I'm concerned that the driving force on this is from the administration's viewpoint Of trying to get this off the list instead of a true analysis that yes the problem has been solved. I understand the development pressure of anything especially Creekside has all kinds of desirability in this day and age so I can see a significant amount of economic pressure coming to opening this up for development and I am very concerned if this came down from the top and this administration being an incredibly anti-science administration that we're releasing this for the right reasons.

Number two my question would be as far as a Memorandum of Understanding between the different parties here and stakeholders what type of enforcement would be possible with that, I mean is it just a feel-good document or is there something that actually could prevent a use that would be a public health issue. And to kind of reinforce the issue with infrastructure; I remember talking to a developer one time who has a history of developing areas of high groundwater and I asked him how he went about doing that and his response was once we lace in the sewer and water lines the gravel bed acts like a huge French drain and it drops the water table so, you can expect that this smear zone will in essence

be drained into the over digs for your sewer system and since those are all set to grade that's an actual perfect conduit to move any of this tainted water to somebody else's backyard. Which obviously has all kinds of repercussions.

One thing I mentioned when I spoke to just the Board of Health, I ride my bike frequently up into the Story Hills and during high groundwater portions of the year I have noticed a seep of water that comes out of the center line crack on L Street right after you go underneath the interstate. Ah, and I've also noticed that this seep as it comes out has an oily sheen on it. I don't know what that is or where that's from but being in the proximity of that site has me concerned as someone again who's been involved with this as a past board member I took the opportunity to ride down Bohart Lane and at one point again during high groundwater I noticed that some of the standing water next to the road also had a oily sheen on it. So, I'm, I'm not convinced we're completely done here and since that area is ah above the area that now we're talking about next to Rocky Creek for development, it just has me concerned that we're not done and that things are still moving around there. I too am a Bozeman City taxpayer and do not want to see another debacle like we had with the landfill to where I want to make sure that this is opened for appropriate development, and at this point I don't see how we have any real control over what is actually going to go in there. Now it's been brought up that, yeah, it's going to be storage units and so forth but quite honestly it could take a while and it could be somebody else coming in and doing something totally different so I think we have to make sure that we safeguard with the idea that at this juncture, essentially anything can happen here. Thank you very much.

Nolan Campbell

Nolan Campbell [REDACTED]. Ah, commented earlier I just wanted to actually portray my my my public comment here. I want to share in the fact that we share the same concerns with you. Kind of ah, real estate development is very complex and what we try and do is we kill these things off as fast as we can. Numerous challenges from you know whether it's a soil structural stability of soil everything we face every challenge and what we do is we try and kill these deals off very quickly. Because we spend money, spend a lot of money on these things to find out if they're yes or no, because it's a question. We're still here we have not found any reason to stop doing what we're doing here right now as far as bringing these sites and development. And there's a lot of people that that have shared their concerns. We've and we've looked into a lot of these things that you guys have looked in today with a lot of a lot of people and believe me if I if we had concerns kind of mentioned here previously I wouldn't be here and we wouldn't be going down this path especially you know people and don't invest a lot of money into situations where they're going to get risk their exposure and and their their entire livelihood so we just share the concerns we look forward working and I also want to separate the two processes here too I do represent Idaho Pole and we are looking to sell the sites and we're looking to to do that but this is you know we are the future uses of the site are separate from this right here right now you know this is not we

we are we are bound by the deed restrictions are in place and none of these are really being removed as part of this process so thank you for your time and thank you.

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Comment submitted by B. Leland

This is a Comment on the **Environmental Protection Agency** (EPA) Proposed Rule: **National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Idaho Pole Company Superfund Site**

For related information, [Open Docket Folder](#)

Comment

As a former member of the Gallatin City-County Board of Health I was involved with previous actions concerning the Idaho Pole site. During seasonal high ground water as recently as last year, I have observed seeps of water coming through the center of the pavement on L Street just north of the I-90 overpass. The seeps have an oily sheen on them, and given the age of the pavement I doubt the pavement is the source. I have also observed an oily sheen on pooled surface water on the north side of Bohart Lane near the Northwestern Energy substation. Both of these locations are up gradient from land along Rocky Creek currently for sale as a development opportunity. I am concerned that allowing development on the Idaho Pole site and/or within the controlled groundwater site and the underground infrastructure that will entail, will provide a perfect conduit for contaminated water to be transported elsewhere. I do not think this site can be realistically separated into the surface cap and subsurface smear zone. I do not want a repeat of the debacle Bozeman taxpayers were saddled with concerning development that occurred down slope from the former city landfill. I am also concerned that this delisting is driven more by a rush to develop instead of sound science and a concern for public health. I am equally concerned knowing that the delisting is being pushed by the current administration; an administration that is anti-science and has a history of reckless actions. I do not think the Idaho Pole site or any portion thereof should be delisted and opened for development.

Thank You,
Brian Leland

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Attachment 3

Interview Summary Forms

Idaho Pole Company NPL 5-Year Review Community Interview Questions

Person interviewed: Ben Sorensen; NorthWestern Energy

1. What is your overall impression of the Idaho Pole Company National Priority List (NPL) project?

I believe that the IPC NPL site has come together very nicely over the last 5 years, thanks due largely to the technical guidance and common sense approach that I have seen implemented by EPA's project manager.

2. What effects have site activities/operations had on the surrounding community?

On-going cooperation and open dialogue between NWE and EPA/DEQ have allowed us to complete emergency work as well as on-gong expansion work in a very efficient and timely manner. Site visits have been very easy to schedule and project requirements have been clearly communicated from the Agencies. Document review for work plans and work summaries have always received very prompt attention.

A more recent impact has been the deletion of the soil component of the Idaho Pole remedy from the NPL. This was obviously a significant impact to NWE because of the amount of soil-disturbing activities involved with upgrades to electric substation components, electric transmission/distribution systems, and upgrades to the natural gas transmission/distribution systems.

3. Are you aware of any community concerns regarding the Idaho Pole NPL Site?
YES NO

If yes, what are they?

I am not aware of any community concerns.

4. Do you feel the remedy (including institutional controls) at Idaho Pole is effective?

In my opinion, the remedy at Idaho Pole is effective.

5. Do you feel well informed about site progress and activities? YES NO

If no, how would you like to receive information and how often?

EPA's project manager has done an outstanding job at keeping me informed with the site progress and activities. I cannot emphasize enough the appreciation that I have for the extent that EPA's project manager has gone to in assisting me with finalizing work plans for projects within the Idaho Pole boundaries.

6. What other comments or suggestions do you have?

It has been a pleasure working with the Idaho Pole NPL project team, and again I have been very impressed with efficiency, effectiveness, and technical abilities of the EPA project manager while working through multiple infrastructure projects within the boundaries of the Facility.

Interviewer/s

Idaho Pole Company NPL 5-Year Review Community Interview Questions

**Person interviewed: Heidi Kaiser via phone
March 26, 2020**

- 1. What is your overall impression of the Idaho Pole Company National Priority List (NPL) project?**

Been very successful – most people don't know that site is there and remediation are protective of human health and the environment. A measure of that is due to the relationship between the PRPs and regulators.

- 2. What effects have site activities/operations had on the surrounding community?**

Very little. Most people don't know there is a Superfund site there.

- 3. Are you aware of any community concerns regarding the Idaho Pole NPL Site?**
YES NO

If yes, what are they?

Over the last couple of years, the GGCHD have expressed concerns about TPHs in groundwater, the extent of contamination and the partial deletion. Hopefully the additional data collected last year will have alleviated their concerns.

- 4. Do you feel the remedy (including institutional controls) at Idaho Pole is effective?**

I do.

- 5. Do you feel well informed about site progress and activities? YES NO**

If no, how would you like to receive information and how often?

- 6. What other comments or suggestions do you have?**

Given some of concerns from the public, continued outreach through fact sheets and public meetings is warranted. Unless there is some specific site milestone such as the upcoming groundwater remedy decision, then periodic updates every 2 to 3 years is appropriate.

Interviewer/s

Idaho Pole Company NPL 5-Year Review Community Interview Questions

Person interviewed: Lisa DeWitt

1. What is your overall impression of the Idaho Pole Company National Priority List (NPL) project?

Having been involved in activities at the Idaho Pole Company over the last 19 years as a representative of DEQ (support agency to EPA), my view is that the Idaho Pole Site (Site) has made significant progress toward cleanup over that time. The soils component of the remedy was completed in approximately 2002, and appropriate institutional controls were put in place to protect the covered treated soils that remain onsite. With that, and with other sampling conducted to confirm that no additional soils needed excavation, the soils component has been removed from the NPL. Additionally, work is underway to appropriately modify the groundwater remedy to more effectively address the contamination that remains.

2. What effects have site activities/operations had on the surrounding community?

The actual site activities/operations have had minimal impact on the community of Bozeman. Since the closure of the Land Treatment Unit, the only active operations at the Site have been groundwater remediation activities. Residents of the community off L Street periodically have concerns about potential for exposure, and their wells are sampled annually by the responsible party to ensure that they are not drinking contaminated water.

3. Are you aware of any community concerns regarding the Idaho Pole NPL Site?
YES NO

If yes, what are they?

Over the last two years in particular, there have been many concerns expressed primarily by the water quality district, the health department, and the City of Bozeman. These concerns have centered around the perception that significant quantities of petroleum remain in the groundwater unrecovered. Based on the sampling results received by DEQ and EPA, there is no evidence that significant quantities of petroleum remain, and further research into the Remedial Investigation showed that the contention that petroleum was in the groundwater was later shown to be incorrect. Regardless, this perception remains.

4. Do you feel the remedy (including institutional controls) at Idaho Pole is effective?

Yes. The soils component of the remedy has been completed, and delisted from the NPL. The Groundwater Remediation System was deemed to have limited continuing value, so was decommissioned, and any additional groundwater treatment will be

through addition of nutrient or via natural attenuation. There are no pathways for exposure at this time as long as institutional controls are followed, and there is no evidence that they have been ineffective.

5. Do you feel well informed about site progress and activities? YES NO

If no, how would you like to receive information and how often?

6. What other comments or suggestions do you have?

I have no other comments to provide.

Interviewer/s – Roger Hoogerheide, EPA

Idaho Pole Company NPL 5-Year Review Community Interview Questions

Person interviewed: Les Lonning
April 1, 2020 Phone interview

1. What is your overall impression of the Idaho Pole Company National Priority List (NPL) project?

The IPC project has taken a long time to get to where we are. Very long and complicated process. Process has gotten us to where we are today.

2. What effects have site activities/operations had on the surrounding community?

I don't believe anything taking place on IPC property has had any recent effect on the community. Operations stopped in 1998 and construction completed in early 2000s. Minimal impact since then.

3. Are you aware of any community concerns regarding the Idaho Pole NPL Site?
YES **NO**

If yes, what are they?

Recent delisting of soils. Concern raised by Board of Health regarding this process even though numerous meetings and communications were done to address these concerns.

4. Do you feel the remedy (including institutional controls) at Idaho Pole is effective?

Yes

5. Do you feel well informed about site progress and activities? **YES** **NO**

If no, how would you like to receive information and how often?

Every year we should conduct a site update

6. What other comments or suggestions do you have?

Nothing else to add

Interviewer/s Roger Hoogerheide

Idaho Pole Company NPL 5-Year Review Community Interview Questions

**Person interviewed: Mark Engdahl and Alan Stine via phone
March 30, 2020**

- 1. What is your overall impression of the Idaho Pole Company National Priority List (NPL) project?**

Making good progress with regards to protection and achieving cleanup at the site within a reasonable timeframe. Further evidence by the partial deletion of the soils demonstrates site progress

- 2. What effects have site activities/operations had on the surrounding community?**

There is a CGA in place but it doesn't affect people per se. Have seen no evidence that people are in need to put wells in place. No negative effects but positive effects with partial deletion and potential redevelopment leading to an increased tax base and jobs for the community.

- 3. Are you aware of any community concerns regarding the Idaho Pole NPL Site?**
YES NO

If yes, what are they?

Over the last couple of years, the GCCHD have expressed concerns about site. Most concerns were addressed at the meetings or in subsequent communications with the board.

- 4. Do you feel the remedy (including institutional controls) at Idaho Pole is effective?**

Absolutely.

- 5. Do you feel well informed about site progress and activities? YES NO**

If no, how would you like to receive information and how often?

- 6. What other comments or suggestions do you have?**

The site is on the right track. Not much I would want to see differently. Positive that pump and treat remedy completed, pilot testing of groundwater was successful. Demonstrated that attenuation is occurring and will continue to occur with a few minor hotspots in the barkfill area that need to be monitored.

Attachment 4

Notices of Fifth Five-Year Review in Bozeman Daily Chronicle (October 30 and November 3, 2019)

U.S. finalizing rule to allow farmers to legally grow hemp

DES MOINES, Iowa (AP) — U.S. agriculture officials said Tuesday a rule that allows farmers to legally grow hemp will be finalized this week, a move that many states have awaited for months so they can begin widespread hemp production. The rule is set to be published Thursday and effective immediately. It establishes requirements for licensing, maintaining records on the land where hemp will be grown, testing the levels of THC — the active ingredient in marijuana that causes a high — and disposing plants that don't meet the requirements. In addition, a national hemp-growing program that Congress authorized in the 2018 farm bill will be launched by the rule. Hemp and marijuana are both cannabis plants but have different levels of THC. Industrial hemp can be used in food, fiber, paper, beauty products and other products, and the industry estimates it could grow nationally to be a \$1.9 billion market by 2022.

Jumping into hemp growing may not be a simple task for traditional farmers. Minnesota hemp farmer David Connor said growing 26 acres of hemp this year was labor intensive with planting, harvesting and drying all done by hand. New equipment is coming out that will ease some of the manual labor, he said, but it's not as easy as growing row crops like corn and soybeans. Connor, who runs Paw Paw Hemp Co. with a partner, grows for CBD products, a market that has expanded exponentially in recent years. CBD, a compound found in the hemp plant, is used in a wide assortment of foods and as pain relievers, as well as for other medical conditions. Extracting it is legal in some states but not others. And in April, the Food and Drug Administration issued warning letters to companies for making unapproved health claims about CBD products. Some farmers may not find it profitable to grow for the CBD market. For

example, farmers in Iowa where CBD extraction is not legal would have to ship their plants elsewhere for CBD oil extraction. Those who hope to grow for the industrial hemp market for products that could replace plastic or for fiber may find scarce buyers. "I am only aware of three active fiber plants, two in Kentucky and one in North Carolina," said Robin Pruisner, a state entomologist who's focused on hemp production for the Iowa Department of Agriculture. "We need that infrastructure for processing and manufacturing to evolve for it to become a long-term viable crop." Her advice for hemp farmers it to have a signed contract from a buyer before they begin production. Some states have grown hemp on a smaller scale under the 2014 farm bill pilot program. The 2018 law removed industrial hemp from the list of illegal drugs and required the USDA to set up a national hemp growing program.

Stocks cap wobbly day with modest losses

By The Associated Press

Technology companies led stocks lower on Wall Street Tuesday as a wobbly day of trading ended with modest losses for the market. Health care stocks jumped on stronger-than-expected reports from drugmakers, but losses by internet and media companies held the market in check following a mixed report from Google's parent. Companies have largely been reporting stronger earnings than analysts expected, but they're nowhere close to blow-away good. S&P 500 companies are still on track to report a third straight quarter of profit declines, according to FactSet. Tuesday's modest market pullback came a day after the S&P 500 hit an all-time high. The benchmark index mostly drifted between small

gains and losses Tuesday, finishing within 0.1% of its record. "The market was a little bit overbought," said Janet Johnston, portfolio manager at Trim Tabs Asset Management. "It's a good sign that it continues to hold at new highs." The S&P 500 slipped 2.53 points, or 0.1%, to 3,036.89. It set a record on Monday, surpassing its prior peak set in late July. The Dow Jones Industrial Average dropped 19.26 points, or 0.1%, to 27,071. The Nasdaq composite slid 49.13 points, or 0.6%, to 8,276.85. Smaller companies fared better than the rest of the market. The Russell 2000 index rose 5.14 points, or 0.3%, to 1,577.07. Major stock indexes in Europe closed mostly lower. The price of crude oil dropped a second straight day, and gold dipped.

U.S. stocks are on track to end October with gains. The S&P 500 has closed with a weekly gain the past three weeks. What's helped buoy U.S. stocks are hopes that the United States and China can make progress on their trade dispute, or at least stop making it worse. Lower interest rates have also played a big role. Most investors expect the Federal Reserve to cut short-term rates by a quarter of a percentage point on Wednesday. The central bank has cut rates two other times since the summer in a bid to shield the U.S. from the impact of the trade war and a slowing global economy. Treasury yields dipped ahead of the decision. The yield on the 10-year Treasury slid to 1.83% from 1.85% late Monday. The two-year yield, which is more sensitive to moves by the Fed, fell to 1.63% from 1.64%.



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Review of Cleanup at the Idaho Pole Superfund Site

The U.S. Environmental Protection Agency (EPA) and Montana Department of Environmental Quality (DEQ) are conducting a Five-Year Review on the Idaho Pole Company (IPC) Superfund Site. The Five-Year Review is a regular checkup on a Superfund site to ensure that cleanup decisions continue to protect people and the environment. This represents the fifth five-year review of the remedial actions implemented at the IPC Site.

The IPC Site, which operated a wood treating facility from 1945 to 1997, is located near the northern limits of Bozeman, Montana. Historic practices using pentachlorophenol to preserve the wood resulted in releases to the underlying soil and groundwater.

If you would like to learn more about the Idaho Pole Superfund Site please visit the following web site:

<https://www.epa.gov/superfund/idaho-pole>

For additional information contact:

Roger Hoogerheide, EPA Remedial Project Manager
Toll free at 1-866-457-2690 ext. 5031
hoogerheide.roger@epa.gov

Lisa DeWitt, DEQ Project Officer
406-444-6420
lidewitt@mt.gov

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Boulder Jeffco Food Share

Bozeman Gallatin Valley Food Bank

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Browning High School

Butte Emergency Food Bank

Butte Rescue Mission

Chester Loaves and Fishes Food Bank

Chinook Food Bank

Choteau Teton County Food Pantry Inc.

Colstrip Community Food Bank

Columbia Falls Food Bank

Columbus Project Hope of Stillwater County

Conrad Pondera Food Pantry

Cut Bank Harvest Food Pantry

Darby Bread Box

Deer Lodge Food Pantry

Dillon Beaverhead Community Food Pantry, Inc.

Ennis Madison Valley Caring and Sharing

Eureka Tobacco Valley Food Pantry

Forsyth Samaritans Pantry

West Valley Assembly/Food 4 Frenchtown

Glasgow Valley County Emergency Food Bank

Glendive Dawson County Food Bank

Granite County Food Pantry

Great Falls FISH, Inc.

Great Falls St. Vincent DePaul Society

Great Falls Rescue Mission

Great Falls Helping Hands/1st English

Evangelical Lutheran Church

Hamilton Haven House Food Bank

Helping Hands in Hardin, Inc.

Harlem Food Bank

Havre Community Food Bank

Havre Feed My Sheep Soup Kitchen
- Helena Food Share

Hot Springs Food Pantry

The Joliet Food Bank

Kalispell Flathead Food Bank

Kalispell Northwest Montana Veterans

Stand Down & Food Pantry

Lakeside West Shore Food Bank

Lame Deer Northern Cheyenne Food Bank

Laurel Community Hope, Inc.

Lewistown Central Montana Community Cupboard

Libby Food Pantry

Livingston Food Pantry of Park County

Malta Food Bank

Miles City Custer County Food Bank

Miles City Soup Kitchen

Missoula Food Bank

Missoula Poverello Center, Inc.

Missoula Union Gospel Mission (formerly Missoula 3:16)

Noxon Community Services Fellowship, Inc.

Plains Community Food Pantry

Polson Loaves & Fish Food Pantry

Red Lodge Carbon County Community Food Bank

Ronan Bread Basket Food Pantry

Roundup Musselshell County Food Bank

Ruby Valley Food Pantry

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St. Ignatius Mission Valley Food Pantry

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Superior Community Food Bank of Mineral County

Thompson Falls Community Harvest Food Bank

Thompson Falls Gospel Mountain Assembly of God Food Pantry

Three Forks Headwaters Area Food Bank

Townsend Broadwater Food Pantry

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West Yellowstone Food Bank

White Sulphur Springs Meagher County

Nutrition Coalition

Whitefish North Valley Food Bank

Whitehall Area Food Pantry

Wolf Point Food Pantry Inc.

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TOWNPUMPFUNDATION.COM

Blast in Syrian town held by Turkey-backed fighters kills 13

ISTANBUL (AP) — A car bomb exploded in a northern Syrian town along the border with Turkey on Saturday killing 13 people, Turkey's Defense Ministry said.

The ministry said about 20 others were wounded when the bomb exploded in central Tal Abyad, which was captured last month by Turkey-backed opposition gunmen from Kurdish-led fighters.

The ministry blamed Syrian Kurdish fighters for the attack, saying it harshly condemns it and called on the international community to take a stance against this "cruel terror organization."

A spokesman for the main Kurdish-led force in Syria, Mustafa Bali, blamed Turkey for the blast, saying Turkey and the Syrian fighters it backs "are now creating chaos" in Tal Abyad to displace the Kurds who live in the town.

"Turkey is responsible for civilian casualties in the region it controls," Bali tweeted.

There was no immediate claim of responsibility. Turkey last month invaded northeastern Syria to push out Syrian Kurdish fighters, who it considers terrorists for their links to a Kurdish insurgency inside Turkey. Earlier on Saturday, the



AP
A man looks at destruction after a car bomb exploded in Tal Abyad, Syria, Friday. A car bomb exploded in a northern Syrian town along the border with Turkey Saturday killing over a dozen of people, Turkey's defense ministry said.

Kurdish-led Syrian Democratic Forces said Christian fighters will now oversee security in a northern Syrian region that has witnessed fighting between Turkey-backed troops and Kurdish-led militiamen.

The SDF said the deployment will take place in villages close to the town of Tal Tamr in the Khabur river region. That area is home to Syria's dwindling Christian Syriac and Assyrian communities.

Turkish-backed fighters have been advancing in northern Syria since last month, leading to the displacement of about 200,000 people. There have

been concerns in Christian villages about possible atrocities by Turkey-backed fighters, which include former jihadists.

The SDF said it's deploying the Syriac Military Council and Assyrian fighters in the Khabur river region. Both groups are part of the SDF.

The announcement came a day after Turkey and Russia launched joint patrols in northeastern Syria, under a deal that halted a Turkish offensive against Syrian Kurdish fighters who were forced to withdraw from the border area following Ankara's incursion.

Security forces kill protester in Iraq

BAGHDAD (AP) — Iraqi security forces fired tear gas and live ammunition to disperse thousands of anti-government protesters Saturday, killing at least one and wounding more than 200 in the capital Baghdad and in the country's south, police officials and a semi-official human rights commission said.

The largest protest took place in Baghdad, where tens of thousands of people gathered in and near a central square in defiance of a government crackdown that killed dozens over the past month.

Tens of thousands of Iraqis have been protesting, mostly in Baghdad and southern regions, since last month, demanding sweeping change to the political system established after the 2003

U.S.-led invasion, which they blame for widespread corruption, high unemployment and poor public services.

Iraq's Foreign Ministry called on countries that issued statements urging Iraq's government to respect the will of Iraqis, saying those states "should respect Iraq's sovereignty and not interfere in Iraq's internal affairs."

In the southern town of Umm Qasr, clashes between security forces and protesters injured 120 people, according to Iraq's semi-official human rights commission.

The Iraqi High Commission For Human Rights said security forces fired tear gas and live bullets to disperse hundreds of protesters near the vital Umm Qasr port on the Persian Gulf on Saturday

morning. The commission said many of the wounded were being treated in a hospital in the town.

In Baghdad, security forces fired tear gas at protesters who tried to cross to bridges over the Tigris River leading to the heavily fortified Green Zone that is home to the Iraqi government and several other embassies, including the U.S. mission.

One protester was killed and at least 88 were wounded in Baghdad, according to police and medical officials who spoke on condition of anonymity because they were not authorized to speak to the media.

"Down with the government, down with the regime and down with corrupt parties," some of the protesters chanted in Baghdad.

INTERNATIONAL DIGEST

ENSENADA, MEXICO

2 dead, 35 homes burned in two wildfires in Baja California

Mexican authorities say two people have been killed and 35 homes damaged by two wildfires burning in the northwestern border state of Baja California.

The federal Department of Security and Citizen Protection said late Friday in a statement that the blazes were located in the areas of Ensenada and Rosarito.

The former covered about 60 acres and was 95% extinguished. The latter covered about 25 acres and there was no information on how much had been brought under control.

The department said the toll of deaths and damage was recorded since the fires "reactivated" Oct. 30.

RIO DE JANEIRO

Brazil says indigenous forest guard killed in Amazon

Authorities in Brazil say an indigenous forest guard was killed and another injured in an ambush by illegal loggers in the Amazon.

Officials in Maranhao, a northeastern state, said Saturday that Paulo Paulino Guajajara was fatally shot Friday night when he and other guards were attacked.

Some indigenous groups in the Amazon rainforest say they are under increasing threat from loggers and cattle ranchers. Fires used to clear land in the Amazon increased sharply in July and August, causing international alarm over a region seen as critical to curbing climate change.

Concern about the rainforest had heightened after Brazilian President Jair Bolsonaro took office this year with calls to loosen protections for nature reserves and indigenous lands.

LONDON

Heavy winds batter England; ferries to France suspended

Heavy winds are battering parts of England and the stormy weather has forced the suspension of ferry service between the major ports of Dover and Calais, France.

Britain's Met Office forecasting service Saturday issued a number of rain and wind warnings across the south of England and Wales and warned of heavy rain in northern Scotland.

Officials say gusts of more than 80 miles per hour were measured Saturday and that numerous trees had been blown down, blocking some train lines.

Ferry operators say heavy winds are preventing ships from entering or leaving the harbor in Dover, Britain's main passenger link to continental Europe.

OSLO

Norway arrests U.S. far-right activist, seeks deportation

Norwegian authorities have arrested a high-profile U.S. white supremacist scheduled to speak at an international far-right conference in Oslo and say they will seek his deportation.

Spokesman Martin Bernsen from Norway's domestic security agency PST told Norwegian public broadcaster NRK that a U.S. citizen was arrested Saturday "on the basis of the Immigration Act section 106" including a suspicion that "he may play an obvious role in radicalization."

PST didn't give the person's name, but he was identified by Norwegian media as Greg Johnson who was a scheduled speaker in the conference by the Scandza Forum, a far-right network known for its anti-Semitic and racist views.

BOGOTA, COLOMBIA

Colombia condemns vandalism of stone menorah monument

The Colombian government and Israel's ambassador have condemned the vandalism of a menorah monument in Bogota.

The foreign ministry on Friday described the defacement of the monument on Israel State Avenue in the Colombian capital as an expression of "intolerance and hate."

Israeli Ambassador Christian Cantor tweeted a photograph of the stone monument. It shows a swastika painted in orange on the base of the monument and the engraved word "Israel" is covered in paint.

From wire services

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Review of Cleanup at the Idaho Pole Superfund Site

The U.S. Environmental Protection Agency (EPA) and Montana Department of Environmental Quality (DEQ) are conducting a Five-Year Review on the Idaho Pole Company (IPC) Superfund Site. The Five-Year Review is a regular checkup on a Superfund site to ensure that cleanup decisions continue to protect people and the environment. This represents the fifth five-year review of the remedial actions implemented at the IPC Site.

The IPC Site, which operated a wood treating facility from 1945 to 1997, is located near the northern limits of Bozeman, Montana. Historic practices using pentachlorophenol to preserve the wood resulted in releases to the underlying soil and groundwater.

If you would like to learn more about the Idaho Pole Superfund Site please visit the following web site:

<https://www.epa.gov/superfund/idaho-pole>

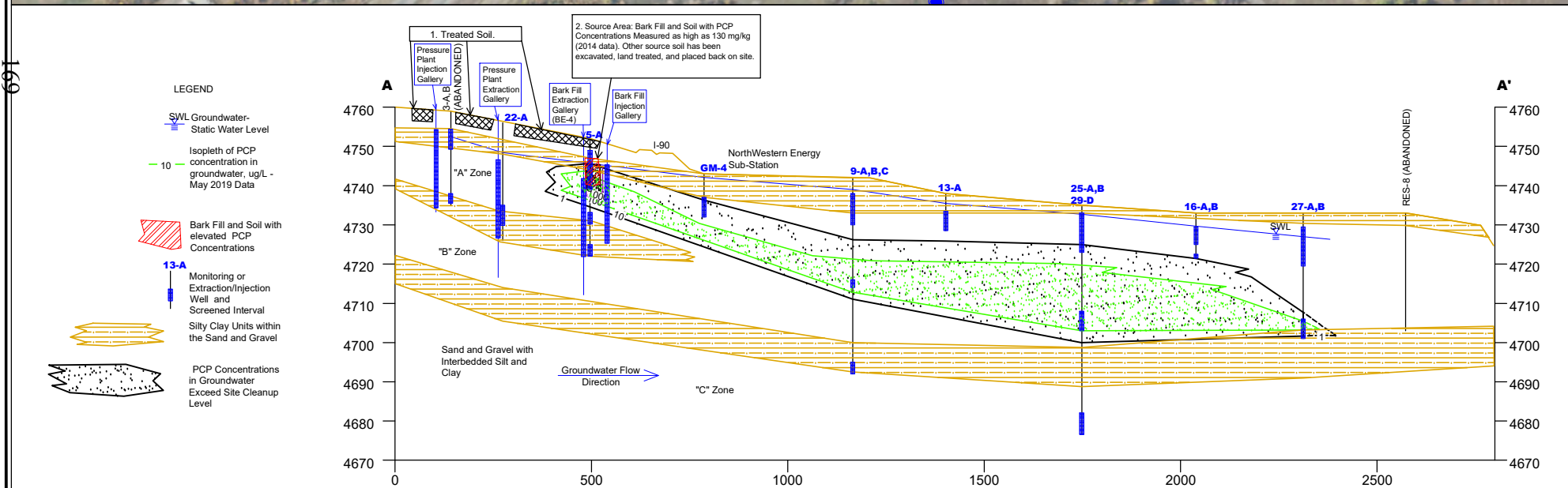
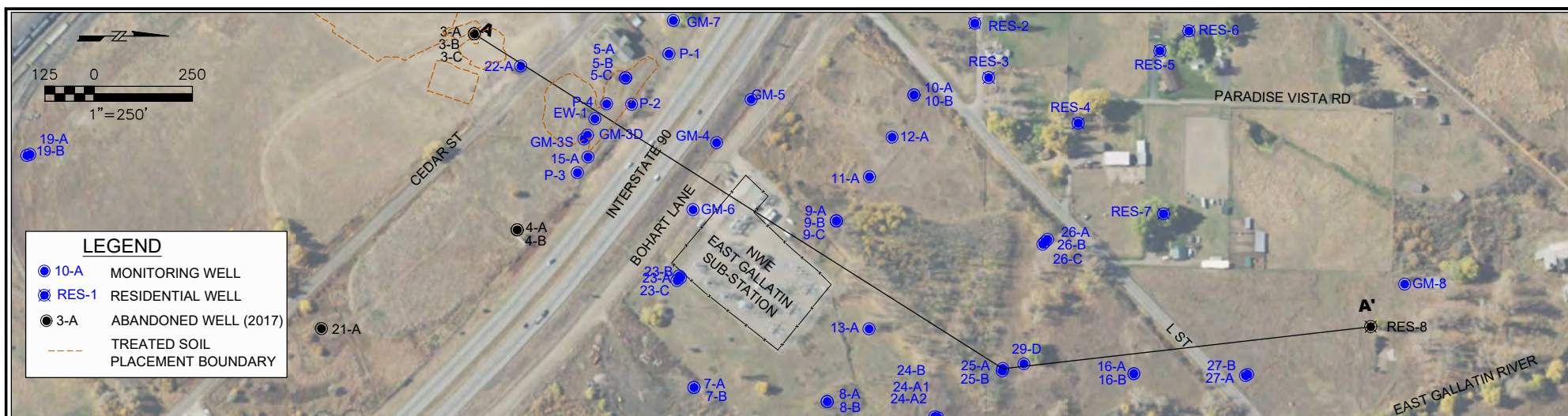
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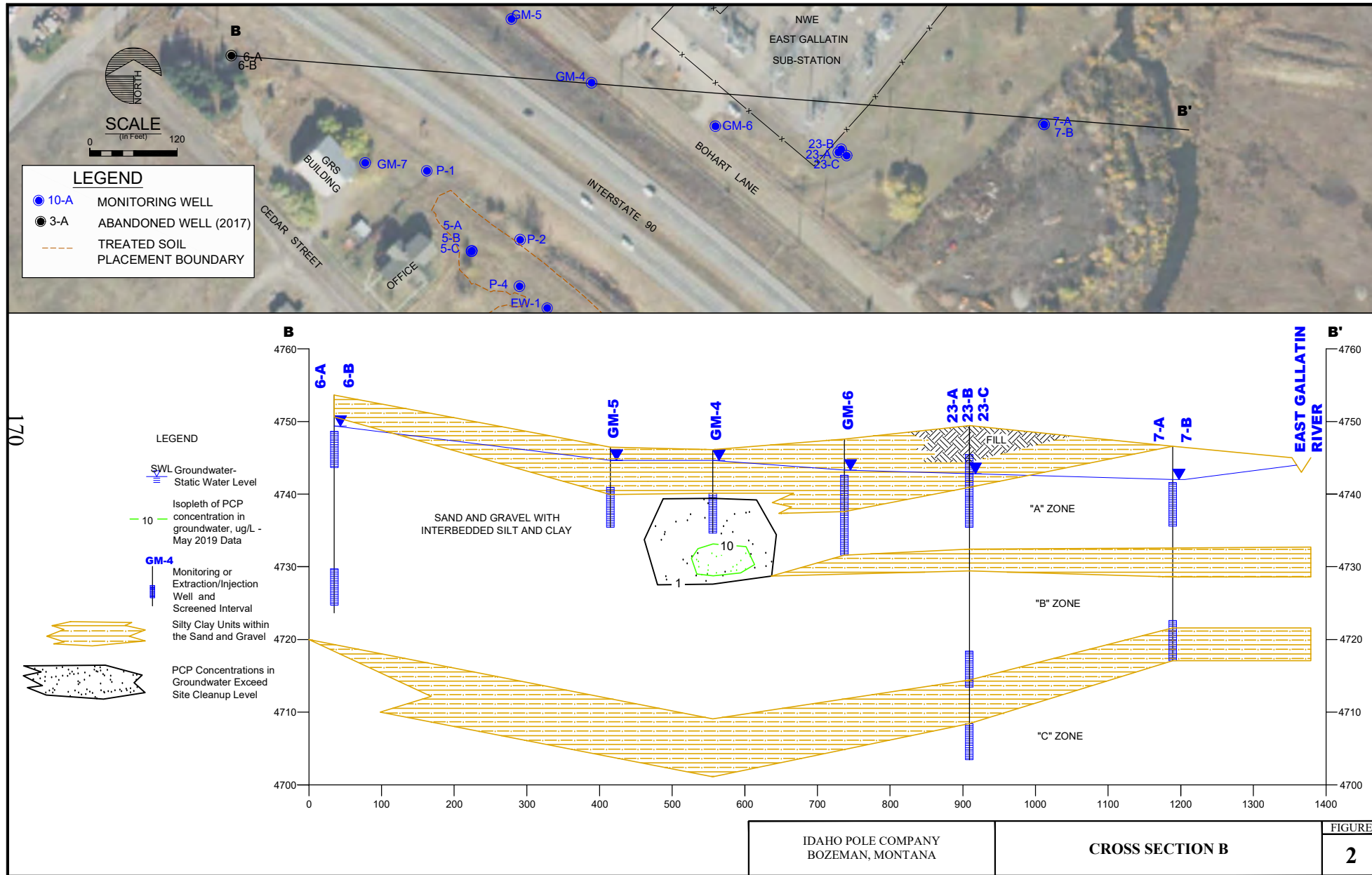
Roger Hoogerheide, EPA Remedial Project Manager
Toll free at 1-866-457-2690 ext. 5031
hoogerheide.roger@epa.gov

Lisa DeWitt, DEQ Project Officer
406-444-6420
lidewitt@mt.gov

Attachment 5

Geologic Cross-Sections (Prepared by Hydrometrics)





Attachment 6

Potentiometric Surface Maps (2014 – 2019) (Prepared by Hydrometrics)

