

0001

1
2
3
4
5
6
7
8
9

EPA REGION 6
TAR CREEK SUPERFUND SITE
OPERABLE UNIT 4

PUBLIC MEETING

10 PICHER-CARDIN HIGH SCHOOL
11 715 WEST A STREET
12 PICHER, OKLAHOMA 74360
13
14
15

16 AUGUST 28, 2007,
17
18
19
20
21
22

23 REPORTED BY: LINDA FISHER, CSR-RPR
24
25

0002

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUSAN WALDRON: I think we're going to go ahead and get started. Can everybody hear me okay? No? Is that better? Okay, I just have to stand a little closer.

Okay. Good evening, everyone. I'm Susan Waldron. I know many of you and many of you know me but normally you see me on behalf of the Lead Poisoning Prevention Program at the Ottawa County Health Department. But tonight I'm here to kind of open up this meeting and introduce everyone and act as a facilitator. And I thank you all for coming tonight.

Let me just tell you that what my role is tonight as moderator is to maintain order. Well, we're not going to need that. We have orderly people, an orderly place so order is already maintained; we've got that one covered.

Make sure the agenda is followed. Did everyone get an agenda when you came in? If not, there's some on the table in the front or you can hold your hand up, and maybe someone will bring you one. And to keep the meeting and the flow of the meeting and the comments moving in a timely manner. Okay. So when you came in and if you signed in, you saw there were little cards there.

Tonight's issues are that we're going to talk about

0003

1
2
3
4

and make comments on the OU 4 chat removal. So if you want to make a comment tonight and you want to come up and make a public comment at one of these mikes, then please fill out a card. Okay? It doesn't matter which

5 color they are, they're both the same. But fill out a
6 card so that we can document your comments tonight.
7 Okay, I'm also to make sure that the needs of the
8 court reporter are met. This is the court reporter right
9 here, Linda Fisher. And Linda is from Frank Peterson
10 Court Reporters, and her role is to develop an official
11 record of tonight's meeting. And that includes
12 everything that's said, all the comments that are made.
13 So I just want to reiterate that tonight is about
14 making comments, it's really not about a dialogue back
15 and forth. It's not a place for you to get your
16 questions -- it's not a question-and-answer session, but
17 it's a public comment period.
18 So in order to start the meeting, I think we should
19 start with prayer. And Reverend Joe Don Olds is here
20 from Cardin First Baptist Church. And he'll lead us in
21 prayer.

22 (Opening prayer.)

23 SUSAN WALDRON: Okay. Now I'm going to turn
24 the meeting over to Sam Coleman. Sam is the Division
25 Director of EPA's Region 6 in Dallas.

0004

1 MR. COLEMAN: Good evening. I want to thank
2 everybody for coming out tonight to this very important
3 meeting. First, I want to make sure that we recognize
4 some of our very distinguished guests that are with us
5 tonight.

6 First, I want to recognize the Honorable Sam
7 Freeman, the mayor of Picher if he's -- hold up his hand.
8 Yes, okay, I see him back here. We have our county
9 commissioner John Clark. Okay.

10 And then we have several folks representing other
11 elected officials. We have Blue Halsey from Senator
12 Inhofe's office. I didn't see -- Oh, I see Blue. Okay.
13 Brant Kale representing Congressman Boren. Okay. Thank
14 you. And then I have Tim Kent, who is representing
15 Chairman Barry from the Quapaw Tribe. Okay, thank you.

16 Do we have any other tribal representatives here?
17 Do y'all want to introduce yourselves? I don't -- I
18 didn't get everybody's name.

19 MS. WELCH: Cathleen Welch. I work for the
20 Wyandotte Nation.

21 MR. COLEMAN: Okay.

22 MR. WHITE: Jason White from Cherokee Nation.

23 MR. COLEMAN: Okay. Thank you. I really
24 appreciate everyone being here, those who you are
25 representing. And we are very happy to be here.

0005

1 The purpose of our meeting is to listen to your
2 comments. We have been working on our proposed plan, it
3 seems like, forever. And it probably seems to you like
4 it's been a very long time before anyone would explain a
5 holistic approach, how we were going to solve many of the
6 environmental problems that exist here, the chat piles
7 and other things.

8 But what we'd like to do tonight is to have a
9 fairly short presentation about what the plan is about.

10 Many of you have received, either in the mail or tonight,
11 fax sheets or other documents that identify the plan,
12 talk a lot about in a text format but you'll see the --
13 some of the authors of our documents here tonight and
14 they will be able to explain what the plan is all about.

15 Before I go any further and use up more time, I
16 would like to make sure that I also introduce some of the
17 authors and folks that have worked on this. First, I'd
18 like all of the ODEQ representatives to stand. They're
19 not authors but they're our partners. We have a number
20 of folks from ODEQ.

21 We have a couple of representatives from the Bureau
22 of Indian Affairs. We have one. Okay, Bob. And then I
23 would like the -- my team that came down with me from
24 EPA, all of the folks that we have that's been working on
25 this project. And we have a couple of -- Janetta, go

0006

1 ahead and hold your hand up. Over here.

2 Now, these folks are here tonight really to listen
3 and receive comments. The presentations are going to be
4 fairly short and brief. I've already almost exceeded my
5 time but I'm going to just kind of rush through and tell
6 you all the other things that's going to happen.

7 We do have the -- all of the documents available at
8 our repository. And I'll have to look down to get this.
9 It's at the Miami Public Library, 200 North Main Street
10 in Miami, Oklahoma. So if you want to go by and look at
11 all of the documents associated with Operable Unit 4, you
12 can do that. We also will have a public availability
13 session tomorrow morning starting at ten o'clock -- nine
14 o'clock. Okay, nine a.m. at the Picher Housing
15 Authority. And I don't have an address for that. Do
16 you? Everybody knows where it is? Okay, fine.

17 And my technical team will be over there and they
18 will be able to answer many of the questions that you
19 might have. And finally, while -- when we initially
20 issued the proposed plan, we said the public comment
21 period was going to end at the end of this month. Many
22 folks have requested an additional 30 days to offer
23 comments.

24 So the last couple of days ago we did announce in
25 the paper that the public comment period has been

0007

1 extended through the end of September. So you will have
2 an opportunity tonight. You have additional, an
3 additional month to submit public comments through the
4 mail. I think we have -- in some of your packets,
5 there's a preprinted form that you can write your
6 comments on or type them in and then mail them to the
7 address that's on the back of the form.

8 So I think that's -- that's all that I have. And I
9 am going to introduce John -- oh, okay. All right. I'm
10 going to introduce John Meyer. Oh, I'm introducing
11 Ursula?

12 URSULA LENNOX: I'm first.

13 MR. COLEMAN: Okay. I'm introducing Ursula
14 Lennox who is one of the remedial project managers for

15 the site.

16 URSULA LENNOX: Thank you, Sam. Good evening.
17 As Sam has said, I'm Ursula Lennox and I'm one of the
18 project managers assigned to Operable Unit 4.

19 Operable Unit 4 is the reason why you are here
20 tonight, to provide us comments as Sam has said. As Sam
21 has said, the purpose of our meeting this evening is to
22 collect your comments on the proposed plan that,
23 hopefully, you've had the opportunity to review and to
24 see the protocol and the standards that we've used to
25 develop the plan that you have before you.

