

Section 5 Study Oversight Team Meeting Summary

Place: Oak Room at 49 Main St, Proctor, VT

Date: Monday, February 11th, 2008

Time: 6:30 p.m.-9:00 p.m.

Meeting Attendees (in alphabetical order):

Name	Affiliation
Ernie Brod	RCO (alternate)
Emerson Frost	Florence (alternate)
Julie Hackbarth	ANR
Christie Harris	Omya (Guest)
Cathy Jamieson	ANR (guest)
Mike Laurent	Omya (alternate)
Matt Levin	VCE (alternate)
Don Nickless	Pittsford
Bev Peterson	RCO
Jo Anne Shatkin	CLFV
Lynn Silloway	Florence
Annette Smith	VCE
Jasmine Tanguay	CLFV
Dano Weisbord	CLFV

I. Welcome and Introductions

- Facilitator Dano Weisbord welcomed the group. He provided an overview of the meeting by reviewing the proposed agenda. Meeting participants introduced themselves and their affiliations.

II. Approval of meeting summary for October 29th Meeting

- Jasmine Tanguay distributed additional copies of the summaries from the last two OT meetings--a revised version of the November 27th summary and January 2nd meeting summary. The team reviewed the documents. Matt Levin raised concern about the representation of several items in the January 2nd meeting notes. Several changes to the January 2nd summary were requested. Don Nickless noted that it seemed unreasonable that VCE requested to change direct quotes—not due to inaccuracy but rather concerns about perception. The Oversight Team expressed comfort with these changes if VCE's requests were noted in the summary of this meeting. Jasmine stated that she would also accept feedback on these minutes for at least 24 additional hours in case members hadn't had the chance to fully review them. The summaries will then be posted to the OmyaInVermont.net website.

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III. OT Discussion of Study

- Dano Weisbord opened a discussion of the Study, suggesting that the Oversight Team take this opportunity as the Study nears conclusion to talk about any new thoughts or concerns. Bev Peterson suggested that the discussion be moved to the end of the meeting. The group agreed to this change.

IV. ANR's review of Omya's pending application for Interim Certification of TMAs

- Cathy Jamieson, Solid Waste Program Manager, spoke to the group about the status of Omya's Interim Certification Application. She said she hoped to clarify with the group where she and her colleagues at ANR intend to go regarding a path forward regulating Omya. Cathy explained that she came on as SWP manager one year ago. In Spring 2007, the Agency decided it would wait on its determination of Omya's application until the Section 5 Study was able to further inform their decision. Cathy recounted the sequence of events that had happened thus far in the review process. She clarified that the information in their second technical review letter recently sent to Omya, which referred to the amount of capacity in TMAs, is not an approval but rather a confirmation of information from Omya. She emphasized that the letter does not take the place of a permit. She also noted that the Agency is waiting for the final Section 5 report before making a decision about Interim Certification.
- Ms. Jamieson said that the Agency is willing to hold a public meeting regarding their review of the IC application and decisions going forward. The meeting would be held in the Pittsford area. Such a meeting would offer an opportunity for more informal discussion before the more formal meeting process of Interim Certification was undertaken. She said that the first week in March would be good for such a meeting.
- Ms. Jamieson took a number of questions from the group. She offered her email address (cathy.jamieson@state.vt.us) in case the group had additional comments or questions.

V. Omya's anticipated enhancements to management and monitoring as a result of study findings

- Mike Laurent, Environmental Manager at Omya, presented the upgrades to environmental management that Omya is undertaking as a result of the new understanding gained during the Section 5 Study.
- In terms of groundwater and surface water, Omya will soon install additional groundwater monitoring wells consistent with the recommendations of the Section 5 report. They plan to have these wells installed by May 1 and ready for the spring 2008 sampling round. The network of monitoring wells will continue to be sampled and analyzed for the standard suite of compounds as well as arsenic and AEEA. Based on the Section 5 consultants' findings and ANR's conclusions, certain wells also will be sampled and analyzed for perchlorate. All work will be done in accordance with the State-approved monitoring plan. Omya will also continue Omya's surface water sampling and analysis program.
- Ernie Brod asked whether it was possible to predict the flow of groundwater with elevated arsenic under the site. Mike answered that it's hard to predict but that the right wells will provide that information—"that's the predicting element." Ernie explained that he "expected a statistical approach to predict the future."

