

**Minutes of a Special Session of the Common Council of the Town of Clarkdale
Held on Tuesday, May 19, 2015**

A Special Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, May 19, 2015, at 6:00 p.m. in the Clarkdale Auditorium, 19 N. Ninth Street, Clarkdale, Arizona.

CALL TO ORDER – Meeting was called to order at 6:00 P.M. by Mayor Von Gausig.

Town Council:

Mayor Doug Von Gausig
Vice Mayor Richard Dehnert
Councilmember Scott Buckley

Councilmember Bill Regner
Councilmember Curtiss Bohall

Town Staff:

Town Manager Gayle Mabery
Town Clerk/Finance Director Kathy Bainbridge
Community Services/Human Resources Director Janet Perry
Community Development/Economic Director Jodie Filardo
Utilities/Public Works Director Wayne Debrosky
Police Chief Randy Taylor
Chris Thomas, Attorney Squire Patton Boggs

Presenters:

John Patricki – Arizona Department of Environmental Quality, Project Manager of Clarkdale Site
Julie Hoskin – Arizona Department of Environmental Quality, Voluntary Remediation Manager
Rick Zeise – State Attorney General's Office
Jennifer Botsford – Arizona Health Services
Melissa Tegarden – Arizona Health Services
Alicia Voss – Freeport Minerals Corporation
David Wallis – Attorney – Freeport Minerals Corporation

PUBLIC COMMENT – The Town Council invites the public to provide comments at this time. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. Persons interested in making a comment on a specific agenda item are asked to complete a brief form and submit it to the Town Clerk during the meeting. Each speaker is asked to limit their comments to five minutes.

No Public Comment

NEW BUSINESS

UNITED VERDE SOIL PROGRAM BACKGROUND AND OVERVIEW – A presentation from Clarkdale Town Staff relating to the Town of Clarkdale's planning and response related to the United Verde Soil Program. (15 minutes*)

Background: The Town of Clarkdale was informed during an April 14, 2015 meeting between Mayor Von Gausig, Town Manager Mabery and representatives from Freeport Minerals Corporation (Freeport) that Freeport had submitted an application with the Arizona Department of Environmental Quality's (ADEQ) Voluntary Remediation Program to undertake the UVSP.

According to a Fact Sheet developed by Freeport and provided to the Town after the April 14th meeting, the United Verde Copper Company operated a copper smelter northwest of Clarkdale from 1915 to 1932. The smelter was reopened in 1935 when Phelps Dodge purchased United Verde and continued to operate until 1953. Freeport is the successor to Phelps Dodge Corporation.

According to the Fact Sheet, because the United Verde smelter operated in an era before emissions control equipment was commonly used, historical air emissions from the smelter may have deposited metal-bearing particles (including arsenic, copper and lead) on nearby soil. Freeport plans to move forward with a soil testing program to investigate potential smelter-related impacts to soil in the area of Clarkdale near the former smelter. This area generally includes the properties located in the residential portion of the historic Clarkdale townsite and the Yavapai-Apache Nation reservation. If test results determine that metal concentrations in soil exceed the target cleanup levels for the program, then Freeport will offer soil replacement and landscaping restoration at no cost to the property owner.

Given the potential for the UVSP to impact our community in a variety of ways, the Town of Clarkdale has undertaken extensive investigation and resource identification activities since learning of the issue in mid-April. In addition to an internal team working on the project on the Town's behalf, we recognized early on that we would need some specialized advice on this project. During their April 28th Council meeting, the Town Council directed the staff to initiate an amendment to the Town of Clarkdale's contract with Squire Patton Boggs (SPB) to include legal advice and consulting on issues relating to the UVSP. As a result, Christopher Thomas from SPB is providing legal advice on this issue, and environmental consulting services are being provided through SPB by Gary Boettcher and Associates, LLC.