0008

1 But before my counterpart, John Meyer, comes up and
2 provides you all with the details of the multiple
3 components that exist of this proposed plan, I would like
4 to just take a brief moment, if you will allow me, to
5 give you a little taste of the history that we've done
6 thus far.

7 You know that this site is a massive site and it's
8 been around for a number of years. If you think about
9 the time of when the mining operations ceased to the
10 present time, you've had multiple agencies to come into
11 your community, present various plans to you or various
12 proposals to address the various concerns that have
13 plagued your area. In a lot of instances, they have been
14 successful but because of the massive quantity and the
15 volume and the size of the site, maybe those changes
16 haven't been made.

17 Well, what is different from that process? EPA was
18 part of that process of one of those many agencies that
19 have come into your community offering solutions to
20 rectify various problems. What is the difference
21 tonight? Tonight the proposal that you have before you,
22 as Sam has said earlier this evening, represents a
23 collaborative effort with the multiple stakeholders that
24 he had stand before you.

25 Now, why do we do that? It's recognized that no

0009

1 one particular agency has the solution to all of the
2 massive multiple problems that exist at this site. So
3 what's the best approach to this? It is to utilize the
4 expertise, the existing data, the existing knowledge that
5 exists in your state by the various state agencies,
6 tribal agencies as well as federal government agencies.
7 And that's what you see in that plan that you've
8 reviewed.

9 Now, would this plan address all of the problems?
10 No. Will it be a component to the bigger problems that
11 exist in providing a portion of the solution? The answer
12 is yes. Now, before we presented that plan to you, a lot
13 of energy and a lot of effort and a lot of coordinations
14 with those stakeholders did take place. A lot of pilot
15 studies were done to ensure that the actions that you see
16 before you in that plan will work.

17 Now, what are we looking at? We're trying to be
18 comprehensive. We're trying to be effective. We're
19 trying to assure the common thread that's shared by all

20 of the agencies that it is protective of human health and
21 the environment. We believe that that plan does
22 accomplish that.

23 Through the cooperative effort with all of the
24 stakeholders, I think that it represents the buy-in, for
25 the most part, of all of them. Does it satisfy all of

0010

1 the concerns raised by the agencies that we interacted
2 with? No. But I can assure you, if you look at all of
3 the different criteria that governs each different
4 agency, we abide by our criteria, we've met our criteria.
5 But it was enhanced through the experience of those
6 stakeholders that have provided their feedback to us.

7 Now, having said that, is our process complete?
8 The answer is no. The answer is no because why? We need
9 your feedback. We need your participation. Just as EPA
10 had performed the collaborative effort with those
11 multiple stakeholders, and it is hoped that it will
12 continue on in the future, we hope to have that
13 established with you. It doesn't just stop or end
14 tonight, it will continue throughout the SuperFund
15 process.

16 So in conclusion or summarizing the points that I
17 want to present to you, is will this remedy satisfy all
18 parties? No. Will it protect human health and the
19 environment, be practical and realistic in its
20 application? Yes. Will it restore vital land that is
21 wastelands right now into more productive uses? Yes.

22 So with that, will the process be short? No. Just
23 as this process has been lengthy that you all have
24 endured for multiple years now, it will continue because
25 of the massiveness of this site. Will it be done in a

0011

1 short period of time? No. It will take time. But just
2 as we've collaborated with the stakeholders, let's hope
3 that you all will collaborate with us and collectively
4 together, even though we represent one piece of the
5 bigger picture, if all entities involved under their
6 proper authority in their jurisdiction abided by their
7 laws and regulations that they must be governed by do
8 their part, one day we will achieve a holistic solution
9 for the site.

10 So having said that, I'm going to now turn it over
11 to John so he can present to you the components of the
12 remedy. And I will end by saying that I look forward to
13 not only hearing -- or EPA looks forward to hearing and
14 receiving your comments but working with you as a partner
15 throughout the SuperFund process. Thank you.

16 MR. COLEMAN: I did forget to do one thing.
17 Shirley, could you stand up? Shirley Augustson
18 (phonetic) is our representative from our Office of
19 Environmental Justice and Tribal Affairs. Their director
20 Jonathan Hook, couldn't be with us tonight but I wanted
21 to make sure that I recognized Shirley who works with
22 many of the folks up here, the tribes and others, her
23 office does. So I wanted to make sure that they got
24 recognition. John.

25
0012

JOHN MEYER: As Ursula mentioned, what we're

1 going to focus on tonight is what we call Operable Unit 4
2 at the Tar Creek site. And Operable Unit 4 was
3 specifically designed to look at the chat piles in the
4 mine and the millways. There have been other operable
5 units that we've implemented at Tar Creek, for example,
6 Operable Unit 2 is the one that dealt mainly with the
7 residential yards. Operable Unit 1 dealt mainly with
8 surface water and groundwater.

9 We're going to be focusing on the chat piles, the
10 mine and the millways. And there's typically three types
11 of areas that I'll probably talk about tonight. We'll
12 mention chat piles, chat bases which were just
13 essentially former chat piles and then the tailings
14 ponds.

15 And then this figure that you see in the brown
16 here, this is the areas that we've identified that have
17 one of those three in it, a pile, a base or a pond. And
18 if you pushed all of these together, they would take up
19 about six and a half square miles.

20 So Ursula mentioned the massiveness of this
21 project. You guys know this; you see it every day.
22 There's also about 47 million cubic yards of material
23 that we need to address as part of Operable Unit 4.

24 I'm going to give just kind of an overview of the
25 preferred alternative. There's a lot of very detailed

0013

1 components of this, a lot of very fine pieces. And I'm
2 just really going to focus on the major components of our
3 preferred alternative. Right at the top of the list is
4 chat processing. We think this is a vital piece of
5 implementing the solution for Operable Unit 4. There's a
6 tremendous amount of material that's there in chat piles.
7 We know that it has an economic and a commercial use
8 that's going on today. We want that to continue it.

9 For those areas that contain chat that may not be
10 commercially viable, we're going to have a plan to go in
11 and remove the chat from these areas, maybe make it to a
12 point where it can be commercially viable, or we have
13 other options for dealing with that. And we will deal
14 with that. It's kind of in two different areas and two
15 different phases, the first being the outlying areas.
16 And if you read the proposed plan, we'll use this term
17 "distal areas". This is the outlying areas from the
18 center of the site, just a different term for that.

19 Another component is stream reclamation.
20 Principally, what's this is going to entail is there are
21 areas mainly in Tar Creek and in Lytle Creek where a lot
22 of the chat has actually entered into the stream. If you
23 look at Tar Creek north of Douthit Road, it's almost all
24 chat. Our remedy will address the mine and the millways
25 that has entered into the streams.

0014

1 The tailings ponds that are present at the site are
2 part of the remedy. The tailings ponds take up a very
3 large area, over 800 acres, and contain about 10 million

4 cubic yards of waste. The remedy that we are proposing
5 will address these tailings ponds. We have calculated
6 the cost of the remedy currently at \$172 million.

7 We're going to break up the implementation of the
8 alternatives at Operable Unit 4 into two different
9 phases, each about 10 years. And the reason that we want
10 to do this is because we want to prioritize certain areas
11 of the site for cleanup. Under the Phase I, we want to
12 immediately start addressing the chat that's in these
13 outlying and distal areas. And this is kind of a
14 continuation, I suppose, of the Oklahoma plan to try to
15 address things from the outside in, to try to free up as
16 much land as early as possible.