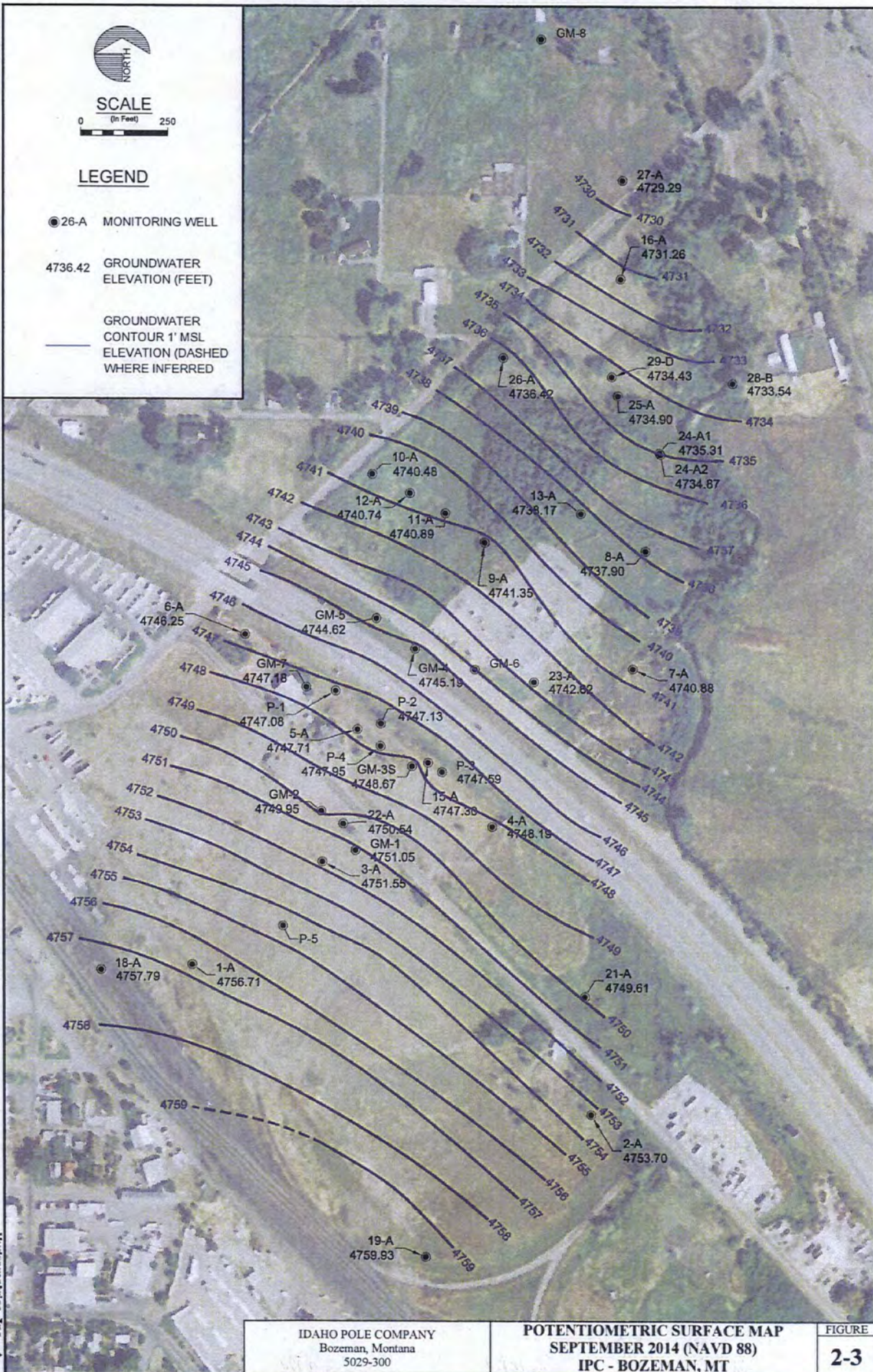




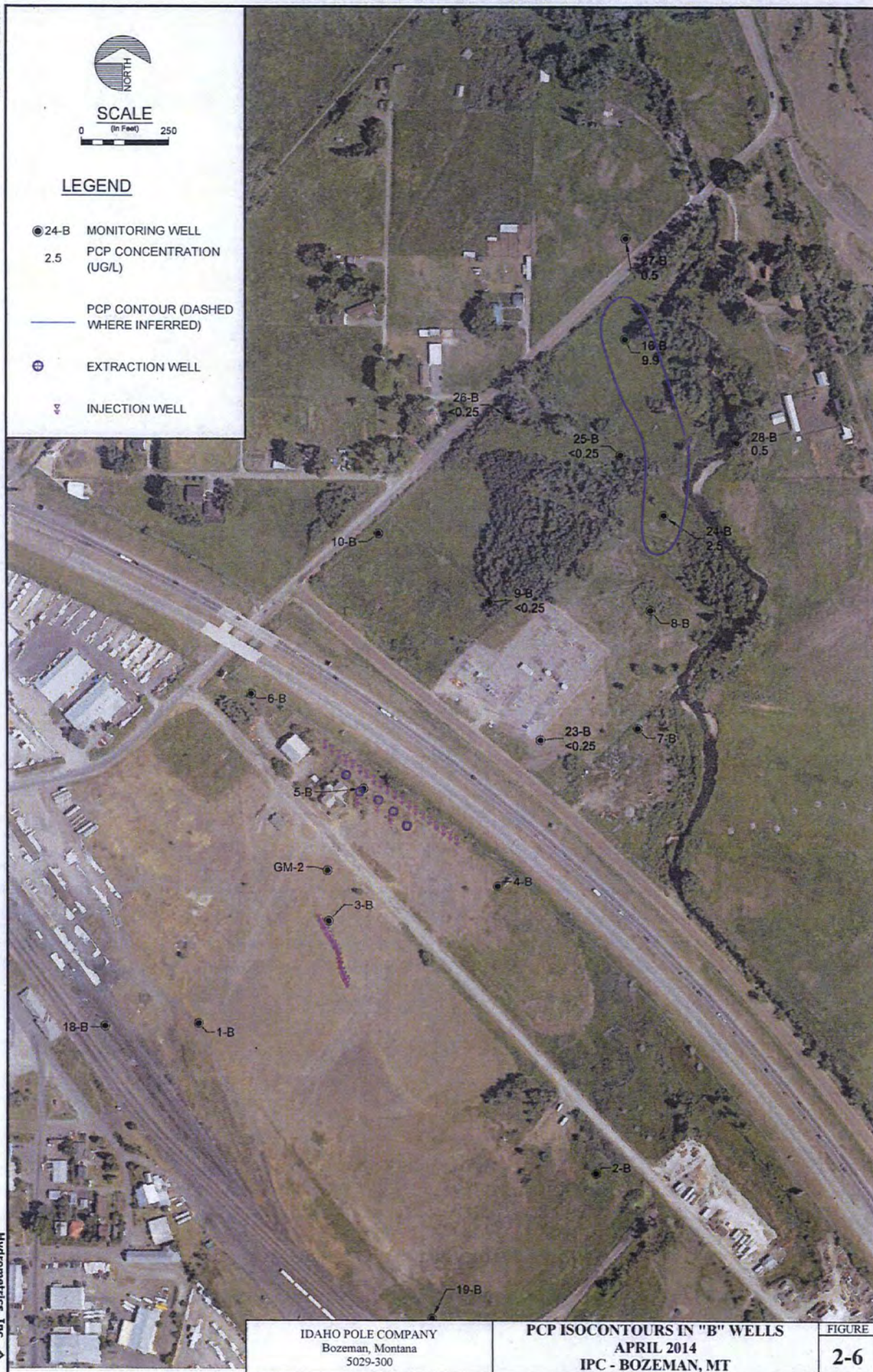
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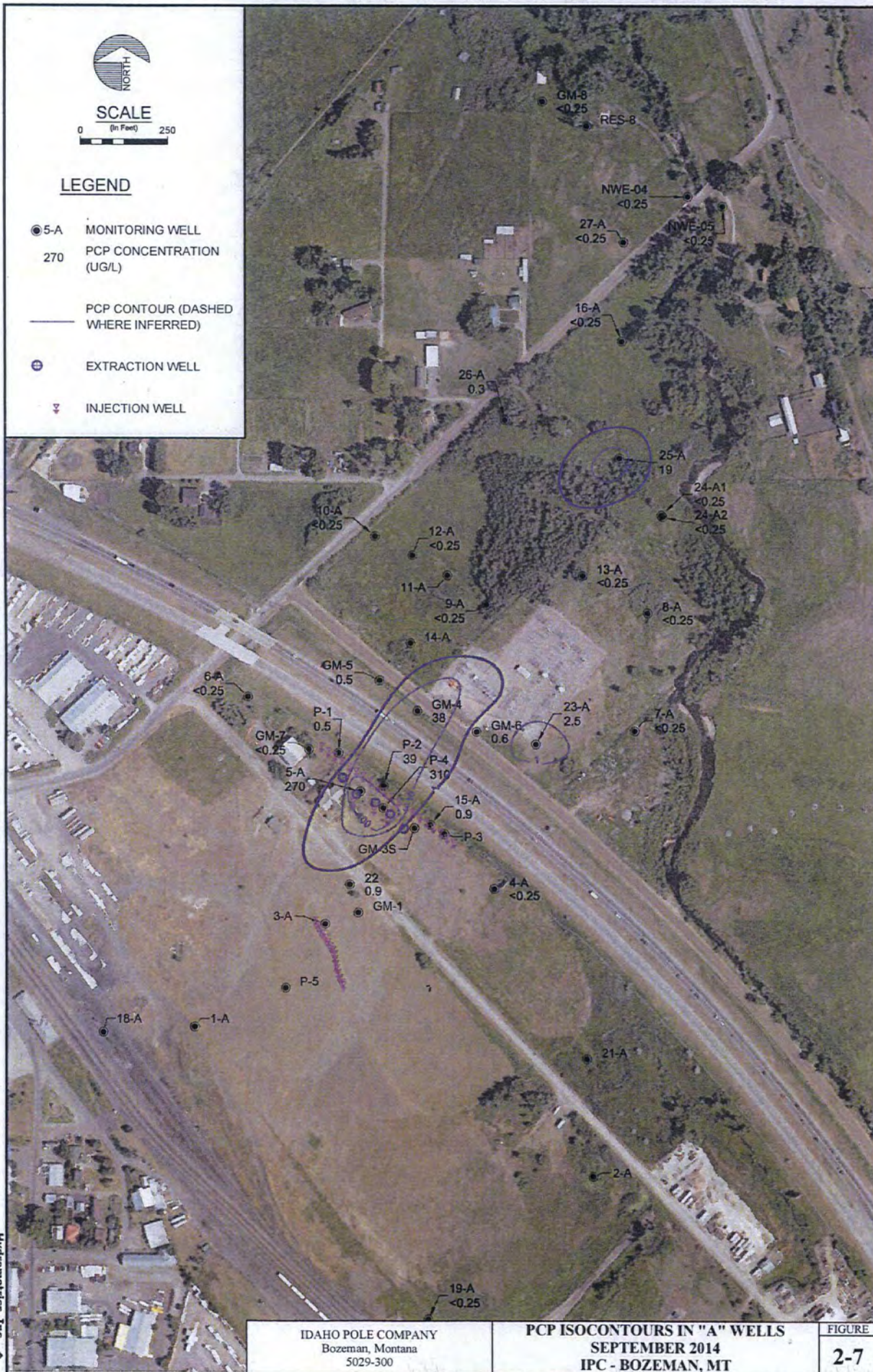
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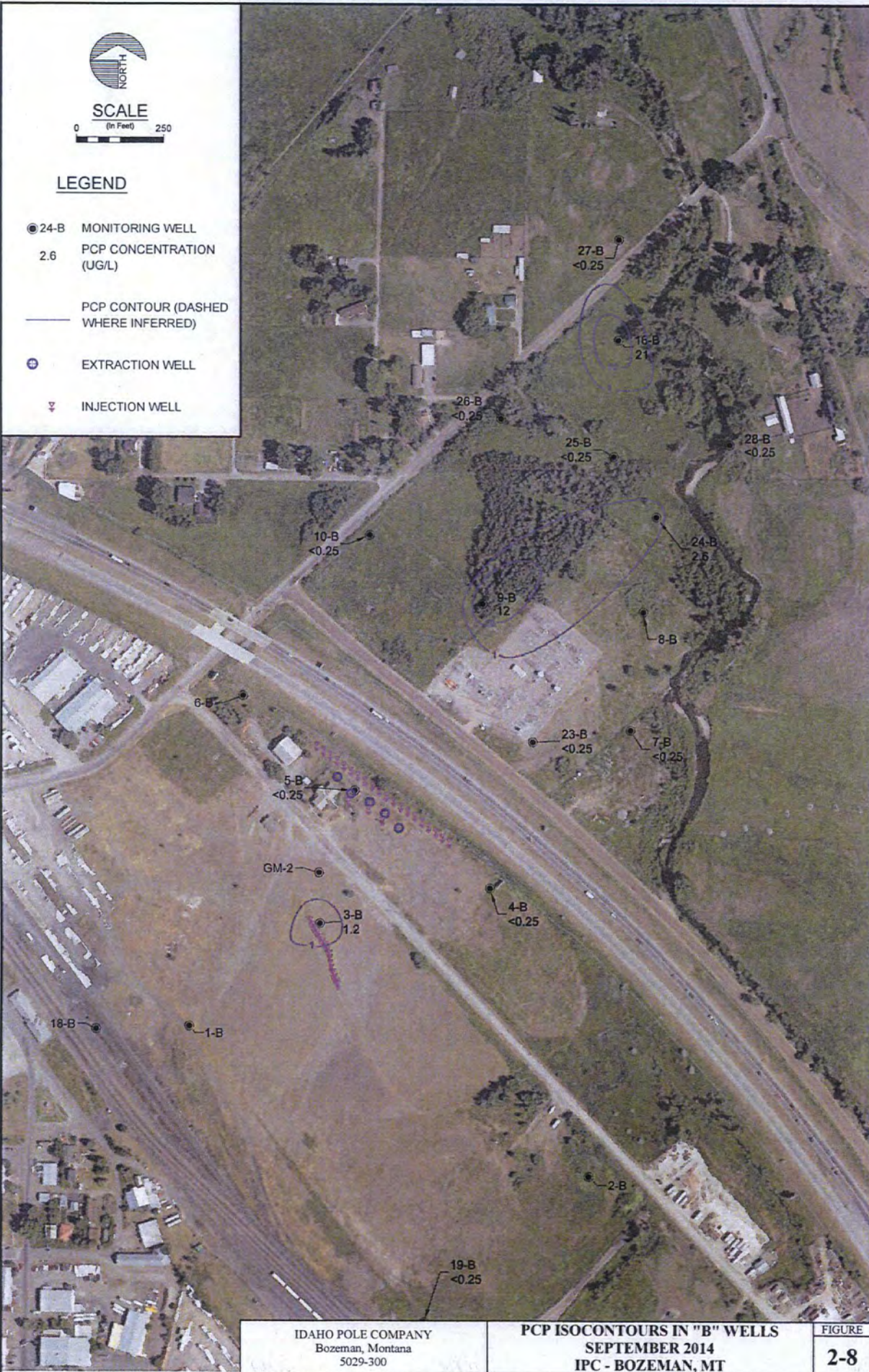
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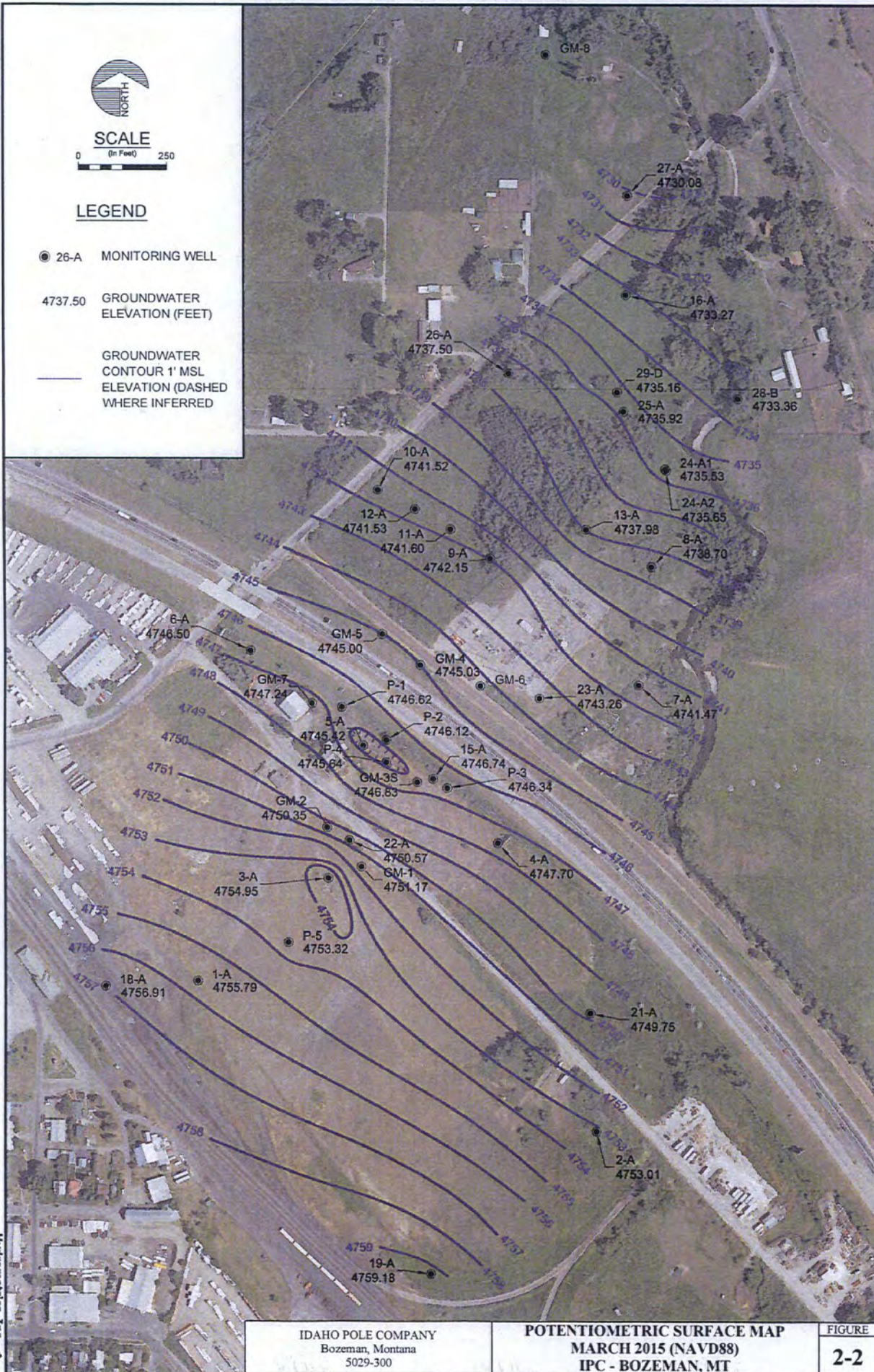




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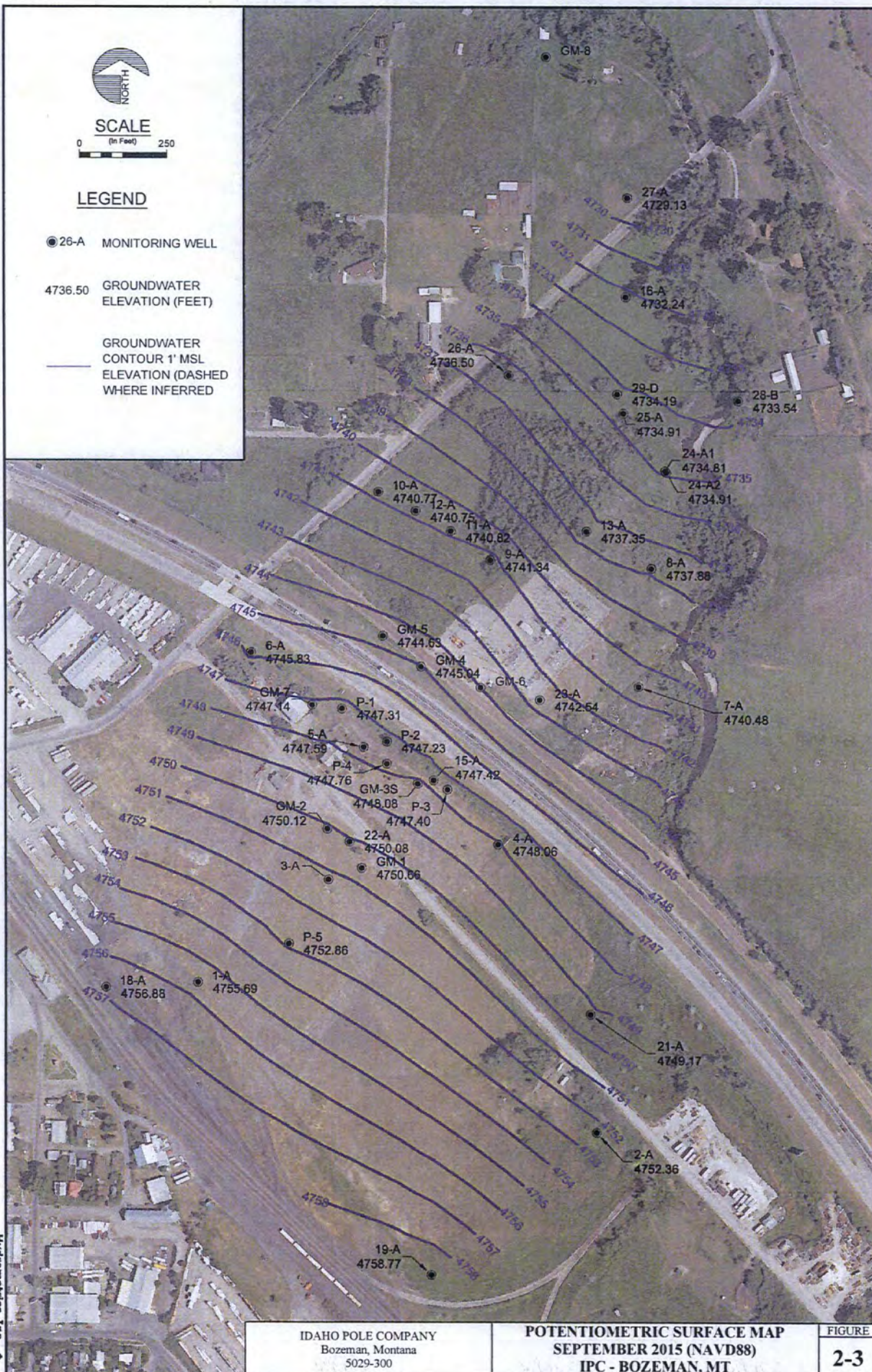


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LEGEND

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- 4736.50 GROUNDWATER ELEVATION (FEET)
- GROUNDWATER CONTOUR 1' MSL ELEVATION (DASHED WHERE INFERRED)



IDAHO POLE COMPANY
Bozeman, Montana
5029-300

POTENTIOMETRIC SURFACE MAP
SEPTEMBER 2015 (NAVD88)
IPC - BOZEMAN, MT

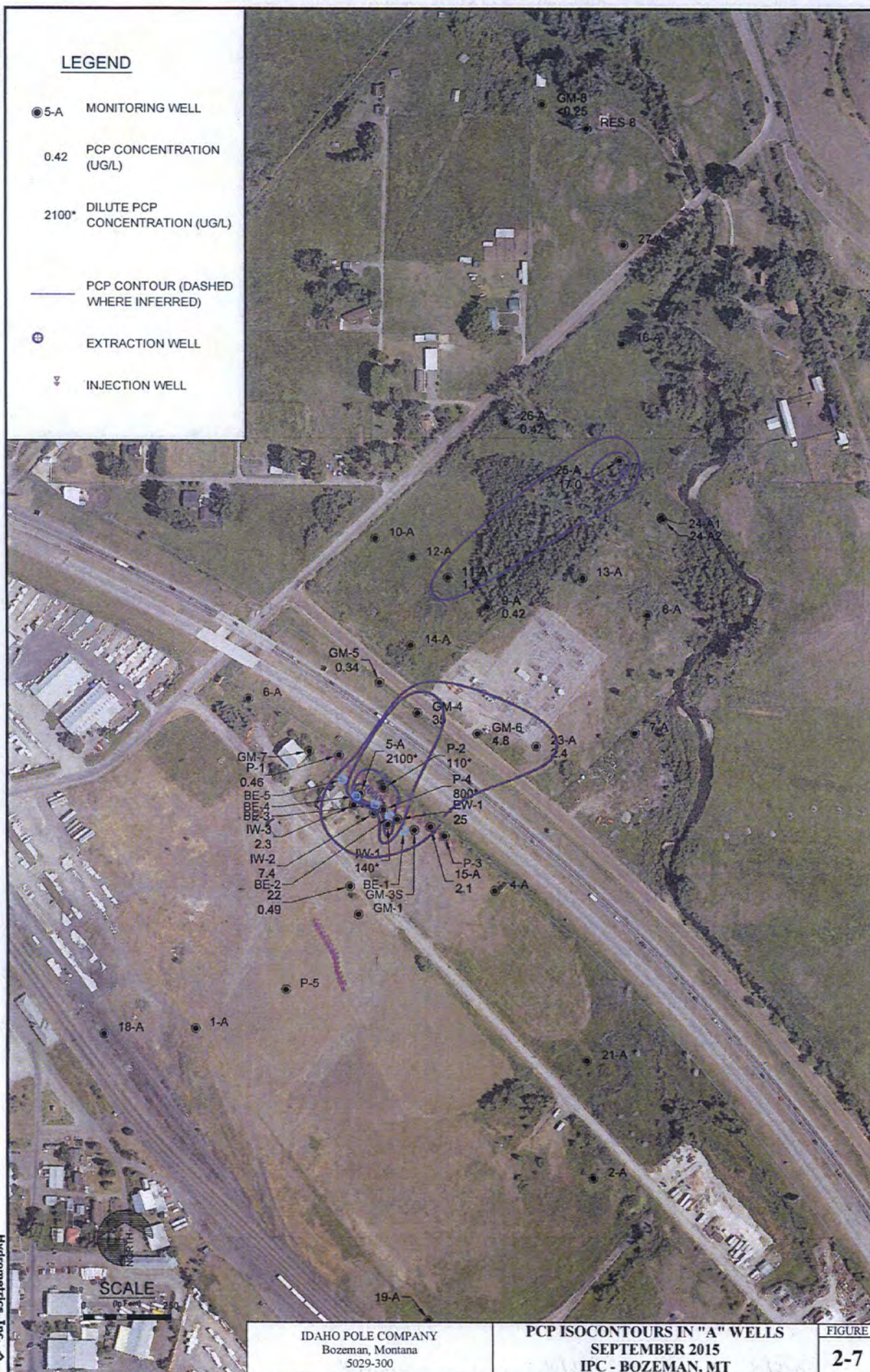
FIGURE
2-3

LEGEND

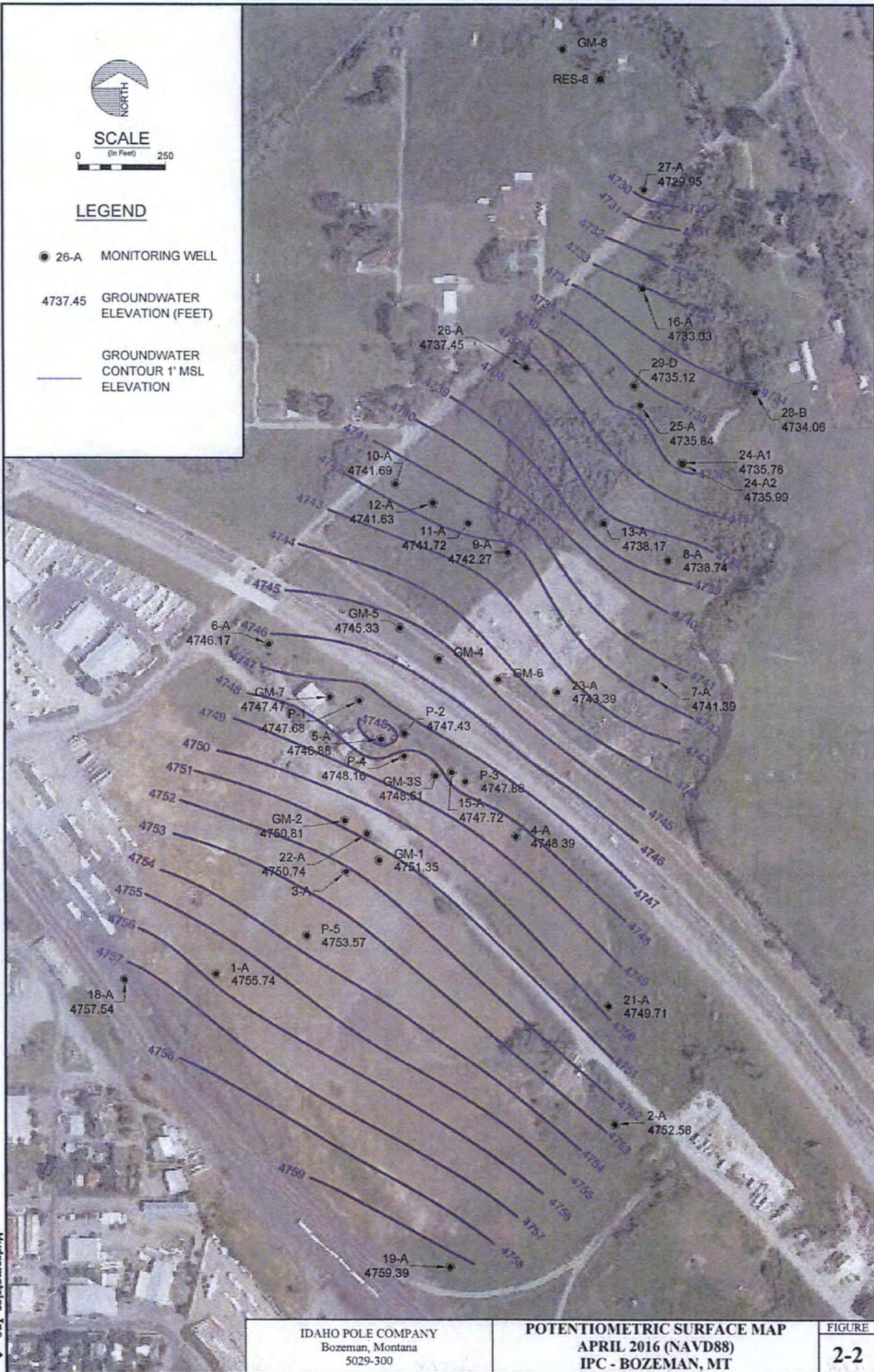
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 EXTRACTION WELL
 INJECTION WELL











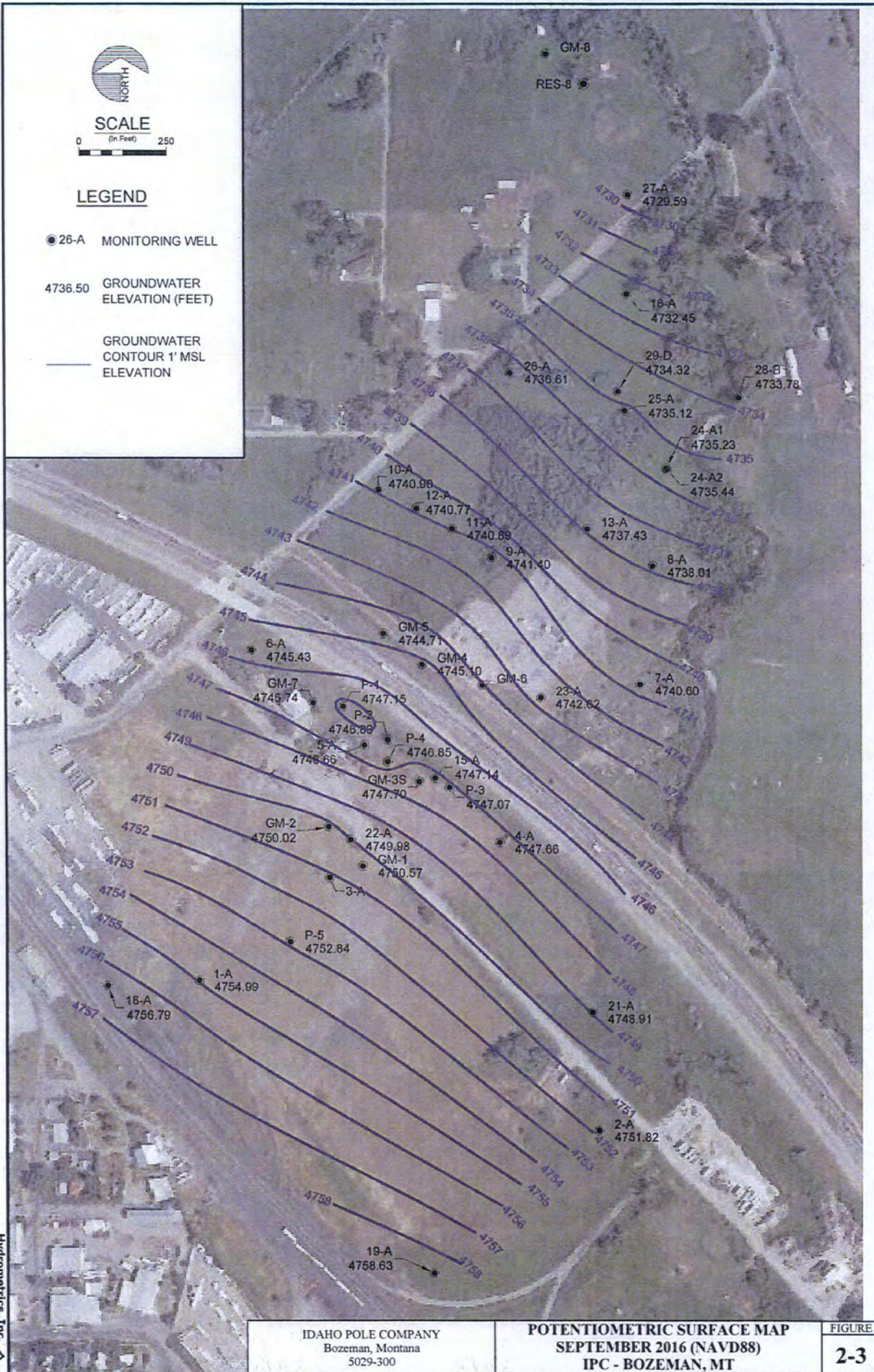
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LEGEND