After requesting the public records associated with the UVSP from the ADEQ, the Town received copies of the two documents on file at the State, including:

- Freeport's Voluntary Remediation Program Application for the UVSP, dated July 24, 2014
- A Human Health Risk Assessment to Support Site-Specific Soil Remediation Levels for Arsenic, Copper and Lead at the United Verde Soil Program (Prepared for Freeport by Damian Applied Toxicology, LLC), dated January 22, 2015

Clarkdale's environmental consultants and legal team will provide initial review of the above mentioned documents, and on-going consultation for other technical and legal issues relating to this project.

Clarkdale's internal team has interviewed representatives from several communities where similar programs have been undertaken, both within and outside Arizona, including Bisbee (AZ), Douglas (AZ) and Blackwell (OK) to better understand the lessons learned by those communities, and the impacts that could be anticipated by residents. Clarkdale representatives also attended the State's Brownfields Conference in Phoenix in late April, which provided additional state and federal

resources to research with regard to future project funding that might be applicable depending on the soil testing results in the UVSP.

In order to provide information to our community in a timely manner, Clarkdale asked FMC to attend the May 19th Council meeting to provide information about the UVSP. In addition, Clarkdale asked the ADEQ and the ADHS to attend the same meeting to provide pertinent information. To make sure the public had access to information about the issue, Clarkdale posted its first information relating to the UVSP on the Town's website on May 1st and issued a Press Release on that same day.

Additionally, staff is interested in exploring the formation of the Citizen's Committee to help serve as a conduit of information for the public in regards to the UVSP. We plan to bring recommendations back to the Town Council in the next 30-60 days relating to the formation of a committee for this purpose.

In advance of the May 19th meeting, Clarkdale officials have met with representatives of numerous other Clarkdale and Verde Valley communities, agencies and organizations in order to discuss the UVSP. A copy of Freeport's Fact Sheet about the project has been posted on the Town of Clarkdale's webpage, as has the initial application that Freeport filed with ADEQ to participate in the Voluntary Remediation Program. Announcements for dates and times of future public meetings on this topic will also be made available on the website: <http://www.clarkdale.az.gov>

Having held several meetings with various representatives from FMC in the past month, Clarkdale's team has drafted a list of questions that we feel need to be addressed during the May 19th Public Meeting. FMC has already addressed a number of these issues with various Clarkdale representatives, but we felt it important that they be addressed in a public meeting as well. These questions are not meant to be all-encompassing, but we believe they will be of interest to the Town Council and to our citizens:

What was the trigger to initiate this project?

What substances are you testing for, and what are the allowable levels for those substances?

Have you done soil testing in Clarkdale yet, and, if so, what were the results?

What are the health risks to humans associated with the metals you are testing for?

Are there concerns about ingesting food grown in soil if these metals are present?

How did you establish the initial testing area, and what will trigger expansion of that area?

Will you provide soils testing for properties outside the Initial Project Area if requested by a property owner?

How do you plan to reach out to property owners in the Initial Project Area?

What if someone does not want their property tested or remediated?

What are your plans for testing and remediation at the Clarkdale-Jerome School and in our public parks?

Please describe how the soil testing would be handled for a typical residential property.

Please describe how the remediation of a typical residential property would be handled were the soils tests to show the need for remediation.

Will you relocate homeowners during the remediation of their property?

How do you handle mature trees and vegetation?

Are there opportunities to replace high water use landscaping with lower water use landscaping?

Will you warranty the landscaping that you provide?

Will the standards applied for the Soils Program be consistent for both the Yavapai-Apache Nation and the Town of Clarkdale?

What is ADEQ's program authority on the Yavapai-Apache reservation in Clarkdale?

How will you handle testing and remediation for undeveloped properties that are currently zoned for residential or commercial use?

What are your plans for disposal of the remediated materials, and what is the source for new materials that would be brought into our community?

What are your plans for dust control during the soil remediation?

How long should we anticipate the testing and remediation phases to last?

In addition to soils, could the river or the groundwater be impacted?

Can we expect local job creation as a result of this project?

How will Clarkdale businesses be utilized during the project?

What types of local businesses will see the greatest economic impact (positive or negative)?

How can citizens stay updated on the latest information pertaining to this project?