17 Also in Phase I, to remove the chat out of the
18 streams. As long as the chat stays in the streams, it
19 acts as a continuing source of contamination to the
20 waterway, the earlier that we get it out of the stream,
21 the faster the streams can recover. And the tailings
22 ponds are an important piece of the first phase of the
23 work. We would like to address that in the first 10
24 years. And we would do that either through excavating
25 the tailings ponds and injecting them back into the mine

0015

1 workings or where that is not feasible, to cover them in
2 place.

3 Then in the second 10 years, or Phase II, it would
4 focus on the remaining chat. If we have addressed all
5 the chat in the outlying or the distal areas, then we can
6 start focusing on nonmarketable chat that's left in the
7 center of the site. And the whole idea here is again is
8 that where chat is present, it has an economic value and
9 it's being processed, we want that to continue and we're
10 going to encourage that.

11 We have to make some assumptions about how fast
12 that can occur, though. And we know roughly what the
13 rate of the current chat processing is. We believe that
14 in the future that that could get better. And we've made
15 that assumption. In the second 10-year phase, we're
16 going to start reevaluating that. We're going to really
17 look at okay, is chat being processed at the rate that we
18 had anticipated.

19 If it is, great, we're going to continue on. If
20 it's happening faster, that's even better. If it's not,
21 we're going to have to reevaluate because we want to try
22 to achieve our goal of a 20-year time frame. And then
23 finally, as part of Phase II, for areas that are going to
24 contain chat permanently, then there will be certain
25 repositories or certain covered ponds and we'll have to

0016

1 implement a long-term institutional control to ensure
2 that that material stays safe.

3 I mentioned that chat processing is a big
4 component. If you don't mind, I'm actually going to go
5 ahead and go through the whole thing and then we'll do
6 the comments and questions. Thanks.

7 Chat processing is a big component of our remedy.
8 And the reason is because there is such a tremendous

9 volume of material at the site. And we believe with chat
10 processing and commercial utilization of the chat, that
11 we can eliminate about three-fourths of the material
12 that's out there. That is a tremendous help.

13 There isn't enough money to implement or remedy for
14 all of the material as it sits there today. So the more
15 material that can be commercially used, the more likely
16 it is that we will be able to have a long-term solution
17 at the site.

18 Last month EPA finalized a chat use rule that
19 basically formalized protective uses of chat. You know,
20 obviously for many years, the chat has been sold and used
21 for a variety of purposes, some good, some not so good.
22 What this rule did is it established, you know, permitted
23 uses for the chat. And principally, that's going to be
24 using it in asphalt roads. And that had been going on
25 for a long time but this formalized it, made it a rule

0017

1 making by EPA and will hopefully encourage more market
2 use of the chat.

3 This is a figure just to show you where these
4 outlying or these distal areas are. You know, as the
5 name implies, it's areas outside the core of the site or
6 mainly outside of the town of Picher. The reason that we
7 would like to start addressing these first, is usually
8 that these are some of the locations of the smaller
9 piles. It's very spread out. It takes up the majority
10 of the area at the site and they're located in different
11 water sheds. They're not necessarily in the Tar Creek
12 watershed.

13 So by addressing these first, for example, if we
14 address all of the chat piles that are along Elm Creek,
15 it's something that we think we can do in a relatively
16 short amount of time and have a very large impact if we
17 can remove a hundred percent of the material, for
18 example, in the Elm Creek watershed and allow Elm Creek
19 to fully recover.

20 We know that we can't immediately remove a hundred
21 percent of the material in the Tar Creek watershed and
22 that's going to have to be a longer term process. So
23 that's -- that's kind of the thought and the concept
24 behind doing these distal areas first, these outlying
25 areas. We think that we can get a large gain quicker and

0018

1 allow a lot of land to be put back into productive uses.

2 This is just an example of one of the chat piles
3 that is in one of the outlying areas. They're typically
4 smaller. A lot of them also have chat bases. For
5 example, maybe the chat had already been removed for some
6 commercial uses and there's a base left behind and it's
7 no longer commercially viable.

8 What we're proposing to do in these areas is that
9 we just simply come in, we excavate the remaining
10 material at the site, we remove it from the site, we'll
11 excavate down to a native soil layer. What we have found
12 is that when you excavate down to the native soil, that
13 you can get to mere background levels of the metals, the

14 levels of metals that were there before the mining began.
15 That area would then be reclaimed by tilling. The
16 whole idea here is that we want it to support grass,
17 vegetation and look, you know, like it was as a native
18 area.

19 The stream reclamation component as the preferred
20 alternative, as I mentioned, is mainly geared towards
21 addressing where we have chat in the streams themselves.
22 There are long segments along Tar Creek and some in Lytle
23 Creek where there's nothing at the base of the creek but
24 chat. We know that that's not healthy for the stream.

25 We want to come in there, remove the chat, either
0019

1 put it back into an adjacent pile, because a lot of times
2 there's a pile that's simply just spilled into the creek,
3 if we can pull it back into the pile, we will. Like the
4 figure shows here on the right, we can implement some
5 sort of engineering controls in the interim, for example,
6 if there is a large pile next to the creek.

7 We don't want to just take the chat out of the
8 creek, throw it back up on the pile and the next time it
9 rains, it rolls back down into the creek. We would have
10 to implement some sort of engineering controls there, a
11 berm or some sheet piling, to keep in back in the pile
12 until that pile could be commercially used.

13 The tailings pond remediation component of the
14 alternative is probably going to be one of the more
15 challenging. It takes up a large area. I mentioned it's
16 over 800 acres of land and about nine million cubic
17 yards. And in some areas, we believe, for example, the
18 one on the top left, you know, some of the ponds are,
19 where they're vegetated, you can't even tell that there's
20 a pond there when you go out there. But they continue to
21 act as a source of contamination.

22 We would propose in certain areas that we go in and
23 actually excavate out the old tailings, slurry them up
24 and inject them back into the mine workings. And this is
25 one of the pilot studies that I had worked on and that's

0020

1 what the picture is on the bottom. With this piece of
2 equipment, we excavate out some of the tailings, put them
3 in this equipment, mix it with water, slurried it up and
4 inject it back into the mine workings. It is a -- it's a
5 process that we have looked at very extensively.

6 We have collected a lot of data about this. We
7 understand that it could be even controversial to take
8 that material and put it back into the mine workings
9 because of the potential it could cause further harm. We
10 understand that. We have studied it very well. We have
11 developed a comfort level with it to the point that we
12 would like to include it as part of our remedy.

13 However, before we would implement this on a full
14 scale, we're going to work with our partners to do
15 additional studies. We want to make sure that before we
16 would implement this, that we are not going to cause any
17 further harm. There is a great benefit to taking this
18 material and permanently removing it from the surface,

19 but we want to ensure that we're not just simply causing
20 another problem.

21 In certain instances, we don't think we will be
22 able to excavate and inject all of the material in any
23 one pond. It could be that there's other material that's
24 already been placed on top of the pond or just other
25 technical considerations. In those instances, we would

0021

1 look at simply covering up those ponds, adding an
2 additional layer of soil on the top, revegetating the
3 surface, shoring up the berms if there's any problems
4 with the berms from the pond, and containing that
5 material in place.