- 26-A MONITORING WELL
- 4736.50 GROUNDWATER ELEVATION (FEET)
- GROUNDWATER CONTOUR 1' MSL ELEVATION



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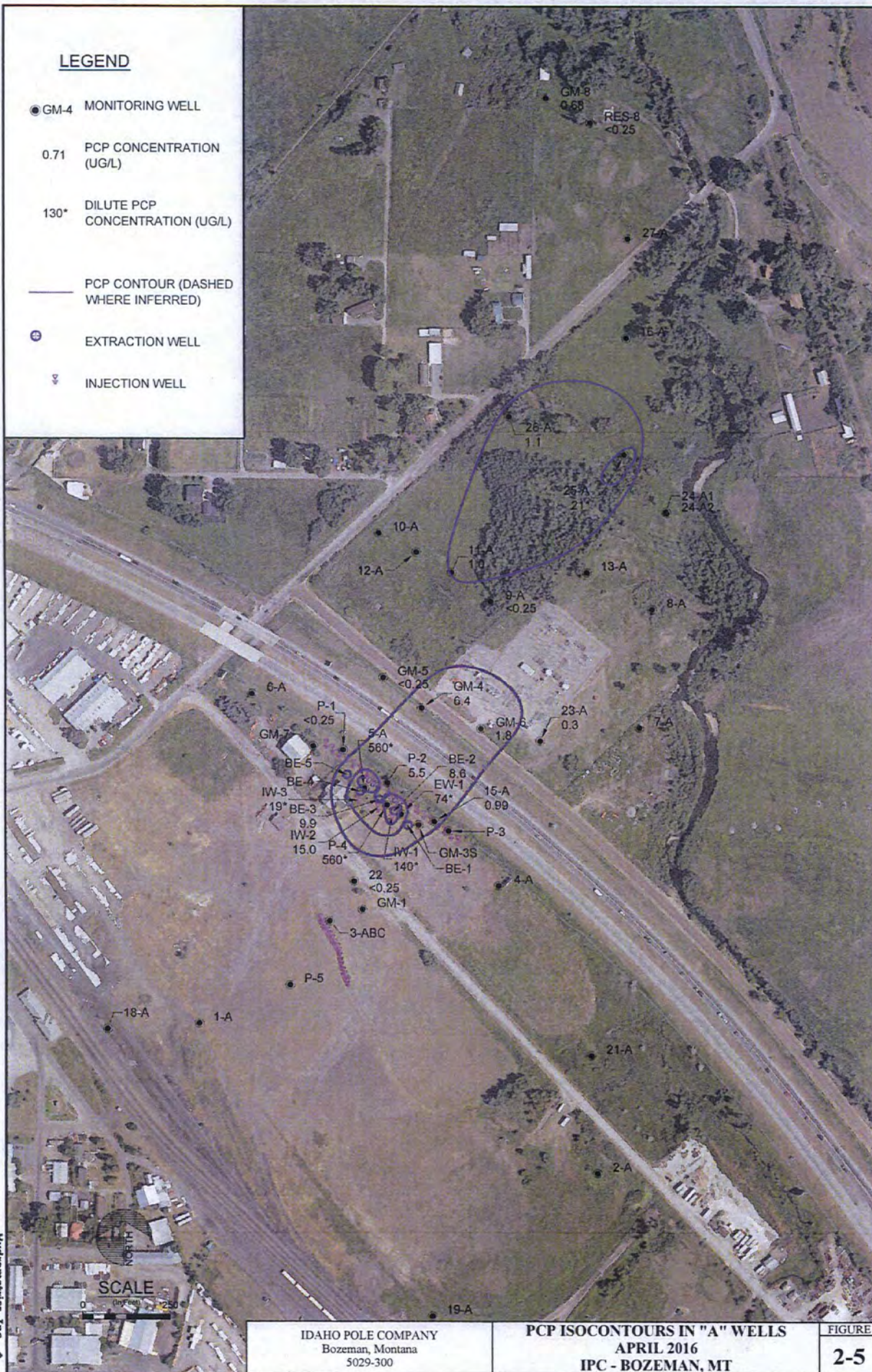
IDAHO POLE COMPANY
 Bozeman, Montana
 5029-300

POTENTIOMETRIC SURFACE MAP
 SEPTEMBER 2016 (NAVD88)
 IPC - BOZEMAN, MT

FIGURE
2-3

LEGEND

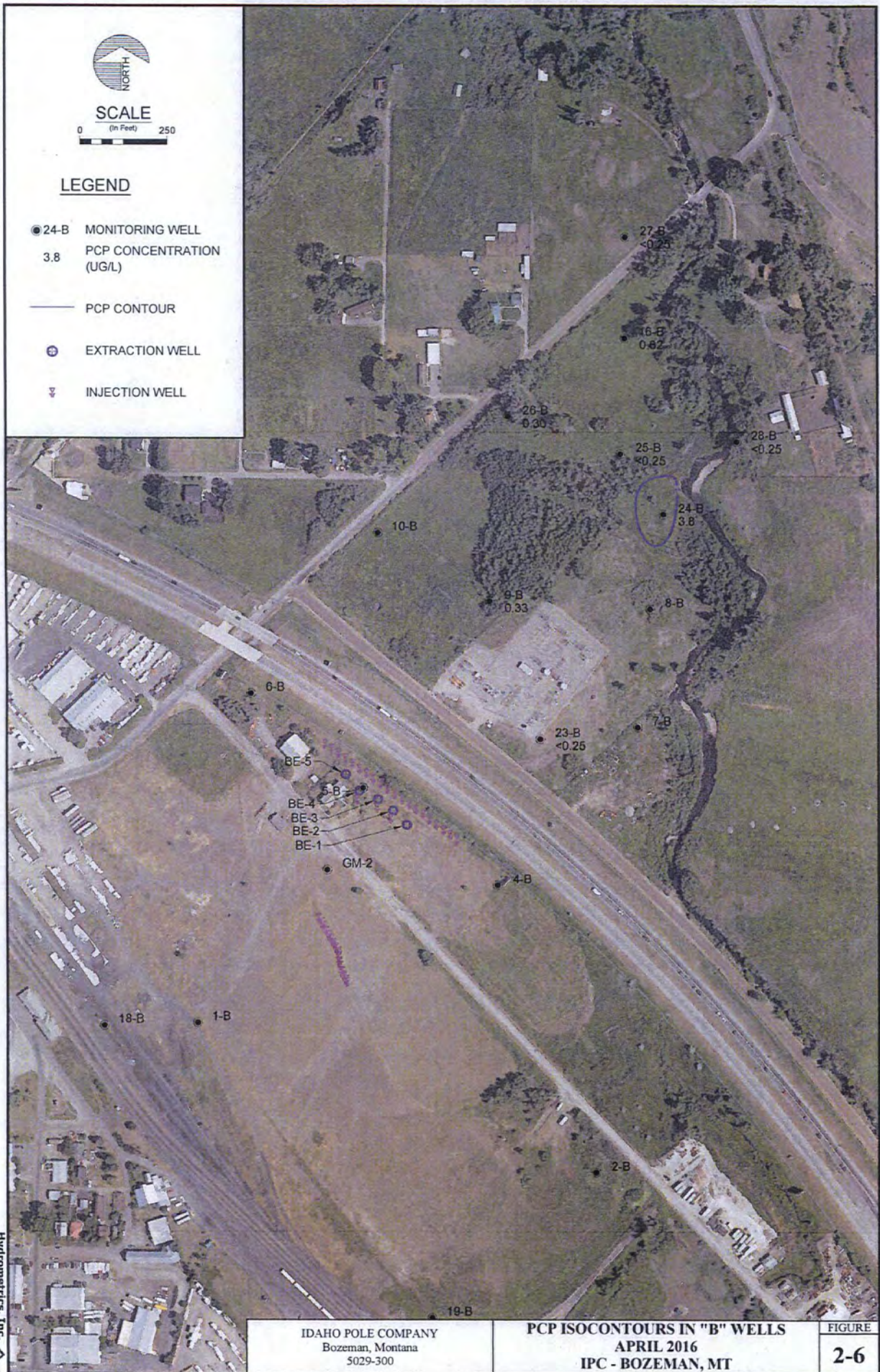
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- 130* DILUTE PCP CONCENTRATION (UG/L)
- PCP CONTOUR (DASHED WHERE INFERRED)
- ⊕ EXTRACTION WELL
- ⊖ INJECTION WELL



IDAHO POLE COMPANY
 Bozeman, Montana
 5029-300

PCP ISOCONTOURS IN "A" WELLS
 APRIL 2016
 IPC - BOZEMAN, MT

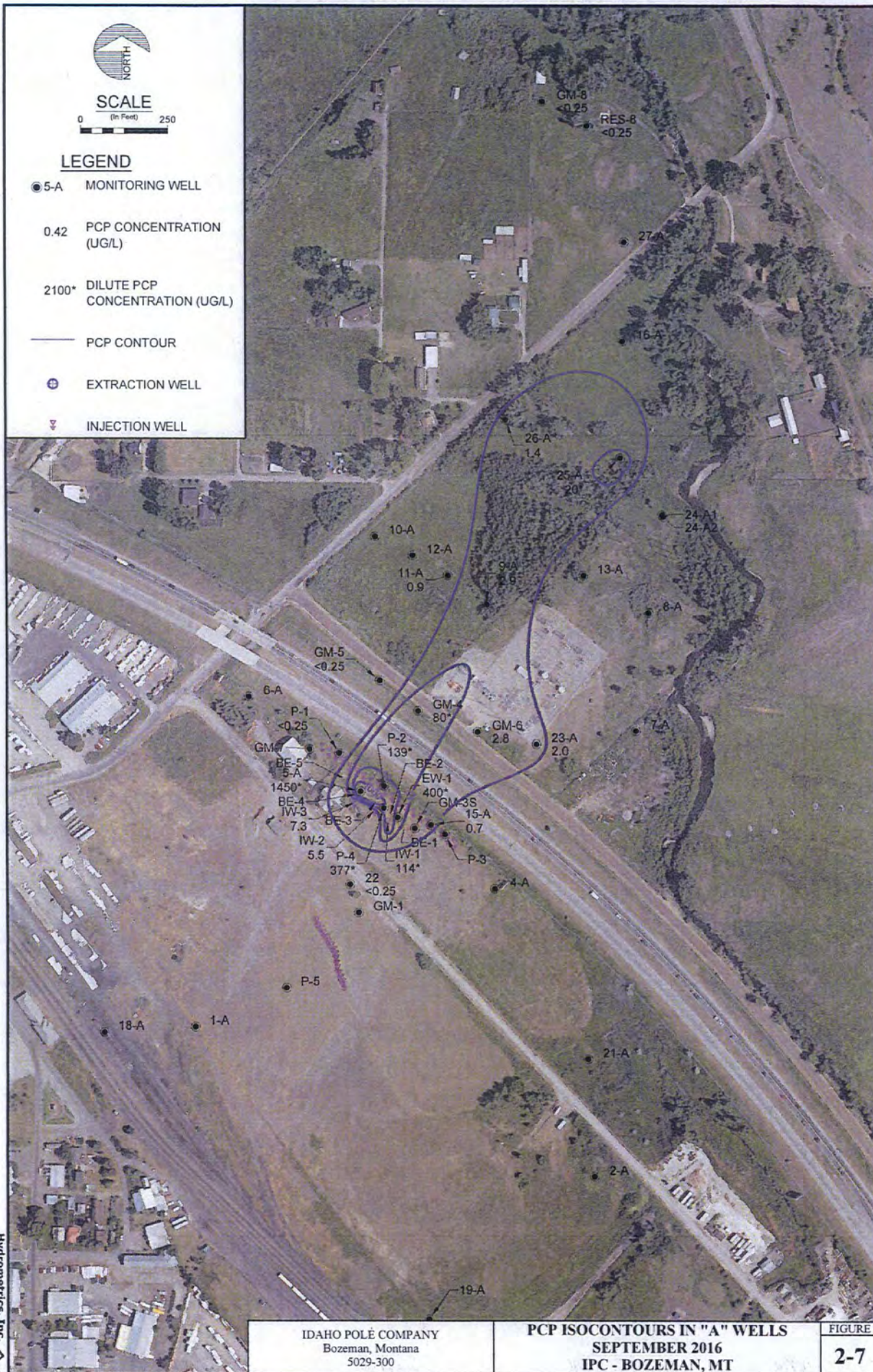
FIGURE
 2-5



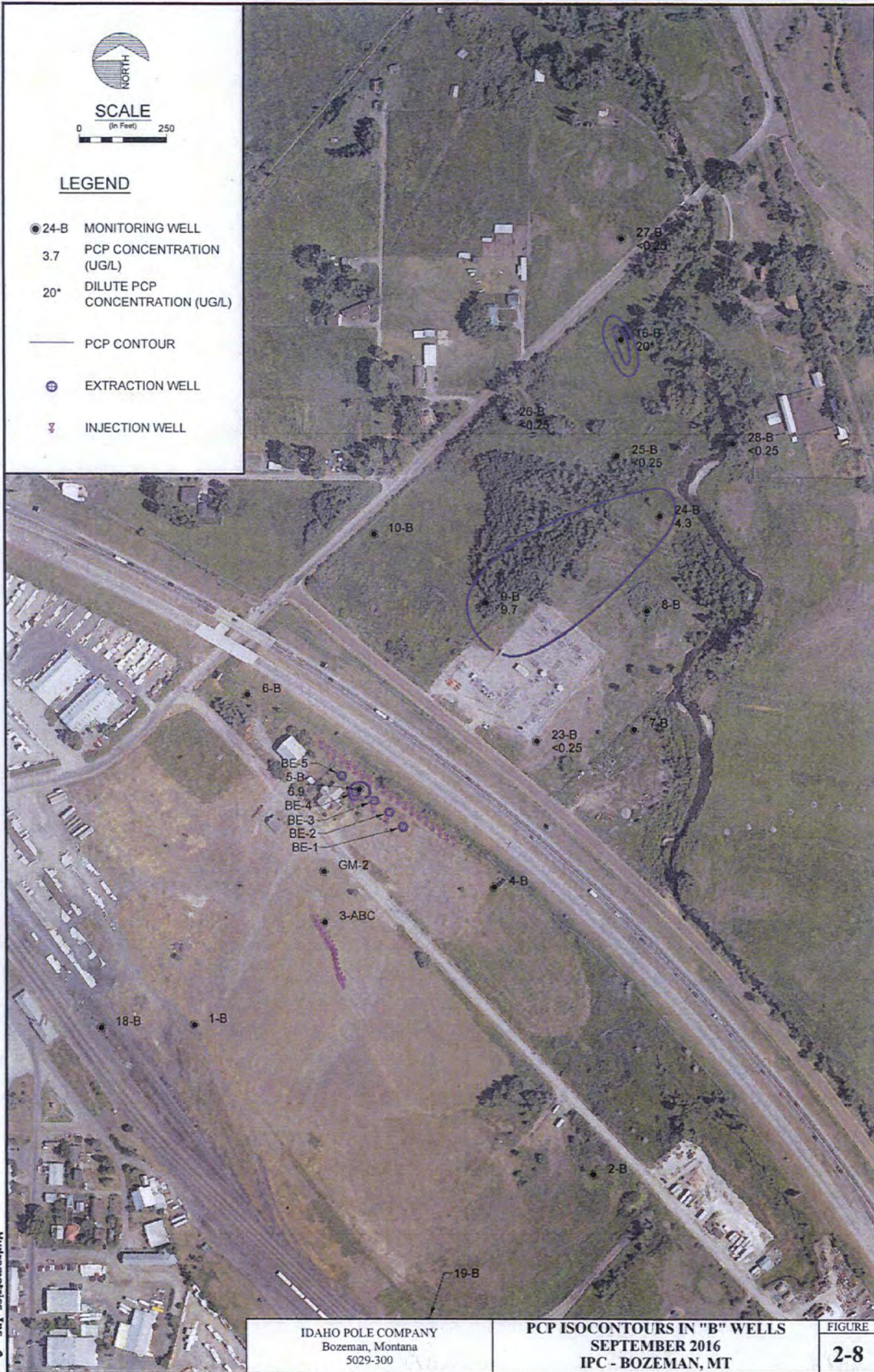
IDAHO POLE COMPANY
 Bozeman, Montana
 5029-300

PCP ISOCONTOURS IN "B" WELLS
 APRIL 2016
 IPC - BOZEMAN, MT

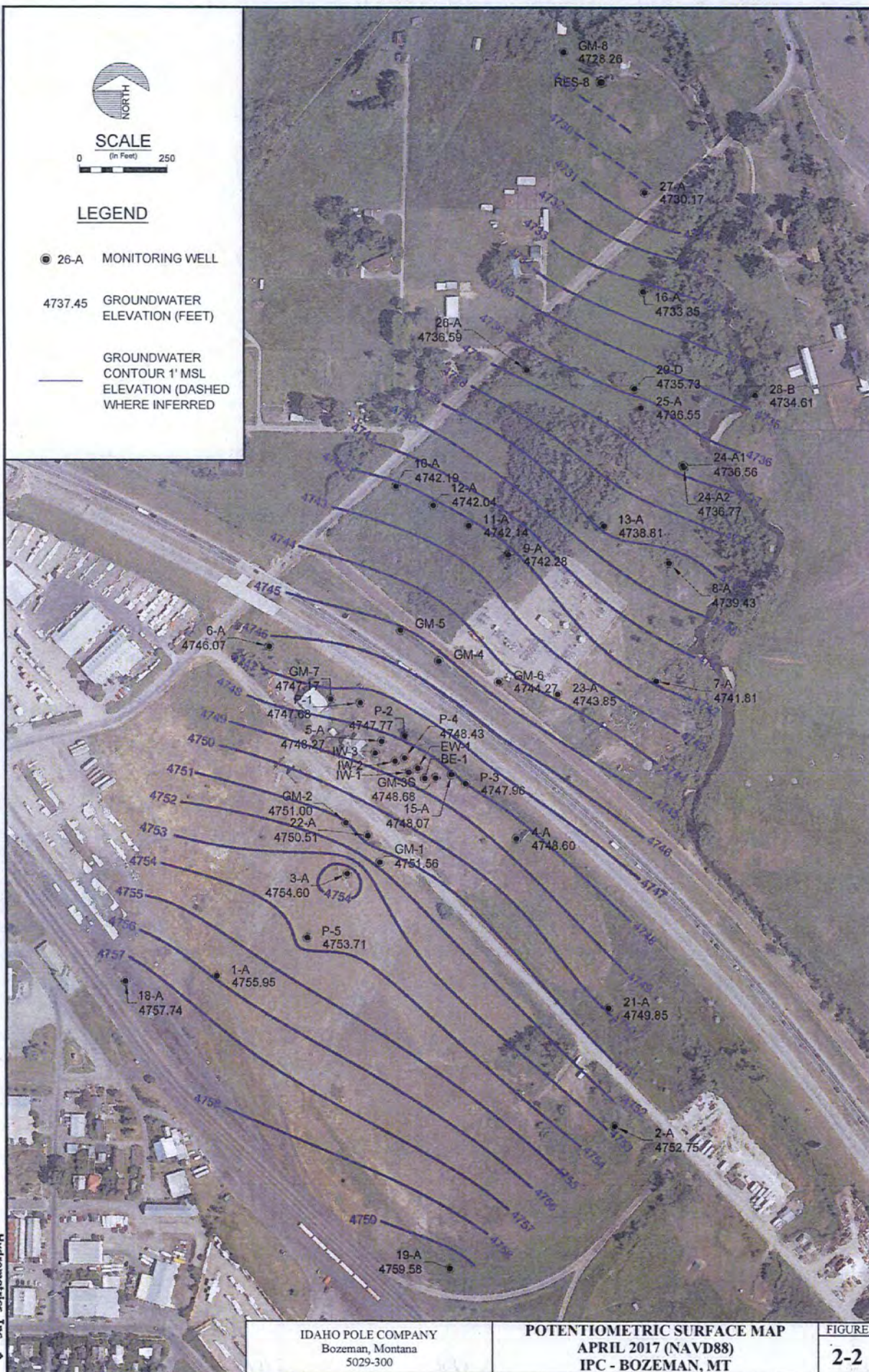
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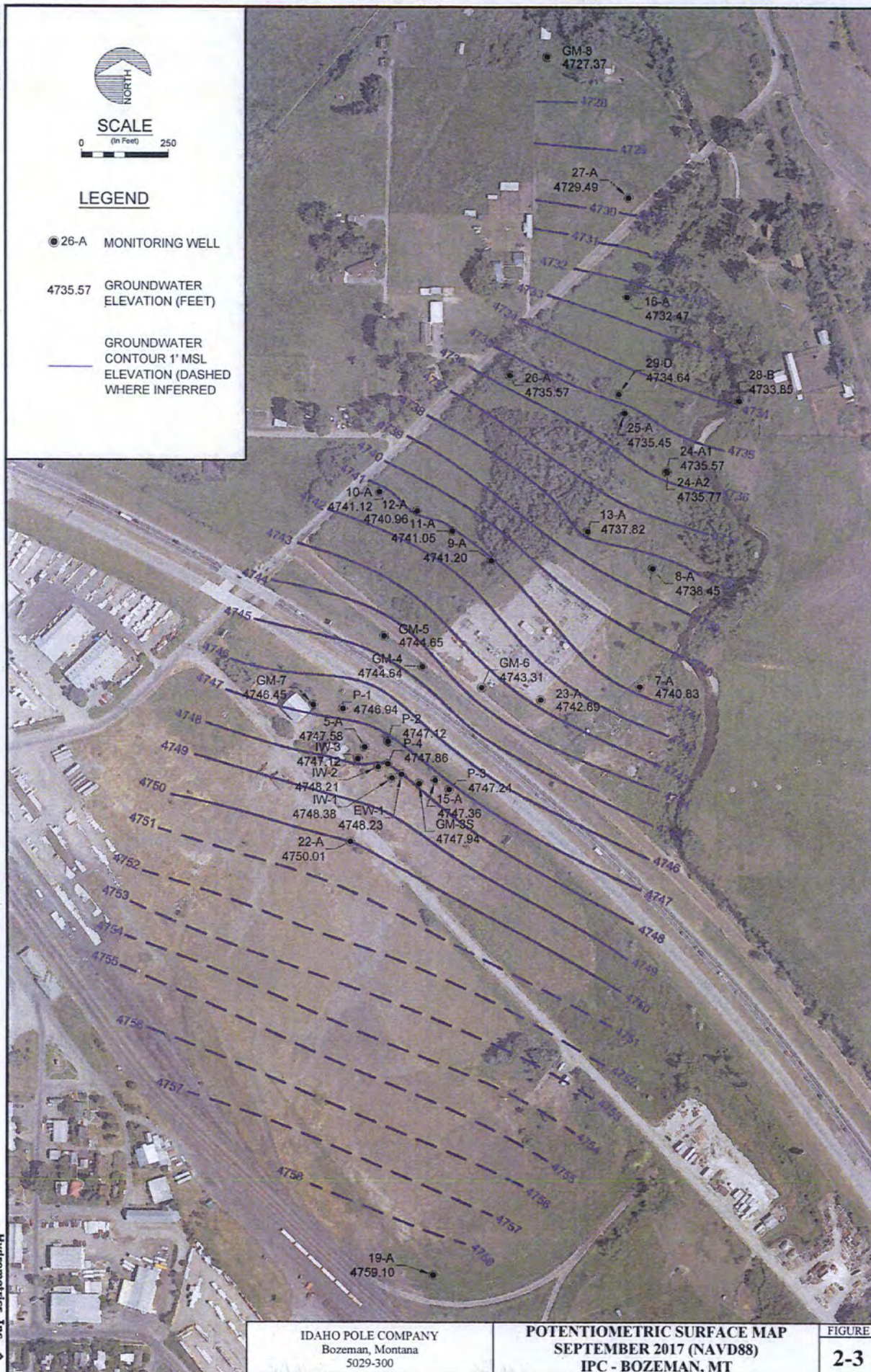
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LEGEND

©26-A MONITORING WELL

4735.57 GROUNDWATER
ELEVATION (FEET)

GROUNDWATER
CONTOUR 1' MSL
ELEVATION (DASHED
WHERE INFERRED



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LEGEND

- GM-4 MONITORING WELL
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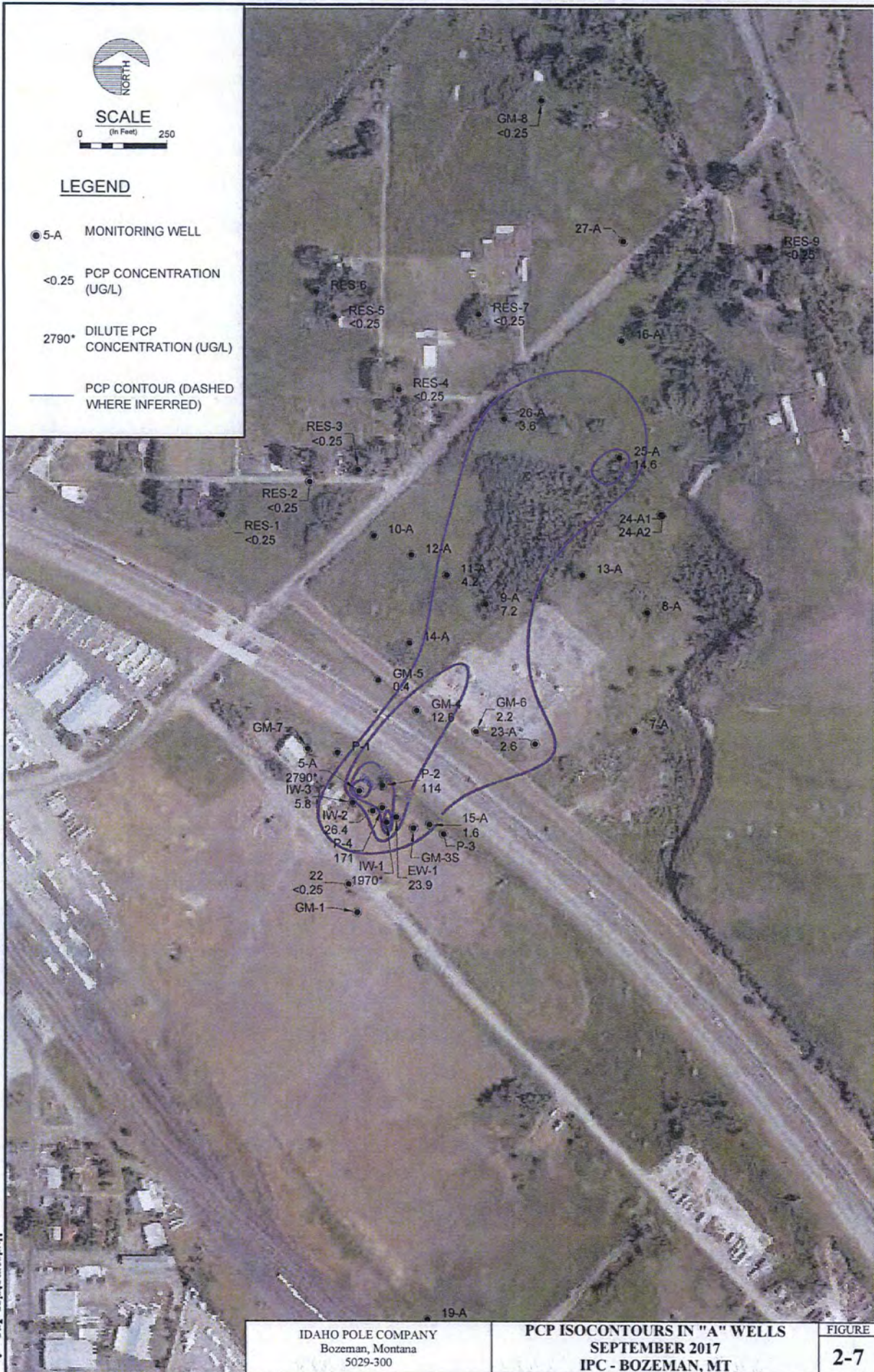


IDAHO POLE COMPANY
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PCP ISOCONTOURS IN "A" WELLS
APRIL 2017
IPC - BOZEMAN, MT

FIGURE
2-5





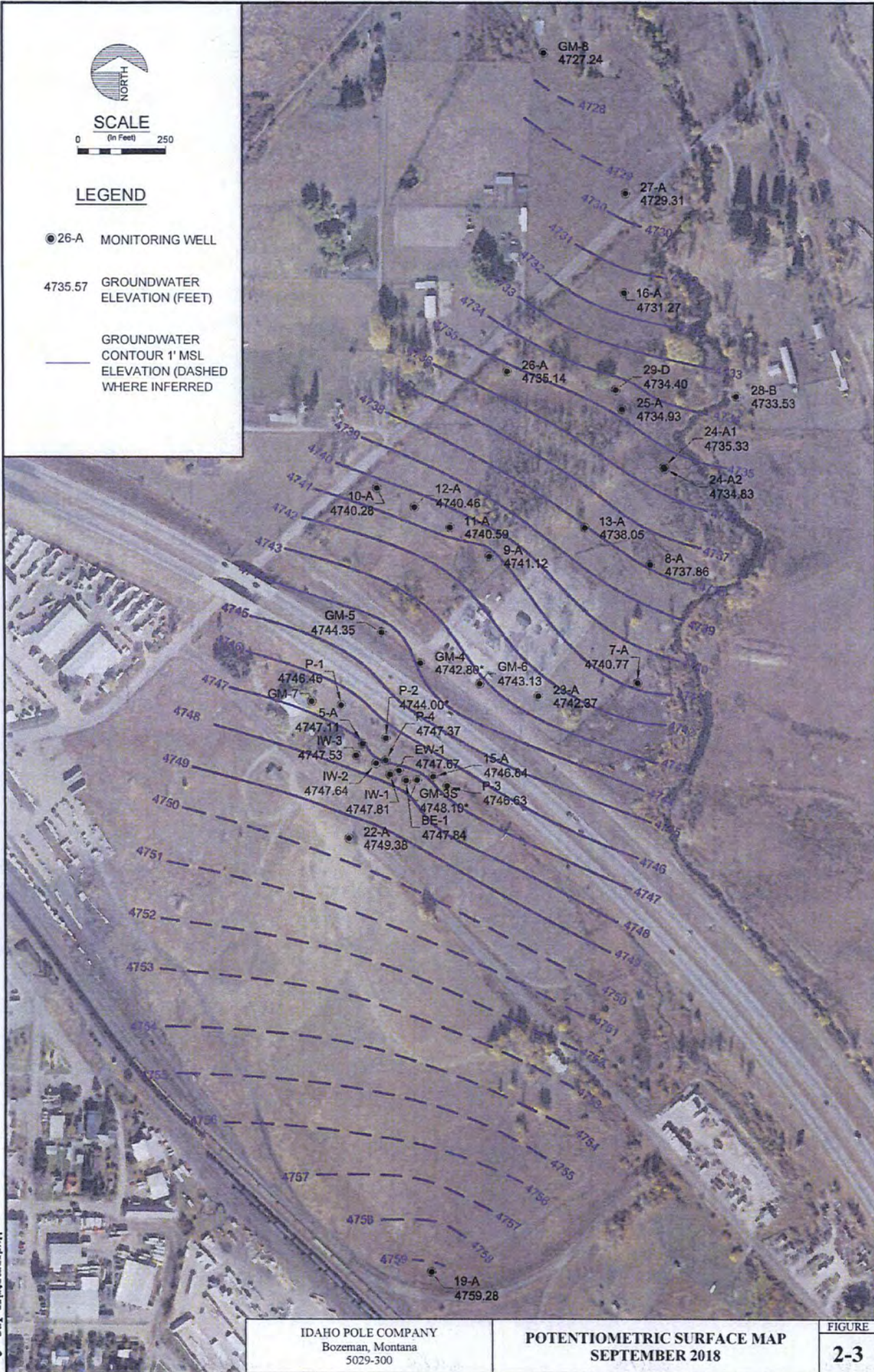


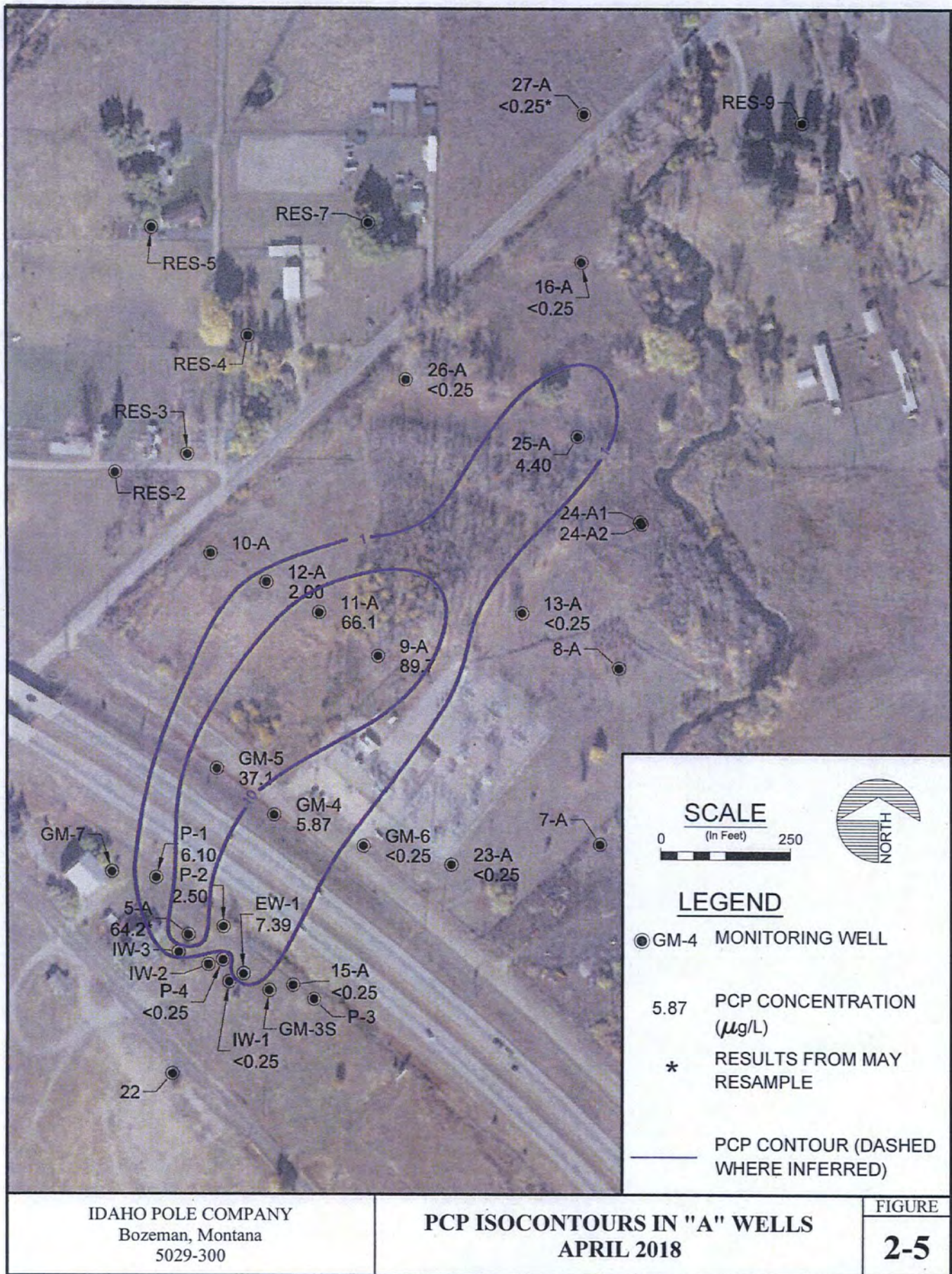


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LEGEND

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- GROUNDWATER CONTOUR 1' MSL ELEVATION (DASHED WHERE INFERRED)



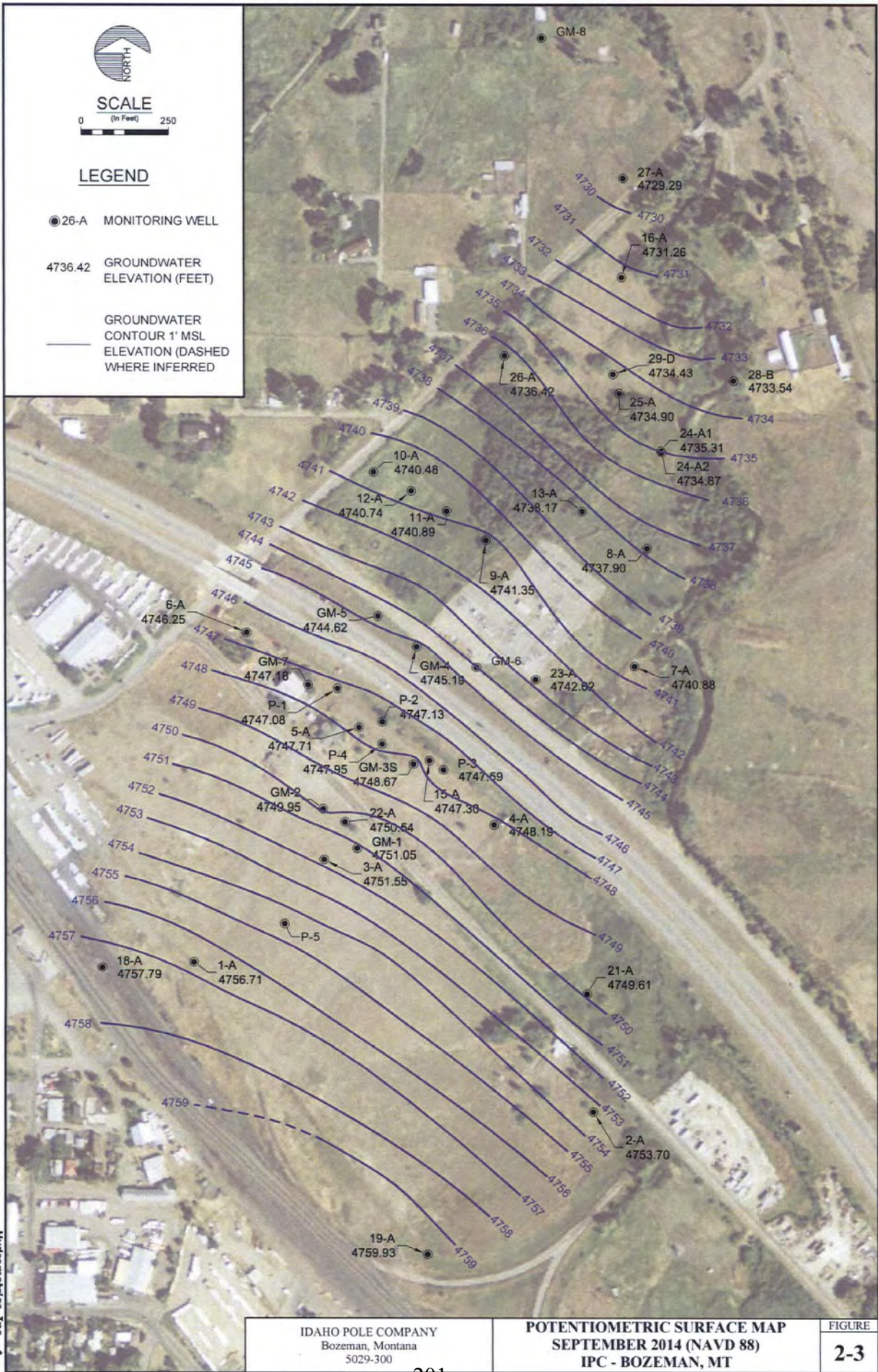


Attachment 7

PCP Concentration Contour Maps (2014 – 2019) (Prepared by Hydrometrics)