What are your next steps and when will you hold an Open House to provide additional information to the community?

We know that the community understanding of the impacts that historic smelter operations may have had on our town will continue to evolve as more information is developed through the soil testing process. Although Freeport did not operate the historic smelter, they are the successor to Phelps Dodge, and as such have the responsibility for the impacts caused by the smelter. We believe that responsibility encompasses the need to remediate the impacts from the smelter and assist the community with recovery. Ultimately, we hope those efforts will allow Freeport to leave a positive legacy in Clarkdale.

Town Manager Mabery presented an overview of the Remediation Project. Mayor Von Gausig acknowledged the various agency and government representatives that were present.

This is a presentation and no council action required.

PRESENTATION BY ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ) – A presentation on ADEQ's Voluntary Remediation Program for investigation and clean-up of contaminated sites and ADEQ's role with regard to the United Verde Soil Program, and

questions from Clarkdale Town Council. (30 minutes)

Julie Hoskin gave a PowerPoint presentation with technical information on the application process and requirements completed and fulfilled by Freeport Minerals to initiate the voluntary remediation project.

Voluntary Remediation Goals:

- Allow applicants to conduct expedited remediation of properties and return them to productive use
- Work cooperatively with applicants to achieve their remediation goals in a cost effective manner
- Allow applicants to proactively reduce risk to public health and the environment
- Facilitate selection of regulatory tools available to the applicant to reach site closure

Soil Rule

Three ways to establish cleanup standards under ADEQ's Soil Rule R18-7-201

- Pre-determined Soil Remediation Levels (SRLs)
- Background
- Site Specific (Risk Assessment)

Overview of Voluntary Remediation Program Process

- Submit work plan for approval
 - Flexibility
 - Include Quality Assurance issues relevant for level of site
 - Work plan approval
 - Conduct work
- Modification of work plan (as necessary)
- Request for NFA determination

Mayor Von Gausig asked if the geographic scope in the application could be broadened by ADEQ and was informed that ADEQ determines that on a case by case basis and the broadening of the scope of the cleanup could be accomplished within the same application.

Town Manager Mabery asked if ADEQ had any role in the expansion of the scope of a cleanup area and Hoskin replied that dependent on the data results ADEQ could have influence on what the expansion should entail. Mabery further asked if ADEQ performed any "split sampling" of their own in the project area and Hoskin responded that ADEQ does not. Mabery then questioned ADEQ's jurisdiction on the reservation which is part of the initial project area. Hoskin stated that ADEQ does not have jurisdiction in the tribal nations however they are not restricted from working on the reservation with tribal agreement.

Councilmember Regner asked if the application request for testing certain types of contaminants was expanded upon by ADEQ and was told that it was not a standard practice to look at the ore body. The applicant cannot be required by ADEQ to test outside of the specified metals however they can and do make recommendations.

Town Manager Mabery asked if contaminants other than copper, lead and arsenic would be tested for in the sampling and Hoskin stated they would have to refer to the work plan and make a decision based on that.

This is a presentation and no council action required.

PRESENTATION BY FREEPORT MINERALS CORPORATION (FMC) – A presentation on FMC's United Verde Soil Program, which is a soil testing and remediation program associated with historical air emissions from the United Verde Smelter that may have resulted in deposits of metal-bearing particles (arsenic, copper and lead) on nearby soil; includes time for questions from the Clarkdale Town Council. (60 minutes)

Alicia Voss presented information and fielded questions on the Voluntary Remediation Program. Voss gave the smelter history and stated it was fully operational from 1915 – 1932 and owned at that time by United Verde Copper Company. Phelps-Dodge took over after a short hiatus from 1935 – 1953. The smelter was then closed. Freeport Minerals acquired Phelps-Dodge in 2007. The smelting process created air emissions that included particulate with metals that tend to settle in soil. Freeport is requesting ADEQ's oversight and participation for soil testing for specific particulate of copper, arsenic and lead.

