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Butte Priority Soils Operable Unit (BPSOU) Solid Media Management Program Plan

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October 8, 2021

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RE: Butte Priority Soils Operable Unit (BPSOU) Solid Media Management Program Plan

Agency Representatives:

We are writing you on behalf of Atlantic Richfield Company and Butte-Silver Bow (collectively referred to as **Settling Defendants**) to submit for your review and approval the Solid Media Management Program Plan to address and incorporate Agency comments provided in the letter dated April 1, 2019.

General Comment:

- 1) Early in the document (i.e., Section 1.0 or 2.0), please add a paragraph explaining the purpose and role of the Solid Media Program Plan document.*

Settling Defendants Response: Section 1.1, describes and differentiates programs related to identification, reclamation, maintenance, and monitoring activities related to solid media contamination associated with historic mining activities within BPSOU.

- 2) Please note that there are several other appendices that make up this program plan. Comments and revisions will follow under a separate cover. Once Appendices A-F have been finalized a submittal of the complete program plan will be required.*

Settling Defendants Response: Comment noted. Once all appendices have been finalized a submittal of the complete program plan will provided. If additional plans

related to BPSOU Solid Media are generated, the Plan will be updated to include such plans. A list of plans currently included in the appendices is provided below.

- Appendix A Reclaimed Areas Maintenance and Monitoring Quality Assurance Project Plan; Final, 2021.
- Appendix B Reclaimed Areas Maintenance and Monitoring Plan in Accordance with Butte Reclamation Evaluation System (BRES).
- Appendix C Butte Reclamation Evaluation System Field Manual.
- Appendix D Unreclaimed Sites Quality Assurance Project Plan; Final 2021.
- Appendix E Residential Metals Abatement Program Quality Assurance Project Plan.
- Appendix F Multi-Pathway Residential Metals Abatement Program Plan.
- Appendix G Non-Residential Metals Abatement Program Quality Assurance Plan, Final 2021.
- Appendix H Butte-Silver Bow Snow Management Plan.

Specific Comments:

- 1) *Section 1.0, Introduction. Please modify the second and third sentences of the second paragraph to read: "... above action levels described in the EPA BPSOU Record of Decision (ROD) (EPA, 2006) require response actions to meet established criteria. This BPSOU Solid Media Program Plan encompasses the various programs in place to appropriately address residential abatements and land reclamation and provide the means to sustain reclamation efforts in BPSOU through perpetuity. Additionally, it is worth noting in the introduction that sediments will be addressed under the Surface Water Management Plan.*

Settling Defendants Response: The text has been revised to include "Sediment will be evaluated using protocol provided in the Surface Water Management Plan (EPA, 2020)."

- 2) *Section 1.1, Background. In the first paragraph, please modify the third sentence to say, "The two primary streams are Blacktail Creek... and Silver Bow Creek below its confluence with Blacktail Creek." and the second to last sentence to read "... the upper Silver Bow Creek surface channel (formerly known as the Metro Storm Drain) is generally dry... "*

Settling Defendants Response: The text has been revised as requested in Section 1.2, Background.

- 3) *Section 2.2, Unreclaimed Areas. In the third paragraph, please revise the fifth sentence to remove the period after "historic mine waste," and revise the end of the sentence to read, "submitted for EPA approval in consultation with DEQ. "*

Settling Defendants Response: The text has been revised as requested.

- 4) *Section 2.3, Residential Metals Abatement Program (RMAP). Please modify the first sentence of the first paragraph to read: "... with concentration levels above the soil, dust, or vapor action levels listed in Table 12-1..."*

Settling Defendants Response: The requested text is included in the first sentence, second paragraph of Section 2.3 in the revised document.

- 5) *Section 2.5, Institutional Controls. In the second sentence, please remove the parenthetical "(covenants)" after "Deed notices." This first paragraph focuses on the informational notice to the deed, as well as access agreements. The restrictive covenant IC is discussed in the following paragraph.*

Settling Defendants Response: The text has been revised.

- 6) *Section 2.6, Street Maintenance and Snow Management Plan. Please expand this section to include a discussion of the sampling of sediments and snow pile remnants and the disposal of these materials if they exceed action levels or are being transported beyond the storage location. Appendix C of the Draft Street & Snow Management Plan (dated June 11, 2018) had a placeholder for a Solid Media Quality Assurance Project Plan (QAPP). It was EPA's understanding that this Solid Media QAPP was going to include reference to the sample collection procedures for testing sand materials and snow storage confirmation samples. Please clarify which QAPP will include procedures for collecting samples associated with the Street & Snow Management Plan. EPA suggest that these procedures be included in the RMAP QAPP.*

Settling Defendants Response: The text has been revised as "During the annual inspection, BSB will also sample the snow pile remnants to verify the metal results prior to disposing of the snow pile remnant sediment. Remnant sediments will be evaluated using protocol provided in the Reclaimed Areas QAPP (Atlantic Richfield, 2018) to determine whether COCs exist at concentrations above human health standards, or if the site condition related to mining contributes to the degradation of surface water quality."

- 7) Section 4.0, Unreclaimed Areas. Please modify the second sentence of the second paragraph to read: "... source areas have the potential to act as indirect pathways for human exposure..."

Settling Defendants Response: The text is written as recommended.

- 8) Section 4.3, Solid Media Reclamation Action Levels. The reference "(Pioneer, 2011)" was not readily available at the EPA Records Center. Please provide a copy of this document for filing.

Settling Defendants Response: Comment noted. The document was submitted to the Agencies in the Streamside Tailings Operable Unit Silver Bow Creek / Butte Area NPL Site Subarea 4 Phase 7 & 8 Remedial Action Construction Completion Report (CCR) submitted March 29, 2013. A copy of the report is provided as an attachment to this submittal.

- 9) Section 4.3, Solid Media Logic Diagrams. EPA suggest including the Unreclaimed Area Decision Logic diagram (Appendix A.3) that is included in the Unreclaimed QAPP in both the Solid Media Program Plan and Unreclaimed QAPP. Also, on the Unreclaimed Area Decision Logic diagram, please change the reference to the Butte Hill Revegetation Speciation to a "Corrective Action Plan".

Settling Defendants Response: The referenced diagrams will be maintained in referenced document which will be included as an appendix to the Solid Media Management Plan. A complete final plan will be submitted once all appendices are finalized as requested per Specific Comment 2 above.

- 10) Section 5.0 Residential Metals Abatement Program. Note that this section may need to be revised to reflect final agreement on the RMAP program.

Settling Defendants Response: Revisions incorporated at this time include Program changes described in the 2020 UAO. Revisions will be submitted for Agency review and approval as appropriate to reflect additional potential changes to the RMAP.

- 11) Section 6.0, Data Management. Like the QAPPs and plans, please add the Data Management Plan as an appendix to this document.

Settling Defendants Response: The BPSOU Data Management Plan is a standalone document and will be referenced in the Solid Media Program Plan.

End of Comments

Please note, additional revisions related to reclaimed areas may be warranted to reflect the forthcoming Boundary Adjustments Report. Revisions will be made to the appropriate documents within the Solid Media Management Program Plan at that time.

A link to the document is below.

https://pioneertechnicalservices.sharepoint.com/:f:/s/submitted/EjEKWWafv7xOuh8BvLaQ8E0B0tx7imsdlqvZo_ryptrcRA

If you have questions or concerns, please do not hesitate to call me at (406) 723-1834.

Sincerely,



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Remediation Management Services Company
An affiliate of **Atlantic Richfield Company**



Eric Hassler, Director
Department of Reclamation
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