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PCP ISOCONTOURS IN "B" WELLS
APRIL 2014
IPC - BOZEMAN, MT

FIGURE
2-6



IDAHO POLE COMPANY
 Bozeman, Montana
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PCP ISOCONTOURS IN "A" WELLS
 SEPTEMBER 2014
 IPC - BOZEMAN, MT

FIGURE
 2-7





SCALE

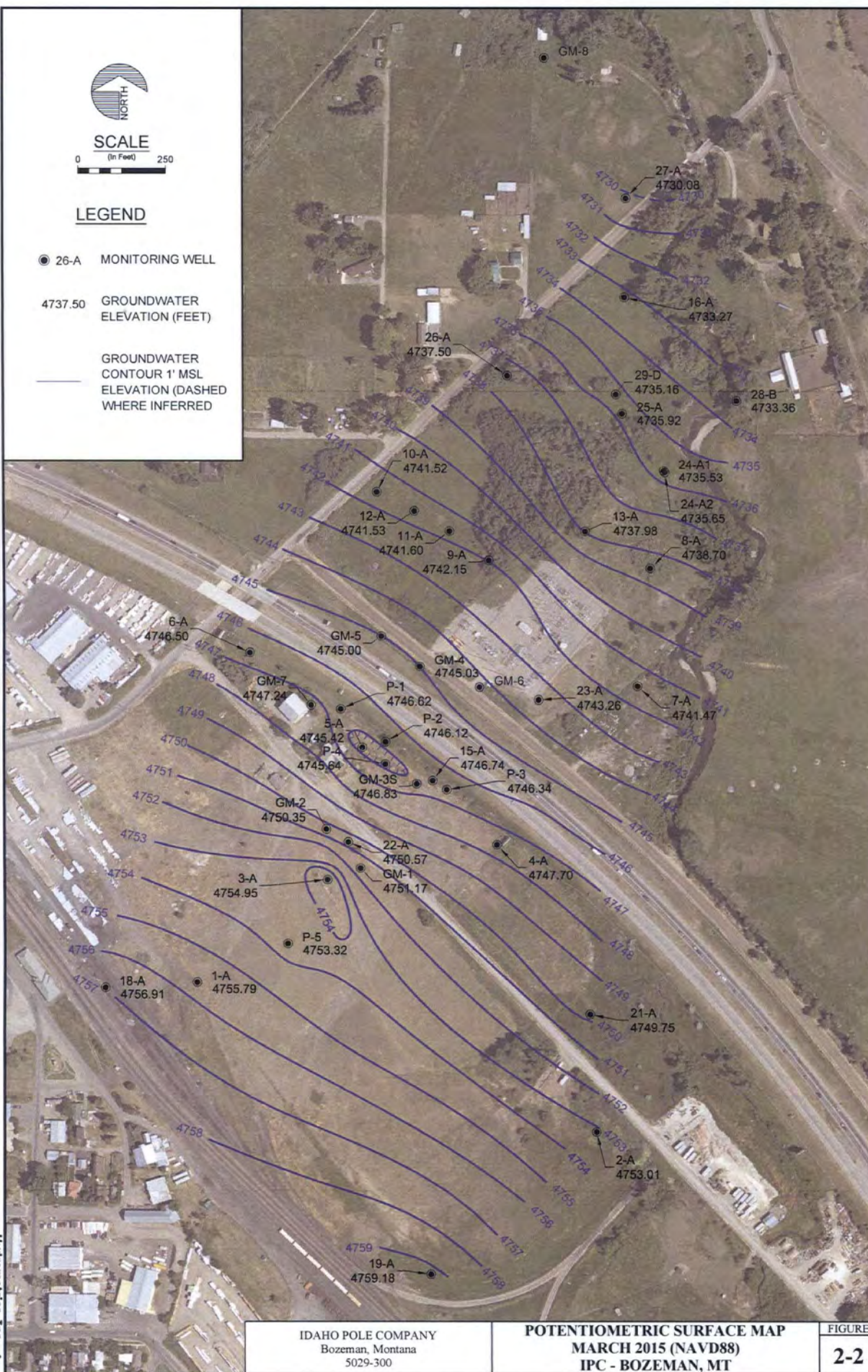
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LEGEND

● 26-A MONITORING WELL

4737.50 GROUNDWATER
ELEVATION (FEET)

GROUNDWATER
CONTOUR 1' MSL
ELEVATION (DASHED
WHERE INFERRED

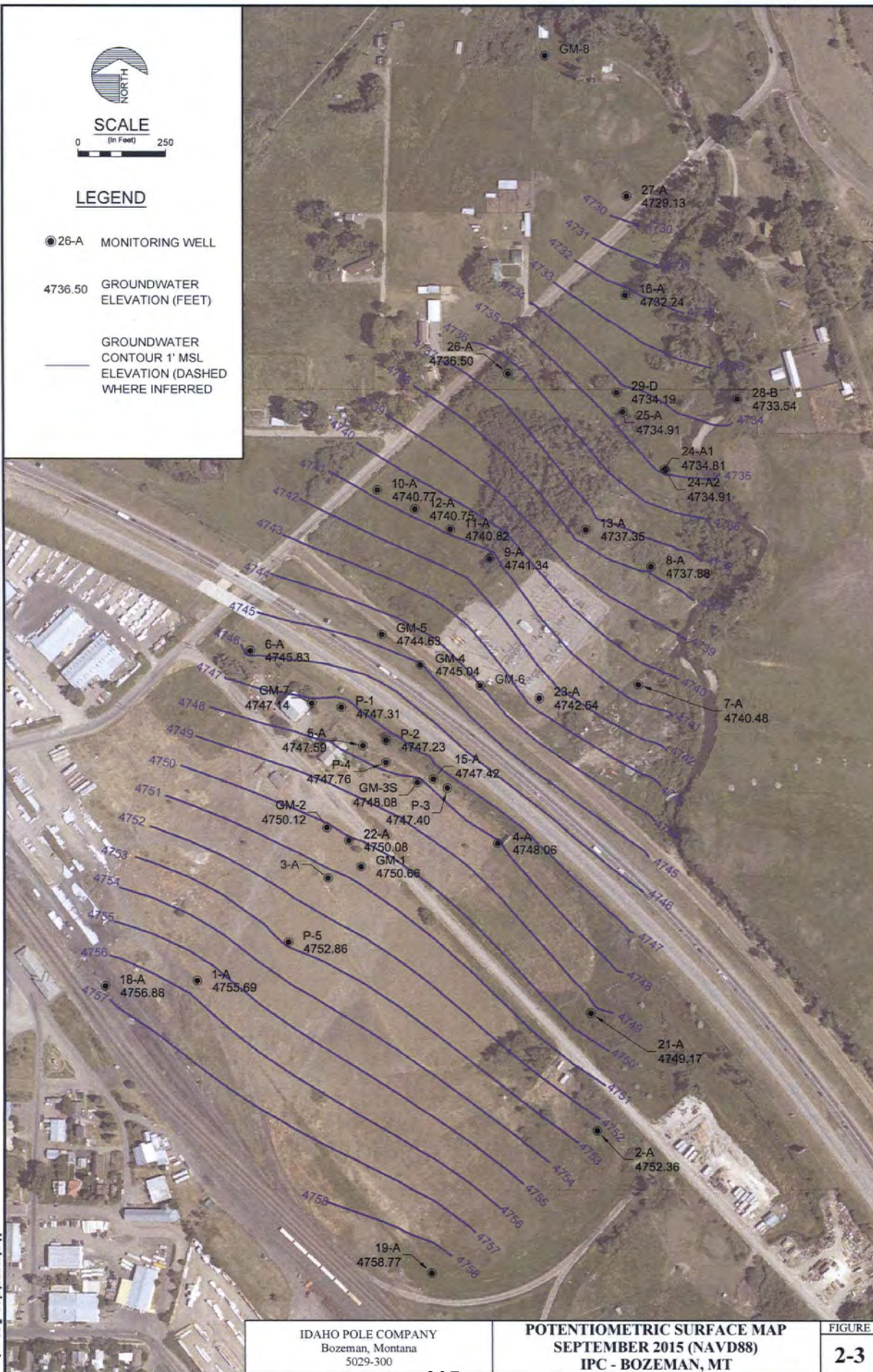


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**POTENTIOMETRIC SURFACE MAP
MARCH 2015 (NAVD88)
IPC - BOZEMAN, MT**

FIGURE

2-2





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 Bozeman, Montana
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PCP ISOCONTOURS IN "B" WELLS
 APRIL 2015
 IPC - BOZEMAN, MT

FIGURE
 2-6

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LEGEND

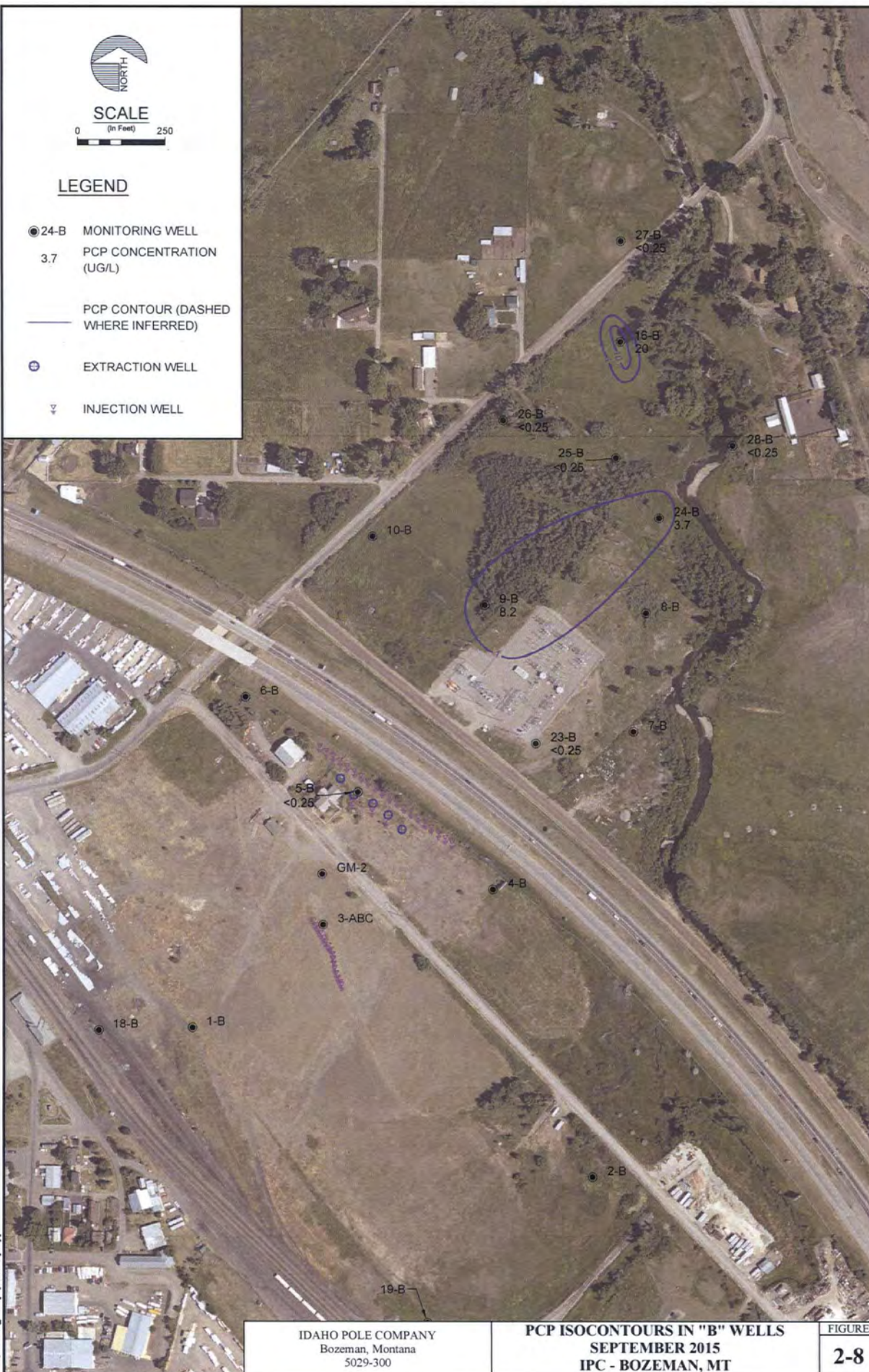
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- ⊖ EXTRACTION WELL
- ▽ INJECTION WELL

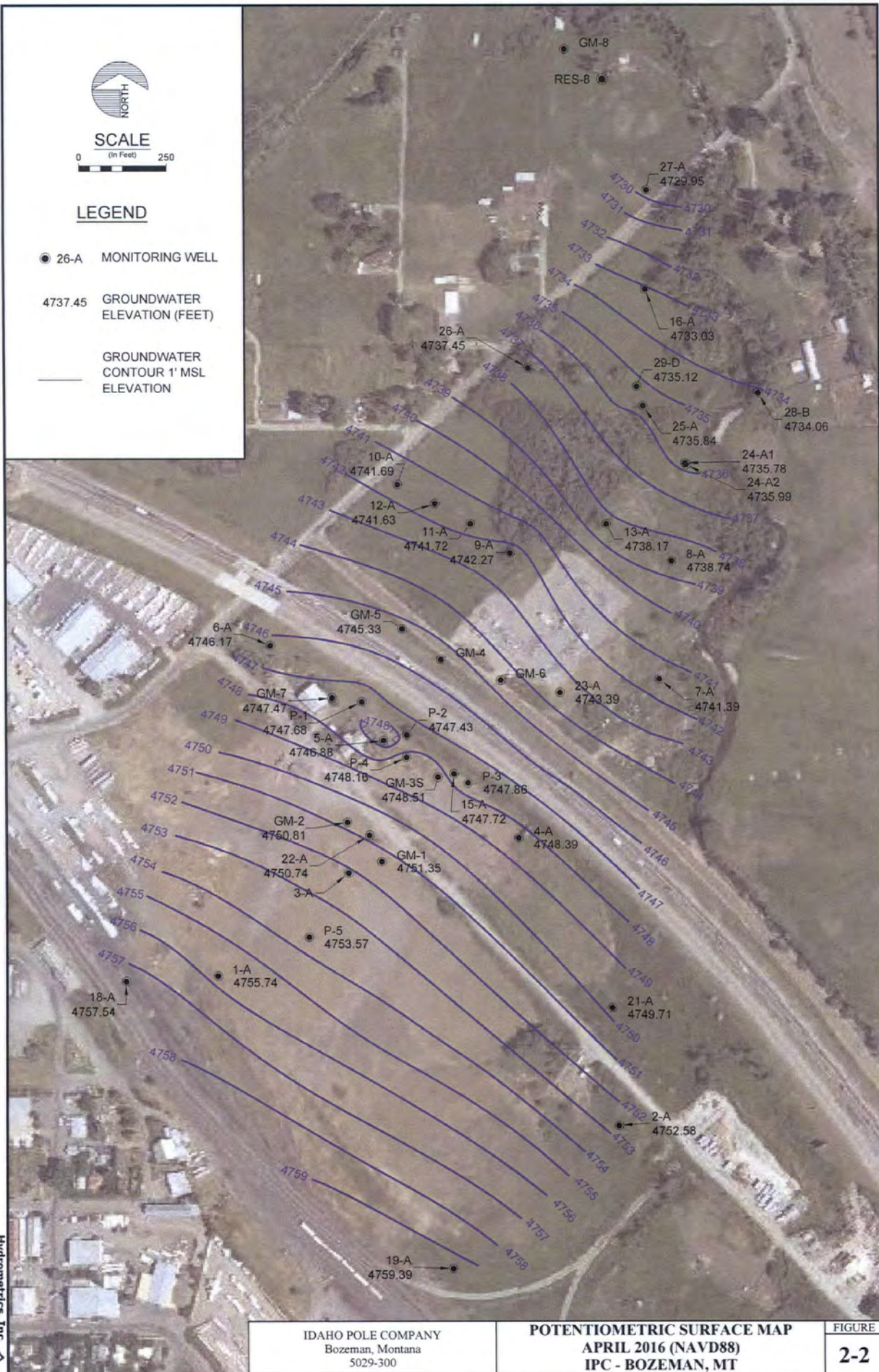


IDAHO POLE COMPANY
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PCP ISOCONTOURS IN "A" WELLS
 SEPTEMBER 2015
 IPC - BOZEMAN, MT

FIGURE
 2-7





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SCALE
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LEGEND

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- 4736.50 GROUNDWATER ELEVATION (FEET)
- GROUNDWATER CONTOUR 1' MSL ELEVATION

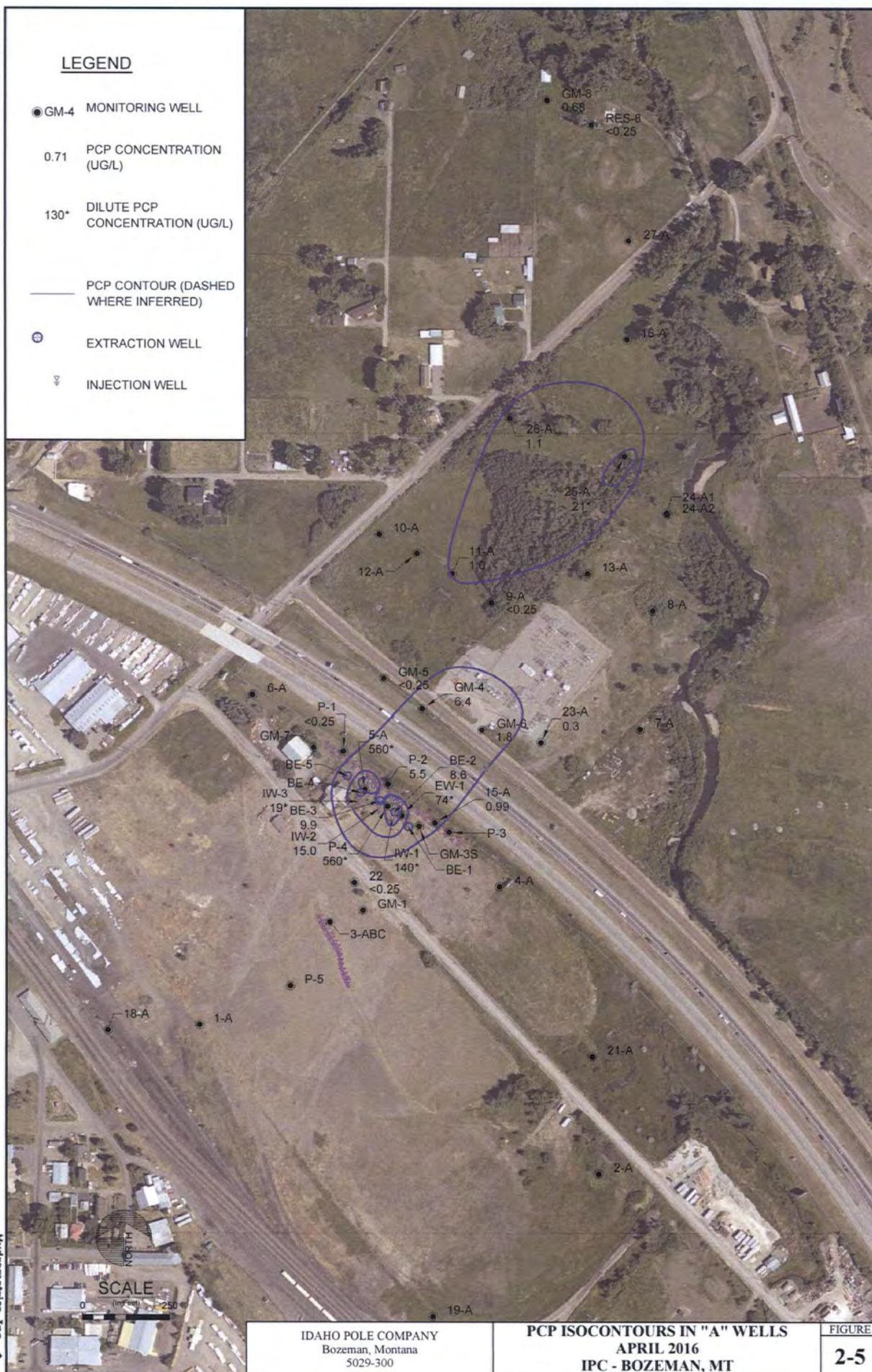


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IDAHO POLE COMPANY
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POTENTIOMETRIC SURFACE MAP
SEPTEMBER 2016 (NAVD88)
IPC - BOZEMAN, MT

FIGURE
2-3









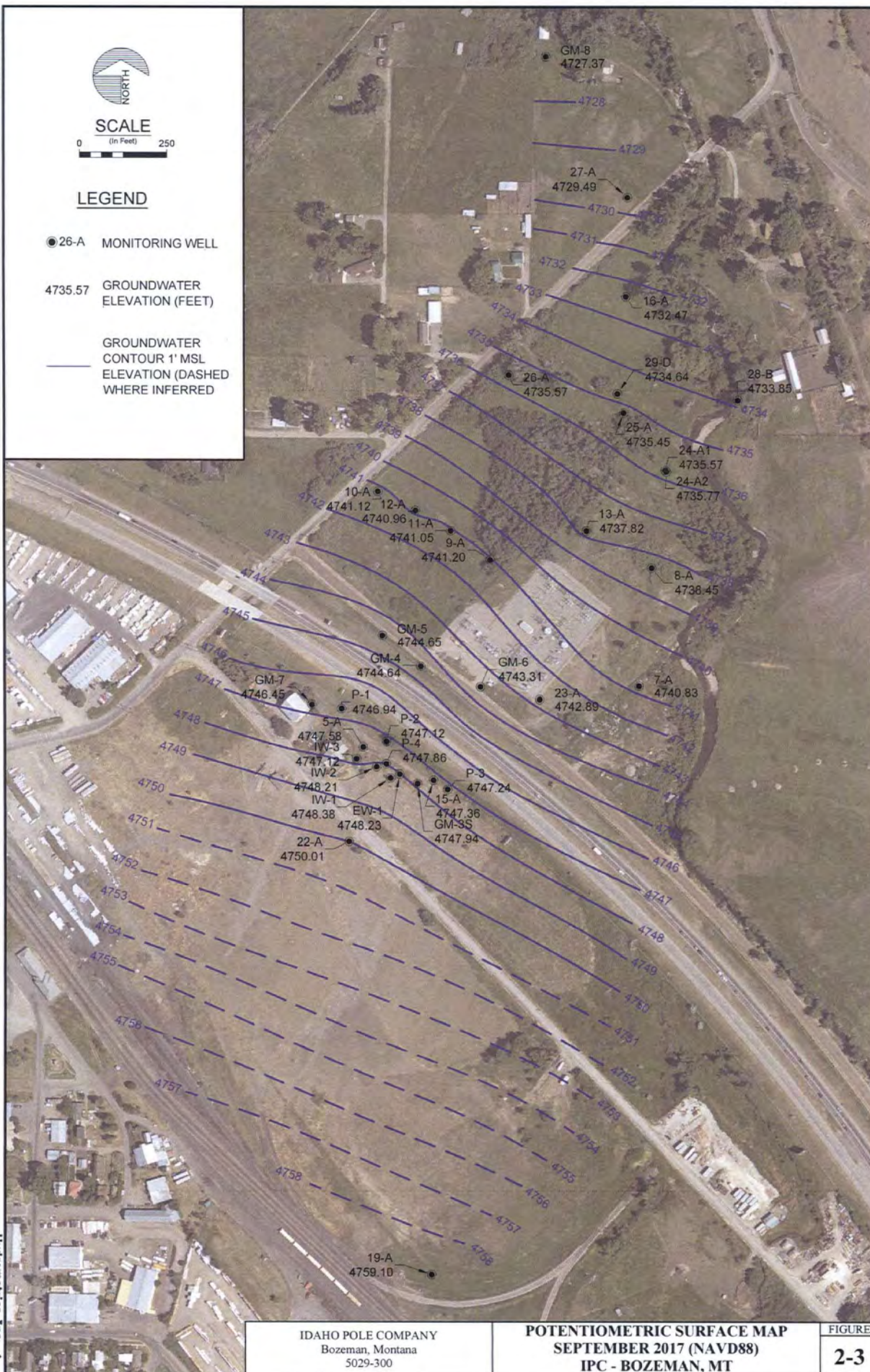
IDAHO POLE COMPANY
 Bozeman, Montana
 5029-300

PCP ISOCONTOURS IN "B" WELLS
 SEPTEMBER 2016
 IPC - BOZEMAN, MT

FIGURE
 2-8



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Bozeman, Montana
5029-300

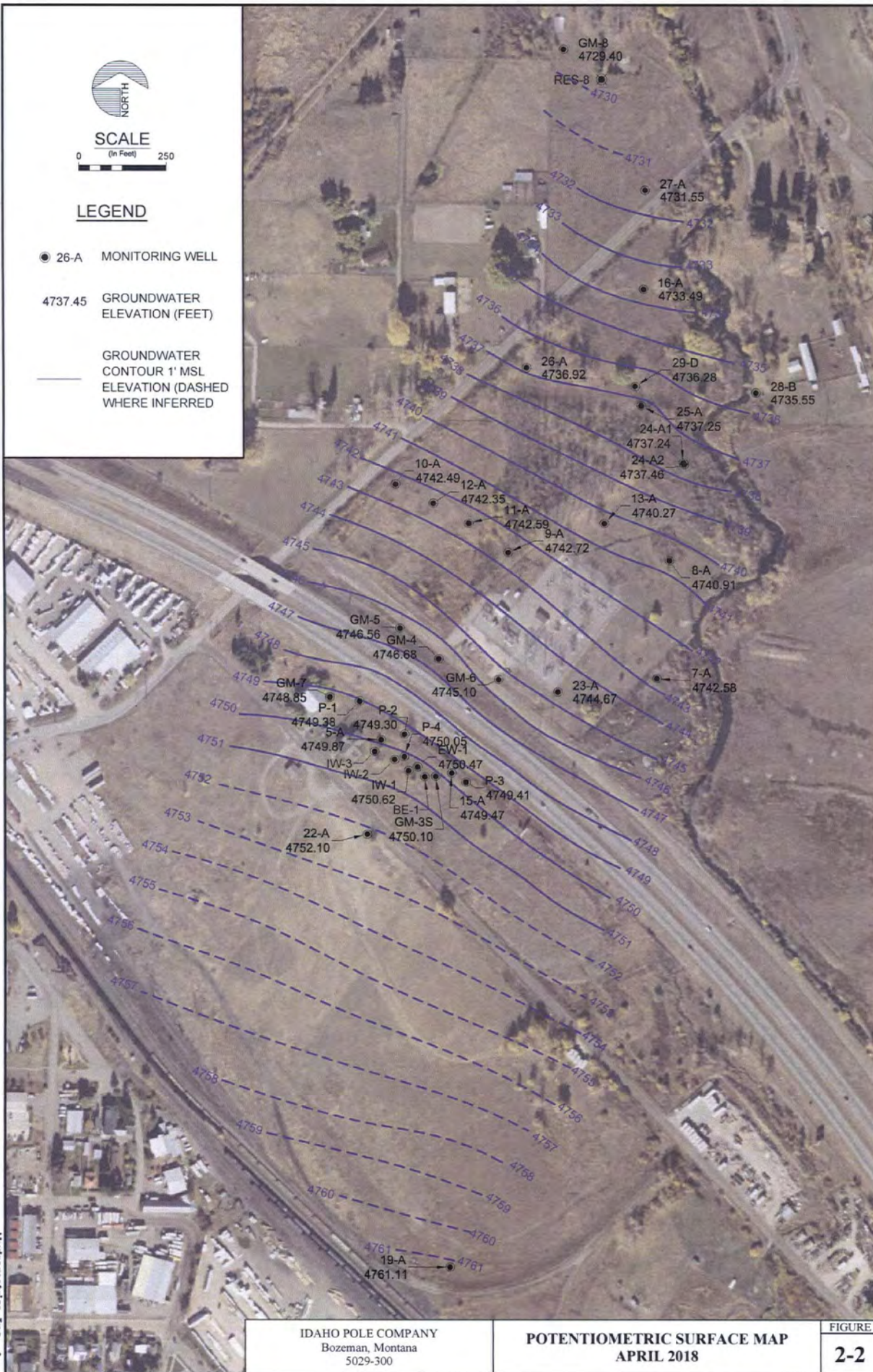
PCP ISOCONTOURS IN "B" WELLS
APRIL 2017
IPC - BOZEMAN, MT

FIGURE
2-6





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 Consulting Scientists and Engineers

IDAHO POLE COMPANY
 Bozeman, Montana
 5029-300

POTENTIOMETRIC SURFACE MAP
 APRIL 2018

FIGURE
 2-2



SCALE
 0 (In Feet) 250

LEGEND

● 26-A MONITORING WELL

4735.57 GROUNDWATER ELEVATION (FEET)

— GROUNDWATER CONTOUR 1' MSL ELEVATION (DASHED WHERE INFERRED)



IDAHO POLE COMPANY
 Bozeman, Montana
 5029-300

POTENTIOMETRIC SURFACE MAP
SEPTEMBER 2018

FIGURE

2-3

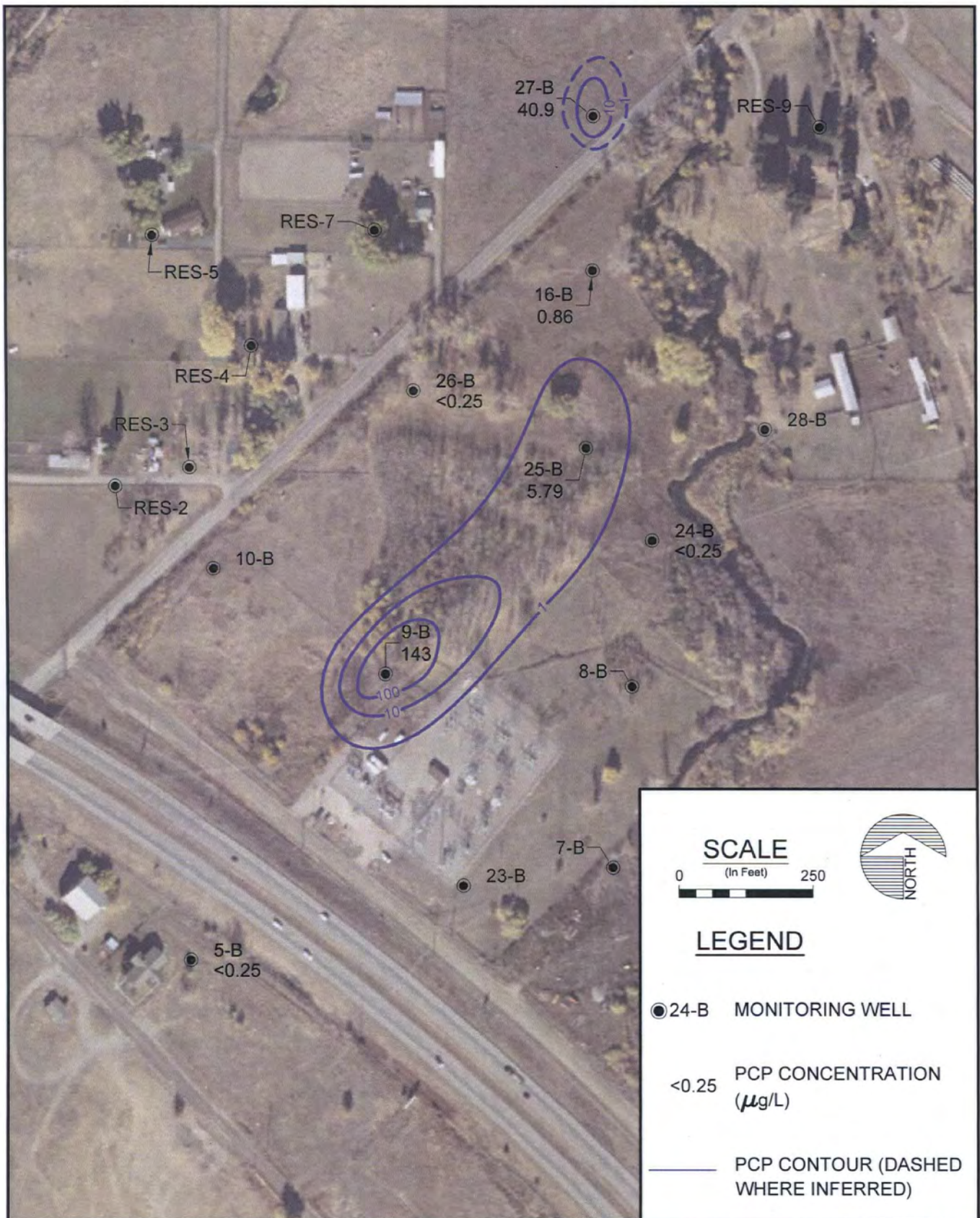


IDAHO POLE COMPANY
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5029-300

PCP ISOCONTOURS IN "A" WELLS APRIL 2018

FIGURE

2-5



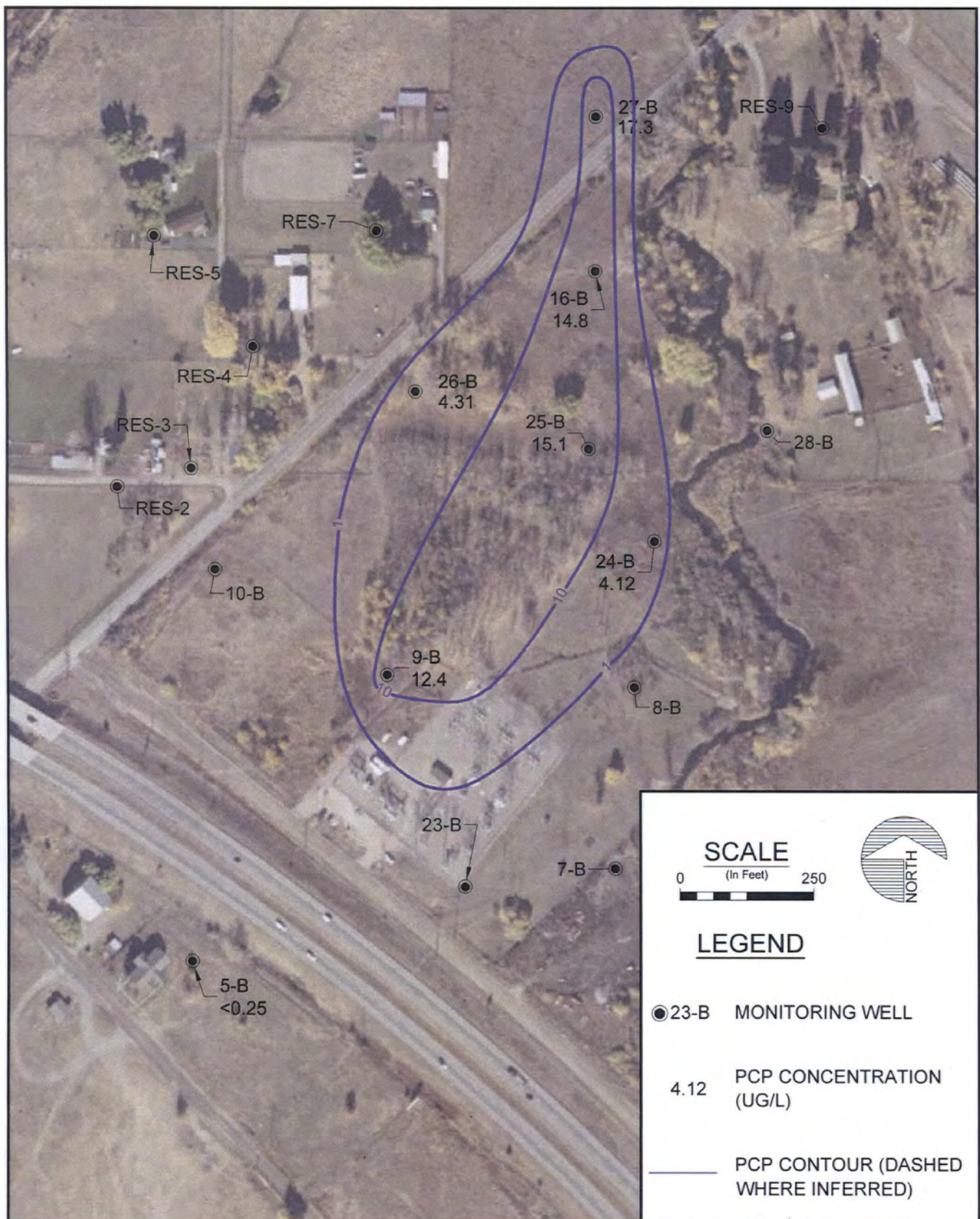
IDAHO POLE COMPANY
Bozeman, Montana
5029-300