The "reporting deliverables" in Freeport's application include:

- Human Risk Assessment which states the target cleanup levels they are using for this project are 9000 mg/kg for copper; 425 mg/kg for lead and 30 mg/kg for arsenic.
- Sampling and analysis plan which explains how the process will be handled and handled safely (this includes a Quality Assurance Project Plan and a Health and Safety Plan).
- Remedial action work plan will come later in the process. Will outline how the properties will be restored.
- Completion report

The initial study area is the part of Clarkdale that was closest to the former smelter. Data from within that study area will help determine whether to expand the boundary.

Mayor Von Gausig described the initial study area boundaries for the benefit of the audience.

Voss explained the soil program process:

- Outreach process of their project which includes direct mailings, access agreements with explanation of program, storefront office for community questions, and an open house. This portion of the program is scheduled to begin in the Summer of 2015.
- Soil sampling. All results will be available to the property owner. (Fall, 2015)
- Soil remediation. (Schedule determined by sampling data.)

- Interior cleaning. Freeport offers to clean the interior of the homes of participating property owners in the event that dust may have gotten into the house during the remediation process.

Freeport Minerals will pay the entire cost of the project and participation is voluntary for property owners.

Voss played a 5 ½ minute video further describing the sampling process.

Voss concluded the program and questions from the Council followed.

Mayor Von Gausig (MVG): Why Clarkdale and why now?

Answer (A): Freeport gained an understanding and awareness of smelter issues and has been working through other town sites with ADEQ. Previous projects have been in Ajo (100% complete); Bisbee (99% complete); and Douglas is just getting started remediation and restoration projects this summer. Clarkdale was identified as one of the sites they wanted to address.

MVG: How were the target cleanup levels chosen (9000 ppm – copper; 425 ppm – lead; 30 ppm – arsenic)?

A: The numbers come from the Human Health Risk Assessment specifically for this project.

MVG: If the concentration of a contaminant is very high but the exposure is very low, is it correct that the risk assessment could show a different number than if the exposure were high?

A: Deferred to Health Services however briefly stated that concentration and the exposure will equal the risk.

MVG: Has there been any testing of soil samples in Clarkdale?

A: Not yet.

MVG: How did Freeport establish the initial testing areas indicated on the maps?

A: That part of Clarkdale that is closest in proximity to the smelter. It is the most likely area to find something.

MVG: What might trigger an expansion of that area?

A: Discussion of expansion of the boundary depend on the data. If there is an indication of a significant issue they would have further discussions on expansion.

MVG: I am a property owner in the study area. What if I decide I don't want Freeport to test, or if I do decide to allow testing and there are exceedances showing in the result but I decide I don't want property remediation, what happens to my property then? Am I giving up any of my rights if I do that?

A: The program is voluntary. You can drop in or out at any time. Freeport strongly encourages people to go all the way through the process.

MVG: What if I initially decide I don't want to participate but later change my mind?

A: As long as the program is running, Freeport will test for anyone in the study area that decides to come in even on the very last day.

MVG: What if I am a property owner who lives just outside the study area but want my property tested sooner rather than later, is there an opportunity to get that done or does it have to wait until the initial study area is completed?

A: Freeport wants to stick to the initial study area at the beginning. There will be those extenuating circumstances that may be handled differently and Freeport asks that those property owners come in and talk to them about their particular issues.

MVG: What about concerns surrounding Clarkdale-Jerome School and our public parks?

A: Typically properties placed at the front of the sampling program are areas where children are present including public properties and play areas, schools, and residences that have children.

MVG: If someone needs a large scale remediation of their location will Freeport provide re-location services during that remediation?

A: Typically the remediation process is 1 – 3 days and the property is always accessible to the owner. No one needs to be displaced. If the property owner would be more comfortable elsewhere, they will make arrangements and pay for that.

MVG: Will Freeport be doing some kind of dust control during the process?

A.: Yes. Properties are pre-wet. They have trucks that spray water. They understand that the Town has trucks that have gray water. They actively monitor for dust using dust monitors.

MVG: Will Freeport do whatever possible to save trees and mature landscaping or will it all have to go?