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- Bev Peterson asked whether Certification will be granted before the new wells are drilled. Cathy Jamieson answered that Certification doesn't mean that it's "the end"—modifications would still be possible.
- Mike reported that to further build understanding of groundwater and surface water flow at the site, they will further investigate the water balance issue at PIQ to develop a good understanding of inflows and outflows. Their schedule for this work calls for improvements to the water system flow measurement devices by May 2008 and continuing flow data recording through 2008.
- Mike reported that Omya's supplier of flotation reagent reports that they have succeeded in reducing the AEEA content in the flotation reagent from under 2% to between 0.1% and 0.6% which is a reduction of more than 60%. Their ultimate goal is the complete elimination of AEEA, either by substitution with a more benign substance, or by using an altogether different flotation approach. Omya will continue aggressively to investigate the feasibility of alternatives that are more environmentally benign and will report back on a quarterly basis or more frequently if progress warrants.
- Bev Peterson asked whether tailings will be sold under the future management scenario. Mike answered "that's what we're aiming for."
- Mike explained that they are working with their analytical team to develop a reliable method to measure AEEA in solids.
- In terms of noise, Mike reported that he and others have been meeting regularly with neighbors and noise experts on this specific matter. The Section 5 process preliminarily identified two sources for prompt attention: area exhaust fans on some fine grinding mills and a dryer system air intake fan. Omya is looking at the feasibility of implementing equipment modifications and/or installing conventional noise mitigation measures which may be implemented in a shorter time frame while they research a more permanent solution.
- Emerson Frost asked, "What proportion of the noise is electrical versus mechanical noise?" Mike answered that the noise is primarily mechanical. He said that he hopes that these strategies will make a difference. They will be implementing reduction devices this spring.
- Mike reported that the three Issue Teams (Quarry, Plant, and Trucks & Transportation) have been meeting every other month, led by Omya staff with on-the-ground understanding of the issues involved.
- Mike thanked the group and emphasized that the "OT was a valuable part of Section 5."

VI. Ongoing collaboration on environmental management and other issues

- Christie Harris introduced herself to the group and opened a discussion about how Omya might continue to work with stakeholders in positive ways. She asked about what worked in the Section 5 process and what lessons could be applied to work going forward.
- Don Nickless said that people want to stay apprised about what is happening at the site, and that it would be good to have information flow going forward. A newsletter or letter to these

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participants (the Oversight Team) could serve this purpose. A monthly update might be appropriate.

- Ernie said that although there already is a newsletter put out by Omya, but a letter addressing these issues would be helpful. It doesn't need a lot of background since the Oversight Team folks have a knowledge base
- Emerson Frost asked about tailings reuse. Mike Laurent explained that once the tailings are dewatered, they can be more easily transported for various end uses such as copper and coal mine remediation.
- Dano Weisbord said that "While legally we might not need to get the Oversight Team's support for that change, we wouldn't want to change it without that support."
- Annette Smith said that the most crucial question is what happens to the consultants afterward. She said VCE "would be happy to see [the contract terms that prohibit the consultants from working for Omya for several years] changed. "I can see potential for using Geosyntec. We can adjust the contract."
- Annette suggested the use of the TAG (Technical Advisory Group) model that's used at Superfund sites. This model allows community members to control the work being done, through funding held in escrow. She said "The issue of trust has come up...some of the citizens are not as reassured...there are a certain amount of unknowns."
- Jo Anne Shatkin raised the question of how a process might be structured to help assure that work is trusted going forward? She posed the possibility of a representative group (similar to the Oversight Team) be utilized so that the consultants are accountable to a neutral body.
- Julie Hackbarth said that there were benefits to equal status and an objective, finished product—"What would the focus/product be [of work going forward]?"
- Annette encouraged the group to explore various models. She added, "This whole effort has been a "win-win" and for that we should be proud"
- Lynn Silloway weighed in saying "This has alleviated many of my concerns." And the Issue Teams process seems to be working-- "the very next day, changes were made."
- The issue of documents VCE received through a recent FOIA request came up. Annette Smith talked about her frustration that Omya didn't bring up the fact that these conversations were happening when Senator Ayer put forth her proposal. Cathy Jamieson asserted that ANR made no "deal" with Omya. The "guidance document" referred to in the documents has never been finalized. Cathy explained some of the benefits of the Agency's work with Omya during the process: "In terms of the liquid waste, we didn't have data. ANR recognized that we needed to get them moving in a different direction. Now there are plans for the dewatering facility and other management of the liquid phase."
- Don Nickless said that "reading the documents I didn't see evidence of any 'clandestine' activity."
- Dano framed the discussion by asking, "What can this group do going forward?"
- Annette: "I don't want to be Omya's cop." "It's improved a lot, largely due to you two [Christie and Mike]."

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- Emerson Frost added, “I think this has been useful...There really is a better feeling; I think we’ve helped [the legislature].”
- Regarding the next steps for the Oversight Team, Annette suggested “Let’s take a break, take a month off, give the citizens a chance to receive final report.”

VII. Upcoming events

- There will be a presentation of the Study to Pittsford & the general public on Feb. 25th at 6pm at the Lothrop Elementary School.
- There will be a presentation of the Study to Legislature (Dates TBD).