



July 19, 2019

Certified Mail

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Joe Dauner
Environmental Manager
Calumet Montana Refining, LLC
1900 10th Street N.E.
Great Falls, MT 59404

RE: DEQ Approval – AOC #16 Interim Measures Evaluation Report

Dear Mr. Dauner:

The Montana Department of Environmental Quality (DEQ) reviewed Calumet Montana Refining, LLC's (CMR) document *AOC-16 Interim Measures Evaluation Report* (Report). The Report is dated June 2019 and was submitted with a cover letter dated June 10, 2019.

DEQ approves, with conditions specified below, the report including CMR's recommended alternative for interim measures at Area of Concern (AOC) #16. CMR does not need to submit a revised report.

1. **Section 3.1 Remedy Goals and Corrective Action Objectives:** This section implies hydrocarbon daylighting at the River's Edge Trail or a sheen would be considered an aesthetic goal. Exposure of hydrocarbon or a sheen on the Missouri River would mean a release of hazardous constituents. DEQ will not recognize aesthetics as a goal with regard to implementing interim measures.
2. **Section 3.2 Compliance Point:** CMR proposes using well MW-62 as a point of compliance with regard to the goal of preventing migration of dissolved phase groundwater impacts to the Missouri River. CMR notes that a compliance point for a regulated unit is defined in the Code of Federal Regulations.

Point of compliance wells for a regulated unit and monitoring wells required during corrective action have different purposes. DEQ agrees that MW-62's location is suited to evaluate the interim measures for AOC #16. MW-62 is downgradient of CMR property and downgradient of the remedies.

DEQ would consider the prevention of the further spread of contamination towards the Missouri River a goal of interim measures. However, this would best be described as a short-term or intermediate goal. The long-term goal is compliance with Circular DEQ-7 which is normally documented at the property boundary.

DEQ will consider MW-62 a corrective action monitoring well. The well will monitor the effectiveness of the remedy. MW-62 must be monitored quarterly.

3. **Public Participation:** CMR discussed incorporating public participation in the interim measures process for AOC #16. CMR made the request in the June 10, 2019 letter to DEQ. DEQ and CMR also discussed public participation during a June 20, 2019 meeting.

Corrective Action Order on Consent (Order) #MHWCAO-12-01 does not require CMR to develop a public participation plan until a Corrective Measures Work Plan is submitted. The Order does not require DEQ to solicit formal public comments on interim measures nor draft an environmental assessment.

However, DEQ believes informing the public about corrective action activities at CMR is prudent. DEQ suggest we coordinate on the following items including, but not limited to:

- Completing a factsheet to update the public on corrective action at AOC #16;
- Completing a factsheet regarding facility-wide corrective action;
- Providing information to the refinery's advisory group and other citizen groups; and
- Creating an on-line repository for corrective action documents.

Please contact me if you have any questions regarding this letter.

Sincerely,



Denise A. Kirkpatrick
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cc: Jesse Newland, USEPA Region 8, Newland.Jesse@epa.gov
HW facility file: Montana Refining Company, Corrective Action, File #34