A: We take great care to save trees and mature landscaping. They sit down with the property owner and discuss what their concerns are and have a specific remediation program for every property. They work with arborists to learn about root systems.

MVG: Are property owners bound by the current type of landscaping they have, i.e., could he change to a xeriscaping type landscape?

A: Freeport will replace in kind but xeriscaping options could be discussed.

MVG: Is the landscaping done by a licensed landscaper and warranted? And who pays for the water used for the landscaping?

A: Freeport obligates itself to 60 days to maintain the landscaping. When they get to work plan stage they will identify the source of the water to be used. If they use private residents' water they will reimburse the homeowner for the water.

Vice Mayor Dehnert (VMD): If it's found that a property needs remediation, and there are areas that have been paved over, i.e., patios, pavers, sidewalks, etc., can that hard surface stay?

A: They typically do not remove hardscape, i.e., roads, concrete sidewalks, asphalt driveways. They do take out gravel driveways.

MVG: What if one section of a yard requires remediation but another section does not? Is the entire property remediated?

A: During sampling the yard is divided into sections. It is common for the front yard to have exceedances and not the back yard. They will replace only what exceeds. The data is relied on to provide procedures on what would require remediation.

Town Manager Mabery (TMM): A couple of our residents have contacted the Town requesting to be put on a contact list for upcoming meetings. Is that something they are including in their community outreach program?

A: Could have a local repository

TMM: Along with Freeport's proposal of having a local repository for the physical documents, what is the possibility of having an online repository as well?

A: They can discuss the online repository and get back with the Town.

TMM: Would the target cleanup levels be the same for the Yavapai-Apache Nation as they would for other residential properties in Clarkdale?

A: Yes. They are proposing to use the same numbers.

TMM: Although the focus of this project is on soil, is there possibility that groundwater or surface water has been impacted?

A: From their experience it is not likely. The targeted metals typically are shallow soil issues usually 6-12 inches, sometimes a little deeper than 12 inches but not much more than that.

TMM: Having visited with some of the other communities that have experienced this type of remediation, what are the impacts on the Town with regard to economic development?

A: There is need for local services and labor. Typically during sampling they bring in trained crews who will need lodging, food, supplies, etc. Construction/remediation phase is usually where there is opportunity for local hires. Those tend to be labor level jobs, some skilled jobs, i.e., CDL drivers. In some of other communities, as long as the remediation goes on, they tend to pick from local labor depending on local labor pool interest. One current job they have is up to 25-30% local labor.

TMM: The video discussed a 2' depth of remediation, are there instances that they might go deeper than 2'?

A: Initially they sample in 6" intervals down to 2'. They will analyze the first two intervals and the data. If the data does not exceed their criteria, they do not go deeper in analysis. If concentrations go deeper they may then go deeper than 2'.

TMM: Please elaborate on the grid and the 3600 sf sections of property analysis.

A: For every property they will divide it into "use" areas, front yards, back yards, side yards, and those will be divided into square footage areas that are uniform 3600 square feet. Within that use area they will collect 5 samples that they will composite into one sample to represent the concentration for that area. If in the analysis of that sample there is an exceedance for that use area then they recommend the entire use area be replaced.

VMD: If one of the areas in my yard exceeds, but you mix all the samples and the composite comes out lower than the acceptable level, I may still have a hot spot that got mixed in with the rest. How does that work?

A: The composite is within the single use areas.

TMM: How do they test the new soil to make sure it meets all the acceptable standards?

A: A source of import soil will be identified and tested. All the testing criteria and protocols will be in the remedial action work plan that goes to the state for review. The soil will be tested for a very long list of chemical parameters and will not import something of less quality than what they are

exporting.

TMM: Can we anticipate Town-owned properties and rights-of-way included in testing?

A: Yes, commonly rights-of-way, alleys are included. Freeport needs to get a better understanding of what needs to be included in the Town-specific properties.

MVG: Where does the soil that is being removed go?