PCP ISOCONTOURS IN "B" WELLS APRIL 2018

FIGURE

2-6



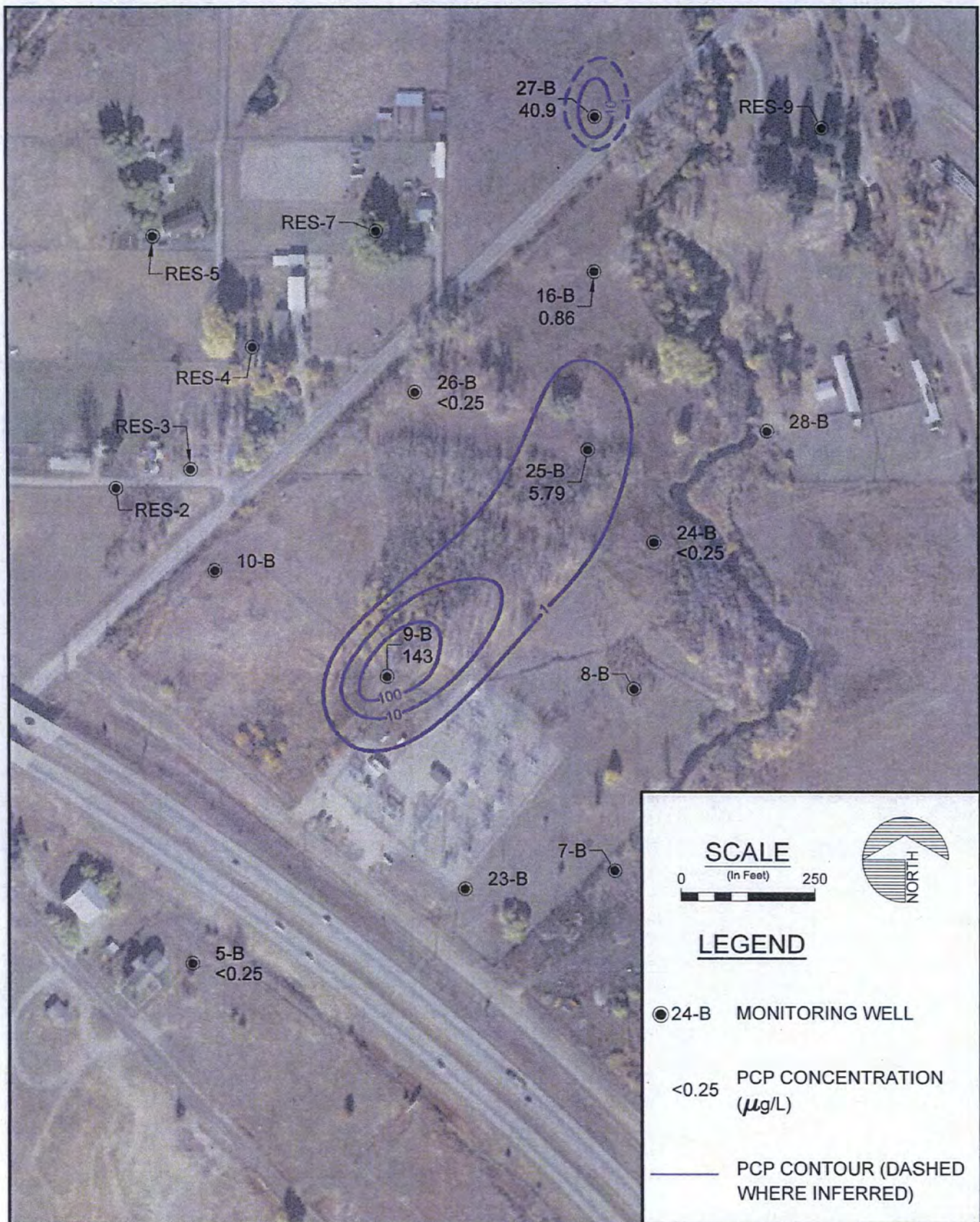


IDAHO POLE COMPANY
Bozeman, Montana
5029-300

**PCP ISOCONTOURS IN "B" WELLS
SEPTEMBER 2018**

FIGURE

2-8

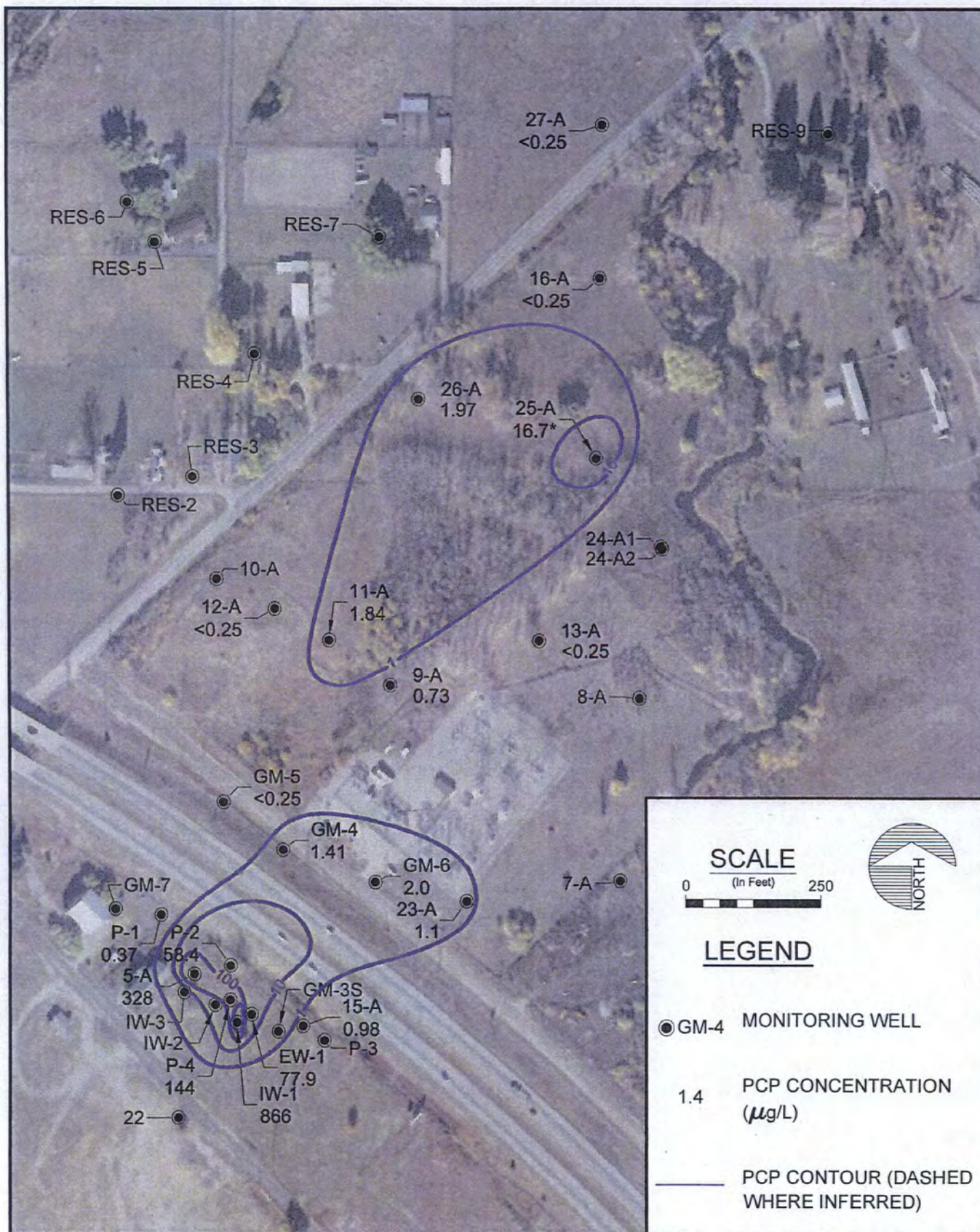


IDAHO POLE COMPANY
Bozeman, Montana
5029-300

PCP ISOCONTOURS IN "B" WELLS APRIL 2018

FIGURE

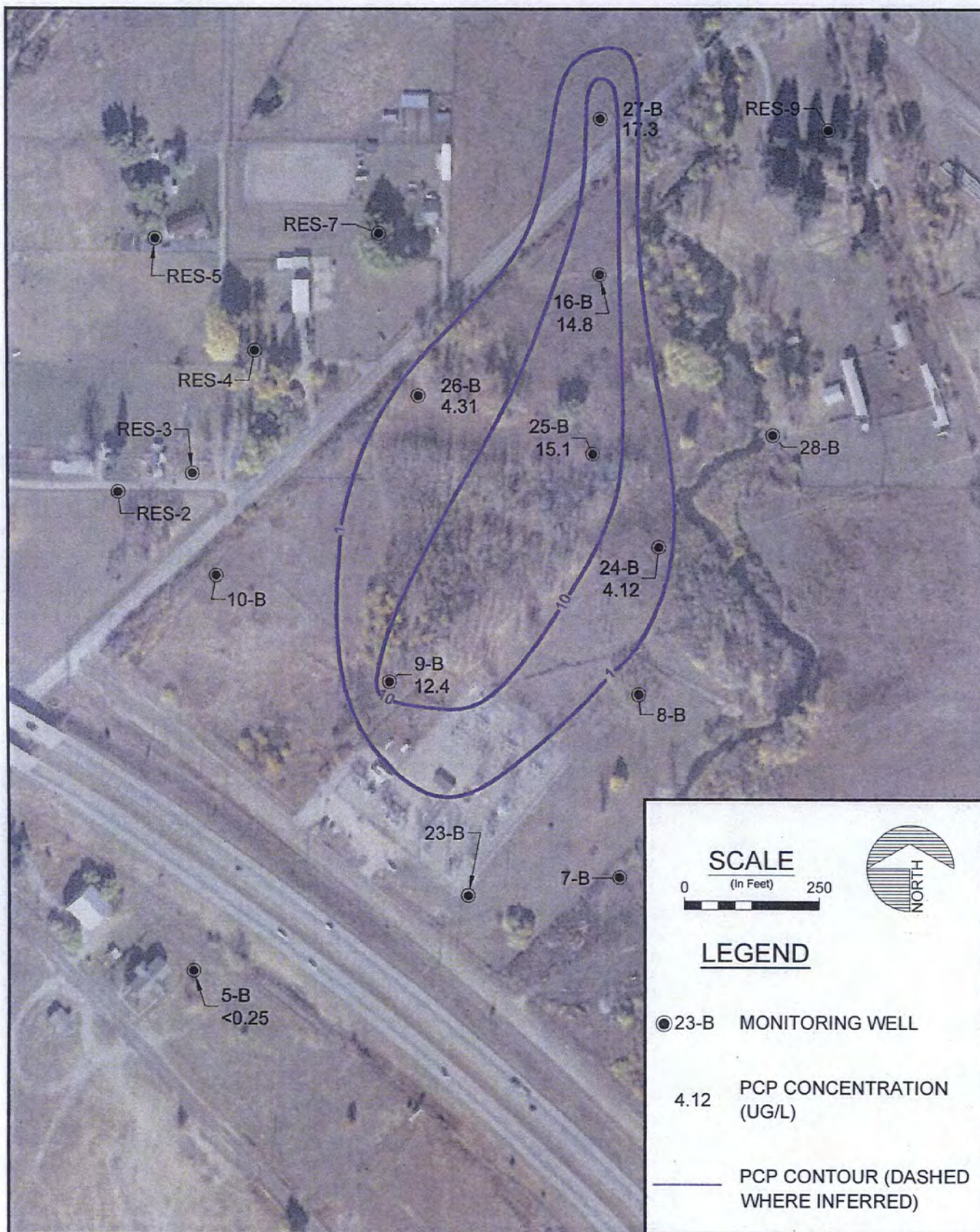
2-6



IDAHO POLE COMPANY
Bozeman, Montana
5029-300

PCP ISOCONTOURS IN "A" WELLS SEPTEMBER 2018

FIGURE
2-7



IDAHO POLE COMPANY
Bozeman, Montana
5029-300

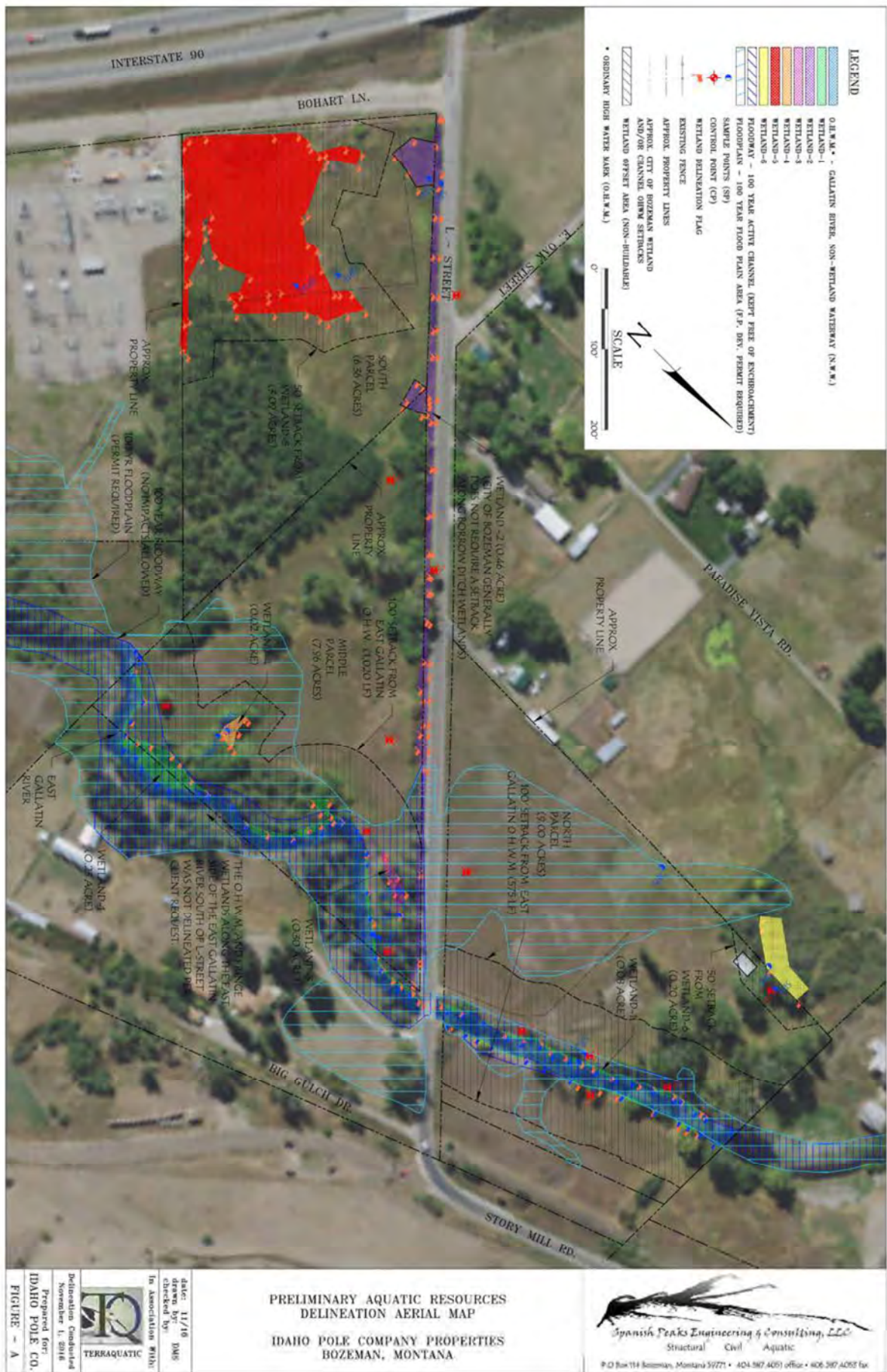
**PCP ISOCONTOURS IN "B" WELLS
SEPTEMBER 2018**

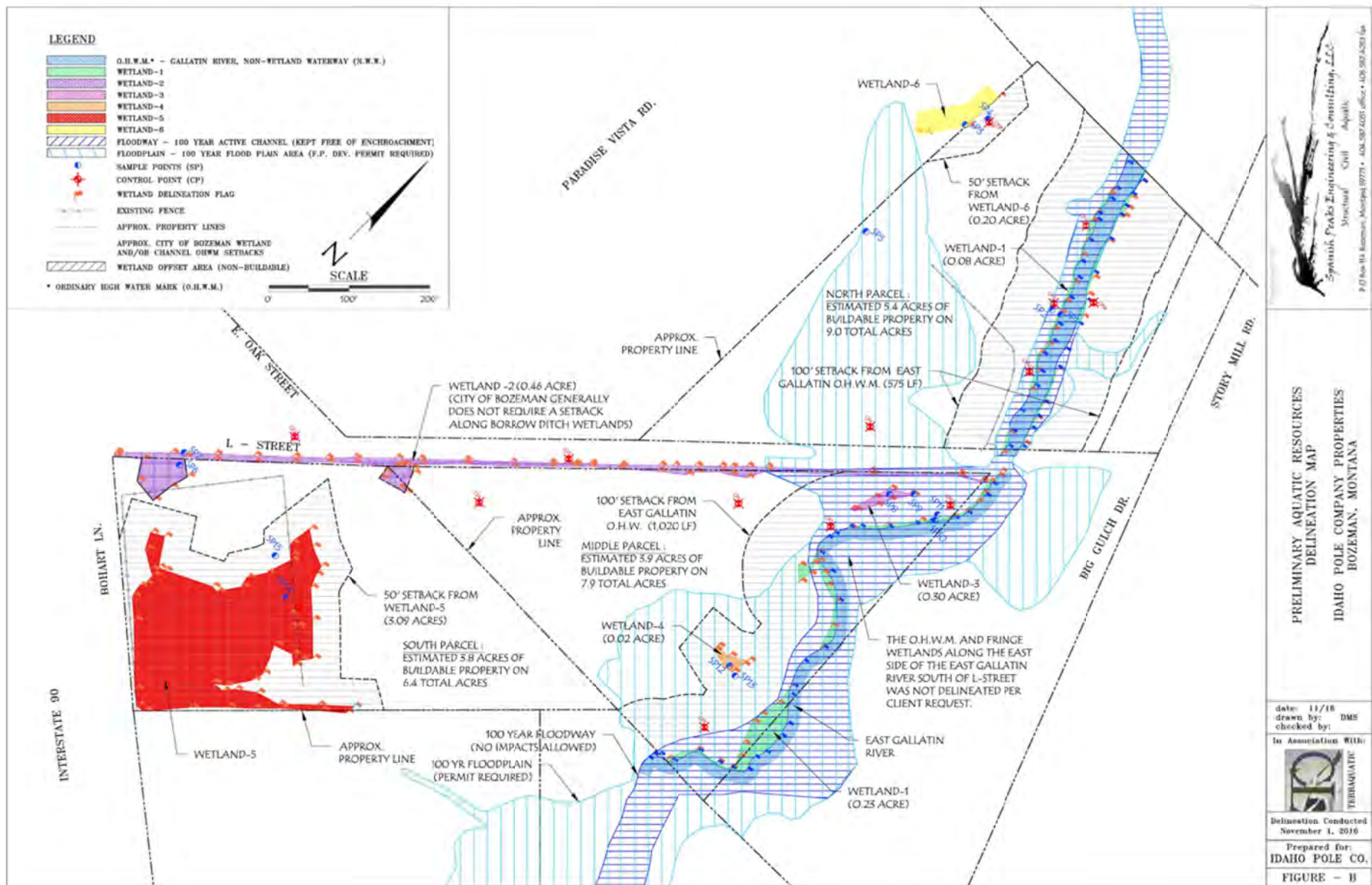
FIGURE

2-8

Attachment 8

Preliminary Aquatic Resources Delineation Maps





Attachment 9

Institutional Controls

2591158Page: 1 of 4 08/30/2017 11:03:56 AM Fee: \$38.00
Charlotte Mills - Gallatin County, MT MISC

AFTER RECORDING RETURN TO:
Idaho Pole Company
Attn.: Gregory D. McFarland
5501 Pacific Highway East, Suite 2
Fife, Washington 98424

2591055Page: 1 of 5 08/29/2017 03:53:01 PM Fee: \$45.00
Charlotte Mills - Gallatin County, MT MISC**Accommodation Recording Only**STC# G207 ad.

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**AMENDMENT
TO
RESTATED AND AMENDED
DECLARATION OF INSTITUTIONAL CONTROLS
ON REAL PROPERTY**

THIS AMENDMENT TO RESTATED AND AMENDED DECLARATION OF INSTITUTIONAL CONTROLS ON REAL PROPERTY ("Amendment") is made effective the 23rd day of August, 2017 ("Effective Date"), by IDAHO POLE COMPANY, a Washington Corporation, having an address of 5501 Pacific Highway East, Suite 2, Fife, Washington 98424 ("Idaho Pole Company"), and approved by the MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY ("MDEQ") and the federal ENVIRONMENTAL PROTECTION AGENCY ("EPA").

Idaho Pole Company owns the real property located in Gallatin County, Montana, more specifically described as the "Property" in that certain Restated and Amended Declaration of Institutional Controls on Real Property executed by Idaho Pole August 4, 2016, recorded on August 15, 2016 at Doc. # 2554371 in the records of Gallatin County, Montana (as amended, the "Declaration"). Capitalized terms not otherwise defined in this Amendment have the meanings given in the Declaration.

Among other things, Section 3.b. of the Declaration imposes certain restrictions on residential development or use on the entire Property.

Idaho Pole Company has proposed, and MDEQ and EPA have approved (whether attached to this Declaration or separately), that the residential restrictions in Section 3.b be lifted from and not apply to those areas of the Property and Site north of Highway I-90 (excepting only those portions of Northern Pacific addition, SO6, T02 S, R06 E, PT BLK 88 all BLKS 89-90, as described below, if any, that currently are in the city limits of Bozeman and zoned for commercial and/or manufacturing use), which areas are not included in the Residential Restricted Area, as more particularly described below; provided that such residential restrictions shall continue to apply to (i) the balance of the Property and Site lying south of Highway I-90 and (ii) those portions, if any, of Northern Pacific addition, SO6, T02 S, R06 E, PT BLK 88 all BLKS 89-90 that currently are in the city limits of Bozeman and zoned for commercial and/or manufacturing use, as described below as the "Residential Restricted Area."

NOW, THEREFORE, the above recitals are hereby incorporated and adopted and it is further hereby declared as follows, effective as of the Effective Date:

1. Section 3.b. of the Declaration is hereby deleted and replaced with the following:

Residential Development or Use Prohibited. No residential development or residential use of the areas of the Property more particularly described on attached **Exhibit A** (the "Residential Restricted Area") is allowed, unless approved by EPA and DEQ. "Residential" includes, but is not limited to, permanent residential use; temporary residential use; limited residential use; short-term residential use; children's day care; mobile homes used for residential use (as contrasted to temporary on-site construction office or the like that is not used as a dwelling or for residential use) with or without footings; mobile home used for residential use (as contrasted to temporary on-site construction office or the like that is not used as a dwelling or for residential use) with or without a pad; and camping. It is Idaho Pole Company's intent that

this limitation be construed as broadly as possible to prohibit any type of residential use whatsoever of the Residential Restricted Area. For avoidance of doubt, these Section 3.b. restrictions on residential development or use do not apply to or limit the balance of the Property other than the Residential Restricted Area.

2. Effect of Amendment. In the event of ambiguity or inconsistency between the Declaration and this Amendment, this Amendment shall govern. Except as amended by this Amendment, the Declaration remains and shall continue in full force and effect in accordance with its terms. This Amendment may be signed in counterpart signature pages and in multiple originals, each of which shall be deemed an original, and all of which together shall constitute a single instrument.

IN WITNESS WHEREOF, this Amendment to Restated and Amended Declaration of Institutional Controls on Real Property has been executed as of the date set forth above.

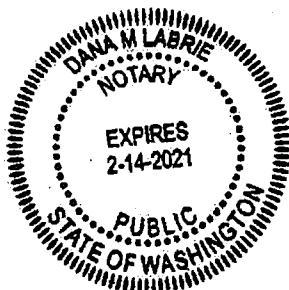
DECLARANT:
IDAHO POLE COMPANY

By: B. Corry McFarland
B. Corry McFarland, solely in his capacity as
President of Idaho Pole Company, and
not his individual capacity

STATE OF WASHINGTON)
) ss:
COUNTY OF PIERCE)

On 8/23 2017, appeared B. Corry McFarland to me known to be the
President of Idaho Pole Company, a Washington Corporation,, the
corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and
voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that
he was authorized to execute said instrument and that the seal affixed, if
any, is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first
above written.



Signature: Dana M. LaBrie
Name (Print): Dana M LaBrie

NOTARY PUBLIC in and for the State of
Washington, residing at Puyallup WA

My appointment expires: 2/14/2021

APPROVED:

MDEQ: MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

By *Jenny Chambers*

Printed Name: Jenny Chambers

Title: Waste Management & Remediation Div. Admin

Date: August 21, 2017

State of MONTANA)
County of Lewis & Clark) ss

This instrument was signed or acknowledged before me on Aug 21, 2017, by Jenny Chambers
(Name of signer) as Waste Management & Remediation
Division Administrator (capacity) of the MONTANA DEPARTMENT OF
ENVIRONMENTAL QUALITY.

Penney Ostler Clark
(Notary Signature)

[Affix seal/stamp to the left or below]

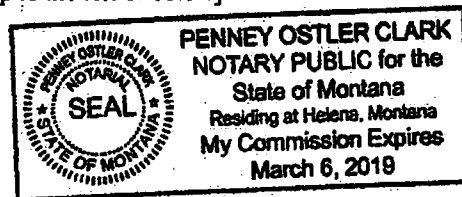


EXHIBIT A
RESIDENTIAL RESTRICTED AREA

All that area of the Property and Site located near the northern limits of Bozeman, Montana in the east half of Section 6 and the west half of Section 5, Township 2S, Range 6E of Gallatin County, Montana (i) lying south of Interstate Highway 90, and (ii) those areas of the Property and Site described below lying north of Interstate Highway 90 that currently are in the city limits of Bozeman and zoned for manufacturing use, all as more specifically described as and comprised of the following property:

THE RESIDENTIAL RESTRICTED AREA SOUTH OF INTERSTATE 90:

PARCEL I: Northern Pacific ADD, SO6, TO2 S, RO6 E, Lots 1-9 BLK 86 APP 142' X 225'

PARCEL II: NP-BOZ PT BLK 87 S of Highway SEC 6 25 ,6E, COS 21

PARCEL III: Northern Pacific ADD, S05, TO2 S, RO6 E, All BLK 70 PT of Blocks 73 & 83, Plus VAC St & Alleys

PARCEL IV: SO6, TO2 S, RO6 E, PT Tract A SE4 & SW4, 22.1 AC COS 1876

THE RESIDENTIAL RESTRICTED AREA LYING NORTH OF INTERSTATE 90 AND LYING WITHIN THE CITY LIMITS OF BOZEMAN, MONTANA AND ZONED FOR COMMERCIAL AND/OR MANUFACTURING USE:

That portion of, if any, of Northern Pacific addition, SO6, T02 S, R06 E, PT BLK 88 all BLKS 89-90 currently lying within the city limits of Bozeman, Montana and zoned for commercial and/or manufacturing use.

IN WITNESS WHEREOF, Idaho Pole Company has executed this Restated and Amended Declaration of Institutional Controls on Real Property effective as of the date written above.

IDAHO POLE COMPANY

By: B. Cory McFarland
B. Cory McFarland, solely in his capacity as
President of Idaho Pole Company, and
not his individual capacity

STATE OF WASHINGTON)
) ss:
COUNTY OF PIERCE)

On August 4, 2016, appeared B. Cory McFarland McFarland, to me known to be the
President of Idaho Pole Company, a Washington
Corporation,, the corporation that executed the within and foregoing instrument, and acknowledged said
instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein
mentioned, and on oath stated that B. Cory McFarland was authorized to
execute said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year first above written.



Signature: Sheri A. Bolding
Name (Print): Sheri A. Bolding
NOTARY PUBLIC in and for the State
of Washington, residing at Pierce County
My appointment expires: 12/09/2019

LEGEND

- 11 MONITORING WELL
- ⊙ QM-5 MONITORING WELL
- ✱ RES-8 RESIDENTIAL WELL
- IPC PROPERTY BOUNDARY

IDAHO POLE COMPANY
BOZEMAN, MONTANA
5029-200

IDAHO POLE PROPERTY BOUNDARY

Attachment B

Site Legal Description

The Idaho Pole site is located near the northern limits of Bozeman, Montana in the east half of Section 6 and the west half of Section 5, Township 2S, Range 6E of Gallatin County.

Individual legal lot descriptions are:

Northern Pacific ADD, S05, T02 S, R06 E, All BLK 70 PT of Blocks 73 & 83, Plus VAC St & Alleys.

NP-BOZ PT BLK 87 S of Highway SEC 6 2S, 6E, COS 21

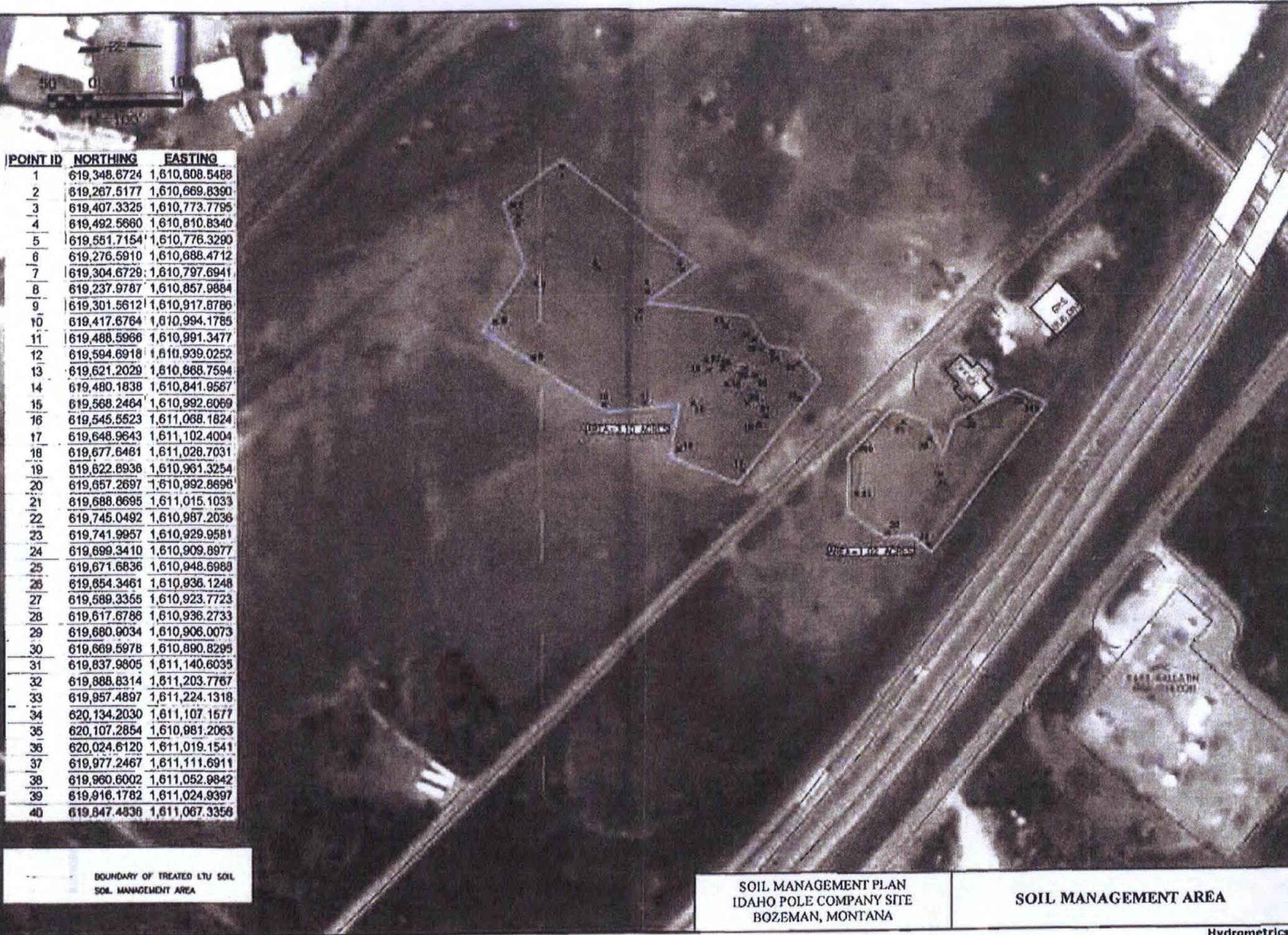
Northern Pacific ADD, S06,T02 S,R06 E, Lots 1-9 BLK 86 APP 142' X 225'

S06,T02 S, R06 E, PT Tract A SE4 & SW4, 22.1 AC COS 1876

Northern Pacific addition, SO,T02 S, R06 E, PT BLK 88 all BLKS 89-90

S05,T02 S - R06 E, Tract J in SW 4NW4 SEC 5 2S 6E 6.5A TR in SE COR SE 4NE4 SECT 6 2S 6E

S05, T02 S, R06 E, SW 4NW4 W of Rd & E of River Sec 5 2S 6E 9AC



POINT ID	NORTHING	EASTING
1	619,348.8724	1,610,608.5488
2	619,267.5177	1,610,669.8390
3	619,407.3325	1,610,773.7795
4	619,492.5660	1,610,810.8340
5	619,551.7154	1,610,776.3280
6	619,276.5910	1,610,688.4712
7	619,304.6729	1,610,797.6941
8	619,237.9787	1,610,857.9884
9	619,301.5612	1,610,917.8786
10	619,417.6764	1,610,994.1785
11	619,488.5966	1,610,991.3477
12	619,594.6918	1,610,939.0252
13	619,621.2029	1,610,868.7594
14	619,480.1838	1,610,841.9567
15	619,568.2464	1,610,992.8069
16	619,545.5523	1,611,088.1824
17	619,648.9643	1,611,102.4004
18	619,677.6481	1,611,028.7031
19	619,622.8936	1,610,961.3254
20	619,657.2697	1,610,992.8696
21	619,688.8695	1,611,015.1033
22	619,745.0492	1,610,987.2036
23	619,741.9957	1,610,929.9581
24	619,699.3410	1,610,909.8977
25	619,671.6836	1,610,948.6988
26	619,654.3461	1,610,936.1248
27	619,589.3355	1,610,923.7723
28	619,617.6786	1,610,936.2733
29	619,680.9034	1,610,906.0073
30	619,669.5978	1,610,890.8295
31	619,837.9805	1,611,140.6035
32	619,888.8314	1,611,203.7767
33	619,957.4897	1,611,224.1318
34	620,134.2030	1,611,107.1677
35	620,107.2854	1,610,981.2063
36	620,024.6120	1,611,019.1541
37	619,977.2467	1,611,111.6911
38	619,960.6002	1,611,052.9842
39	619,916.1782	1,611,024.9397
40	619,847.4836	1,611,067.3356

BOUNDARY OF TREATED LTU SOIL
SOIL MANAGEMENT AREA

SOIL MANAGEMENT PLAN
IDAHO POLE COMPANY SITE
BOZEMAN, MONTANA

SOIL MANAGEMENT AREA

Hydrometrics,
Consulting Geoscientists and E



1050078

ENVIRONMENTAL
PROTECTION AGENCY

DEC - 4 2001

BEFORE THE DEPARTMENT OF
NATURAL RESOURCES AND CONSERVATION
OF THE STATE OF MONTANA

IN THE MATTER OF PETITION NO.
41H-114172 TO THE DEPARTMENT
OF NATURAL RESOURCES AND
CONSERVATION FOR DESIGNATION
OF A CONTROLLED GROUNDWATER
AREA IN GALLATIN COUNTY)
)
)
)
)
)FINAL
ORDER

An Amended Proposal for Decision in the above matter was issued March 13, 2001. Copies of the Proposal were mailed to all interested parties. The Amended Proposal recommended designation of the Idaho Pole Company Site as a controlled ground water area.

