

**Idaho Pole Company Superfund Site
Public Meeting Notes
Feb. 17, 2021**

Summary of January 13 Meeting:

Questions and comments have been submitted to the state and EPA since the Jan. 13 meeting. There will be a subsequent meeting to answer additional questions.

Question: Many people in the community are interested in the reuse of the site to benefit the community by seeking partnerships with IP and NWE and the city and others for the development of a solar energy array, or what the DOE calls a “brightfield”. Many feel the time is right to create a positive reuse for the site- IP could benefit enormously from a solar project by changing perceptions about the company in a more positive direction. The City of Bozeman has stated its interest in reducing carbon through alternative energy development, and NEW could expand its options in this area, especially since a substation with land available for battery storage is nearby. Please comment on any financial grants or other incentives that could help such a project get underway, as well as the impact of IP leasing the site for the long term should they decide to join with such an initiative. Are there other sites that have been developed through similar partnerships that you are aware of?

- EPA team member Tim Rehder is a renewable energy expert. Rehder did an analysis of the solar array at the Idaho Pole site. Estimated based on an 8.75 acre solar array on the site. The arrays would be mounted onto the racks and could be tilted. The site could host 1.75 megawatts of solar capacity. The predicted output is approximately 2.2 million kilowatt hours—enough to power 280 average houses, based on average use in a Montana home.
- The same 1.75 megawatts of solar capacity configured in a single-tracking array would produce 14 percent more energy with approximately 2.5 million kilowatt hours. That is enough to power 320 average houses.
- Overall it’s possible and a good use of this property. Most developers don’t want to buy properties but rather lease them.
- United Power, an electric co-op in northern Colorado, recently completed a 4 megawatt battery storage project which might be a good example of what a project in Bozeman may look like.
- Storage is a great way to reduce demand charges. Demand charges happen when you are charged more for peak hours of usage. Storage is going to be more and more important in the future because of the great interest in using more renewable energy. In order to get renewable energy during the dark, calm times, storage is going to be key.
- For more information on Re-powering America’s Land visit: [RE-Powering America's Land | US EPA](#)

Question: What is the difference in a solar field with storage and if an allowable building had solar panels? Can they generate similar amounts? It seems the Idaho Pole land could be 2 uses if it had both.

- The dual use would be great as they could mount the solar panels on top of the building. Some are planting crops around the panels because the plants like the shade. Putting the array on the top of the building would generate less than a single tracking array.

Question: Does the proximity to NorthWestern Energy station help with cost?

- Yes, certainly it would help with cost. The closer you can get to a substation the better.

Question: What uses are allowed now that the cleanup is mostly completed?

- This type of use would be an allowable use because it would be commercial/industrial. Residential is not currently allowed.

Question: I had a conversation with John Schaefer at NorthWestern Energy, he works with renewables, and he told me that a project has to be 3 megawatts in size before NorthWestern Energy is required to purchase the power.

- There is a federal rule that requires if projects are of certain size, utilities have to purchase the energy. However, they only have to pay their avoided costs. They usually calculate that number so low that it never gets projects off the ground.

Question: If the solar array was expanded to county land, would that help get the megawatts up?

- Certainly more land provides more power.

Question: This example is only 8 acres and there are 40 acres of land.

- This was just an example. If it was 40 acres, we could probably produce 8 megawatts.

Question: How much capital would they need?

- The finances are getting a little simpler and easier to understand when you talk about community solar projects or gardens. The idea is that you build a big array like 4,000 panels and you subscribe out certain panels to individual retail customers. So as a homeowner you could subscribe and that gets attributed to your home utility account just like the panels are on the homeowners roof. In Colorado, the legislation passed a law saying the utilities need to develop these gardens and it's working wonderfully.

Question: Let's say this property does get developed and you put solar arrays on the roof. What would be the difference between doing battery storage on the roof vs solar?

- Not in Montana because there isn't enough solar on the grid that it's worth the investment on the storage. The cost of storage continues to come down dramatically.

Question: Could you send more information on community solar gardens?

- Communitysolaraccess.org
- Contact Tim Rehder, Senior Environmental Scientist
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202
Rehder.timothy@epa.gov
303-312-6293

Question: When infrastructure is installed (sewer and water), it is not uncommon for the disturbance in the construction zone to have a higher hydraulic conductivity than the natural sediments. If the construction goes below the water table, the gradients change in response to this higher hydraulic conductivity and the water starts to flow along the construction zone. As a result, the water in the construction zone migrates to a place not expected from the natural-head lines. This can result in contamination that flows off site to unexpected places.

- EPA is in agreement that any type of sewer and water installed can provide a preferential pathway for water to flow along the corridors. There are construction practices that can be done in order to mitigate and ensure that the utility corridor doesn't act as a contamination conduit.
 - o Example: Yellowstone pipeline. The summary of the remedial investigation report showed that they didn't find it to be a contamination corridor or impacts to East Gallatin River.
 - o EPA showed maps and graphs about contamination migration. Anything highlighted in black (slide 12) would require work with EPA to make sure that utility corridors placed in groundwater would not impact contamination migration.