A: When they have a better understanding of the amount of soil that needs to be remediated, they will evaluate the disposal options. Could be off-site in permitted landfill or other uses nearby that are beneficial. They haven't identified them yet.

Councilmember Regner (CR): Could she explain the difference between levels established by a government entity and based on federal and state guidelines?

A: The target cleanup levels in the human health risk assessment are the levels they will use to remediate. Those levels were derived using formalized process using federal and state levels. The methodologies are uniform and accepted for this program. There are three ways to comply with ADEQ's soil rules: predetermined soil remediation level risk based numbers; background; and site-specific determination.

CR: Will the results of the testing be part of the public record?

A: The results will be part of the public record however are confidential. The record will identify the property with a coded number that will not disclose the actual address.

CR: Will irrigation systems be replaced?

A: Yes.

MVG: How will they treat vacant lots and commercial properties that are not built on?

A: If they are within the initial study boundary will be decided upon by asking if the property is scheduled for development, what is the development around this property, what is the property zoned, etc. They will talk to the property owner and discover the plans. If there are no plans imminent for the property, they may hold off on remediation. It becomes a conversation with the individual property owner.

MVG: What if the property owner does not have imminent plans to develop and between Freeport and the property owner decide there won't be any testing, but for example the owner sells the land later, the new property owner decides s/he wants it tested, do they come back to Freeport?

A: Yes they could do that.

MVG: Is there any way to guarantee that the property would be tested in the future?

A: From experience there have been new owners that later come in. They establish a toll free number, accumulate those property calls and do go back and test.

TMM: How many remediations do they anticipate within the initial 500 properties?

A: No guess.

TMM: Is developed commercial property within the project area eligible for testing?

A: They are eligible. Some of the difficulties they might encounter with a commercial property is that there is no exposed soil available to test. They will take a look at that.

This is a presentation and no council action required.

PRESENTATION BY ARIZONA DEPARTMENT OF HEALTH SERVICES (ADHS) – A presentation by staff from ADHS relating to the health risks associated with arsenic, copper and lead and providing information on known disease rates in the State’s Primary Care Area for Clarkdale; includes time for questions from the Clarkdale Town Council. (30 minutes)

Melissa Teagarden and Jennifer Botsford presented information from Arizona Health Services.

Health effects depend in part on the amount that gets into the body and how it gets into the body (lead, arsenic and copper in soil don’t get through the skin easily, and may cause different symptoms if inhaled than if ingested).

Most children will not have any symptoms – the only way to detect lead poisoning is through a blood test. The greatest risk for lead poisoning is for children less than 6 years of age and an unborn baby.

Questions followed from Council:

MVG: Is there any organized blood testing for lead for children in this area?

A: Not in Clarkdale – it is not in a targeted zip code. In the past 5 years there has been 86 children tested with no high levels.

MVG: Why were those children tested?

A: It’s up to the parents and the physician. Some physicians are more actively testing than others.

VMD: How were the targeted zip codes selected?

A: Selected from previous years of data and past experience.

VMD: Is there any history in Clarkdale regarding unusual disease outbreaks, cancer clusters, or anything to indicate we have experienced health effects already from these compounds of concern?

A: Not that they have identified. ADHS doesn’t actively look for cancer clusters. They won’t be able to have an opinion until they have data.

CR: A blood serum test shows what levels are at a point in time and that if you have been exposed to these metals they may be stored in other parts of the body, so a blood serum test may not show what the blood levels are at a point in time so a better test might be a hair analysis test. Is this true? Why is the blood serum test being used as the accepted method of testing?

A: Hair testing is difficult as it may be contaminated already by heavy metals in shampoos for example. Blood testing is the best for lead. If lead is concentrated in the bones and not circulating in the blood it is not a health risk. The biggest risk is for a fetus or children under six years of age.

TMM: Will DHS be reviewing the results of the soil sampling here in Clarkdale?

A: Yes, if the Town requests it they can do that.

TMM: Did DHS already comment and review on the human health risk assessment that was turned in to DEQ for this project?