No objections to the Amended Proposal were received by the Department of Natural Resources and Conservation. Therefore, the Director of the Department of Natural Resources and Conservation, having given the matter full consideration, finds, concludes, and orders as follows:

FINDINGS OF FACT

1. A Petition for Controlled Groundwater Area (Petition) was filed with the Department on September 28, 2000. The Petition was submitted by the Gallatin City-County Board of Health and signed by the Chairperson, Dr. Warren Jones. The Petition alleges water quality within the alluvial aquifer underlying the proposed controlled groundwater area is not suitable for domestic or municipal use insofar as groundwater would be used as a drinking water supply and groundwater withdrawals for industrial or agricultural use from the proposed area may cause contaminant migration.

2. Pentachlorophenol (PCP) is the primary contaminant of concern to human health at the Idaho Pole Company site. The plume of dissolved PCP extends several hundred feet laterally downgradient of the Idaho Pole Company site. (Petition)

3. A Notice to Groundwater Users was published in the *Bozeman Chronicle* on December 6, December 13, and December 20, 2000, setting forth the Petitioner, the alleged cause for the Petition, the legal description of the proposed controlled groundwater area, and the time, place, and purpose of the hearing. Additionally, the Department served notice by first-class mail on approximately 38 individuals

and public agencies which the Department determined might be interested in or affected by the proposed controlled groundwater area. The notice also stated any interested person could appear, either in person or by attorney, file written objections to the granting of the proposal, and be fully heard. (Department file.)

4. The proposed controlled groundwater area is described as follows: the W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 5 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 6, both in Township 2 South, Range 6 East in Gallatin County, Montana. The proposed controlled area includes all underlying aquifers. (See attached map) (Department file.)

5. The Petitioner proposes total closure for groundwater wells in the proposed controlled groundwater area with exceptions for remediation/monitoring wells and replacement wells for existing appropriations as authorized by the Department.

6. The boundary includes all of the Idaho Pole Company property and a buffer zone extending 320 feet from the contaminate plume. The buffer zone is based on a capture zone analysis using 500 gpm as a conservative maximum amount available from the aquifer.

7. Based on the information in the Petition and the evidence presented at the hearing, the Department finds water underlying the PCP plume as shown on the attached map is not suitable for domestic or municipal use and groundwater withdrawals for industrial or agricultural uses may cause contamination migration.

Based upon the foregoing Findings of Fact, the Hearings Examiner makes the following:

CONCLUSIONS OF LAW

1. The Department has jurisdiction over the parties and over the subject matter herein. Mont. Code Ann. §§ 85-2-113, 85-2-506 (1999).

2. The Department gave proper notice of the hearing and all substantive procedural requirements of law or rule have been fulfilled. See Findings of Fact 1, 2, and 3.

3. There is sufficient evidence to designate a controlled groundwater which includes all aquifers underlying approximately 62 acres described as follows: the W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 5 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 6, both in Township 2 South, Range 6 East in Gallatin County, Montana. See Findings of Fact 1, 2, 4, 5 and 6.

WHEREFORE, based upon the record, the Director makes the following:

ORDER

A controlled groundwater area is designated for the Idaho Pole Company Site generally described as approximately 62 acres in the east half of Section 6 and the west half of Section 5, both in Township 2 South Range 6 East, Gallatin County and more specifically in the W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 5 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 6, both in Township 2 South, Range 6 East in Gallatin County, Montana.

1. Wells for new appropriations are prohibited. Replacement wells for existing appropriations will be allowed as authorized by the Department.
2. This controlled groundwater area does not apply to wells for remedial, response, or restoration actions authorized or undertaken by the United States Environmental Protection Agency or the State of Montana.
3. All new monitoring wells drilled within Controlled Groundwater Area, 41H-114172, shall be installed in accordance with the EPA-approved Standard Operating Procedure (SOP GROUNDWATER-3) for monitoring well design and construction.
4. Upon a showing by **clear and convincing evidence** that any part of the controlled groundwater area is not contaminated and will most likely never be contaminated the designation for that area may be lifted.

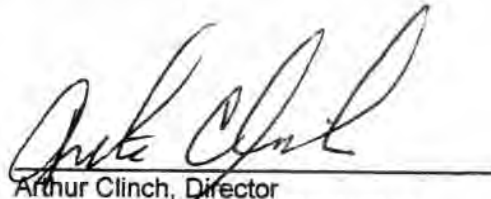
NOTICE FROM THE STATE OF MONTANA NATURAL RESOURCES DAMAGES PROGRAM

1. The granting of this petition for a controlled groundwater area does not constitute an irreversible and irretrievable commitment of the groundwater resource, nor does it serve as a permit for the release of hazardous substances into the groundwater aquifer.
2. The controlled groundwater area and groundwater closure is being issued in recognition of existing contaminated conditions and does not relieve any person from liability for contamination of the groundwater.
3. A grant of a controlled groundwater area is not an indication of a finding that the groundwater aquifer should not be remediated or restored.

APPEALS

The Department's Final Order may be appealed in accordance with the Montana Administrative Procedure Act by filing a petition in the appropriate court within 30 days after service of the Final Order. If a petition for judicial review is filed, the Department will transmit a copy of the tape(s) of the oral proceedings to the district court along with documentary evidence in the file. If a party to the proceeding elects to have a written transcription prepared, that party may purchase the tapes and have a transcript prepared.

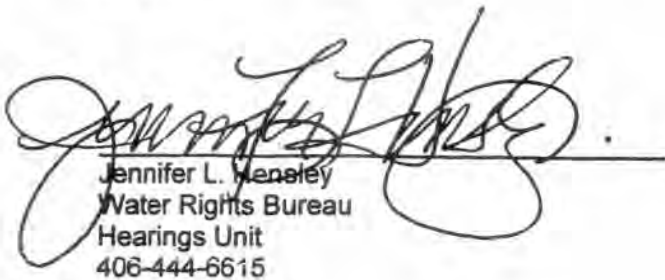
Dated this 22 day of NOVEMBER, 2001.



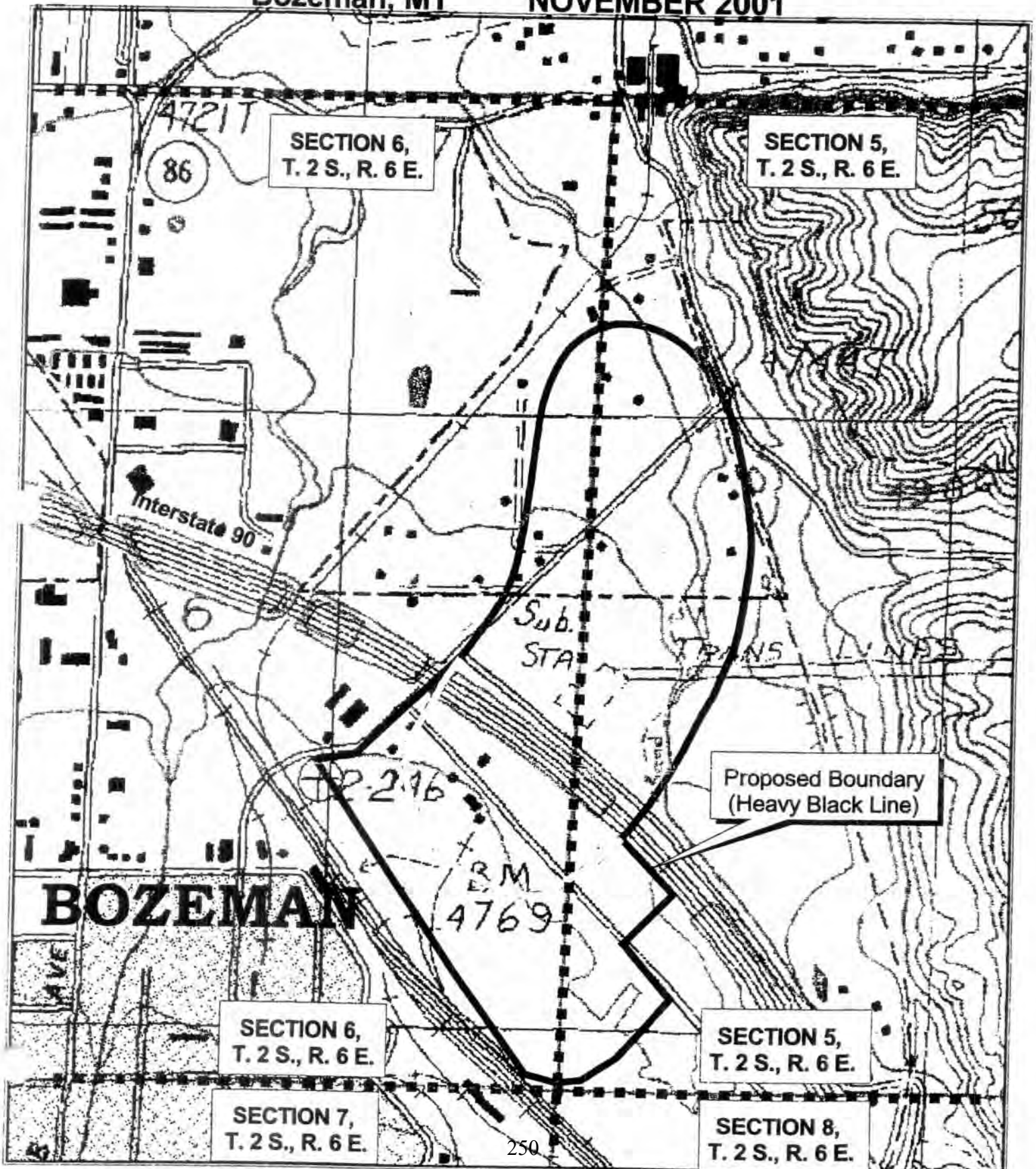
Arthur Clinch, Director
Department of Natural Resources
and Conservation
1625 Eleventh Avenue
Helena, Montana 59620
(406) 444-2074

CERTIFICATE OF SERVICE

This certifies that a true and correct copy of the Final Order was served upon all parties on file for this case, listed at the Water Resources Division on this 30th day of November, 2001.


Jennifer L. Menzley
Water Rights Bureau
Hearings Unit
406-444-6615

ATTACHMENT TO FINAL ORDER FOR 41H-114172
Montana Department of Natural Resources and Conservation
Proposed Idaho Pole Company Controlled Groundwater Area,
Bozeman, MT **NOVEMBER 2001**



Notice of Institutional Controls

1. This Notice of Institutional Controls ("Institutional Controls") is made this 9th day of September, 2010, by Idaho Pole Company ("Owner"), pursuant to Section 75-10-727 Montana Code Annotated ("MCA") as amended with the approval of the United States Environmental Protection Agency ("EPA") and Montana Department of Environmental Quality ("DEQ"), third party beneficiaries of these Institutional Controls.

2. WHEREAS, Owner is the owner of real property located in the City of Bozeman, County of Gallatin, State of Montana that comprises approximately 65 acres hereinafter referred to as the "Property" (Attachment A) within which lies the Idaho Pole Superfund site ("Site") [EPA ID No MTD006232276] located near the northern limits of Bozeman, Montana, in the east half of Section 6 and the west half of Section 5, Township 2S, Range 6E of Gallatin County as further defined by Site Legal Description (Attachment B); and

3. WHEREAS, in the Record of Decision dated September 28, 1992 as amended (the "ROD"), the Acting Regional Administrator for EPA Region VIII selected a Remedial Action for the Site which allows for waste to be left on Site above levels that allow for unlimited use and unrestricted exposure providing these Institutional Controls are employed to minimize potential for human exposure, limit land/resource use, and/or protect the integrity of the remedy. "Remedial Action" shall mean the Remedial Action described in the Idaho Pole Superfund Site ROD, and amendments thereto; and

4. WHEREAS, EPA and DEQ have determined that, with implementation of this Notice of Institutional Controls (NOIC) on the "Property", all appropriate Remedial Actions under CERCLA, other than five-year reviews and operation and maintenance, have been completed for the surface and unsaturated subsurface soils on all the Property as described as shown on Attachment A, or more particularly described as real property located in the City of Bozeman, County of Gallatin, State of Montana that comprises approximately 65 acres.

5. WHEREAS, EPA and DEQ have determined that contaminated soil excavated from the Property has been successfully treated, and the treated soil has been placed as backfill in several areas consisting of 4.1 acres on the Property, as depicted on the attached Attachment D (the "Treated Soil Areas" or "TSAs"). Treated soil was placed above historic high ground water levels and was covered with a minimum of twelve inches of fill material to prevent direct contact risk. A Controlled Ground water Use Area was issued by the Montana Division of Natural Resources (Decision 41H-114172) in 2001 pursuant to Section 85-2-506 and 508, MCA as amended (Attachment E), that currently restricts use of ground water beneath the Property for any purpose, except as provided in the Remedial Action or as otherwise authorized by EPA and DEQ. No further or ongoing surface and unsaturated subsurface soil operation and maintenance activities are required other than those provided for in this NOIC and maintaining a protective cover over the TSAs.

6. WHEREAS, Owner, EPA and DEQ agree that it is necessary to restrict the use of the Property to mitigate the risk posed to the public health, safety, and welfare and the environment by imposing appropriate Institutional Controls on the Property, the purpose of which is to ensure the permanent preservation and maintenance of remedial structures, including the Treated Soil Areas cover, that are required to minimize potential for human exposure and/or protect the integrity of the remedy;

7. WHEREAS, these Institutional Controls shall restrict present and future use of the Property including the Treated Soil Areas and shall run with the land and be binding on all successors in interest to the Property, until the Institutional Controls are removed in whole or in part pursuant to Section 75-10-727 MCA as amended;

8. WHEREAS, Owner, EPA and DEQ agree that Owner shall file this Notice of Institutional Controls promptly in the real property records in the Clerk and Recorder's Office in and for Gallatin County, Montana;

NOW, THEREFORE,

9. Grant: Owner, on behalf of itself, its successors and assigns, in consideration of the terms of agreement among Owner, EPA and DEQ, regarding the Idaho Pole Superfund Site does hereby through this Notice of Institutional Controls declare that the use of the Property shall hereinafter be subject to the following restrictions that shall run with the land and be binding upon all successors-in-interest to the Property until these restrictions are removed in whole or in part pursuant to the terms of this Notice of Institutional Control; the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, *et seq.* ("CERCLA"); the Comprehensive Environmental Cleanup and Responsibility Act, as amended, Title 75, Chapter 10, Part 7 MCA ("CECRA"), including Section 75-10-727 MCA, and Title 85, Chapter 2, Part 5 MCA, including Sections 85-2-506 and 508, MCA (pertaining to Controlled Ground Water Areas):

10. Restrictions on Use: The following covenants, conditions and restrictions apply to the use of the Property, run with the land and are binding on the Owner, its successors and assigns:

- a) Restriction on New Construction. No new Construction, other than surface paving, landscaping curbs, light standards, traffic signs and greenways, shall take place on the Treated Soil Areas, except as provided in the Remedial Action or as otherwise authorized by EPA and DEQ.
- b) Restriction on Excavation within the TSAs. No excavation deeper than 12 inches shall take place on the TSAs, except as provided in the Remedial Action and described in the December 23, 2002 "*Remedial Action Completion Report Idaho Pole Company Superfund Site Soil Remediation Phase*" or as otherwise authorized by EPA and DEQ. Owner, its successors and assigns, shall maintain a protective cover of at least 12 inches of clean soil over the TSAs. A 12 inch gravel layer, gravel and

asphalt overlay, or other cover that prevents erosion and which maintains the integrity of the remedy can be substituted for clean soil. In the event that soils within the TSA must be disturbed at or below 12 inches and approval has been granted by EPA and DEQ, Owner must comply with a soils and groundwater management plan that is in EPA's administrative record for the Idaho Pole Superfund Site, or such other soils and groundwater management plan that may be approved by EPA and DEQ. Soils and groundwater management plans should provide guidance on health and safety precautions required to protect human health and the environment.

- c) Restriction on Excavation within Controlled Ground Water Area. In addition to the Restriction on Excavation within the TSAs, above, no excavation shall be allowed on the Property within Controlled Ground Water Area (Decision 41H-114172) where that excavation reaches saturated soil or groundwater, except where the Owner meets the requirements of CERCLA, as amended, 42 U.S.C. § 9601, *et seq.*; CECRA, as amended, Title 75, Chapter 10, Part 7 MCA, including Section 75-10-727 MCA, and Title 85, Chapter 2, Part 5 MCA, including Sections 85-2-506 and 508, MCA (pertaining to Controlled Ground Water Areas) and the Occupational Safety and Health Administration, including 29 C.F.R. 1910.120 *et seq.*; and where the excavation is accomplished in compliance with the Site soils and groundwater management plan or except as otherwise authorized by EPA and DEQ.
- d) Restriction on Use of Ground Water. Ground water within the boundaries described by the Controlled Ground Water Area shall not be used or developed for any purpose, except as provided in the Remedial Action or as otherwise authorized by EPA and DEQ.
- e) Protection of the Integrity of Remedial Action. Use of the Property shall not in any way materially interfere with the operation and/or maintenance of the Remedial Action, including, but not limited to, access to and the operation and maintenance of ground water monitoring wells, injection and extraction wells, any equipment or infrastructure constructed or used for the Remedial Action, or any cap or other covering to prevent contact with residual contamination, except as otherwise authorized by EPA and DEQ.
- f) Access, Cooperation and Information. EPA and DEQ and their authorized representatives shall have access at all reasonable times with prior notice to use the Property for purposes consistent with these Institutional Controls and EPA's ROD as amended. Owner, its successors and assigns shall comply with 42 U.S.C. § 9601(35), which defines the status and responsibilities of a purchaser who takes an interest in the Property by

contract. Nothing herein shall impair any other authority EPA and DEQ may otherwise have to enter and inspect the Property, and to obtain information about the property concerning response actions under CERCLA or CECRA.

11. Filing Notice of Institutional Controls. Owner shall file this Notice of Institutional Controls in the land records of the Clerk and Recorder's Office, Gallatin County, Montana, within thirty (30) days of the date it is executed by the Owner. Owner must provide EPA and DEQ with a certified true copy of said instrument and its recording reference.
12. Reserved Rights of Owner. Owner hereby reserves unto itself, its successors and assigns, all rights and privileges in and to the use of the Property which are not incompatible with the restrictions and rights granted herein.
13. Nothing in this document shall limit or otherwise affect EPA's rights of entry and access or EPA's authority to take response actions under CERCLA, the National Contingency Plan, or other federal law. Nothing in this document shall limit or otherwise affect DEQ's rights of entry and access or DEQ's authority to take remedial actions under CECRA or the State's authority under other applicable state laws.
14. Notice Requirement. Owner on its behalf, and on behalf of its successors and assigns, agrees to include in any instrument conveying any portion of the Property, including, but not limited to, deeds, leases and mortgages, a notice which is in substantially the following form:

NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO A NOTICE OF INSTITUTIONAL CONTROLS, DATED 9-9, 2010, RECORDED IN THE PUBLIC LAND RECORDS ON 9-13, 2010, IN BOOK _____, PAGE _____, IN GALLATIN COUNTY. DOCUMENT 2369872

Within sixty (60) days of the date any such instrument or conveyance is executed, Owner must provide EPA and DEQ with a certified true copy of said instrument and, if it has been recorded in the public land records, its recording reference.

15. Enforcement of Institutional Controls. Owner, EPA and/or DEQ shall be entitled to enforce the terms of this instrument by resort to specific performance or other legal process as third party beneficiaries including but not limited to the authority provided by CECRA as amended Section 75-10-701 *et seq.* MCA and CERCLA as amended 42 U.S.C. § 9601, *et seq.* All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including CERCLA and CECRA. Any

forbearance, delay or omission to exercise rights under this instrument in the event of a breach of any term of this instrument shall not be deemed to be a waiver of such term or of any subsequent breach of the same or any other term, or of any of the rights under this instrument.

16. **Notices.** Any notice, demand, request, consent, approval or communication that any party desires or is required to give to the others shall be in writing and shall either be served personally or sent by first class mail, postage prepaid, addressed as follows:

Owner: Idaho Pole Company, c/o
Director, Technical and Environmental Affairs
P.O. Box 1496
Tacoma, WA 98401-1496

or
1640 E. Marc Avenue
Tacoma, WA 98421-2939

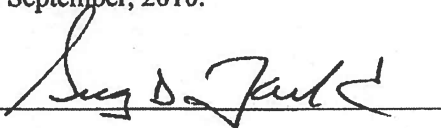
EPA: Director, Montana Operations Office
U.S. Environmental Protection Agency
Baucus Federal Building
10 West 15th Street
Helena, MT 59626

DEQ: Federal Superfund Section Manager, Remediation Division
Montana Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620

17. **Controlling Law.** The interpretation and performance of this instrument shall be governed by the laws of the United States and the laws of the State of Montana.

These Institutional Controls shall run with the land and be binding on all successors in interest to the Property until the Institutional Controls are removed in accordance with CERCLA; CECRA (including Section 75-10-727 MCA); and Sections 85-2-506 and 508, MCA (pertaining to Controlled Ground Water Areas).

IN WITNESS WHEREOF, Idaho Pole-Company, a Washington corporation, has caused this instrument to be executed this 9th day of September, 2010.

By: 

Greg D. McFarland, solely in his capacity as
Vice President of Idaho Pole Company, and
not his individual capacity

STATE OF Washington)
) ss:
COUNTY OF Pierce)

The foregoing instrument was acknowledged before me this 9th day of
September 2010, by Greg D. McFarland on behalf Idaho Pole Company, a
Washington Corporation, and not in his individual capacity, and acknowledged the said
instrument to be the free and voluntary act and deed of said corporation, for the uses and
purposes therein mentioned, and on oath stated that they are authorized to execute said
instrument.

Witness my hand and official seal hereto affixed the day and year written above



Cynthia A. Harris
Notary Public

4806 60th St C E, Tacoma, WA 98443
Address
My commission expires: 8-17-2013

GN-5 MONITORING WEL
 RES-8 RESIDENTIAL WEL
 IPC PROPERTY B



IDAHO POLE COMPANY
 BOZEMAN, MONTANA
 5029-200

IDAHO POLE PROPERTY BO

Attachment B

Site Legal Description

The Idaho Pole site is located near the northern limits of Bozeman, Montana and occupies approximately 65 acres in the east half of Section 6 and the west half of Section 5, Township 25, Range 6E of Gallatin County.

Individual legal lot descriptions are:

Northern Pacific ADD, SO5, TO2 S, RO6 E, All BLK 70PT of Blocks 73 & 83, Plus VAC St & Alleys.

NP-BOZ PT BLK 87 S of Highway SEC 6 25, 6E, COS 21

Northern Pacific ADD, SO6, TO2 S, RO6 E, Lots 1-9 BLK 86 APP 142' x 225'

SO6, TO2 S, RO6 E, PT Tract A SE4 & SW4, 22.1 AC COS 1876

Northern Pacific addition, SO, T02 S, RO6 E, PT BLK 88 all BLKS 89-90

SO5, TO2 S – RO6 E, Tract J in SW 4NW4 SEC 525 6E 6.5A TR in SE COR SE 4NE4 SECT 6 25 6E

SO5, TO2 S, RO6 E, SW 4NW4 W of Rd & E of River See 5 25 6E 9AC

CM-5 MONITORING WEL
 RES-8 RESIDENTIAL WEL
 CGA BOUNDARY



IDAHO POLE COMPANY
 BOZEMAN, MONTANA
 5029-200

CURRENTLY MODELED AREA

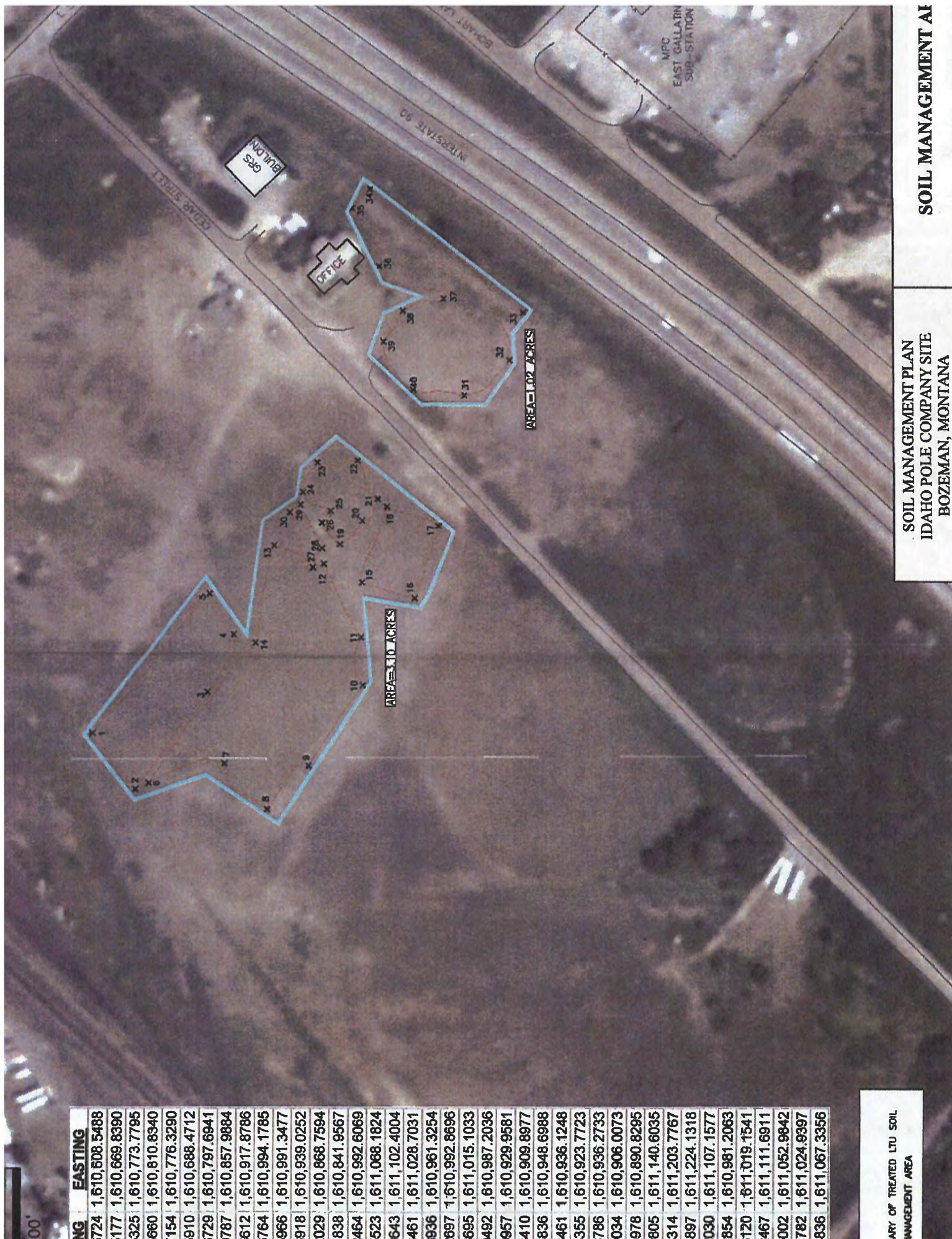
1"=100'

NORTHING	EASTING
19,348.6724	1,610,608.5488
19,267.5177	1,610,669.8390
19,407.3325	1,610,773.7795
19,492.5660	1,610,810.8340
19,551.7154	1,610,776.3290
19,276.5910	1,610,688.4712
19,304.6729	1,610,797.6941
19,237.9787	1,610,857.9884
19,301.5612	1,610,917.8786
19,417.6764	1,610,994.1785
19,488.5966	1,610,991.3477
19,594.6918	1,610,939.0252
19,621.2029	1,610,868.7594
19,480.1838	1,610,841.9567
19,568.2464	1,610,992.6069
19,545.5523	1,611,088.1824
19,648.9643	1,611,102.4004
19,677.6461	1,611,028.7031
19,622.8936	1,610,961.3254
19,657.2697	1,610,992.8696
19,688.8695	1,611,015.1033
19,749.0492	1,610,987.2036
19,743.9957	1,610,929.9581
19,699.3410	1,610,909.8977
19,671.6836	1,610,948.6988
19,654.3461	1,610,936.1248
19,589.3355	1,610,923.7723
19,617.6786	1,610,936.2733
19,680.9034	1,610,906.0073
19,669.5978	1,610,890.8295
19,837.9805	1,611,140.6035
19,888.8314	1,611,203.7767
19,957.4897	1,611,224.1318
20,134.2030	1,611,107.1577
20,107.2854	1,610,981.2063
20,024.6120	1,611,019.1541
19,977.2467	1,611,111.6911
19,960.6002	1,611,052.9842
19,916.1782	1,611,024.9397
19,847.4836	1,611,067.3356

BOUNDARY OF TREATED LTU SOIL
SOIL MANAGEMENT AREA

SOIL MANAGEMENT PLAN
IDAHO POLE COMPANY SITE
BOZEMAN, MONTANA

SOIL MANAGEMENT AT



Rt. Security Title Company
P.O. Box 6550
Bozeman, MT 59771-6550

2554371

Page: 1 of 13

08/15/2016 11:25:40 AM

Fee: \$101.00

Charlotte Mills - Gallatin County, MT

MISC

**Accommodation Recording Only****STC# G2016**

RESTATED AND AMENDED
DECLARATION OF INSTITUTIONAL CONTROLS
ON REAL PROPERTY

THIS RESTATED AND AMENDED DECLARATION OF INSTITUTIONAL CONTROLS ON REAL PROPERTY (the "Institutional Controls") is made effective as of the date of recording hereof in the records of Gallatin County, Montana by Idaho Pole Company, a Washington Corporation ("Idaho Pole Company"), having an address of 5501 Pacific Highway East, Suite 2, Fife, Washington 98424.

RECITALS

WHEREAS, Idaho Pole Company is the owner of certain real property (the "Property") located in Gallatin County, Montana, hereinafter referred to as the "Property" (Attachment A) within which lies the Idaho Pole Superfund site ("Site") [EPA ID No MTD006232276] located near the northern limits of Bozeman, Montana, in the east half of Section 6 and the west half of Section 5, Township 2S Range 6E of Gallatin County as further defined by Site Legal Description (Attachment B);

WHEREAS, in the Record of Decision dated September 28, 1992 (the "ROD") and the May 21, 1996, and November 27, 1998, Explanations of Significant Differences (the "ESDs"), the Acting Regional Administrator for EPA Region VIII selected a Remedial Action for the Site which allows for dioxins, pentachlorophenol, and polycyclic aromatic hydrocarbons (PAHs) to be left on Site above levels that allow for unlimited use and unrestricted exposure providing these Institutional Controls are employed to minimize potential for human exposure, limit land/resource use, and/or protect the integrity of the remedy. "Remedial Action" shall mean the Remedial Action described in the Idaho Pole Superfund Site ROD and ESDs, including the "Work" pursuant to that certain Administrative Order for Remedial Design/Remedial Action for the Idaho Pole Company Site, EPA Docket No. CERCLA VIII-93-26 ("Order") issued by the EPA; and

WHEREAS, EPA and DEQ initially determined that, with implementation of the Notice of Institutional Controls on the "Property" recorded by Idaho Pole Company in the records of Gallatin County, Montana on September 13, 2010 at Document No. 2369872 ("NOIC"), all appropriate Remedial Action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq. ("CERCLA"), other than five-year reviews and operation and maintenance, had been completed for the surface and unsaturated subsurface soils defined as the part of the subsurface

1

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that identified the Township as 2S in Attachment B. The correct Township references in Attachment B should have been (and were intended to be) Township 2 South.

WHEREAS, EPA and DEQ have determined that contaminated soil excavated from the Property has been treated, and the treated soil has been placed as backfill in several areas consisting of 4.1 acres on the Property, as depicted on the attached Attachment C (the "Treated Soil Areas" or "TSAs"). Treated soil was placed above historic high ground water levels and was covered with a minimum of twelve inches of fill material to prevent direct contact risk. A Controlled Ground Water Use Area was issued by the Montana Division of Natural Resources (Decision 41H-114172) in 2001 pursuant to Section 85-2-506 and 505, MCA as amended (Attachment D), that currently restricts use of ground water beneath the Property for any purpose, except as provided in the Remedial Action or Work or as otherwise authorized by EPA and DEQ.

WHEREAS, Idaho Pole Company, EPA and DEQ agree that it is necessary and/or desirable to modify, restate and amend the NOIC to clarify and ensure that Idaho Pole Company, whether or not it is the owner of the Property or applicable portion thereof, shall reserve the right to, and will have, continued access to the Property (together with any other Respondents (if applicable), from time to time required or permitted to do or be responsible for the Remedial Action), to perform the Remedial Action and Work as now or hereafter required by or pursuant to the ROD or the Order and related documents in order to restrict the use of the Property to mitigate the unacceptable risk posed to the public health, safety, and welfare and the environment by imposing appropriate Institutional Controls on the Property, the purpose of which is to ensure the permanent preservation and maintenance of remedial structures, including the Treated Soil Areas cover, that are required to minimize potential for human exposure and/or protect the integrity of the remedy, and Idaho Pole Company's (and that of the other Respondents, as applicable) continued access to the Property to conduct and complete the Remedial Action and Work, notwithstanding any sale or other transfer of the Property or portions thereof by Idaho Pole Company;

WHEREAS, Idaho Pole, with the consent of DEQ and EPA, now desires to restate and supersede the NOIC in its entirety with respect to rights and obligations accruing thereunder from and after the Effective Date, and, accordingly, Idaho Pole desires to restrict certain uses and activities on the Property to mitigate a risk to the public health, safety, and welfare and the environment by imposing appropriate institutional controls on the Property as provided in these Institutional Controls, pursuant to Montana Code Annotated ("MCA") § 75-10-727;

NOW, THEREFORE, Idaho Pole Company, on behalf of itself, its successors and assigns, in consideration of the terms of agreement among Idaho Pole Company, EPA and DEQ, regarding the Idaho Pole Superfund Site, hereby agrees and declares through these Institutional Controls that the use of the Property shall hereinafter be subject to the following covenants and restrictions and each portion thereof until these covenants and restrictions are removed in whole or in part pursuant to the terms of these Institutional Controls; the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq. ("CERCLA"); the Comprehensive Environmental Cleanup and Responsibility Act, as amended, Title 75, Chapter 10, Part 7 MCA ("CECRA"), including Section

obligations accruing from and after the Effective Date, and (ii) will run with the Property and bind all holders, owners, lessees, occupiers, and purchasers of the Property and any interest therein or portion thereof, and their respective successors and assigns with respect to the Property or portion or interest ("the Owner").