6 Sam told you it was just going to be a quick
7 overview. Like Ursula mentioned, you know, there's a lot
8 of components to this remedy. It's spread out over a
9 very large area. It's very likely that one of these
10 ponds or piles or bases is very close to where you live
11 and we understand that each of these would impact you in
12 different ways and we need to hear your comments and your
13 concerns.

14 We've spent a lot of time technically studying it
15 but that doesn't always give us your side of the story.
16 So we look forward to hearing your comments tonight.

17 SUSAN WALDRON: Okay. All that having been
18 said, when you signed in tonight, you were asked if you
19 wanted to make comments. And if so, to fill out a
20 comment card. Am I going to get those? Okay.

21 So what we're going to do is I'm going to take
22 those in the order that they were received. And when I
23 call your name, if you would come up to the microphone
24 right here in the center, or there's also one on the
25 other side over there. And please state your name first

0022

1 before you make your comments because, like I said
2 before, Linda, who is doing all the reporting here, is
3 going to need to get your name down as well as all your
4 comments. And so we definitely need you to come up to
5 the microphone. And we definitely need you to state your
6 name, first. Okay?

7 If you have not yet filled out a card but you want
8 to fill out a card, raise your hand and someone will
9 bring you a card. Or if you have one filled out that
10 you've not turned in, then you can hold that up as well
11 and we'll come and get it.

12 In addition, for those people who want to make a
13 comment but do not want to make a comment tonight here,
14 you can send your comments written. And that's -- the
15 address is on the agenda that you received when you first
16 came in. So you do not have to necessarily make comments
17 tonight. You can make comments tonight and you can mail
18 comments in as well. So either way.

19 So just make sure that the court reporter hears
20 your name and that she reads your question or that you
21 make your comment so that we can all hear it. As I'm
22 looking at how many we have here, we're going to try to
23 limit the comment period for each person to two or three

24 minutes. So when I call your name and you come up to the
25 microphone, if I come back over to the microphone and

0023

1 kind of wave at you, that means your time is about up.

2 Okay?

3 Anybody have any questions? Okay. Ready to get
4 started? Okay. Kenneth Anderson.

5 MR. ANDERSON: I guess -- my name is Kenneth
6 Anderson. And to put it in a nutshell, I don't think
7 Phase IV is going to work or at least quick enough that
8 any of us in this room will see it. One time they said
9 it would be 250. Did you catch my name? I'm pretty loud
10 anyway.

11 Anyway, I just don't think -- hauling this chat to
12 other parts of anywhere is a risky business at best.
13 You're just spreading it outside of the 40 square miles.
14 John said it in the tail end of his presentation that I
15 think, and the studies show, that the economic selling of
16 this chat isn't that effective.

17 I mean, if you could put it in a truck and haul it
18 off just as fast as you can, that would be one thing.
19 But you can't do that. You can't take it out there and
20 stockpile it somewhere. You've got to have it sold when
21 it leaves this place because of all the certificates and
22 paperwork and everything and then that runs into a lot of
23 money.

24 I think I figured up it would be about \$5,000 alone
25 over a 20-year -- I mean, \$5 million alone just in

0024

1 paperwork. I think one study was that if it was -- I
2 think it was 75 million tons of chat, it would take 250
3 box cars -- I mean, 250 trains with 100 box cars of chat
4 20 years to move the chat out of this area.

5 So there again, I don't think your 20-year outlook
6 is feasible if you're going to haul it in trucks. And
7 it's not selling that quick. I mean, it's getting -- I
8 don't know -- I can't state your figures but where I'm
9 from, I deal with contractors and other people and they
10 say they're not going to take the responsibility and not
11 use the chat. I'll settle at that.

12 SUSAN WALDRON: Thank you. Okay, Leo Byford.

13 LEO BYFORD: Leo Byford. Before we start, I'd
14 like to have a little extra time, if it's possible.

15 SUSAN WALDRON: You need extra time?

16 LEO BYFORD: Yes, I do.

17 SUSAN WALDRON: Okay. How much extra time?

18 LEO BYFORD: Probably about 10 minutes.

19 SUSAN WALDRON: I don't think we can do that.
20 If you want to wait until the end, you know, we might
21 have a little bit of extra time but we have quite a few
22 to get through here.

23 LEO BYFORD: Well, let me -- let me just --
24 let me do this. I'll read until you tell me I -- you
25 tell me when my time is up and then I'll take it from

0025

1 there.

2 SUSAN WALDRON: Okay.

3 LEO BYFORD: Okay? My name is Leo Byford from
4 Tulsa, Oklahoma. After devoting many hours of reading
5 this reference plan as the proposed next step for the Tar
6 Creek SuperFund remediation, and as the inventor and
7 owner of a new technology and also an award-winning
8 technology which has previously and formerly been
9 proposed and presented to the EPA administration, the
10 following is offered as a substitute for the record for
11 the consideration within the public comment period
12 concerning the Tar Creek Superfund site and tentative
13 proposed OU 4 and other SuperFund sites that are
14 applicable.

15 It is extremely difficult to stand here tonight
16 because of the disappointments and frustrations of having
17 to deal with government agencies that have put their own
18 interests first instead of the people's interest that
19 they are supposed to be protecting and taxpayers are
20 supporting. Any government agency that would ignore and
21 deliberately bring to meetings one of their prime
22 contractors blatantly disguised as one of their own just
23 to get proprietary information and subsequently trying to
24 duplicate that technology is unacceptable. Unacceptable.

25 After receiving written communication from that

0026

1 prime contractor's legal department stating that they
2 have not infringed on my patent pending application
3 "because patent has not been issued yet", from that
4 response I can only assume that all that was needed was
5 the undisclosed proprietary information to allow each of
6 them the total control of SuperFund sites throughout the
7 United States and to succeed at the many failed attempts
8 they have tried to do to duplicate this proprietary
9 information and process and application.

10 It makes me have questions of what type of people
11 are we representing -- are they representing of our
12 government and their motives and their character. The
13 following comments has to be said in this meeting
14 concerning SuperFund sites and the OU tentative proposal.

15 My name is Leo Byford. I happen to be the owner of
16 Environmental Toxins Solutions, Inc. ETSI is also on the
17 approved vendor's list with the EPA for the Katrina
18 event. I am the inventor and patent holder and owner of
19 animal waste, level 2 sludge, green waste, paper waste
20 and some other waste products.

21 In addition, I have other patent pending process
22 that offers permanent solutions, permanent that are on
23 file with the United States Patent and Trademark Office.
24 These solutions resolve old decades of concerns with mine
25 subsidence, lead and hazardous materials at SuperFund

0027

1 sites.

2 SUSAN WALDRON: Okay, I'm going to --

3 LEO BYFORD: That's it.

4 SUSAN WALDRON: Thank you. Mark Osborn.

5 MARK OSBORN: Good evening, everyone. I am
6 the Vice Chairman of the Lead Impacted Communities
7 Relocation Trust. And tonight we had a meeting and

8 approved a letter to be sent as our comments on OU 4. So
9 I'm going to take a few minutes and read this.

10 "It is with profound disappointment that the Lead
11 Impacted Communities Relocation Trust has learned of the
12 decision by the EPA to omit funding for the voluntary
13 relocation of the residents of the Tar Creek SuperFund
14 site and its current proposal for OU 4. To do so
15 continues to ignore the greatest risk to public health
16 and safety, subsidence risk that presents itself to the
17 population.