A: No. It is not standard. They requested a third party to evaluate on their behalf.

TMM: Are there any risks to eating foods grown from gardens in this soil?

A: That would depend on the level in this soil. Certain vegetables take out more arsenic and lead than others. They also found that those gardens have more arsenic and lead when other parts of the yard did not possibly due to additives like fertilizer and pesticides. Recommends having soil tested where you plan to garden.

TMM: (to DEQ) – Will they send third party review of risk assessment?

A: Yes.

This is a presentation and no council action required.

COMMENTS/QUESTIONS FROM THE PUBLIC – The Town Council invites the public to provide comments and/or questions relating to agenda items 3 through 6 at this time. (60 minutes)

Mayor Von Gausig opened the discussion to public comments and questions.

Kathryn Marcus, Clarkdale, Yavapai-Apache Nation resident: Yavapais gathered spinach down by the river and bananas from the yucca plant and took it back to Ajo. In 1950 her father was a furnace operator for Phelps-Dodge in Ajo. The smoke from the smelter was horrible smelling and it went into her nose and hurt her nose. They used to eat wild onions, chilies and nuts from Palo Verde trees in Ajo. They lived next door to the mine. The mine blasting affected her ears. Wondering if she is full of chemicals?

A: (DHS) – Can't answer to past exposures. Doesn't know how much those exposures are impacting her current life. Her physician may be able to address those issues more specifically. Most common symptoms of exposure are listed on the handout that is available.

Phil Trebell, Clarkdale resident: Would Freeport compare the scope of the Clarkdale project to the Bisbee/Ajo/Douglas projects?

A: The Bisbee residential project involved over 5000 properties. The number of properties remediated was over 1500. Douglas 1300 property count in initial study and the remediated properties is around 100.

Mr. Trebell: He and fellow realtors are wondering how to describe this to property owners who are selling their properties. What disclosures should be given now and after remediation?

A: Without giving legal advice, they have found that a property owner who is in the midst of property transfer, the letters that show sampling and/or remediation are helpful in that property transaction. In other communities they have had special outreach to realtors to give information. They would be happy to do the same here.

Esther Talbert, Cottonwood resident and owner of Yavapai Realty: Would welcome them to come to one of their meetings to help with this. With respect to disclosure the law states that if it is material it must be disclosed even though they are not attorneys. Question to ADEQ – this defined area – is it of record and if that is a remediation and it is defined as it is tested down the road is that considered in the phase one or just a remediation and will that be of record? If it is a record it is material. How have they seen this in the past with regard to real estate?

A: Rick Zeise stated that giving legal advice for the State of Arizona is not something they can do.

Tim Mosler, Clarkdale resident: When the remediation is finished and there is closure, is Freeport's responsibility for the project completely over or are they still responsible for this area? What if what standards pass today don't pass in 10 years. Are they required to come back to the homeowners?

A: Freeport representative stated that Freeport will not be seeking any release from the property owners or the State.

Tim Mosler: If you test and remediation is needed, can it be taken care of by capping the property?

A: For this program they will not be capping anything, they will be doing removal and replacement.

Donna (unheard), Clarkdale resident: Why now and what are the advantages of doing voluntary application now? What are the legal reasons and strategy?

A: Since Freeport's acquisition of Phelps-Dodge, Freeport understands its obligation to address any environmental impact that needs to be addressed regarding these smelters.

Donna: If they don't work down the list of smelters, what happens?

A: There are legal consequences for not doing this work, legal suits, etc. Freeport recognizes their obligation and is doing this work voluntarily.

Donna: Is there a way to test for any other dangerous chemical other than lead, arsenic and copper?

A: This process is similar to others in other areas. They are only looking for chemicals that could have come from the smelter.

