



February 19, 2021

Allie Archer
Remedial Project Manager
Federal Building
10 West 15th St., Suite 3200
Helena, MT 59626

RE: Comments on the DRAFT Baseline Ecological Risk Assessment (BERA) for Operable Units 2 & 3 of the Smurfit-Stone/Frenchtown Mill Site, November 2020 and DRAFT Human Health Risk Assessment (HHRA) for the Smurfit-Stone/Frenchtown Mill Operable Unit 3 Site, December 2020.

Dear Ms. Archer,

Thank you for the opportunity to comment on BERA and HHRA for the Smurfit-Stone site.

The Clark Fork Coalition, in partnership with Missoula County, hired Abt Associates to review and provide comments on the draft BERA. Abt's comments are attached to this letter, and we submit them in their entirety as comments on behalf of the Clark Fork Coalition.

The Clark Fork Coalition is grateful to you and your EPA colleagues for the improvements in communications and responsiveness since you took over as project manager. But as you know, we have long-standing concerns about pace, thoroughness, and draft conclusions of the ongoing investigations. We are particularly concerned that the draft HHRA and BERA, like the draft Groundwater Conceptual Site Model, downplay the dangers of the Smurfit site by drawing premature or misleading conclusions based on limited data, often collected through inappropriate methods. Abt's independent, third-party review highlights the validity of these concerns and provides a sobering assessment of how much work remains to be done to reach a credible conclusion about the potential dangers posed by Smurfit.

In addition to submitting Abt's comments, we would like to make the following requests that we think would improve the credibility of the ongoing investigations:

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- **Fish Tissue:** Based on data collected in 2018 and 2019, the State of Montana has issued a do-not-eat advisory for all species and all size classes of fish from the Clark Fork River in the greater Missoula area. In contrast, the EPA's HHRA model suggests only very limited dangers from fish consumption, and EPA has no plans to collect additional fish tissue data. The disconnect between State and the Federal conclusions regarding the risk to human health from the Clark Fork's fishery undermines the credibility of the entire investigation and will erode public confidence in the process. We request the following actions to help resolve the disagreement and provide the people of western Montana with a better understanding of the dangers posed by the fishery:
 - Further fish tissue investigations to provide statistically meaningful sample sizes for determining the magnitude and geographic extent of the risks from consuming fish of all species, size classes, and ages in the Clark Fork River.
 - Additional fish tissue and sediment sampling to determine the downstream extent of contamination from Smurfit and with it the appropriate downstream boundary of Operable Unit 3.
 - Analysis of specific dioxin/furan congeners in fish that would help determine a link, if any, to the paper making processes at Smurfit.
 - A comprehensive investigation of coplanar PCBs across operable units and media to evaluate EPA's assertion that the Smurfit site has never been a source of the PCBs to the Clark Fork or its fishery. The PCB removal action that has already occurred at Smurfit strongly suggests that the site should be considered a source of PCBs unless there is definitive proof to the contrary.
 - Adoption by EPA of the State's more protective and conservative fish consumption risk modeling assumptions and parameters including dioxin cancer risks, sample compositing standards, and cancer slope factors, in consultation with Montana's fish consumption advisory board.

- **Aerial Deposition and Background Concentrations of COPCs:** Much of the area upstream of the Smurfit site was subject to decades of aerial deposition from emissions at the mill site, and EPA's own research shows Kraft liner board facilities were common sources of airborne emissions of dioxins and furans. For these reasons, we ask that all reference conditions used in the ongoing investigations be located outside of Smurfit's aerial deposition zone.

We are also concerned about the potential impacts from known pollutant sources upstream of the Smurfit site. Stimson Lumber at the confluence of the Clark Fork and Blackfoot rivers was a well-known source of PCBs to the Clark Fork, and the S&W near Darby is a known source of dioxins and furans. It is our understanding that both of these locations, like the Smurfit site, were once owned and operated by International Paper or its corporate heirs or predecessors. EPA has argued that the State's fish consumption advisory for the Clark Fork River is not related to Smurfit because it is being driven by coplanar PCBs, not dioxins, and that the PCBs did not come from Smurfit. Even if, for the sake of argument, we took this to be true, much of the additional

PCB load probably came from Stimson. To count the lingering concentrations of PCBs from Stimson towards “background” concentrations at Smurfit – and by so doing obviate the need for remediation of another site operated by the same PRP – defies common sense and is antithetical to the mission of EPA. We request an analysis of the cumulative impacts of Stimson and S&W on concentrations of dioxins, furans, and PCBs in the Clark Fork and of EPA’s authority under CERCLA to require action from the responsible party common to the three Superfund sites in question.

- **Berm Failure:** High flows during the spring of 2018 provided a stark reminder that berm failure at Smurfit is an inevitability given enough time. No assessment of risks to human health and the environment at Smurfit can be complete without consideration of the scour and transport of toxic material from the site that would occur during a high flow berm failure event. We request that berm failure be added to the analysis in the BERA and HHRA.

It has now been 11 years since Smurfit closed. As we enter a second decade of esoteric debate over sample sizes and detection limits, reference conditions and aerial deposition patterns, a few simple facts remain beyond dispute: 1.6 million tons of dioxin-producing bleach pulp sit in unlined, unregulated waste dumps that are in contact with groundwater that flows to the Clark Fork River. The fish of the Clark Fork River have been rendered unfit for human consumption by the very toxins that flow from these dumps, and the aquifer will be forever off limits, thanks to manganese concentrations that exceed safe levels by a factor of 500. All of it rests in the floodplain and channel migration zone of a major river, protected only by a gravel berm that is failing and will one day be washed away. Do we really need years of additional study and meetings to determine if something needs to be done? We think not.

Clean the dumps, remove the berm, and restore the floodplain. That is the only way forward at Smurfit, and for this reason we reiterate our request for EPA to move to the feasibility study phase of the project, starting at the waste management area, so that we can begin to take the steps necessary to stop the flow of pollution from Smurfit into the Clark Fork River. Your colleagues working on the Columbia Falls Aluminum Company site have taken a similar approach that could serve as a potential model for how to proceed at Smurfit.

Sincerely,



Karen Knudsen
Executive Director

cc by email: Keith Large, DEQ Project Manager

ATCH: Abt Associates - Comments on the Smurfit-Stone/Frenchtown Mill Draft Baseline Ecological Risk Assessment. Prepared for the Clark Fork Coalition and Missoula County, February 10, 2021.