18 Buried in the decision to select the currently
19 proposed remedy is the assumption that the EPA can make
20 Picher, Cardin and Hockerville safe places for people to
21 live by yard remediation to be followed by chat removal.
22 New information contained in the U.S. Army Corps of
23 Engineers Picher Mining Field Northeast Oklahoma
24 Subsidence Risk Evaluation has shown this to be untrue.

25 While you may not have the statutory authority to
0028

1 evaluate or remediate subsidence risk, the statutory
2 authority does not require you to exclude relevant
3 information inherent to the dangers of the site in your
4 decision-making process. This is an important
5 differentiation. And to continue to do so constitutes a
6 policy by the EPA of deliberate and purposeful ignorance.

7 Included in your interim policy on the use of
8 permanent relocation is the referencing of CERCLA. In
9 this reference, you note it grants specific, or excuse
10 me, grants explicit authority to conduct permanent
11 relocations and that such may be justified or is
12 necessary to protect human health and the environment.

13 Your policy further notes generally the primary
14 reasons for conducting a permanent relocation would be to
15 address an immediate risk to human health where an
16 engineering solution is not readily available. This is
17 clearly the case in relation to the subsidence risk at
18 the site.

19 The assumption that the EPA can make the site a
20 safe place for people to live without investing the
21 estimated billions of dollars to have the Corps of
22 Engineers fully evaluate subsidence risk and then
23 alleviate it, appears to make all other options but
24 relocation a moot point. To continue the current EPA
25 policies equivalent to the rearranging of the deck chairs

0029
1 on the Titanic after all have become aware that this ship
2 is sinking only further damages the EPA's credibility.

3 Furthermore, your evaluation of the voluntary
4 buyout using the mechanism developed by the State of
5 Oklahoma in the form of the trust is incorrect both in
6 cost and time analysis. Removal of the chat and fines
7 can be done much more cheaply with the population
8 removed.

9 In addition, you have overestimated the cost of the
10 buyout. With the buyout already a third of the way
11 completed, the cost will obviously be less than you have
12 predicted, particularly as we are exempted from the

13 Uniform Relocation Act.

14 And finally, with the trust mechanisms currently in
15 place, it is unlikely that we will need three years to
16 complete the process. We would beg the EPA that it
17 reconsider its plans for OU 4. With the people removed,
18 the entire project can be reevaluated. We would suggest
19 the list of priorities should start with public safety
20 and health and subsequent to buyout should be refocused
21 to limit environmental damage to the watershed. In this
22 setting, there would be pressure to push chat sales past
23 economic realities and the process of chat removal and
24 the permanent storage of fines can be explored at a safe,
25 rational and commercially viable pace.

0030

1 By its stubborn insistence to ignore information
2 pertinent to the site, the EPA has managed to produce a
3 recommendation that has been found to be unsatisfactory
4 by the citizens of Picher, Cardin and Hockerville, the
5 ODEQ, the affected tribes, the State of Oklahoma and this
6 trust. The acceptance of the remedies selected by the
7 EPA requires deliberate ignorance and the abdication of
8 reason. This is a situation we sincerely hope does not
9 come to pass. Thank you very much.

10 SUSAN WALDRON: Thank you. Next is Suzie
11 Stone.

12 SUZIE STONE: I am Suzie Stone. I have a
13 business here in town. We have a house here that we
14 moved out of five years ago and we have a church.

15 And I am so disappointed with the EPA. When did
16 selling chat become more important than people? These
17 people might not look like your neighbor but they are my
18 neighbor. Their health and their welfare matters to me.
19 They are a part of this country. I am a part of this
20 country. You have spent so much money remediating yards
21 when the people in their homes were saying, "Please,
22 stop. Please, stop." You spent up to \$92,000 to dig
23 dirt out of one yard and put other dirt in it, to have
24 the houses mold and mildewed and their health taken away
25 from them.

0031

1 And now you propose to move chat. And in your
2 little paper, you talk about the economic status of chat,
3 being able to sell chat. Well, what about people? Are
4 people not more important than the selling of chat?

5 Mark read a letter and we all agreed to it tonight.
6 It states completely what we would like to say to you all
7 if we had the ability to say it. People are more
8 important than your selling the chat. People are what
9 make up our government. People are what make up our
10 nation. When you quit caring about their health and
11 their welfare and their well-being, then you are just
12 putting money in your own pockets and not caring about
13 them at all.

14 SUSAN WALDRON: Next is Lloyd Stone. No?
15 Okay. Sam Freeman, Mayor, City of Picher.

16 SAM FREEMAN: My name is Ernest Freeman. I'm
17 the Mayor of the City of Picher. Everyone here knows me

18 by Sam. I've been the mayor here for quite awhile, and
19 went through a lot of EPA work here starting back in '82
20 with the OU 1 plan to clean up Tar Creek.

21 We're 25 years later, been through OU 2, the yard
22 remediation that I feel was a great failure. They
23 cleaned up the lead but they left several things like
24 Suzie says, the mold, the drainage problems, water under
25 the houses. You know, it's just been one fiasco after

0032

1 another.

2 And in my opinion, OU Operable 4 Unit may work, you
3 know, over 20 or 30 years, but the people here now don't
4 have time to wait for that. And what we would like to
5 see, and I think it's unified, is for Option 5 to be in
6 place first, spend about 30 million of that 172 and get
7 the people out of here, you know, in a reasonable amount
8 of time.

9 And the tools are there. You have in your own
10 paperwork an option to use a permanent buyout, permanent
11 relocation that was put in place in 1995 and it has never
12 been used. And this is the number 1 SuperFund site in
13 the United States. And I think this would be a prime
14 place and a prime time to use those tools. Thank you.

15 SUSAN WALDRON: Windy Clevenger.

16 WINDY CLEVINGER: My name is Windy Clevenger.
17 My husband is Charles Clevenger. And he is on the trust.
18 But he has not seen this letter, he does not know this.
19 I did not talk with him. And I was not at the trust
20 meeting when this letter was formed.

21 It has been said that over \$120 million has been
22 designated for the Tar Creek cleanup. Wonderful. This
23 place really does need to be cleaned up. However, aren't
24 we putting the cart before the horse here? I realize
25 trees, dirt, rocks, water, et cetera, are all important

0033

1 but are they more important than the people who live and
2 work in this area and help pay your salary? How is it
3 the government has enough money to work on the landscape
4 but is not willing to help the people escape this toxic
5 waste area?

6 EPA stands for Environmental Protection Agency, but
7 it seems to me we first need to form the PPA, People's
8 Protection Agency. Why not make the lives, health and
9 well-being of people, real live people, who have hopes,
10 dreams and needs who work, play and worship, and are the
11 lifeblood of every community, the primary focus of the
12 government's efforts? How is it we can spend millions on
13 the planet but not on the very people who the planet is
14 here for.

15 Your statement says "clean up Tar Creek and protect
16 the people." The greatest protection you can provide the
17 current residents of this community is the opportunity to
18 relocate through the federal buyout already in progress.
19 Why not put the millions of dollars toward completing the
20 government project that is in progress, then come and
21 work on the land.

22 It's already been proven that remediation of the

23 yards is a complete waste of money so why spend another
24 dime on it? The water here is awful. Sometimes it comes
25 out of the faucets looking orange because there's so much
0034

1 contamination and residue in it. To fix the water, you
2 would have to find another source well and lay completely
3 new lines to every home and business. That is not even
4 feasible here because of the volatility of this area
5 already.