Karen O'Regan, Clarkdale property owner: One of her properties is rented by tenants with three small children. Wants to make sure that her property is remediated so that the kids can play on the property. Also wants to make sure that they get through the process in a quick way because she wants to sell her property in the future and wants to make sure it is remediated in a way that enables her to sell safely in an economically sound manner. Referred to soil remediation levels that are established for this project. Puzzled at site-specific because there's no data to use for that risk assessment other than what they may have done in other places. The cleanup levels predetermined by DEQ and approved in rule for arsenic are 10 ppm and Freeport is proposing 30 ppm, for lead the predetermined soil remediation level is 400 ppm and Freeport is proposing 425 ppm. For copper the SRL is 3100 ppm and Freeport is proposing 9000 ppm. It's hard to think of selling your property and in disclosure you say "my soil is cleaned up to the highest standard". Are those standards appropriate for our homes? Does the community have any say in what levels the properties are cleaned up to?

A: The predetermined levels are the most conservative levels available. This is actually more specific through EPA and is an approved process through rule. She is unprepared to discuss specifics on risk assessment. It is now set and approved. Science is used to approve that. The 30 ppm is the risk based number. The 10 ppm number is a default background number for the State of Arizona.

Karen O'Regan: Why hasn't DHS looked at the risk assessment?

A: (DHS) We have one risk assessor. If we are requested to look at something we do that.

Karen O'Regan: When people look at my property when I'm turning it over, wouldn't they look at the State standards?

A: The risk assessment cleanup standards are specific to Clarkdale. They are not generic to the State.

Karen O'Regan: How can that be when you don't have soil samples?

A: You don't necessarily have to have soil samples to understand exposure pathways.

Karen O'Regan: If you have properties where there are children and there are high levels of lead contaminations, will Freeport agree to pay for the blood testing for kids?

A: Freeport prioritizes the testing of properties to those with children, they provide test results to property owner and if there are health concern Freeport recommends medical advice. In their experience, lead paint plays a big role and deferred the question to DHS. (DHS) – Most insurances will pay for the blood test. State insurance will pay most of the time.

James Gemmill, Clarkdale resident: If we have soil testing on my property and it requires remediation and I say 'no' does that devalue my property in the future?

A: Doesn't have a way to evaluate that. Doesn't know what happened in other communities. If he does get the testing it is their recommendation to get the soil remediated if it requires.

(Unheard name) Clarkdale resident/property owner: Still not clear on risk assessment -- thought the rule said that it had to be a site-specific risk assessment and they are saying there is no sample data yet but they have done a site-specific risk assessment.

A: There are site-specific aspects of the risk assessment based on the residential, child exposure, evaluations for mine/smelter material but primarily default numbers that were put in to it.

Q: If that's the case why don't they use the same numbers that they used to set the SRL?

A: Lead – when you run the model you get 425 ppm; the EPA used the number 400 ppm. They were told that site specific was the preferred standard. Arsenic – 10 ppm is not based on risk, the number is 30 ppm. Copper is not a cancer risk and is a different model. DEQ approved with results of risk assessment.

Q: Study area – have you done anything as far as an evaluation of the area of deposition, like air quality monitoring, prevailing winds, how far particulates travel, generic sampling, how big the area is?

A: It's hard to model data that they don't have from the smelter. Prevailing wind information was available from the cement plant. Prevailing winds were to the north. They selected the area closest to the smelter.

Various Public Comments regarding the risk based target clean up numbers and real estate disclosures & liabilities.

CLOSING COMMENTS/QUESTIONS FROM THE TOWN COUNCIL - The Town Council will provide closing comments and/or questions relating to agenda items 3 through 7 at this time. (15 minutes).

Mayor Von Gausig made closing comments and recommendations.

Council comments only and no council action required.

FUTURE AGENDA ITEMS - Listing of items to be placed on a future council agenda.

ADJOURNMENT – without objection the meeting was adjourned at 8:48 P.M. by Mayor Von Gausig.

APPROVED:



Mayor Doug Von Gausig

ATTESTED/SUBMITTED:



Kathy Bainbridge, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the Town Council of the Town of Clarkdale, Arizona held on the 19th day of May, 2015.

I further certify that meeting was duly called and held and that a quorum was present.

Dated this 10 day of June, 2015.

SEAL



Kathy Bainbridge, Town Clerk