Question: You commented on public water supplies not allowed. I have realized I have some misconceptions about the controlled groundwater area.

The controlled groundwater area does not prevent construction dewatering. (That could draw contaminated water into the construction area.)

- The controlled groundwater area is more of a water rights issue. DNRC has the authority, if there was a well installed, they have the ability to pull a permit that stops the driller from drilling wells in the State of Montana and they can also restrict water rights. A water right is not required for construction dewatering.
- DEQ has a permitting process for any construction dewatering that occurs that reaches state waters as defined by ARM 17.30.1304.
 - o DEQ Permit website: <https://deq.mt.gov/Water/permits/Discharges>
- If dewatering reaches state waters, that would result in the requirement of a permit.
- DEQ may deny a permit if the dewatering activities are at or near a hazardous waste or other type of remediation site. If the dewatering activity is proposed to be located near a known contamination area, or the permittee has reason to believe that the site or site's groundwater might be contaminated, they must demonstrate that there are no pollutants from the waste site in dewatering effluent in accordance with the CDGP special condition.

Question: I have the impression (perhaps wrong) that the controlled groundwater area does not allow irrigation. You indicated on January 13 that it refers to public water supplies (at least that is what I thought I heard). If lawn irrigation is allowed, that could spread contaminated water on the surface in undesirable locations.

- The controlled groundwater area does not allow use of groundwater for lawn irrigation. This is a water rights issue. EPA will re-evaluate the need to restrict irrigation in specific areas such as the Treated Soils Area.

Question: In the 2020 Five Year report, I noticed that there was a nice discussion of the dewatering operation that Northwestern Energy did (p. 17) which described two trenches 20 feet long, 20 feet wide and 1 foot deep which were used as an infiltration gallery to reinfiltrate the pumped water. There was no mention of sampling of the trench soils after dewatering. This raised a red flag for me since I assumed the water was contaminated. I would have thought that soil sampling in that area would have been a good thing to check, but I certainly could have misconstrued the context and situation.

- NorthWestern Energy(NWE) is investing \$250 M to upgrade the substation and have recently put in deep foundations and took groundwater samples. Sample concentrations came back below the cleanup standard. One of NWE's concerns is that the adjacent landowner has horses on their property and the horses have been known to get through the fence and onto Idaho Pole's property. NWE didn't want to leave the trench open in case the horses came in. As soon as NWE finished dewatering, they wanted to close up the holes. Based on the low volume of discharge, concentrations were low, and NWE was being responsive to an adjacent property owner, EPA felt it was not necessary to collect a soil sample.

Question: If someone messed with the soil that the water came into contact with—that is my concern, this could lead to a fairly large area of potentially contaminated soil.

- NWE property is not in an area that has as much of a concern as other areas south of I90 where groundwater dewatering on site could potentially contaminate soil

Question: You mentioned at the Dec 3 meeting that the site would need to be recharacterized for redevelopment purposes, since the current remedies and monitoring were targeted for the current status, which is a vacant undeveloped parcel. What specifically would you require for recharacterization and how

would this be communicated to the developer, city staff and public? If recharacterization would indicate the need for additional steps, how would the process be monitored for compliance?

- With regards to redevelopment, it's hard to say what recharacterization needs to be required until we have a proposal in front us. Any development that occurs at this site will likely require some sort of recharacterization.
- EPA recommends developing a communication strategy for any required recharacterization that goes along with redevelopment. It's usually an internal document, but EPA is happy to share it with the public.
- The first thing that would be required for any type of recharacterization is the developer would be placed under an agreement that would include the work plan for doing additional sampling that would be approved by EPA and DEQ.

Question: EPA also offers many tools to help facilitate the reuse of Superfund sites including: comfort/status letters; site-specific reuse fact sheets; Ready for Reuse Determinations; performance measures which indicate which sites or parts of sites are ready for their anticipated use; and bona fide prospective purchaser "doing work" agreements.

Will you (or have you) issued a comfort/status letter to a prospective purchaser. Hypothetically, what would such a letter contain and would it be made public?

- EPA has not issued a comfort/status letter as it pertains to the Idaho Pole site. Additional site characterization needs to be done, or other activities, or possible additional cleanup work. EPA thinks there may be more appropriate tools to use at the Idaho Pole site, such as a work agreement. A comfort/status letter is not enforceable, but an agreement provides more authority. Although not discussed during the meeting, negotiated agreements are required to be posted in the Federal Register and requires a 30-day public comment period so any agreement that EPA and DEQ negotiate with a prospective purchaser will be made public.

Question: Have you or will you issue a Frequently Asked Questions (FAQ) factsheet specific to the reuse of this site? Does EPA consider the FAQ created for the Urban Renewal District proposal a complete FAQ for redevelopment?

- One of EPA's redevelopment tools is the site-specific reuse fact sheet. EPA received a request from the City of Bozeman to create a fact sheet on redevelopment because they were getting inquiries. It's very generic so it provides a broad overview.
- The fact sheet is not complete as any development is going to have site-specific circumstances that a 1-3 page fact sheet can't contemplate. EPA, DEQ and City of Bozeman will all work together on any redevelopment to ensure the site is protective of human health and the environment.