6 We are at risk for subsidence. You can change
7 everything you want on the surface, try to find some
8 decent water. But the bottom line is this area is
9 subject to cave in. And all of your landscaping efforts,
10 along with the \$120 million will go right down the tube.
11 Why not invest in people. Use the funds to finish the
12 relocation of the folks who want to get off this ground
13 then do what you can with what's left to take care of the
14 other things. This all comes down to one word:
15 Priorities. What is the government's priority for the
16 Tar Creek area, cleanup or people?

17 SUSAN WALDRON: John C. Mott.

18 JOHN MOTT: Is there anybody here that don't
19 know who I am? Okay. Sam, I didn't work on the fire
20 department for 20 years with you for nothing. I've been
21 working on Tar Creek since Day 1. I worked as a guide to
22 take the EPA and the Water Resources Board to all the
23 areas in the 40 square miles. And I was a guide for six
24 months as a volunteer.

25 Then I was gone on a hunting trip one time and they
0035

1 wanted me to do some -- help them and they couldn't find
2 me. So they put me under contract where they could keep
3 me here to work, help them. And I was under contract for
4 about 12 years for -- the EPA was paying the bill and the
5 Water Resources Board was furnishing the -- is who I
6 worked for.

7 And I can vouch that Dr. Osborn, Sam Freeman and
8 these other two ladies here were talking straight. They
9 knew what they were talking about. We need to take care
10 of the people first. And the EPA can sit in their
11 offices in Dallas and wait till we get out of here. And
12 when we get out of here, they can come in here and play
13 in their chat and do what they want to, build their sand
14 castles or whatever they want to do with it.

15 So that's all I can say is I just vouch for the
16 people that were ahead of me that they know what they're
17 talking about and I can back them up. That's all.

18 SUSAN WALDRON: Theodora Berry. She left?
19 J.D. Strong.

20 J.D. STRONG: Hi. I'm J.D. Strong with the
21 _____ Environment's Office here in Oklahoma. I debated
22 whether or not I was going to make any comments but I
23 think in light of some of the comments made early in the
24 meeting and to the press and so forth earlier in the day
25 today, it's important that the state stress on the record
0036

1 that all of the collaboration and so forth that went on

2 between EPA and the state and tribes and other
3 stakeholders in developing this plan does not have the
4 support of the state at this point. And it will not
5 until it includes buyout as we have stressed for the past
6 year as we have been invited to work with the EPA and try
7 to develop a plan, a reasonable and logical plan for OU
8 4.

9 But to date, obviously, it does not include what we
10 think is the most important component of the remediation
11 plan and that is to get the folks out of harm's way first
12 and then take care of the environmental issues that need
13 to be remediated later. And so we will continue to
14 provide comments in writing thoroughly to EPA as we have
15 over the past year in trying to get a remediation project
16 that we support. But the state is not going to concur in
17 EPA's preferred alternative for this site, once again,
18 until EPA does not ignore the most important aspect and
19 issue at the site which is the human health aspect.

20 This being the highest hazard rating site in the
21 nation and one of the very few SuperFund sites where you
22 actually have documented measurable human health impact,
23 it is definitely unique and definitely one where EPA's
24 authority to relocate and its policy and guidance on
25 relocation, which is allowed under CERCLA, be employed if

0037

1 any SuperFund site in the nation is deserving of that.

2 And so I wanted to make sure that everybody was
3 aware of that. And then again, we will be providing
4 additional comments obviously in writing before the
5 comment deadline. Thank you.

6 SUSAN WALDRON: Richard Adams.

7 RICHARD ADAMS: I don't think I'm going to be
8 as popular as everybody else tonight. Basically, what I
9 would like to ask for the EPA is to consider that there
10 is chat that meets residential standards today, that it
11 meets play areas for children that are set up today and
12 that number is 400 parts per million. And I would like
13 for the EPA to consider exempting chat that meets that
14 regulation out of the proposal that they're doing. And
15 by doing that, there's a major difference between
16 unprocessed chat and washed chat. And 400 parts per
17 million is not just a level for residents, it's a level
18 that is used for a child's play area.

19 So these standards already exist today. And I
20 would say for the chat that applies to that and falls
21 under that 400 parts per million, that it be exempt from
22 this process. Thank you.

23 SUSAN WALDRON: Mike Sexton.

24 MIKE SEXTON: My name is Mike Sexton. I'm a
25 lifelong resident of this area and I really don't have

0038

1 much in the way of comments. I just have a question: Is
2 there anyone here opposed to the buyout? Okay, thank
3 you.

4 SUSAN WALDRON: Okay. So I have used all the
5 cards that I have. Anyone else have one for comment that
6 wants to make comment? Okay. Then that's the end of the

7 comment period.

8 JOHN MOTT: I've got to say something else.
9 Something has come up since. This is John Mott again.
10 Back in '81 the Water Resources Board was trying to get
11 this area put under the EPA and to get the EPA funding.
12 And we tried, filled out our application, and we sent it
13 to the EPA and six months, they couldn't understand what
14 we were trying to do. And we had a problem. They didn't
15 understand reading and writing, I guess.

16 So we had a Congressional hearing in Tulsa. And
17 they had the meeting in Tulsa. The Congressman came in
18 and it was a Congressional hearing. And after that
19 hearing, the EPA kind of got in line. So I'm proposing
20 that everybody here call their -- or talk to their
21 Congressman and their senators and let's get a
22 Congressional hearing in here. And then tell them what
23 the EPA is trying to do and let's see if our Congressman
24 and our senators are with them.

25 Now, that's -- I'm -- I'm starting a political

0039

1 uprising. And I want everybody to think about that.
2 Call your senator and your Congressman and let's -- let's
3 get a Congressional hearing here in Picher, Oklahoma, and
4 we'll find out what the EPA is going to do. Thank you.

5 SUSAN WALDRON: I gave Mr. Mott three more
6 minutes. Actually, he only took two. And so I'm going
7 to give Mr. Byford three more minutes.

8 LEO BYFORD: I want to make this pretty
9 simple. The State of Oklahoma, with one of their
10 supporting agencies, gave me an award called On the Brink
11 at one of the meetings in Tulsa, Oklahoma. It was for
12 the design mix of what I call Laura's Mix which has a
13 patent pending.

14 Several -- and that's the reason why I made that
15 opening statement that I did because it's been tried to
16 -- it's been tried numerous times to be duplicated up
17 here by agencies and they failed at it. It's pretty
18 simple. Also under the law, CERCLA law, there is only
19 two types of actions that can be responded to on a CERCLA
20 SuperFund site, just two, not three, not four. This is
21 what Congress passed.

22 One of them is for the immediate and removal of any
23 hazardous material or substance from that site that would
24 cause immediate health or endangerment to the public.
25 The second one is -- and this is a great big one; this is

0040

1 the reason why Tar Creek is so important what y'all have
2 been doing up here -- you've had 25 years to get a
3 permanent solution. The second part of CERCLA says,
4 Congressional intent, the only application that can be
5 done within a SuperFund site is permanent solutions. The
6 word is "permanent."

7 You have an opportunity here to take all this chat,
8 all the mill pond, scrap that thing, put them all back
9 into the mines in a structural compound, a structural
10 compound. You don't need to haul anything anywhere. Do
11 it all right here. I've got the patent pending on it.