2. The following exhibits are attached to and made part of these Institutional Controls:

Attachment A - Depiction of Site

Attachment B -Description of the Property/Site

Attachment C - Treated Soils Areas or TSAs

Attachment D - Controlled Ground Water Use Area

3. **RESTRICTIONS ON USE:** The following covenants, conditions and restrictions apply to the use of the Property, run with the land, and are binding on the Owner:

- a. Restriction on Construction. No construction, other than surface paving, landscaping, curbs, light standards, traffic signs, foundations (and related above-ground structures), utilities and greenways, shall take place on the Treated Soil Areas, except as provided in the Remedial Action or as otherwise authorized in writing by EPA and DEQ.
- b. Residential Development or Use Prohibited. No residential development or residential use of the property is allowed, unless approved by EPA and DEQ. "Residential" includes, but is not limited to, permanent residential use; temporary residential use; limited residential use; short-term residential use; children's day care; mobile homes used for residential use (as contrasted to temporary on-site construction office or the like that is not used as a dwelling or for residential use) with or without footings; mobile home used for residential use (as contrasted to temporary on-site construction office or the like that is not used as a dwelling or for residential use) with or without a pad; and camping. It is Idaho Pole Company's intent that this limitation be construed as broadly as possible to prohibit any type of residential use whatsoever.
- c. Restriction on Excavation within the TSAs. No excavation deeper than 12 inches shall take place on the TSAs, unless authorized in writing by EPA and DEQ and conducted in compliance with the March 2011 Agency-approved Soil Management Plan that is in EPA's and MDEQ's site files for the Idaho Pole Superfund Site, or such other soils and groundwater management plan that may be approved by EPA and DEQ ("Soil Management Plan"). Owner shall maintain a protective cover of at least 12 inches of clean soil over the TSAs. A 12 inch gravel layer, gravel and asphalt overlay, or other cover that prevents erosion and which maintains the integrity of the remedy can be substituted for clean soil.

excavation reaches saturated soil or groundwater, except where the Owner receives prior written approval from DEQ and EPA and meets the requirements of the Controlled Ground Water Area and the Soil Management Plan or except as otherwise authorized in writing by EPA and DEQ.

- e. Restriction on Use of Ground Water. Ground water within the boundaries described by the Controlled Ground Water Area shall not be pumped, withdrawn, used, or developed for any purpose, except as provided in the Remedial Action or as otherwise authorized in writing by EPA and DEQ. If the Controlled Ground Water Area is amended to allow for wells on the Property, subject to Owner first obtaining the requisite prior authorizations from EPA and DEQ, Owner may be allowed to install and use one or more groundwater wells for the irrigation of landscaping features on the Property, to the extent permitted by such authorizations and otherwise in compliance with applicable law, including the Controlled Ground Water Area.
 - f. Protection of the Integrity of Remedial Action. No action shall be permitted, taken, authorized, or allowed that directly or indirectly interferes with, is inconsistent with, or hinders, delays, diminishes or frustrates the implementation, effectiveness, purposes, or integrity of the Remedial Action or operation and/or maintenance of the Remedial Action, including, but not limited to, access to and the operation and maintenance of ground water monitoring wells, injection and extraction wells, any equipment or infrastructure constructed or used for the Remedial Action, or any cap or other covering to prevent contact with residual contamination, except as otherwise authorized in writing by EPA and DEQ.
 - g. Reserved Rights of Owner. Owner hereby reserves unto itself, its successors and assigns, all rights and privileges in and to the use of the Property which are not incompatible with the restrictions and rights granted or contemplated herein.
4. DEQ and EPA and their agents and all representatives and contractors of any person conducting DEQ or EPA-approved remedial actions on the Property will have the right to access the Property at all reasonable times. Nothing in this document limits or otherwise affects EPA or DEQ's rights of entry and access under state or federal law and to obtain information about the Property concerning response actions or remedial actions under CERCLA or the Comprehensive Environmental Cleanup and Responsibility Act, 75-10-701, *et seq.*, MCA, ("CECRA"). Owner shall comply with 42 U.S.C. § 9601(35), which defines the status and responsibilities of a purchaser who takes an interest in the Property by contract. Any forbearance, delay or omission to exercise rights under this instrument in the event of a breach of any term of this instrument shall not be deemed to be a waiver of such term or of any subsequent breach of the same or any other term, or of any of the rights under this instrument.

6. Any conveyance of the Property by Idaho Pole Company and successor Owners must clearly state that Idaho Pole Company will remain an intended beneficiary of these Institutional Controls. The conveyance must specify that the remedy of "specific performance" will be available to Idaho Pole Company for violations of these Institutional Controls. The conveyance must also specify that at all times after Idaho Pole Company conveys its interest in the Property and no matter what person or entity is in title to or in possession of the Property, in addition to its other rights, as described in these Institutional Controls, Idaho Pole Company (on behalf of itself and its contractors and agents) will retain the right to enter the Property in order to conduct the Remedial Action and Work and/or inspect for violations of the Institutional Controls contained herein.

7. Without limiting the access and other rights declared in favor of EPA, DEQ and all representatives and contractors of any person conducting DEQ or EPA-approved remedial actions on the Property, under this Section 7 or Sections 5 or 6, above, or otherwise, and notwithstanding any conveyance or transfer by Idaho Pole Company, of all or any interest in the Property or any portion thereof, in addition to those certain retained rights of entry and enforcement benefitting Idaho Pole Company set forth in these Institutional Controls, said Idaho Pole Company shall reserve to itself and its specifically designated successors and assigns with respect to such rights, rights substantially as follows (cumulatively "Remediation Rights"):

(a) The exclusive, right, privilege, right of way and easement to install, operate, maintain, add to, improve, replace, relocate, monitor, repair, decommission and remove those certain pump and treat facilities and other facilities for Site remediation in connection with the Remedial Action and/or Work ("Treatment Facilities"). These Treatment Facilities include, without limitation, the existing pump and treat building, extraction wells, infiltration wells, monitoring wells, extraction galleries, carbon towers, wires, pipes, casings, pumps, utility service, conduits, controls, treatment facilities and other facilities, as now or hereafter located on, under or over the Property. The Treatment Facilities also include as now or hereafter located or relocated, all replacements, additions and expansions thereof, and repairs thereto, and any additional wells and/or other facilities and improvements, now or hereafter required pursuant to the ROD, ESDs, the Order or any related Site Requirements, defined below, as such may now or hereafter be amended or superseded, whether or not related or similar to the current facilities;

(b) The exclusive right to take all other actions on, over, under and across the Property as may be required under any and all applicable laws, orders, rules, regulations and ordinances, including, but not limited to, the EPA/DEQ restrictions or requirements, including but not limited to, those set forth in the ROD, ESDs, future post-ROD change documents, Order, these Institutional Controls, and related agreements, plans, restrictions and covenants, as now or hereafter amended, and all applicable laws, including, without limitation, all restrictions, covenants, requirements and approvals issued or promulgated by the EPA or DEQ or any other governmental agency or authority, as now or hereafter

(c) Non-exclusive easements and rights of way for access over, across, through and under the Property for, and to and from, the respective Treatment Facilities and related areas and activities, and for power, communications and other utilities and related wires, lines and facilities necessary or desirable to support such Treatment Facilities, Remedial Action and Work.

The Remediation Rights shall run with the land and be binding upon each present and future Owner of the Property and each portion thereof for the benefit of Idaho Pole Company and its successors and assigns as designated from time to time as provided in this paragraph. Notwithstanding any transfer or conveyance of all or any interest of said Idaho Pole Company in or to any of the Property, no Remediation Rights or any right under these Institutional Controls to reserve any Remediation Rights or retained rights of entry or enforcement for the benefit of Idaho Pole Company will be deemed to be transferred, conveyed or held by any party other than said Idaho Pole Company, except to the extent such rights are hereafter expressly conveyed by said Idaho Pole Company (or its successor(s) acquiring such an interest from Idaho Pole Company pursuant to this paragraph) in writing expressly referring to and conveying the particular Remediation Rights or rights under these Institutional Controls. The conveyance must refer to these Institutional Controls to be assigned and, if applicable, the preceding reservation by Idaho Pole Company of its Remediation Rights and the extent reserved, and the conveyance must be recorded on the Property in the records of Gallatin County, Montana. In all events, before transferring any Remediation Rights or rights under these Institutional Controls to reserve such rights, Idaho Pole Company, or its approved successor, shall obtain all consents and approvals from EPA and DEQ required for such transfer.

8. Idaho Pole Company has agreed to enforce the requirements of these Institutional Controls and take prompt action to correct any violations of these Institutional Controls. Idaho Pole Company is entitled to enforce these Institutional Controls as an intended beneficiary thereof. None of these Institutional Control benefiting Idaho Pole Company may hereafter be amended, limited or waived except with the express prior written approval of Idaho Pole Company, EPA and DEQ. Owner specifically agrees that the remedy of "specific performance" of these Institutional Controls will be available to Idaho Pole Company in such proceedings. Idaho Pole Company must enforce the requirements of these Institutional Controls and take prompt action to correct any violations of these Institutional Controls. Owner must notify EPA, DEQ, and Idaho Pole Company within ten business days of Owner receiving actual notice of any violation or potential violation of these Institutional Controls.
9. DEQ and EPA are entitled to enforce these Institutional Controls as intended third-party beneficiaries thereof. Owner specifically agrees that the remedy of "specific performance" will be available to DEQ and EPA in such proceedings. Venue for enforcement of these Institutional Controls will be in the District Court of the First Judicial District. If there is federal court jurisdiction over EPA enforcement of this Institutional Control, venue will be according to current federal law.

or modified in accordance with Section 1.5, below, and every subsequent instrument conveying an interest in all or any portion of the Property, including, but not limited to, deeds, leases and mortgages, must include a notice of the existence of these Institutional Controls and their recording reference. The notice must be in substantially this form:

NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO A RESTATED AND AMENDED INSTITUTIONAL CONTROLS ON REAL PROPERTY DATED _____, 2016 AND RECORDED IN THE PUBLIC LAND RECORDS OF GALLATIN COUNTY, MONTANA ON _____, 2016 IN BOOK ____/PAGE ____/DOCUMENT NO. _____. Dioxins, pentachlorophenol, and polycyclic aromatic hydrocarbons (PAHs) are present in the soil and/or groundwater on the Property above levels that allow for unrestricted use and unlimited exposure. Because of these contaminants, there are restrictions on excavation and construction, and use of the groundwater is prohibited. Disturbance of all remedial structures and groundwater monitoring wells is prohibited without prior written approval from DEQ and EPA. The full restrictions must be reviewed within the original Institutional Control as so recorded.

Within sixty (60) days of the date any such instrument or conveyance is executed, the Owner must provide EPA and DEQ with a certified true copy of said instrument and, if it has been recorded in the public land records, its recording reference. Any conveyance of all or a portion of the Property must include a requirement to include the language in this paragraph in all future conveyances.

11. The Owner will notify DEQ and EPA of any proposed conveyance of all or a portion of the Property at least 30 days prior to any such conveyance. The Owner will provide notice to all potential purchasers by providing a copy of these Institutional Controls prior to the conveyance of all or a portion of the Property and must provide a copy of this notice to DEQ and EPA. Any conveyance by the Owner must require the future Owner to provide notice to all potential purchasers by providing a copy of these Institutional Controls prior to the conveyance of all or a portion of the Property and to provide a copy of the notice to DEQ and EPA.
12. The rights provided to DEQ and EPA in these Institutional Controls include any successor agencies of DEQ and EPA.
13. NOTICES: Notices to EPA and DEQ must either be served personally or sent by first class mail, postage prepaid, addressed as follows:

EPA: Superfund Branch Chief, Montana Operations Office
U.S. Environmental Protection Agency
10 W. 15th Street, Suite 3200
Baucus Federal Building
Helena, Montana 59626

Attn: Idaho Pole Superfund Site
P.O. Box 200901
Helena, MT 59620-0901

Legal - Remediation Division
Montana Department of Environmental Quality
Attn: Idaho Pole Superfund Site
P.O. Box 200901
Helena, MT 59620-0901

or any subsequent address for EPA or DEQ submitted in writing by EPA or DEQ to the current Owner.

Notices to Idaho Pole Company must either be served personally or sent by first class mail, postage prepaid, addressed as follows:

Idaho Pole Company
Attn.: Gregory D. McFarland
5501 Pacific Highway East, Suite 2
Fife, Washington 98424
Tel: 253- 922-4902
Fax: 253-922-4916
Email: gregm@cdrmgt.com

or any subsequent address for Idaho Pole Company (or any applicable successor Owner) submitted in writing to EPA and DEQ by Idaho Pole Company or, as applicable, the current Owner, respectively.

14. The interpretation and performance of this instrument will be governed by the laws of the United States and the laws of the State of Montana.
15. These Institutional Controls were approved by DEQ under the provisions of Section 75-10-727, MCA, on August 3, 2016. These Institutional Controls will run with the land and be binding on all successors in interest to the Property until these Institutional Controls are removed or modified in accordance with CECRA (including Section 75-10-727 MCA), and recorded in the land records referenced in Section 10, above.

IDAHO POLE COMPANY

By: B. Cory McFarland
B. Cory McFarland, solely in his capacity as
President of Idaho Pole Company, and
not his individual capacity

STATE OF WASHINGTON)
) ss:
COUNTY OF PIERCE)

On August 4, 2016, appeared B. Cory McFarland McFarland, to me known to be the
President of Idaho Pole Company, a Washington
Corporation,, the corporation that executed the within and foregoing instrument, and acknowledged said
instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein
mentioned, and on oath stated that B. Cory McFarland was authorized to
execute said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year first above written.



Signature: Sheri A. Bolding

Name (Print): Sheri A. Bolding

NOTARY PUBLIC in and for the State
of Washington, residing at Pierce County
My appointment expires: 12/09/2019



LEGEND
11
04-5
RES-6
PC PROPERTY BOUNDARY

IDAHO POLE COMPANY
BOZEMAN, MONTANA
5029-200

IDAHO POLE PROPERTY BOUNDARY

Hydrometrix
Consulting Scientists, Inc.

Attachment B

Site Legal Description

The Idaho Pole site is located near the northern limits of Bozeman, Montana in the east half of Section 6 and the west half of Section 5, Township 2S, Range 6E of Gallatin County.

Individual legal lot descriptions are:

Northern Pacific ADD, S05, T02 S, R06 E, All BLK 70 PT of Blocks 73 & 83, Plus VAC St & Alleys.

NP-BOZ PT BLK 87 S of Highway SEC 6 2S, 6E, COS 21

Northern Pacific ADD, S06, T02 S, R06 E, Lots 1-9 BLK 86 APP 142' X 225'

S06, T02 S, R06 E, PT Tract A SE4 & SW4, 22.1 AC COS 1876

Northern Pacific addition, S0, T02 S, R06 E, PT BLK 88 all BLKS 89-90

S05, T02 S - R06 E, Tract J in SW 4NW4 SEC 5 2S 6E 6.5A TR in SE COR SE 4NE4 SECT 6 2S 6E

S05, T02 S, R06 E, SW 4NW4 W of Rd & E of River Sec 5 2S 6E 9AC

POINT ID	NORTHING	EASTING
1	619,348.6724	1,610,808.5488
2	619,287.5177	1,610,689.8390
3	619,407.3325	1,610,773.7795
4	619,482.5880	1,610,810.8340
5	619,551.7154	1,610,776.3200
6	619,276.5910	1,610,688.4712
7	619,304.6729	1,610,787.6941
8	619,237.9787	1,610,857.9894
9	619,301.5612	1,610,917.8786
10	619,417.6764	1,610,994.1768
11	619,488.5968	1,610,991.3477
12	619,594.6918	1,610,939.0252
13	619,621.2020	1,610,868.7594
14	619,480.1838	1,610,841.9557
15	619,568.2484	1,610,982.8069
16	619,545.5523	1,611,088.1824
17	619,648.9643	1,611,102.4004
18	619,677.6481	1,611,028.7031
19	619,622.8936	1,610,961.3254
20	619,657.2897	1,610,992.8898
21	619,688.8685	1,611,015.1033
22	619,745.0492	1,610,987.2036
23	619,741.9957	1,610,929.8581
24	619,689.3410	1,610,909.8977
25	619,671.8836	1,610,948.6988
26	619,654.3461	1,610,936.1240
27	619,689.3355	1,610,923.7723
28	619,617.8786	1,610,936.2733
29	619,680.9034	1,610,906.0073
30	619,689.5978	1,610,890.8285
31	619,637.8805	1,611,140.6035
32	619,885.8314	1,611,203.7767
33	619,957.4897	1,611,224.1318
34	620,134.2030	1,611,107.1677
35	620,107.2854	1,610,881.2093
36	620,024.8120	1,611,019.1541
37	619,977.2467	1,611,111.8911
38	619,860.6002	1,611,052.9842
39	619,916.1782	1,611,024.8997
40	619,847.4830	1,611,087.3358

BOUNDARY OF TREATED LRU SOIL
SOIL MANAGEMENT AREA

SOIL MANAGEMENT PLAN
IDAHO POLE COMPANY SITE
BOZEMAN, MONTANA

SOIL MANAGEMENT AREA

Hydrometric
Calculating Volume of



LEGEND

- 11 MONITORING WELL
- ⊙ GM-5 MONITORING WELL
- ✱ RES-8 RESIDENTIAL WELL
- CGA BOUNDARY

IDAHO POLE COMPANY
BOZEMAN, MONTANA
5029-200

CURRENTLY MODELED AREA FOR CGA

Hydrometr
Consulting Scientists

2591158

Page: 1 of 4 08/30/2017 11:03:56 AM Fee: \$38.00
Charlotte Mills - Gallatin County, MT MISC



AFTER RECORDING RETURN TO:
Idaho Pole Company
Attn.: Gregory D. McFarland
5501 Pacific Highway East, Suite 2
Fife, Washington 98424

2591055

Page: 1 of 5 08/29/2017 03:53:01 PM Fee: \$45.00
Charlotte Mills - Gallatin County, MT MISC



Accommodation Recording Only

STC# G207 pd.

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AMENDMENT
TO
RESTATED AND AMENDED
DECLARATION OF INSTITUTIONAL CONTROLS
ON REAL PROPERTY

THIS AMENDMENT TO RESTATED AND AMENDED DECLARATION OF INSTITUTIONAL CONTROLS ON REAL PROPERTY ("Amendment") is made effective the 23rd day of August, 2017 ("Effective Date"), by IDAHO POLE COMPANY, a Washington Corporation, having an address of 5501 Pacific Highway East, Suite 2, Fife, Washington 98424 ("Idaho Pole Company"), and approved by the MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY ("MDEQ") and the federal ENVIRONMENTAL PROTECTION AGENCY ("EPA").

Idaho Pole Company owns the real property located in Gallatin County, Montana, more specifically described as the "Property" in that certain Restated and Amended Declaration of Institutional Controls on Real Property executed by Idaho Pole August 4, 2016, recorded on August 15, 2016 at Doc. # 2554371 in the records of Gallatin County, Montana (as amended, the "Declaration"). Capitalized terms not otherwise defined in this Amendment have the meanings given in the Declaration.

Among other things, Section 3.b. of the Declaration imposes certain restrictions on residential development or use on the entire Property.

Idaho Pole Company has proposed, and MDEQ and EPA have approved (whether attached to this Declaration or separately), that the residential restrictions in Section 3.b be lifted from and not apply to those areas of the Property and Site north of Highway I-90 (excepting only those portions of Northern Pacific addition, SO6, T02 S, R06 E, PT BLK 88 all BLKS 89-90, as described below, if any, that currently are in the city limits of Bozeman and zoned for commercial and/or manufacturing use), which areas are not included in the Residential Restricted Area, as more particularly described below; provided that such residential restrictions shall continue to apply to (i) the balance of the Property and Site lying south of Highway I-90 and (ii) those portions, if any, of Northern Pacific addition, SO6, T02 S, R06 E, PT BLK 88 all BLKS 89-90 that currently are in the city limits of Bozeman and zoned for commercial and/or manufacturing use, as described below as the "Residential Restricted Area."

NOW, THEREFORE, the above recitals are hereby incorporated and adopted and it is further hereby declared as follows, effective as of the Effective Date:

1. Section 3.b. of the Declaration is hereby deleted and replaced with the following:

Residential Development or Use Prohibited. No residential development or residential use of the areas of the Property more particularly described on attached Exhibit A (the "Residential Restricted Area") is allowed, unless approved by EPA and DEQ. "Residential" includes, but is not limited to, permanent residential use; temporary residential use; limited residential use; short-term residential use; children's day care; mobile homes used for residential use (as contrasted to temporary on-site construction office or the like that is not used as a dwelling or for residential use) with or without footings; mobile home used for residential use (as contrasted to temporary on-site construction office or the like that is not used as a dwelling or for residential use) with or without a pad; and camping. It is Idaho Pole Company's intent that

this limitation be construed as broadly as possible to prohibit any type of residential use whatsoever of the Residential Restricted Area. For avoidance of doubt, these Section 3.b. restrictions on residential development or use do not apply to or limit the balance of the Property other than the Residential Restricted Area.

2. Effect of Amendment. In the event of ambiguity or inconsistency between the Declaration and this Amendment, this Amendment shall govern. Except as amended by this Amendment, the Declaration remains and shall continue in full force and effect in accordance with its terms. This Amendment may be signed in counterpart signature pages and in multiple originals, each of which shall be deemed an original, and all of which together shall constitute a single instrument.

IN WITNESS WHEREOF, this Amendment to Restated and Amended Declaration of Institutional Controls on Real Property has been executed as of the date set forth above.

DECLARANT:

IDAHO POLE COMPANY

By: B. Corry McFarland
B. Corry McFarland, solely in his capacity as
President of Idaho Pole Company, and
 not his individual capacity

STATE OF WASHINGTON)
) ss:
 COUNTY OF PIERCE)

On 8/23 2017, appeared B. Corry McFarland to me known to be the President of Idaho Pole Company, a Washington Corporation,, the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Signature: Dana M Labrie
 Name (Print): Dana M Labrie

NOTARY PUBLIC in and for the State of Washington, residing at Puyallup WA

My appointment expires: 2/14/2021

APPROVED:

MDEQ: MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

By Jenny Chambers

Printed Name: Jenny Chambers

Title: Waste Management & Remediation Div. Admin

Date: August 21, 2017

State of MONTANA)
County of Lewis & Clark) ss

This instrument was signed or acknowledged before me on Aug 21, 2017, by Jenny Chambers
(Name of signer) as Waste Management & Remediation
Division Administrator (capacity) of the MONTANA DEPARTMENT OF
ENVIRONMENTAL QUALITY.

Penney Ostler Clark
(Notary Signature)

[Affix seal/stamp to the left or below]

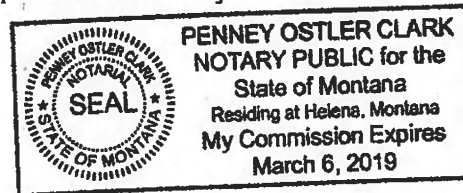


EXHIBIT A
RESIDENTIAL RESTRICTED AREA

All that area of the Property and Site located near the northern limits of Bozeman, Montana in the east half of Section 6 and the west half of Section 5, Township 2S, Range 6E of Gallatin County, Montana (i) lying south of Interstate Highway 90, and (ii) those areas of the Property and Site described below lying north of Interstate Highway 90 that currently are in the city limits of Bozeman and zoned for manufacturing use, all as more specifically described as and comprised of the following property:

THE RESIDENTIAL RESTRICTED AREA SOUTH OF INTERSTATE 90:

PARCEL I: Northern Pacific ADD, SO6, TO2 S, RO6 E, Lots 1-9 BLK 86 APP 142' X 225'

PARCEL II: NP-BOZ PT BLK 87 S of Highway SEC 6 25 ,6E, COS 21

PARCEL III: Northern Pacific ADD, S05, TO2 S, RO6 E, All BLK 70 PT of Blocks 73 & 83, Plus VAC St & Alleys

PARCEL IV: SO6, TO2 S, RO6 E, PT Tract A SE4 & SW4, 22.1 AC COS 1876

THE RESIDENTIAL RESTRICTED AREA LYING NORTH OF INTERSTATE 90 AND LYING WITHIN THE CITY LIMITS OF BOZEMAN, MONTANA AND ZONED FOR COMMERCIAL AND/OR MANUFACTURING USE:

That portion of, if any, of Northern Pacific addition, SO6, T02 S, R06 E, PT BLK 88 all BLKS 89-90 currently lying within the city limits of Bozeman, Montana and zoned for commercial and/or manufacturing use.

IN WITNESS WHEREOF, Idaho Pole Company has executed this Restated and Amended Declaration of Institutional Controls on Real Property effective as of the date written above.

IDAHO POLE COMPANY

By: B. Cory McFarland
B. Cory McFarland, solely in his capacity as
President of Idaho Pole Company, and
not his individual capacity

STATE OF WASHINGTON)
) ss:
COUNTY OF PIERCE)

On August 4, 2016, appeared B. Cory McFarland President McFarland, to me known to be the
of Idaho Pole Company, a Washington
Corporation,, the corporation that executed the within and foregoing instrument, and acknowledged said
instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein
mentioned, and on oath stated that B. Cory McFarland was authorized to
execute said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

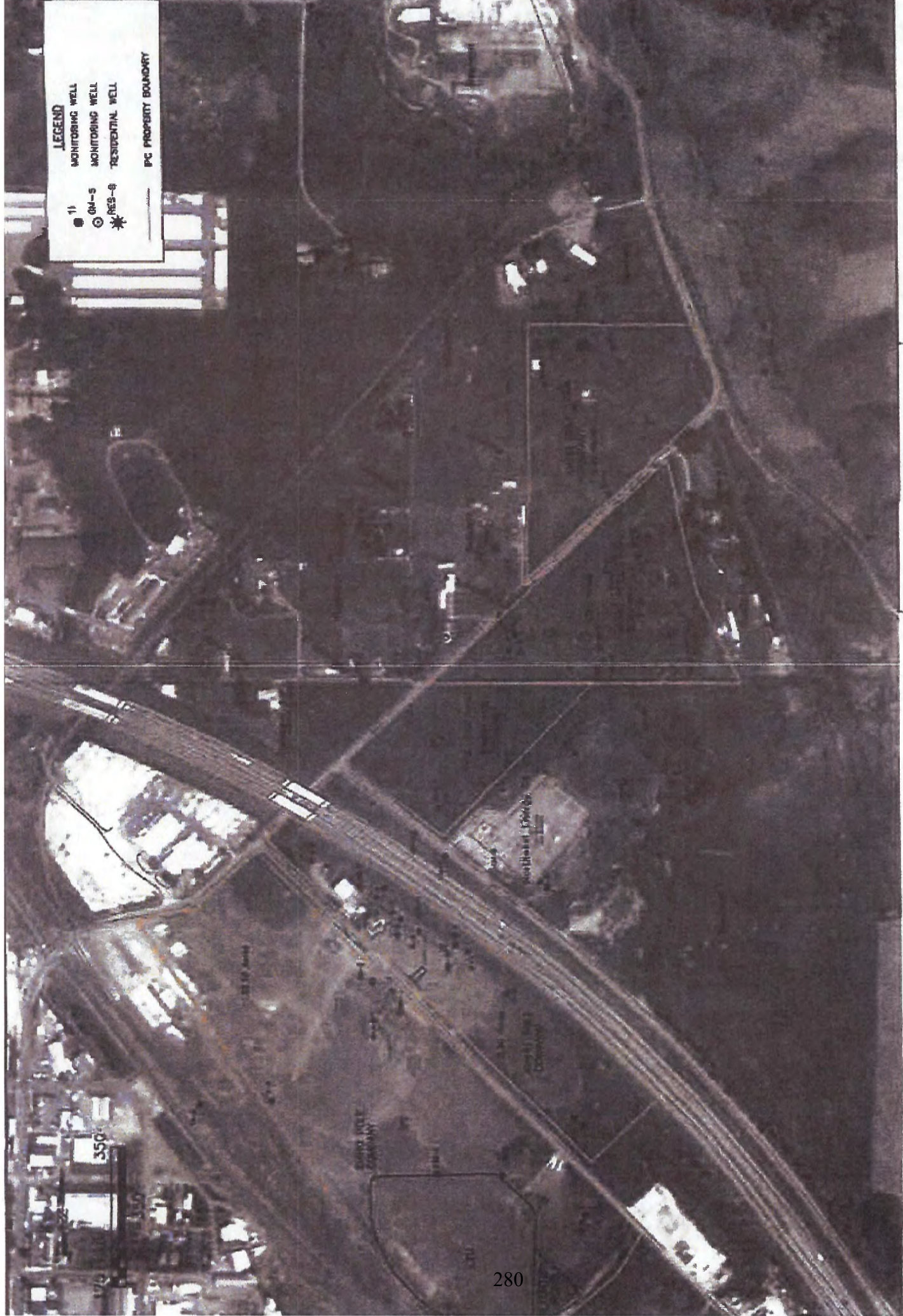
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year first above written.



Signature: Sheri A. Bolding

Name (Print): Sheri A. Bolding

NOTARY PUBLIC in and for the State
of Washington, residing at Pierce County
My appointment expires: 12/09/2019



LEGEND

- 1) MONITORING WELL
- 0M-5 MONITORING WELL
- RES-0 RESIDENTIAL WELL

PC PROPERTY BOUNDARY

IDAHO POLE COMPANY
BOZEMAN, MONTANA
5029-200

IDAHO POLE PROPERTY BOUNDARY

Hydrometric
Consulting Services, Inc.

Attachment B

Site Legal Description

The Idaho Pole site is located near the northern limits of Bozeman, Montana in the east half of Section 6 and the west half of Section 5, Township 2S, Range 6E of Gallatin County.

Individual legal lot descriptions are:

Northern Pacific ADD, S05, T02 S, R06 E, All BLK 70 PT of Blocks 73 & 83, Plus VAC St & Alleys.

NP-BOZ PT BLK 87 S of Highway SEC 6 2S, 6E, COS 21

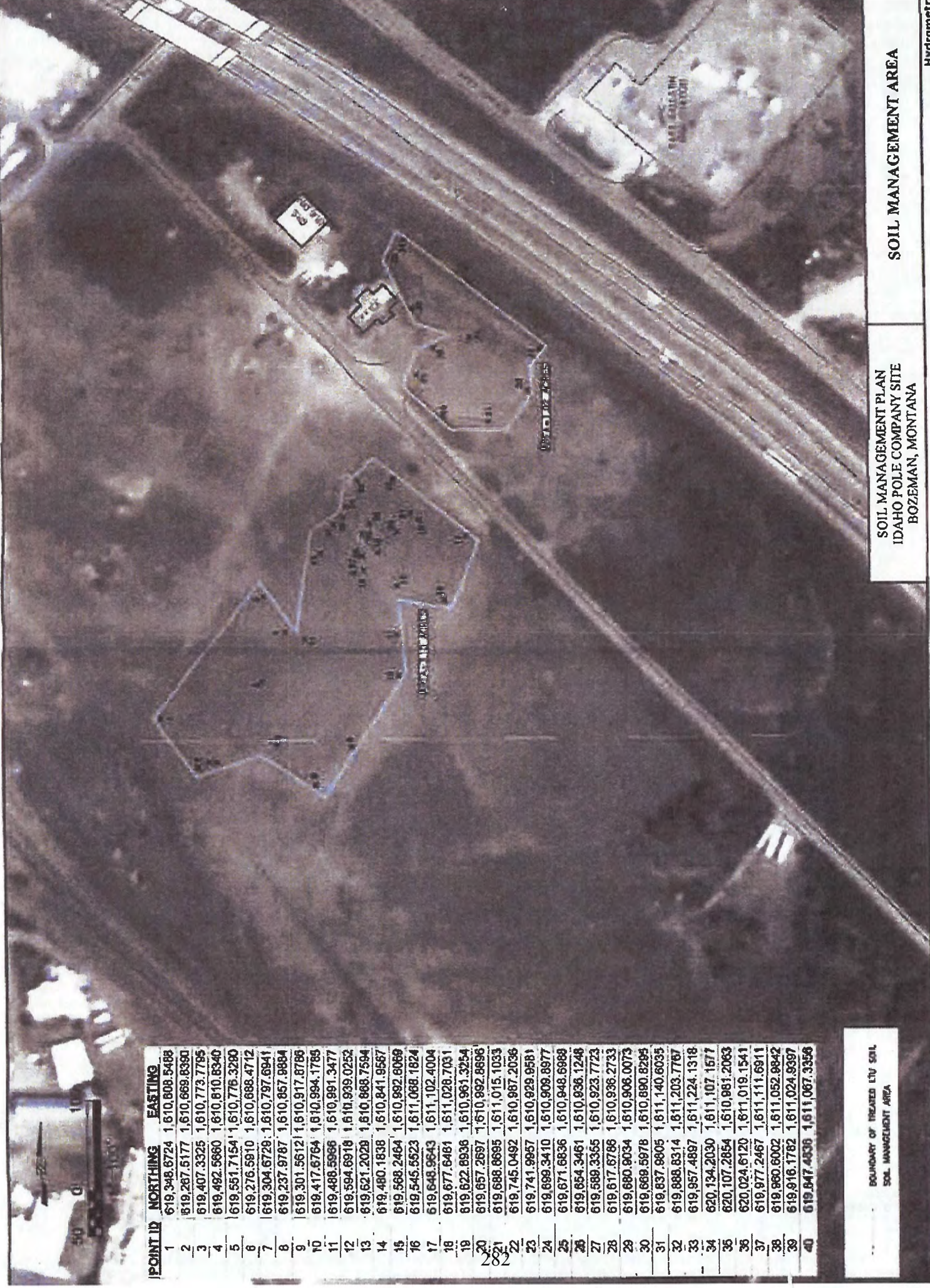
Northern Pacific ADD, S06,T02 S,R06 E, Lots 1-9 BLK 86 APP 142' X 225'

S06,T02 S, R06 E, PT Tract A SE4 & SW4, 22.1 AC COS 1876

Northern Pacific addition, SO,T02 S, R06 E, PT BLK 88 all BLKS 89-90

S05,T02 S - R06 E, Tract J in SW 4NW4 SEC 5 2S 6E 6.5A TR in SE COR SE 4NE4 SECT 6 2S 6E

S05, T02 S, R06 E, SW 4NW4 W of Rd & E of River Sec 5 2S 6E 9AC



POINT ID	NORTHING	EASTING
1	619,348.6724	1,610,808.5488
2	619,287.5177	1,610,669.8390
3	619,407.3325	1,610,773.7795
4	619,492.5660	1,610,810.8340
5	619,551.7154	1,610,776.3290
6	619,276.5910	1,610,688.4712
7	619,304.6729	1,610,797.6941
8	619,237.9787	1,610,857.9894
9	619,301.5612	1,610,917.8796
10	619,417.6764	1,610,994.1766
11	619,488.5966	1,610,991.3477
12	619,594.6918	1,610,939.0252
13	619,621.2020	1,610,868.7594
14	619,480.1838	1,610,841.9567
15	619,568.2464	1,610,992.8069
16	619,545.5523	1,611,068.1824
17	619,648.9643	1,611,102.4004
18	619,677.6461	1,611,028.7031
19	619,622.8936	1,610,961.3254
20	619,657.2697	1,610,992.8696
21	619,688.8695	1,611,015.1033
22	619,745.0492	1,610,987.2036
23	619,741.9957	1,610,929.9581
24	619,689.3410	1,610,909.8977
25	619,671.6836	1,610,948.6968
26	619,654.3461	1,610,936.1248
27	619,589.3355	1,610,923.7723
28	619,617.6786	1,610,936.2733
29	619,680.9034	1,610,906.0073
30	619,669.5978	1,610,890.8294
31	619,637.9805	1,611,140.6035
32	619,888.8314	1,611,203.7767
33	619,957.4897	1,611,224.1318
34	620,134.2030	1,611,107.1577
35	620,107.2854	1,610,961.2063
36	620,024.6120	1,611,019.1541
37	619,977.2467	1,611,111.6911
38	619,960.6002	1,611,052.9842
39	619,916.1782	1,611,024.9397
40	619,847.4636	1,611,067.3356

BOUNDARY OF TREATED LTV SOIL
SOIL MANAGEMENT AREA

SOIL MANAGEMENT PLAN
IDAHO POLE COMPANY SITE
BOZEMAN, MONTANA

SOIL MANAGEMENT AREA

Hydrametr
Company Station

Return To:
Security Title Company
P.O. Box 6550
Bozeman, MT 59771-6550

2554371Page: 1 of 13 08/15/2016 11:25:40 AM Fee: \$101.00
Charlotte Mills - Gallatin County, MT MISC

Accommodation Recording Only
STC# G2016

RESTATED AND AMENDED
DECLARATION OF INSTITUTIONAL CONTROLS
ON REAL PROPERTY

THIS RESTATED AND AMENDED DECLARATION OF INSTITUTIONAL CONTROLS ON REAL PROPERTY (the "Institutional Controls") is made effective as of the date of recording hereof in the records of Gallatin County, Montana by Idaho Pole Company, a Washington Corporation ("Idaho Pole Company"), having an address of 5501 Pacific Highway East, Suite 2, Fife, Washington 98424.

