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Time to Pony Up for Butte, BP!

A Column for the Montana Standard

by Evan Barrett

November 11, 2017

We can be proud of the way Montana Resources operates a modern mining operation under current state and federal environmental protection laws. But it is another story when it comes to the historic damages resulting from the mining practices of the past. And that's where BP (British Petroleum) comes into play.

Under Superfund law, BP, which purchased ARCO (formerly the Atlantic Richfield Company) in 2000, assumed ARCO's responsibility to pay for almost all of the environmental damages that came from the historic operations of ACM (Anaconda Copper Mining Company) here in Butte. ARCO came by that legal and financial responsibility when they purchased the assets and liabilities of the Anaconda Company in 1977, followed by the passage of the federal Superfund Law in December of 1980. Under the "retroactive liability" portion of Superfund law, ARCO (now BP) is the principle "responsible party" when it comes to the damages of the past.

Superfund Law makes BP legally responsible for the "remediation" costs associated with protecting human health and the environment from dangers of our environmental past. Also, under the natural resource damage portion of the Superfund Law, BP is responsible for the "restoration" costs of restoring or replacing the natural resource injuries to the water, soils, fish and wildlife in the Clark Fork basin (including Butte's Silver Bow Creek) and the public's lost use and enjoyment of these injured resources.

You remember British Petroleum (BP), the company that over the last several years spent [\\$61.6 Billion](#) to clean up the environmental mess they made in the Gulf of Mexico. Yet BP is facing a small environmentally-related financial challenge in Butte and does not seem to be up to the task.

As Butte moves forward on "restoring" the first mile of Silver Bow Creek, the easternmost headwaters of the Columbia River, above its confluence with Blacktail Creek near Montana Street, the essential first step is to remove the mine tailings along the Silver Bow Creek corridor. According to the State of Montana, the Parrot Tailings, Northside Tailings and the Diggings East pose a serious and permanent threat to the environment as contaminants from those tailings can end up polluting the cleaned-up Silver Bow Creek and Clark Fork River on their way to the Columbia. As a result, the tailings should be removed as part of the "remediation" responsibilities of BP.

The Parrot is being removed using money borrowed by the state from the very limited "restoration" dollars currently in play here in Butte. However, the costs of removing the Parrot need to be covered by BP under its remediation responsibility. And the removal of the remaining tailings needs to be covered by BP remediation dollars as well.

You would think, given BP's sense of environmental stewardship evidenced by its \$61.6 billion commitment to the gulf damages, that covering these costs in Butte would be a minor thing for one of the world's "Big 4" oil companies.

But, BP says NO to Butte. They insist that tailings removal be done with the limited restoration dollars in the hands of Butte and the state. Every restoration dollar they force to be paid for the tailings removal is a dollar that cannot be spent on other genuine restoration activities.

After suffering through the environmental and health costs of serving the nation's copper needs for over a century, Butte deserves first class cleanup and restoration. That includes restoration of Silver Bow Creek as it flows through the heart of Butte. BP needs to "pony up" the remediation money to do it.

Regretfully, the last 30 years have shown how reluctant BP (and its predecessor ARCO) have been to adequately pay for the cleanup and restoration. Like so many large corporations, they are willing to spend whatever it takes for their lawyers to fight to help reduce or eliminate their liability and thus their costs.

Butte and Montana people and our local and state elected officials must stand tall and demand BP do the right thing for Butte in the same manner that BP did for the gulf to the tune of \$61.6 Billion.

BP, it's time to stop fighting and "pony up" for Butte! Time to remove the tailings, restore the creek and "get it done!"

Evan Barrett, who lives in historic Uptown Butte, in 2017 retired after 47 years at the top level of Montana economic development, government, politics and education. He is an award-winning producer of Montana history films who continues to write columns and record commentaries, and occasionally teach Montana history and contribute to community and economic development projects.

(700 words in the body)