12 It's the same thing that EPA and several others have been
13 trying to duplicate. You ain't got it done yet and
14 that's okay, maybe you will. I don't know.

15 But right now, it's available. And I've already
16 made this offer to the state. I've made this offer to
17 EPA, not three times but four times I have made this
18 offer. And I'm going to say it again.

19 I will pay for the pilot project to prove this
20 technology here at Tar Creek. It doesn't cost the state
21 anything. It doesn't cost you folks anything. It
22 doesn't cost anybody anything except us, only one. If it
23 works, fine. If it doesn't work, fine. It hasn't cost
24 you a dime and EPA has refused it every time I've offered
25 it.

0041

1 This is a permanent solution that will qualify
2 under CERCLA Congressional intent law. It ain't hauling
3 all this stuff out of here. It's fixing the land and
4 restoring it. And until you restore the mine workings,
5 you're not going to fix Tar Creek. You can haul all this
6 chat off all you want. But when this thing starts caving
7 in, it's history. It's very simple.

8 I've got one more thing to say and then I'll shut
9 up. I made that offer to the state. I'm going to extend
10 this offer right here and now and if you're copying this
11 down. I happen to be the owner of Environmental Toxin
12 Solutions.

13 This area up here is a total disaster repressed,
14 depressed, whatever kind of area you would like to
15 proclaim it. You have some other ones north of you.
16 What I will do right now, once I can get into a contract
17 with EPA to do this pilot project and once it is proven,
18 the first priority of work will come from these
19 communities.

20 I don't care if you're trained or not. I will
21 provide the training and the necessary documents to get
22 work. The second part of that is whoever is on the
23 surrounding areas, if they want to go to work, let's put
24 them to work. And we can get this thing calmed down.

25 SUSAN WALDRON: Thank you.

0042

1 LEO BYFORD: Thank you.

2 SUSAN WALDRON: Okay. I'm going to turn the
3 meeting back over to Mr. Coleman.

4 MR. COLEMAN: Thank you very much. I really
5 appreciate everybody's patience and the very respectful
6 way in which you provided your comments.

7 I'm going to actually ask one other question
8 because did anybody actually have any questions about the
9 components of the plan? I don't think so, but I --
10 that's on my list of things to say.

11 LEO BYFORD: I've got one. Where's the word
12 "permanent," "permanent solution"?

13 MR. COLEMAN: Well, I think --

14 LEO BYFORD: Where's the word "permanent"?

15 MR. COLEMAN: I think that's a great comment
16 to add for the record. And we can respond to that one in

17 writing.

18 UNIDENTIFIED SPEAKER: Wouldn't the question
19 of relocation in and out of the plan be pertinent to the
20 plan itself, instead of a list of different options?
21 It's about choosing the right plan, right? And so the
22 comments have been asking you to change from Plan 4 to
23 Plan 5.

24 MR. COLEMAN: Exactly. I think that the plan,
25 as it says now, essentially says that we have not chosen

0043

1 to include relocation at this time. But it also leaves
2 the door open for considering relocation if there's
3 additional information that makes it appropriate and
4 something that we can justify. And that process is
5 ongoing and under way. So when we get to the end of that
6 process, we will have to come back and inform everyone of
7 what any additional information.

8 I think tonight is one of those opportunities for
9 us to collect additional information that will have a
10 bearing on our final decision. So I'm going to --

11 KENNETH ANDERSON: Sir, would you say
12 something about -- there's a paragraph, or a couple of
13 paragraphs, about the liability in this plan. Who is
14 going to be liable for -- after it hauls out of here and
15 it gets out of here, who is going to be liable if it
16 pollutes some other area and whatever? I think that's in
17 the plan. And some people will be and some people won't.
18 I didn't really quite understand that.

19 MR. COLEMAN: Okay. I will -- I'll try to
20 explain that. But I'm not sure who the right person,
21 Wrenn or someone back here might be able to help me on
22 this one. What, essentially, we are proposing at this
23 point is if a purchaser of chat uses the chat in
24 accordance with the chat rule, they follow the guidelines
25 and best management practices contained in the chat rule

0044

1 and there is also a fact sheet that is an accompanying
2 document that provides some additional information, then
3 we do not believe that there will be any future liability
4 or problems with that chat.

5 If they do not follow the guidance that's in the
6 chat rule, then they are assuming that liability
7 themselves. Is that the part you're talking about?

8 KENNETH ANDERSON: Yes. You're saying that if
9 you mess up on one of your tests and it goes ahead and
10 pollutes something or don't work as you have planned, we
11 can't sue you, we can't sue anyway. But yes, that pretty
12 well explains it.

13 MR. COLEMAN: Okay. Thank you.

14 KENNETH ANDERSON: And we're not liable if
15 they mess up.

16 MR. COLEMAN: If they follow the best
17 management practices.

18 KENNETH ANDERSON: And if the EPA, ODEQ messes
19 up, they're not liable. Isn't that what you're saying?

20 MR. COLEMAN: I don't think we're saying the
21 same thing but we might be.

22 KENNETH ANDERSON: Well, if I follow all your
23 rules and it don't work because some of your tests and
24 stuff was inconclusive and you went ahead on the policy
25 side and some of your tests didn't get a response, so you

0045

1 went on the positive side, and you go ahead and spread
2 this out over the country side and something happens,
3 following your rules, we can't hold the EPA or DEQ or
4 whoever responsible. Isn't that what you're saying?

5 MR. COLEMAN: No, I'm saying that the chat
6 purchasers, we're not --

7 KENNETH ANDERSON: That's what I'm saying.

8 MR. COLEMAN: No, you're saying the EPA. I'm
9 saying the chat purchasers. There's a difference. We're
10 not purchasing anything.

11 KENNETH ANDERSON: You're setting the rules,
12 though.

13 MR. COLEMAN: Okay.

14 KENNETH ANDERSON: If I follow the rules to
15 the letter of what you say, right, understand that?

16 MR. COLEMAN: I got that part.

17 KENNETH ANDERSON: Down to covered trucks and
18 whatever, and something happens out here and it don't
19 work and it still pollutes, and I come up here and
20 there's all kinds of millings down this turnpike -- it
21 was blacktop at one time, now it's millings back on top
22 of the ground -- the EPA won't be responsible even though
23 I follow your rules?

24 MR. COLEMAN: That is not what I said.

25 KENNETH ANDERSON: Well, that's

0046

1 interpretation, isn't it?

2 MR. COLEMAN: No, I don't think that -- let me
3 try to say it one more time and then we'll -- we can move
4 on. If a person follows the chat rules, the best
5 management practices and the information that we provided
6 on the best uses of chat, the appropriate uses of chat,
7 the person who purchases the chat is the person who is
8 saying we're not going to pursue.

9 We're not -- we're not trying to get out of any EPA
10 responsibility for the future. That's not -- that's not
11 our issue. The issue is the people that purchase the
12 chat is the only liability protection or discussion that
13 we have. EPA's liability is established more by Congress
14 and so we will always have some part of liability.

15 KENNETH ANDERSON: Some answer. I'm done.

16 MR. COLEMAN: Okay. Well, this lady over
17 here.

18 KIM GOSNEY: What you're saying is the
19 relocation is not a priority in this plan. So what
20 you're telling us is -- oh, Kim Gosney. I'm a resident
21 of Picher.

