

# ARSG MEETING Summary

April 15, 2010

Attendees: Peter Butler, Craig Gander, Steve Fearn, Kay Zillich, Marcy Bidwell, Rick Rymerson, Brent Lewis, Pat Willits, Doug Ramsey, Sabrina Forrest, Barbara Hite, Ali Morse, Bill Simon

**ANNOUNCEMENTS:** The Children's Water Festival will be held in Durango on May 5<sup>th</sup>. As many as 800 students may attend. More work has been done on the revised ARSG website. DRMS has committed \$1,500 to get the website up and running, but we may need a little more financial support. Bill still hasn't gotten feedback yet from WQCD on the proposal he sent in regarding consolidating and expanding ARSG's NPS grants.

## OLD BUSINESS

Good Samaritan update: Both Sen. Udall's staff and staff from the Western Governor's Association have had meetings with the Senate Environmental and Public Works Committee staff in DC. The response from the Committee staff was the same: Good Samaritan projects should be done under AOC's under CERCLA. The staff does not seem to understand that the AOC's would not provide liability protection from citizen lawsuits under the Clean Water Act once the project is complete. So the educational process continues.

There is a short article in the current *Atlantic* magazine on the problems the lack of a Good Samaritan provision has caused ARSG. The article is short on details, but it reaches a large national audience that generally will know nothing about the issue.

We continue to get requests for projects that are held up by the lack of a Good Sam provision. In the last ARSG meeting, we had discussed pulling together a remediation work group to work out more details on what could be done at our priority sites, but that hasn't been done yet.

ASARCO Settlement update: Craig Gander said that the state is still in discussions with the trustee for the funds and that progress was being made in determining who will have what role in dispersing the funds. Dispersal is not imminent.

Silver Ledge and Koehler updates: There were no updates. Those projects should move forward this summer as long as the WQCD moves on our consolidated projects request.

Standard Metals settlement update: There were no updates.

Options regarding Gladstone demonstration facility: Kay Zillich put together a table of options with regard to the Gladstone Demonstration Facility to help organize our discussions about the facility. The headings on the columns included: Funding sources, Scope of treatment, Source water, Treatment technologies, Permitting, O&M funding, and Operational entity. There are a number of options under each column.

There was not a lot of discussion of funding sources other than listing some which include ASARCO settlement funds, Standard Metals settlement funds, BLM, PRP's (potentially responsible parties), 319 NPS, State Water Pollution Control revolving funds, USDI Central Hazmat Fund, EPA Removal Action (CERCLA). In terms of Scope of treatment, the group was leaning towards a facility for pilot or demonstration testing that could be expanded into a permanent facility with the ability to have side stream for further testing.

Without Good Samaritan liability protection or substantial financial participation from mine owners, the source water would need to be the American Tunnel (BLM is interested in treating it) and the North Fork of Cement Creek with the possibility of picking up Red & Bonita water along the county road. Initially, only part of these water sources would be treated.

The main issue in discussion of treatment technologies is that they should focus on reducing O&M costs, especially sludge generation. Initially, permitting for a demonstration technology could probably be accomplished through a CERCLA removal action or an AOC. Long-term treatment may need an NPDES or Good Samaritan permit.

While the O&M costs could be incorporated into capital costs when testing technologies, funding for long-term O&M in general is thought to be one of the most challenging hurdles to overcome. Long-term O&M funding and Organizational entity to run the facility can be tied together. There wasn't a lot of discussion on these two columns other than to note several years ago, the San Juan County attorney researched different legal entities that could be used and we should look at those again.