RECITALS

WHEREAS, Idaho Pole Company is the owner of certain real property (the "Property") located in Gallatin County, Montana, hereinafter referred to as the "Property" (Attachment A) within which lies the Idaho Pole Superfund site ("Site") [EPA ID No MTD006232276] located near the northern limits of Bozeman, Montana, in the east half of Section 6 and the west half of Section 5, Township 2S Range 6E of Gallatin County as further defined by Site Legal Description (Attachment B);

WHEREAS, in the Record of Decision dated September 28, 1992 (the "ROD") and the May 21, 1996, and November 27, 1998, Explanations of Significant Differences (the "ESDs"), the Acting Regional Administrator for EPA Region VIII selected a Remedial Action for the Site which allows for dioxins, pentachlorophenol, and polycyclic aromatic hydrocarbons (PAHs) to be left on Site above levels that allow for unlimited use and unrestricted exposure providing these Institutional Controls are employed to minimize potential for human exposure, limit land/resource use, and/or protect the integrity of the remedy. "Remedial Action" shall mean the Remedial Action described in the Idaho Pole Superfund Site ROD and ESDs, including the "Work" pursuant to that certain Administrative Order for Remedial Design/Remedial Action for the Idaho Pole Company Site, EPA Docket No. CERCLA VIII-93-26 ("Order") issued by the EPA; and

WHEREAS, EPA and DEQ initially determined that, with implementation of the Notice of Institutional Controls on the "Property" recorded by Idaho Pole Company in the records of Gallatin County, Montana on September 13, 2010 at Document No. 2369872 ("NOIC"), all appropriate Remedial Action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq. ("CERCLA"), other than five-year reviews and operation and maintenance, had been completed for the surface and unsaturated subsurface soils defined as the part of the subsurface

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that identified the Township as 25 in Attachment B. The correct Township references in Attachment B should have been (and were intended to be) Township 2 South.

WHEREAS, EPA and DEQ have determined that contaminated soil excavated from the Property has been treated, and the treated soil has been placed as backfill in several areas consisting of 4.1 acres on the Property, as depicted on the attached Attachment C (the "Treated Soil Areas" or "TSAs"). Treated soil was placed above historic high ground water levels and was covered with a minimum of twelve inches of fill material to prevent direct contact risk. A Controlled Ground Water Use Area was issued by the Montana Division of Natural Resources (Decision 41H-114172) in 2001 pursuant to Section 85-2-506 and 505, MCA as amended (Attachment D), that currently restricts use of ground water beneath the Property for any purpose, except as provided in the Remedial Action or Work or as otherwise authorized by EPA and DEQ.

WHEREAS, Idaho Pole Company, EPA and DEQ agree that it is necessary and/or desirable to modify, restate and amend the NOIC to clarify and ensure that Idaho Pole Company, whether or not it is the owner of the Property or applicable portion thereof, shall reserve the right to, and will have, continued access to the Property (together with any other Respondents (if applicable), from time to time required or permitted to do or be responsible for the Remedial Action), to perform the Remedial Action and Work as now or hereafter required by or pursuant to the ROD or the Order and related documents in order to restrict the use of the Property to mitigate the unacceptable risk posed to the public health, safety, and welfare and the environment by imposing appropriate Institutional Controls on the Property, the purpose of which is to ensure the permanent preservation and maintenance of remedial structures, including the Treated Soil Areas cover, that are required to minimize potential for human exposure and/or protect the integrity of the remedy, and Idaho Pole Company's (and that of the other Respondents, as applicable) continued access to the Property to conduct and complete the Remedial Action and Work, notwithstanding any sale or other transfer of the Property or portions thereof by Idaho Pole Company;

WHEREAS, Idaho Pole, with the consent of DEQ and EPA, now desires to restate and supersede the NOIC in its entirety with respect to rights and obligations accruing thereunder from and after the Effective Date, and, accordingly, Idaho Pole desires to restrict certain uses and activities on the Property to mitigate a risk to the public health, safety, and welfare and the environment by imposing appropriate institutional controls on the Property as provided in these Institutional Controls, pursuant to Montana Code Annotated ("MCA") § 75-10-727;

NOW, THEREFORE, Idaho Pole Company, on behalf of itself, its successors and assigns, in consideration of the terms of agreement among Idaho Pole Company, EPA and DEQ, regarding the Idaho Pole Superfund Site, hereby agrees and declares through these Institutional Controls that the use of the Property shall hereinafter be subject to the following covenants and restrictions and each portion thereof until these covenants and restrictions are removed in whole or in part pursuant to the terms of these Institutional Controls; the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq. ("CERCLA"); the Comprehensive Environmental Cleanup and Responsibility Act, as amended, Title 75, Chapter 10, Part 7 MCA ("CECRA"), including Section

1. These Institutional Controls (i) hereby release and supersede the RCRA with respect to rights and obligations accruing from and after the Effective Date, and (ii) will run with the Property and bind all holders, owners, lessees, occupiers, and purchasers of the Property and any interest therein or portion thereof, and their respective successors and assigns with respect to the Property or portion or interest ("the Owner").
2. The following exhibits are attached to and made part of these Institutional Controls:
- Attachment A - Depiction of Site
- Attachment B -Description of the Property/Site
- Attachment C - Treated Soils Areas or TSAs
- Attachment D - Controlled Ground Water Use Area
3. **RESTRICTIONS ON USE:** The following covenants, conditions and restrictions apply to the use of the Property, run with the land, and are binding on the Owner:
- a. Restriction on Construction. No construction, other than surface paving, landscaping, curbs, light standards, traffic signs, foundations (and related above-ground structures), utilities and greenways, shall take place on the Treated Soil Areas, except as provided in the Remedial Action or as otherwise authorized in writing by EPA and DEQ.
 - b. Residential Development or Use Prohibited. No residential development or residential use of the property is allowed, unless approved by EPA and DEQ. "Residential" includes, but is not limited to, permanent residential use; temporary residential use; limited residential use; short-term residential use; children's day care; mobile homes used for residential use (as contrasted to temporary on-site construction office or the like that is not used as a dwelling or for residential use) with or without footings; mobile home used for residential use (as contrasted to temporary on-site construction office or the like that is not used as a dwelling or for residential use) with or without a pad; and camping. It is Idaho Pole Company's intent that this limitation be construed as broadly as possible to prohibit any type of residential use whatsoever.
 - c. Restriction on Excavation within the TSAs. No excavation deeper than 12 inches shall take place on the TSAs, unless authorized in writing by EPA and DEQ and conducted in compliance with the March 2011 Agency-approved Soil Management Plan that is in EPA's and MDEQ's site files for the Idaho Pole Superfund Site, or such other soils and groundwater management plan that may be approved by EPA and DEQ ("Soil Management Plan"). Owner shall maintain a protective cover of at least 12 inches of clean soil over the TSAs. A 12 inch gravel layer, gravel and asphalt overlay, or other cover that prevents erosion and which maintains the integrity of the remedy can be substituted for clean soil.

excavation reaches saturated soil or groundwater, except where the Owner receives prior written approval from DEQ and EPA and meets the requirements of the Controlled Ground Water Area and the Soil Management Plan or except as otherwise authorized in writing by EPA and DEQ.

- e. Restriction on Use of Ground Water. Ground water within the boundaries described by the Controlled Ground Water Area shall not be pumped, withdrawn, used, or developed for any purpose, except as provided in the Remedial Action or as otherwise authorized in writing by EPA and DEQ. If the Controlled Ground Water Area is amended to allow for wells on the Property, subject to Owner first obtaining the requisite prior authorizations from EPA and DEQ, Owner may be allowed to install and use one or more groundwater wells for the irrigation of landscaping features on the Property, to the extent permitted by such authorizations and otherwise in compliance with applicable law, including the Controlled Ground Water Area.
- f. Protection of the Integrity of Remedial Action. No action shall be permitted, taken, authorized, or allowed that directly or indirectly interferes with, is inconsistent with, or hinders, delays, diminishes or frustrates the implementation, effectiveness, purposes, or integrity of the Remedial Action or operation and/or maintenance of the Remedial Action, including, but not limited to, access to and the operation and maintenance of ground water monitoring wells, injection and extraction wells, any equipment or infrastructure constructed or used for the Remedial Action, or any cap or other covering to prevent contact with residual contamination, except as otherwise authorized in writing by EPA and DEQ.
- g. Reserved Rights of Owner. Owner hereby reserves unto itself, its successors and assigns, all rights and privileges in and to the use of the Property which are not incompatible with the restrictions and rights granted or contemplated herein.

- 4. DEQ and EPA and their agents and all representatives and contractors of any person conducting DEQ or EPA-approved remedial actions on the Property will have the right to access the Property at all reasonable times. Nothing in this document limits or otherwise affects EPA or DEQ's rights of entry and access under state or federal law and to obtain information about the Property concerning response actions or remedial actions under CERCLA or the Comprehensive Environmental Cleanup and Responsibility Act, 75-10-701, *et seq.*, MCA, ("CECRA"). Owner shall comply with 42 U.S.C. § 9601(35), which defines the status and responsibilities of a purchaser who takes an interest in the Property by contract. Any forbearance, delay or omission to exercise rights under this instrument in the event of a breach of any term of this instrument shall not be deemed to be a waiver of such term or of any subsequent breach of the same or any other term, or of any of the rights under this instrument.

6. Any conveyance of the Property by Idaho Pole Company and successor Owners must clearly state that Idaho Pole Company will remain an intended beneficiary of these Institutional Controls. The conveyance must specify that the remedy of "specific performance" will be available to Idaho Pole Company for violations of these Institutional Controls. The conveyance must also specify that at all times after Idaho Pole Company conveys its interest in the Property and no matter what person or entity is in title to or in possession of the Property, in addition to its other rights, as described in these Institutional Controls, Idaho Pole Company (on behalf of itself and its contractors and agents) will retain the right to enter the Property in order to conduct the Remedial Action and Work and/or inspect for violations of the Institutional Controls contained herein.
7. Without limiting the access and other rights declared in favor of EPA, DEQ and all representatives and contractors of any person conducting DEQ or EPA-approved remedial actions on the Property, under this Section 7 or Sections 5 or 6, above, or otherwise, and notwithstanding any conveyance or transfer by Idaho Pole Company, of all or any interest in the Property or any portion thereof, in addition to those certain retained rights of entry and enforcement benefitting Idaho Pole Company set forth in these Institutional Controls, said Idaho Pole Company shall reserve to itself and its specifically designated successors and assigns with respect to such rights, rights substantially as follows (cumulatively "Remediation Rights"):
 - (a) The exclusive, right, privilege, right of way and easement to install, operate, maintain, add to, improve, replace, relocate, monitor, repair, decommission and remove those certain pump and treat facilities and other facilities for Site remediation in connection with the Remedial Action and/or Work ("Treatment Facilities"). These Treatment Facilities include, without limitation, the existing pump and treat building, extraction wells, infiltration wells, monitoring wells, extraction galleries, carbon towers, wires, pipes, casings, pumps, utility service, conduits, controls, treatment facilities and other facilities, as now or hereafter located on, under or over the Property. The Treatment Facilities also include as now or hereafter located or relocated, all replacements, additions and expansions thereof, and repairs thereto, and any additional wells and/or other facilities and improvements, now or hereafter required pursuant to the ROD, ESDs, the Order or any related Site Requirements, defined below, as such may now or hereafter be amended or superseded, whether or not related or similar to the current facilities;
 - (b) The exclusive right to take all other actions on, over, under and across the Property as may be required under any and all applicable laws, orders, rules, regulations and ordinances, including, but not limited to, the EPA/DEQ restrictions or requirements, including but not limited to, those set forth in the ROD, ESDs, future post-ROD change documents, Order, these Institutional Controls, and related agreements, plans, restrictions and covenants, as now or hereafter amended, and all applicable laws, including, without limitation, all restrictions, covenants, requirements and approvals issued or promulgated by the EPA or DEQ or any other governmental agency or authority, as now or hereafter

- (c) Non-exclusive easements and rights of way for access over, across, through and under the Property for, and to and from, the respective Treatment Facilities and related areas and activities, and for power, communications and other utilities and related wires, lines and facilities necessary or desirable to support such Treatment Facilities, Remedial Action and Work.

The Remediation Rights shall run with the land and be binding upon each present and future Owner of the Property and each portion thereof for the benefit of Idaho Pole Company and its successors and assigns as designated from time to time as provided in this paragraph. Notwithstanding any transfer or conveyance of all or any interest of said Idaho Pole Company in or to any of the Property, no Remediation Rights or any right under these Institutional Controls to reserve any Remediation Rights or retained rights of entry or enforcement for the benefit of Idaho Pole Company will be deemed to be transferred, conveyed or held by any party other than said Idaho Pole Company, except to the extent such rights are hereafter expressly conveyed by said Idaho Pole Company (or its successor(s) acquiring such an interest from Idaho Pole Company pursuant to this paragraph) in writing expressly referring to and conveying the particular Remediation Rights or rights under these Institutional Controls. The conveyance must refer to these Institutional Controls to be assigned and, if applicable, the preceding reservation by Idaho Pole Company of its Remediation Rights and the extent reserved, and the conveyance must be recorded on the Property in the records of Gallatin County, Montana. In all events, before transferring any Remediation Rights or rights under these Institutional Controls to reserve such rights, Idaho Pole Company, or its approved successor, shall obtain all consents and approvals from EPA and DEQ required for such transfer.

8. Idaho Pole Company has agreed to enforce the requirements of these Institutional Controls and take prompt action to correct any violations of these Institutional Controls. Idaho Pole Company is entitled to enforce these Institutional Controls as an intended beneficiary thereof. None of these Institutional Control benefiting Idaho Pole Company may hereafter be amended, limited or waived except with the express prior written approval of Idaho Pole Company, EPA and DEQ. Owner specifically agrees that the remedy of "specific performance" of these Institutional Controls will be available to Idaho Pole Company in such proceedings. Idaho Pole Company must enforce the requirements of these Institutional Controls and take prompt action to correct any violations of these Institutional Controls. Owner must notify EPA, DEQ, and Idaho Pole Company within ten business days of Owner receiving actual notice of any violation or potential violation of these Institutional Controls.
9. DEQ and EPA are entitled to enforce these Institutional Controls as intended third-party beneficiaries thereof. Owner specifically agrees that the remedy of "specific performance" will be available to DEQ and EPA in such proceedings. Venue for enforcement of these Institutional Controls will be in the District Court of the First Judicial District. If there is federal court jurisdiction over EPA enforcement of this Institutional Control, venue will be according to current federal law.

or modified in accordance with Section 15, below, and every subsequent instrument conveying an interest in all or any portion of the Property, including, but not limited to, deeds, leases and mortgages, must include a notice of the existence of these Institutional Controls and their recording reference. The notice must be in substantially this form:

NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO A RESTATED AND AMENDED INSTITUTIONAL CONTROLS ON REAL PROPERTY DATED _____, 2016 AND RECORDED IN THE PUBLIC LAND RECORDS OF GALLATIN COUNTY, MONTANA ON _____, 2016 IN BOOK _____/PAGE _____/DOCUMENT NO. _____. Dioxins, pentachlorophenol, and polycyclic aromatic hydrocarbons (PAHs) are present in the soil and/or groundwater on the Property above levels that allow for unrestricted use and unlimited exposure. Because of these contaminants, there are restrictions on excavation and construction, and use of the groundwater is prohibited. Disturbance of all remedial structures and groundwater monitoring wells is prohibited without prior written approval from DEQ and EPA. The full restrictions must be reviewed within the original Institutional Control as so recorded.

Within sixty (60) days of the date any such instrument or conveyance is executed, the Owner must provide EPA and DEQ with a certified true copy of said instrument and, if it has been recorded in the public land records, its recording reference. Any conveyance of all or a portion of the Property must include a requirement to include the language in this paragraph in all future conveyances.

11. The Owner will notify DEQ and EPA of any proposed conveyance of all or a portion of the Property at least 30 days prior to any such conveyance. The Owner will provide notice to all potential purchasers by providing a copy of these Institutional Controls prior to the conveyance of all or a portion of the Property and must provide a copy of this notice to DEQ and EPA. Any conveyance by the Owner must require the future Owner to provide notice to all potential purchasers by providing a copy of these Institutional Controls prior to the conveyance of all or a portion of the Property and to provide a copy of the notice to DEQ and EPA.
12. The rights provided to DEQ and EPA in these Institutional Controls include any successor agencies of DEQ and EPA.
13. NOTICES: Notices to EPA and DEQ must either be served personally or sent by first class mail, postage prepaid, addressed as follows:

EPA: Superfund Branch Chief, Montana Operations Office
U.S. Environmental Protection Agency
10 W. 15th Street, Suite 3200
Baucus Federal Building
Helena, Montana 59626

Attn: Idaho Pole Superfund Site
P.O. Box 200901
Helena, MT 59620-0901

Legal - Remediation Division
Montana Department of Environmental Quality
Attn: Idaho Pole Superfund Site
P.O. Box 200901
Helena, MT 59620-0901

or any subsequent address for EPA or DEQ submitted in writing by EPA or DEQ to the current Owner.

Notices to Idaho Pole Company must either be served personally or sent by first class mail, postage prepaid, addressed as follows:

Idaho Pole Company
Attn.: Gregory D. McFarland
5501 Pacific Highway East, Suite 2
Fife, Washington 98424
Tel: 253- 922-4902
Fax: 253-922-4916
Email: gregm@cdrmgt.com

or any subsequent address for Idaho Pole Company (or any applicable successor Owner) submitted in writing to EPA and DEQ by Idaho Pole Company or, as applicable, the current Owner, respectively.

14. The interpretation and performance of this instrument will be governed by the laws of the United States and the laws of the State of Montana.
15. These Institutional Controls were approved by DEQ under the provisions of Section 75-10-727, MCA, on August 3, 2016. These Institutional Controls will run with the land and be binding on all successors in interest to the Property until these Institutional Controls are removed or modified in accordance with CECRA (including Section 75-10-727 MCA), and recorded in the land records referenced in Section 10, above.

IDAHO POLE COMPANY

By: B. Cory McFarland
B. Cory McFarland, solely in his capacity as
President of Idaho Pole Company, and
not his individual capacity

STATE OF WASHINGTON)
) ss:
COUNTY OF PIERCE)

On August 4, 2016, appeared B. Cory McFarland McFarland, to me known to be the
President of Idaho Pole Company, a Washington
Corporation,, the corporation that executed the within and foregoing instrument, and acknowledged said
instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein
mentioned, and on oath stated that B. Cory McFarland was authorized to
execute said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year first above written.



Signature: Sheri A. Bolding

Name (Print): Sheri A. Bolding

NOTARY PUBLIC in and for the State
of Washington, residing at Pierce County
My appointment expires: 12/09/2019



LEGEND

- 11 MONITORING WELL
- ⊙ GM-8 MONITORING WELL
- ★ RES-8 RESIDENTIAL WELL
- IPC PROPERTY BOUNDARY

IDAHO POLE COMPANY
BOZEMAN, MONTANA
5029-200

IDAHO POLE PROPERTY BOUNDARY

Attachment B

Site Legal Description

The Idaho Pole site is located near the northern limits of Bozeman, Montana in the east half of Section 6 and the west half of Section 5, Township 2S, Range 6E of Gallatin County.

Individual legal lot descriptions are:

Northern Pacific ADD, S05, T02 S, R06 E, All BLK 70 PT of Blocks 73 & 83, Plus VAC St & Alleys.

NP-BOZ PT BLK 87 S of Highway SEC 6 2S, 6E, COS 21

Northern Pacific ADD, S06, T02 S, R06 E, Lots 1-9 BLK 86 APP 142' X 225'

S06, T02 S, R06 E, PT Tract A SE4 & SW4, 22.1 AC COS 1876

Northern Pacific addition, SO, T02 S, R06 E, PT BLK 88 all BLKS 89-90

S05, T02 S - R06 E, Tract J in SW 4NW4 SEC 5 2S 6E 6.5A TR in SE COR SE 4NE4 SECT 6 2S 6E

S05, T02 S, R06 E, SW 4NW4 W of Rd & E of River Sec 5 2S 6E 9AC

POINT ID	NORTHING	EASTING
1	619,348.6724	1,610,808.5488
2	619,287.5177	1,610,689.6380
3	619,407.3325	1,610,773.7795
4	619,492.5880	1,610,810.8340
5	619,551.7154	1,610,778.3280
6	619,276.5910	1,610,688.4712
7	619,304.6729	1,610,797.6941
8	619,237.9787	1,610,857.9884
9	619,301.5612	1,610,917.8788
10	619,417.6764	1,610,994.1788
11	619,488.5988	1,610,991.3477
12	619,594.6918	1,610,939.0252
13	619,621.2029	1,610,888.7584
14	619,480.1838	1,610,841.9567
15	619,588.2484	1,610,992.8069
16	619,545.5523	1,611,088.1824
17	619,648.9643	1,611,102.4004
18	619,677.6481	1,611,028.7031
19	619,622.8936	1,610,981.3254
20	619,657.2697	1,610,992.8698
21	619,688.8695	1,611,015.1033
22	619,745.0492	1,610,887.2036
23	619,741.9957	1,610,929.8581
24	619,689.3410	1,610,909.8977
25	619,671.6836	1,610,948.6988
26	619,854.3461	1,610,938.1248
27	619,689.3365	1,610,923.7723
28	619,617.6788	1,610,936.2733
29	619,680.9034	1,610,908.0073
30	619,669.5978	1,610,890.8285
31	619,837.9805	1,611,140.6035
32	619,888.8314	1,611,203.7767
33	619,957.4897	1,611,224.1318
34	620,134.2030	1,611,107.1577
35	620,107.2854	1,610,881.2063
36	620,024.6120	1,611,019.1541
37	619,977.2487	1,611,111.6911
38	619,880.6002	1,611,052.9842
39	619,916.1782	1,611,024.8397
40	619,847.4836	1,611,087.3358

BOUNDARY OF TREATED LTU SOIL
SOIL MANAGEMENT AREA

SOIL MANAGEMENT PLAN
IDAHO POLE COMPANY SITE
BOZEMAN, MONTANA

SOIL MANAGEMENT AREA

Hydrometrics
Consulting Engineers and



LEGEND

- 11 MONITORING WELL
- ⊗ GN-5 MONITORING WELL
- ★ RES-8 RESIDENTIAL WELL
- CGA BOUNDARY

IDAHO POLE COMPANY
BOZEMAN, MONTANA
5029-200

CURRENTLY MODELED AREA FOR CGA

Hydrometric
Consulting Solutions, Inc.

Attachment 10

Mann Kendall Analysis of Select Downgradient Wells

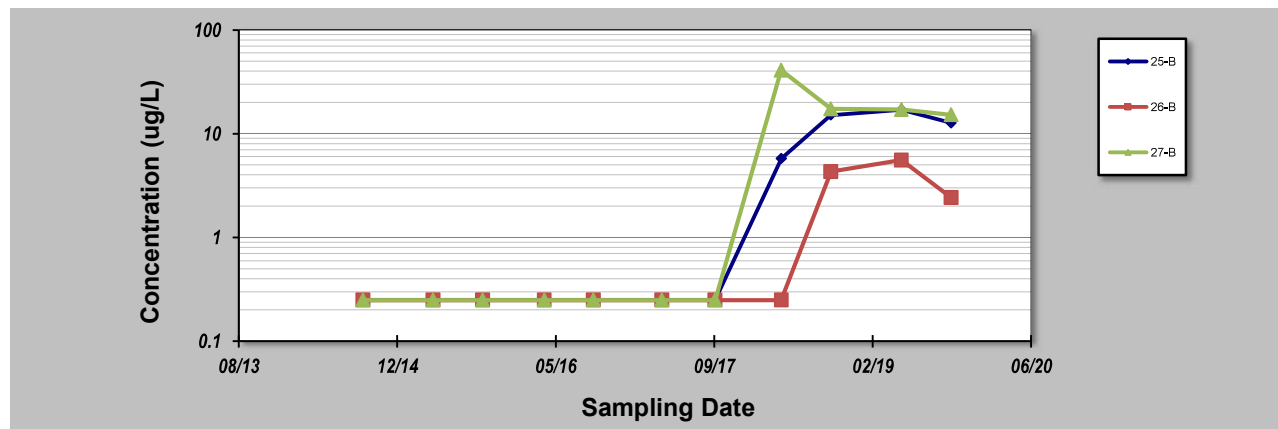
GSI MANN-KENDALL TOOLKIT for Constituent Trend Analysis

Evaluation Date: **21-Nov-19**
 Facility Name: **Idaho Pole**
 Conducted By: **Hydrometrics**

Job ID: **1**
 Constituent: **PCP**
 Concentration Units: **ug/L**

Sampling Point ID: **25-B** **26-B** **27-B**

Sampling Event	Sampling Date	PCP CONCENTRATION (ug/L)					
1							
2							
3							
4	9/10/2014	0.25	0.25	0.25			
5	4/19/2015	0.25	0.25	0.25			
6	9/22/2015	0.25	0.25	0.25			
7	4/4/2016	0.25	0.25	0.25			
8	9/6/2016	0.25	0.25	0.25			
9	4/10/2017	0.25	0.25	0.25			
10	9/25/2017	0.25	0.25	0.25			
11	4/22/2018	5.79	0.25	40.9			
12	9/25/2018	15.1	4.31	17.3			
13	5/6/2019	17	5.56	17.1			
14	10-Oct-19	12.7	2.43	15.2			
15							
16							
17					Attachment 2		
18							
19							
20							
Coefficient of Variation:		1.43	1.49	1.56			
Mann-Kendall Statistic (S):		30	23	22			
Confidence Factor:		99.0%	95.7%	94.9%			
Concentration Trend:		Increasing	Increasing	Prob. Increasing			



Notes:

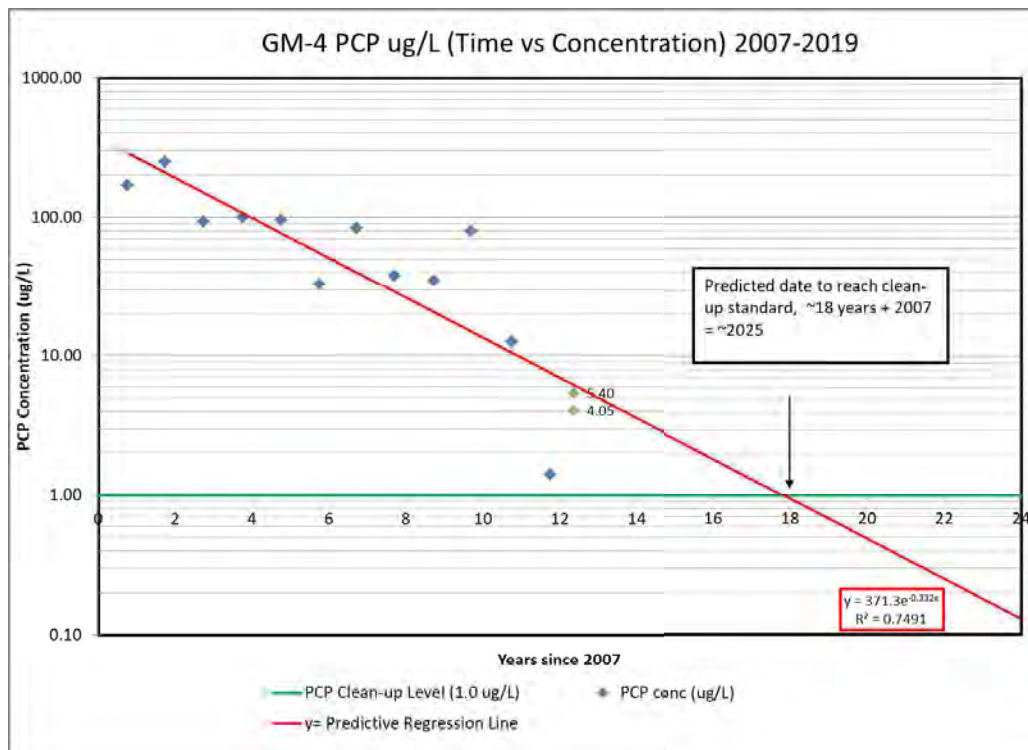
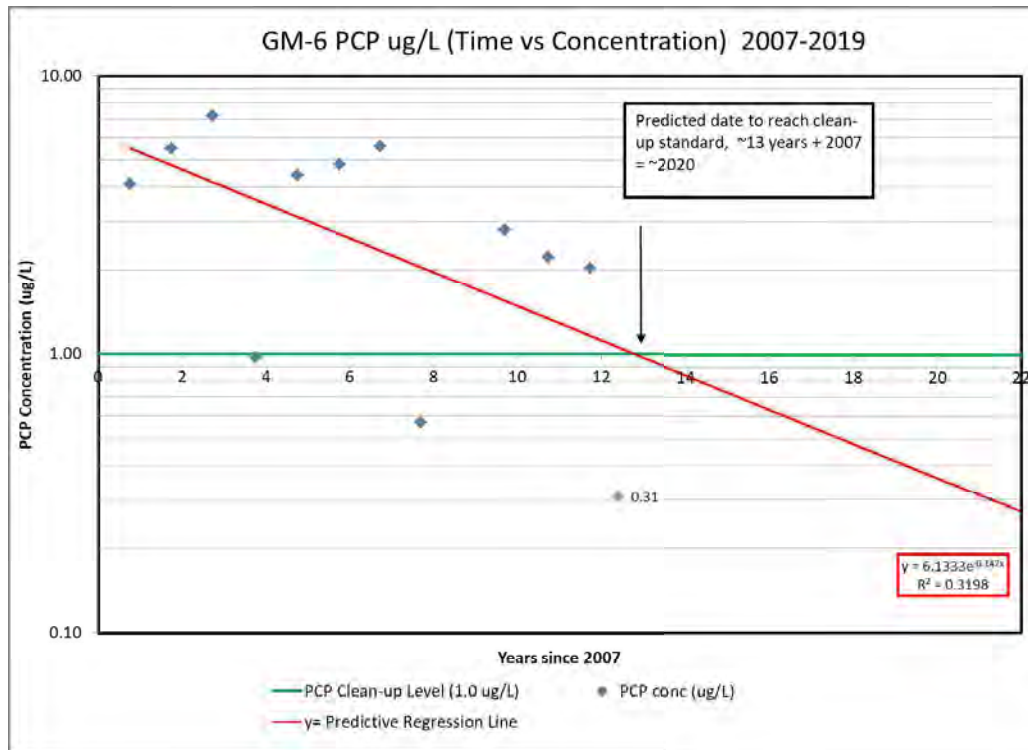
- At least four independent sampling events per well are required for calculating the trend. *Methodology is valid for 4 to 40 samples.*
- Confidence in Trend = Confidence (in percent) that constituent concentration is increasing ($S > 0$) or decreasing ($S < 0$): $> 95\%$ = Increasing or Decreasing; $\geq 90\%$ = Probably Increasing or Probably Decreasing; $< 90\%$ and $S > 0$ = No Trend; $< 90\%$, $S \leq 0$, and $COV \geq 1$ = No Trend; $< 90\%$ and $COV < 1$ = Stable.
- Methodology based on "MAROS: A Decision Support System for Optimizing Monitoring Plans", J.J. Aziz, M. Ling, H.S. Rifai, C.J. Newell, and J.R. Gonzales, *Ground Water*, 41(3):355-367, 2003.

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 GSI Environmental Inc., www.gsi-net.com

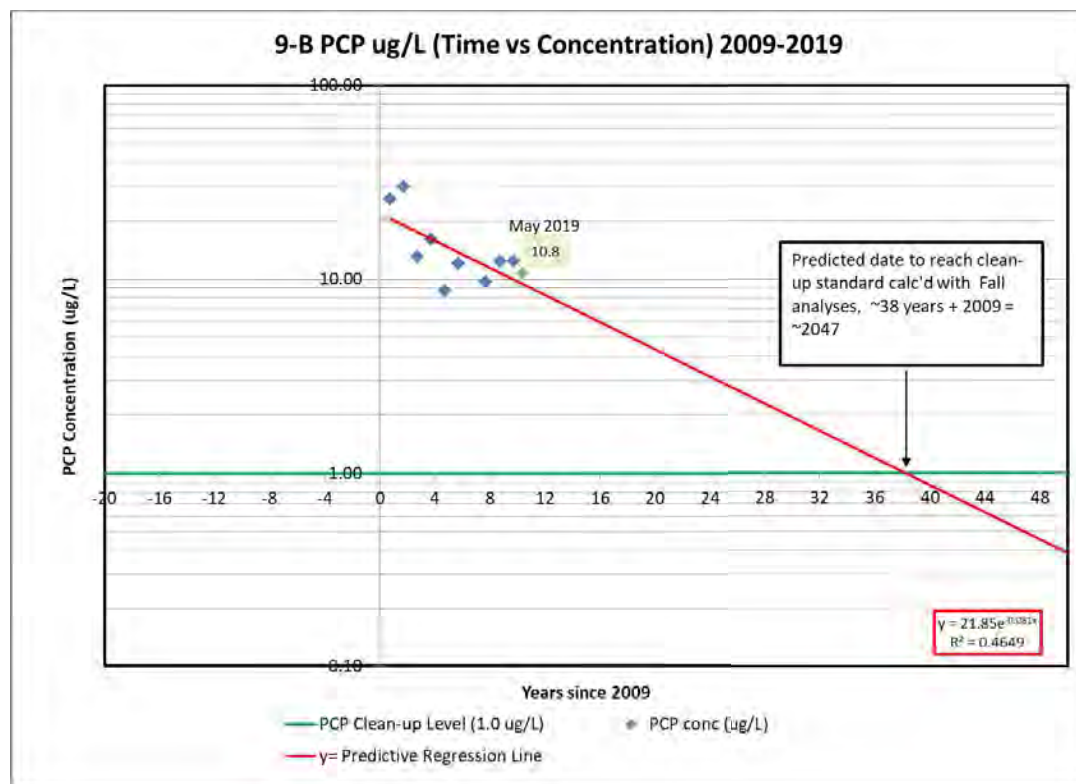
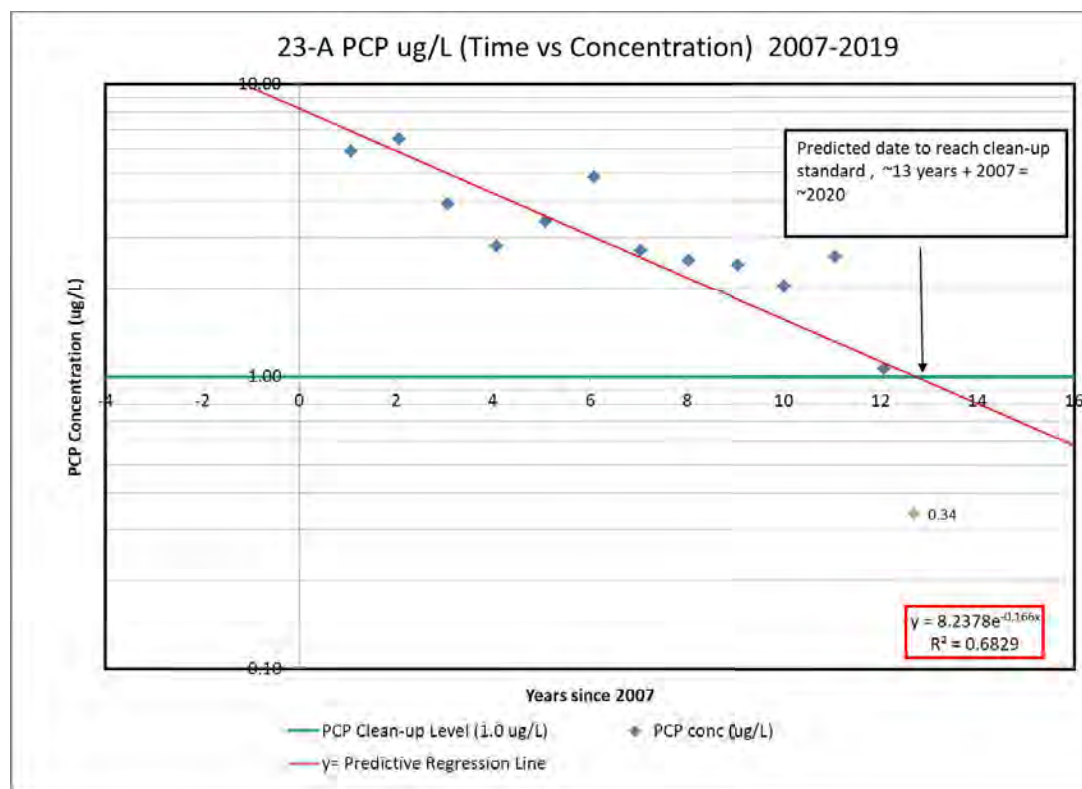
Attachment 11

Regression Analyses

APPENDIX F – REGRESSION GRAPHS – PCP IN GROUNDWATER



APPENDIX F – REGRESSION GRAPHS – PCP IN GROUNDWATER



APPENDIX F – REGRESSION GRAPHS – PCP IN GROUNDWATER