22 SUSAN WALDRON: Kim, last name?

23 KIM GOSNEY: Gosney.

24 SUSAN WALDRON: How do you spell it?

25 KIM GOSNEY: G-O-S-N-E-Y. So what you're

0047

1 telling us is our lives are not important in this plan,
2 is that what you're saying.
3 MR. COLEMAN: No, ma'am.
4 KIM GOSNEY: The relocation is not a priority.
5 MR. COLEMAN: No, what I said was the proposal
6 that we have now --
7 KIM GOSNEY: Does not include relocation?
8 MR. COLEMAN: -- does not include relocation
9 at this time. What we're doing is gathering information.
10 We have not made a decision. The proposal is a proposal.
11 The proposal is not a decision. So we are collecting
12 information from you. And the information that we
13 collect from you, along with other information, we have a
14 public comment period. We don't know what all comments
15 we're going to receive. All of that has to be considered
16 before a final decision is made.
17 KIM GOSNEY: If that first plan takes 10
18 years, how many people do you think in this room is going
19 to be left in 10 years and what's going to happen to us
20 in 10 years? What if we cave in in 10 years?
21 MR. COLEMAN: Well, I don't -- I actually
22 don't have an answer for that. We can only look at the
23 information that's been presented to us. I think that
24 tonight we've gotten a lot of very good information about
25 the public's concern about relocation. And I think we're

0048

1 going to consider that.
2 KIM GOSNEY: Why don't you consider us as a
3 community, our lives. Consider that.
4 MR. COLEMAN: Okay. Thank you.
5 CANDY CRITES: I have kind of three things to
6 say. I'm Candy Crites. And I live in Cardin.
7 SUSAN WALDRON: Crites? How do you spell
8 that?
9 CANDY CRITES: C-R-I-T-E-S.
10 SUSAN WALDRON: Thank you.
11 CANDY CRITES: According to the people you
12 said would buy the gravel, are you going to make them
13 sign a waiver before they buy it that holds us not liable
14 for it? And the other one is you said you wanted
15 information. I told the EPA, the gentlemen that came
16 down from Washington, I told them I would give them two
17 years when they started this remediation.
18 I said in two years or less I said what you have
19 dug up and recovered I said is going to come back up to
20 the surface. They came back to my house over in Cardin
21 in two years, stood in my yard and admitted what I told
22 them was the truth. They had to redo those yards once
23 again.
24 What you will be doing, if you don't help with this
25 relocation -- you can't put a band aid on a cancer. A

0049

1 cancer is within, not on the surface. You have to treat
2 within. The people have to be taken out of here because
3 if not, there's a lot of things that's happening here
4 already. We've lost people after people in this -- these
5 towns. We are looking for help. We're not looking for

6 excuses.

7 MR. COLEMAN: Okay, thank you. I'm going to
8 summarize what many of the comments that I've heard. I
9 think that at the absolute top of the list is that EPA
10 should consider relocation as part of our remedy. And
11 we've heard that from the individual citizens. We've
12 heard it from the Mayor of Picher, we've heard it from
13 the State of Oklahoma, we've heard it from the relocation
14 trust. I guess we've heard it from everybody. Is there
15 anybody I've missed?

16 That -- we're going to take that to heart. Well,
17 I'll just leave it at that. The only other things that
18 really I heard -- I heard a discussion about a potential
19 patent infringement. I'm hoping that those comments are
20 submitted in writing for the record so we can evaluate
21 that. I heard about there's concern about some of the
22 hauling and I also heard one comment that we might want
23 to consider exempting some uses of chat if the levels are
24 below 400 parts per million.

25 But in summary, I think the overwhelming comment

0050

1 that we've heard is that we should consider relocation.
2 That's something that we're definitely going to think
3 about and consider. As I mentioned earlier, we have not
4 made any final decisions.

5 I want to remind folks that I will have my
6 technical team at the Picher Housing Authority tomorrow
7 morning if folks want to come by and ask them any other
8 questions. We can probably stick around for a few
9 minutes here if folks have some other questions they have
10 for us. But I don't really have anything else unless
11 there are any other comments.

12 JOHN CLARK: I'm the County Commissioner up
13 here in the Northern District. As I've gone over some of
14 the proposals for OU 4, I see some interesting content
15 that you guys are looking at. I've got pros and cons
16 about some of the different things that you guys are
17 looking at.

18 But I'm posed with questions from my constituents
19 on a daily basis. And I know you've heard this over and
20 over again tonight. And I just want to reiterate again
21 that the -- those that would -- those that choose to
22 leave here, they would like to be given top priority to
23 be considered before that you consider implementing any
24 of your corrections in OU 4.

25 Once again, I think some of the things you are

0051

1 considering are -- are I think, very viable options. But
2 here again, please take these people that want to leave,
3 please take them into consideration first. Thanks.

4 MR. COLEMAN: Thank you.

5 CATHLEEN WELCH: My name is Cathleen Welch. I
6 work for the Wyandotte Tribe but I'm speaking as a
7 citizen. And that is, also when you talk about putting
8 fines and things back into the water and you say we're
9 going to do hydrologic studies and everything, you know,
10 we were put on this earth, God put us on this earth to be

11 caretakers of this earth. And along the way, somewhere
12 along the line, this community got failed in that
13 project. And so now lives are being torn apart, their
14 health is at risk, their family lives, what they know.
15 And what they own is pretty much down the tube.

16 When you talk about putting things in the water,
17 you can't replace the water either. So, and I don't
18 believe when you tell me that if you put it in these mine
19 workings, it's not going to affect the water in the
20 aquifers because it will.

21 And whether it be 10 years down the road, 50 years
22 down the road, whatever, should this earth still be here
23 at that time, it's going to make an effect. So think
24 before you start just saying you're going to put things
25 back in the mine. Because, yes, it -- it will make an

0052

1 affect on the water, too. And our body is made up mainly
2 of water. And that is for a reason.

3 And you start putting things into the water and
4 you're going to start affecting everybody's health, too.
5 Not just the people of Picher because I really do feel
6 sorry for Picher and Cardin and Hockerville. These
7 people put their lives here. They love this land. And
8 now it's desecrated and that's a terrible shame. And we
9 need to figure out a way to help them out first and then
10 go from there on what you're going to do about -- so the
11 rest of the people will not be contaminated, too, by
12 putting things in the mine workings and impacting the
13 waters. Thank you.

14 SUSAN WALDRON: Okay. I just want to end
15 tonight by saying thank you so much for being here
16 tonight. I also just want to make a comment that 10 or
17 11 years ago actually, 1996, was the first time I came to
18 a public meeting here. And there was a handful of people
19 that were here. And that handful of people didn't really
20 understand the process.

21 We've learned a lot over the last 11 years, haven't
22 we? And I just want to encourage you all that tonight's
23 comment period went very, very well. But I also
24 encourage you to write to the EPA and document your
25 comments that you've made tonight.

0053

1 And he, Mr. Coleman, when he stood up here said we
2 would welcome any additional information you can provide.
3 And they mean that. And that's part of the process. And
4 like I said, we've learned a lot about the process over
5 these years. So let's take advantage of it now. And you
6 can send your comments in to EPA as well as talk to
7 someone tomorrow when they have their availability
8 session.

9 Thank you so much for the way that it all went
10 smoothly tonight. And I appreciate you. Thank you.

11 (The meeting was adjourned.)

12
13
14
15

16
17
18
19
20
21
22
23
24
25