Question: Does EPA have any liens on the property currently? What would cause EPA to issue a lien for the new property owner? The residents are concerned that the prospective developer could go bankrupt mid-way through a project, leaving new contamination behind. What safeguards are in place to avoid cleanup shifting to taxpayers?

- EPA has not filed any liens on the property yet because EPA has recovered all the costs incurred at the site.
- EPA needs more time to research the follow up questions and will provide a response in a future meeting.

Question: How do the 2020 5-year-review findings of additional remedy measures needed for the groundwater contamination affect the redevelopment and the prospective purchaser? Perhaps this only applies to a purchaser of property north of the freeway?

- EPA has a webpage (<https://www.epa.gov/enforcement/common-elements-and-other-landowner-liability-guidance>) that details landowner liability guidance that may include but is not limited to:

Do not perform any activities that will or may interfere with the cleanup or exacerbate contaminated conditions at the site; take reasonable steps to manage releases; comply with land use restrictions; provide full cooperation, assistance and access; comply with information requests; provide legally required notices; no impeding performance of response actions; additional site-specific reasonable steps as needed.

Question: You stated in the Dec 3 meeting that you have no prior experience managing a dioxin site for redevelopment, saying that you really did not know what ‘best management practice’ entails. Can you cite experts on this topic?

- There are three Montana examples where dioxins are left onsite or in the process of being addressed. Examples are for informational purposes only and any redevelopment at Idaho Pole is site-specific.
- Kalispell Post and Timber is a State Superfund site. The five acre treated soils area, although not called that, contains dioxins. The remedy relies on Institutional Controls and does not allow any new wells or residential use, only zoned commercial or industrial. The site includes a controlled groundwater area. The difference with the Idaho Pole site is that they do not allow recreation use and there are more restrictions in the treated soils area.
- White Pine Sash in Missoula is a State Superfund site. This site has a low volume of soils containing pentachlorophenol and dioxin requiring treatment. They will dispose of the waste offsite after negotiating with the landfill.
- The Idaho Pole site has 24,000 cubic yards of treated soils. There have been questions on why it can't go to the landfill. This would require negotiation with the local landfill owner/operator and possibly a longer roundtrip depending if a more distance landfill would accept the soils. EPA provided an estimate to dispose of the treated soils offsite of \$2.2 to \$2.5 million dollars.
- Montana Post and Pole in Butte is treating soils in a land treatment unit. They are trying to manage the soil onsite and determine the future use of the site.

Comment: The concern was more about keeping the contamination on site and best management practices for odor etc. That's where that question came from. If a developer comes forward and is actively working how do you work with contamination.

Question: How will the community know that BMPs for the 4 acres of dioxin on site are being implemented?

- The EPA sees this more as a group discussion and would like to hear the community's concerns. One of the concerns the EPA is hearing is dust. Are there other concerns beyond that?
- Public concern: Dioxin release
- Answer: Until a redeveloper has a proposal, it's difficult to speculate what releases would be possible. A redeveloper might put a liner and fill on top of it before any redevelopment could occur. No developer has come to the EPA and proposed this.
- Public concern: Stormwater management is also a concern from the public with the creek that runs through, and by, a park where kids and adults recreate.
- Answer: The redevelopment would have a stormwater management component that makes sure contamination wouldn't reach the stream. This is not just a Superfund issue, the city would also be concerned with this. DEQ stated this is a valid concern. Best management practices would be implemented and a plan would need to be submitted and evaluated. This would be situational based on the redevelopment and disturbance.

Question: Any best management practices for the site in Butte that have already been implemented?

- Anytime that we are going to be moving dirt on a site it's going to be looked at. DEQ can look for sites that have successful BMPs that would be similar.

Question: Is it possible to see an example BMPs and stormwater pollution prevention plan and who would be responsible for managing it? Would the responsibility fall to the contractor? How is that enforced? Is there a precedent with other sites that have dioxins?

- DEQ can get back with more specific answers to those questions.

Chandler Dayton: My question was actually submitted based off of Alex's comments on the Dec. 3 meeting.

Comments at meeting close:

Steve Custer: I sit on the Board of Health and Water Quality and serve at the pleasure of the city and the county. I want to make it clear that the statements I made today are mine and do not reflect on any of the boards of which I sit.

Chandler Dayton: Amy and I have been trying to keep track of a lot of the questions, and contact us as well with any concerns in case someone can't make a meeting or want to ask it through the Northeast Neighborhood Association, they can use this group to channel your concerns.

Future Meetings

The next meeting date will be scheduled in the spring and will announced via the Idaho Pole site email list and the EPA's Idaho Pole webpage. We will provide a written response to all questions received prior to our February 17 Meeting to be responsive to questions received.

If you'd like to get emails about future meetings, or submit questions, contact Beth Archer at archer.elizabeth@epa.gov. Visit www.epa.gov/superfund/idaho-pole for more information.