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Spring 3-15-2024

**Re: Comments for the Butte Priority Soils Operable Unit (BPSOU) Butte Reclamation Evaluation System (BRES) Draft 2023 BRES Field Evaluation Summary Report and Technical Recommendations Proposal (dated November 15, 2023) and 2023 Corrective Action Plans for Reclaimed Sites (dated January 31, 2024)**

Molly Roby

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8, MONTANA OFFICE**

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Ref: 8MO

March 15, 2024

Ms. Abby Peltomaa  
Butte-Silver Bow County  
Dept. of Reclamation & Environmental Services  
155 W. Granite St.  
Butte, MT 59701  
On behalf of Respondents

Mr. Mike McAnulty  
Liability Manager  
Atlantic Richfield Company  
317 Anaconda Road  
Butte, Montana 59701

**Re: Comments for the Butte Priority Soils Operable Unit (BPSOU) Butte Reclamation Evaluation System (BRES) Draft 2023 BRES Field Evaluation Summary Report and Technical Recommendations Proposal (dated November 15, 2023) and 2023 Corrective Action Plans for Reclaimed Sites (dated January 31, 2024)**

Dear Abby and Mike:

The U. S. Environmental Protection Agency (EPA), in consultation with the Montana Department of Environmental Quality (DEQ), is providing comments on the *BPSOU Draft 2023 Butte Reclamation Evaluation System (BRES) Field Evaluation Summary Report and Technical Recommendations Proposal (dated November 15, 2023) and 2023 Corrective Action Plans for Reclaimed Sites (dated January 31, 2024)*. Please incorporate these comments and submit the final version of the plan for review.

**General Comments:**

1. As with Quadrant 3 sites in 2022, weed conditions at the Quadrant 4 sites in 2023 don't appear to be improving. All Quadrant 4 sites in 2023 had noted weed conditions requiring action. EPA believes that dedicated and concerted weed control efforts at BRES sites is necessary to sustain cap stability. EPA hopes the BSB's Reclamation Department weed management contractor can successfully improve weed conditions at BRES sites. The agencies have requested several times a weed control plan detailing the weed control process and strategy for all BRES sites, measurable goals to gauge performance, prioritization and how results will be improved going forward, including additional routine reporting to the Agencies on weed control efforts. It is envisioned this plan will be attached as an appendix to the BPSOU Reclaimed Areas Maintenance and Monitoring Plan. Please communicate to the agencies the plan and schedule for addressing this important issue as soon as possible.

2. No EPA comments were prepared for sites designated in this document for further evaluation under the Insufficiently Reclaimed (IR) Work Plan, Unreclaimed (UR) Work Plan, and Reclamation Improvement (RI) sites to be evaluated by BSB's technical evaluator. These sites will be reviewed in forthcoming site evaluation summaries and site work plans.
3. In EPA's view, nearly all of the sites designated as Reclamation Improvement (RI) in the Corrective Action Plan (CAP) document could or should be categorized as Insufficiently Reclaimed (IR) and undergo detailed sampling. EPA expects dedicated follow-through with the site evaluator's (Dr. Pal) recommendations and notable improvements at those sites by 2027.

### **Specific Comments – Technical Recommendations Proposal**

1. Introduction. During review of this document, it appears to be recommended that many (all?) sites reclaimed prior to the establishment of the Butte Hill Revegetation Specification (approx. 1997) should be further evaluated under the IR QAPP. If this is the case, despite the results on the BRES inspection meeting requirements, please add text to this paragraph clarifying that this. After document page 9, the page numbering restarts. Please correct. All references to page numbers in these comments refer to the pdf page numbers, not the document page numbers.
2. Bonanza Dump – Site ID No. 120, Page 12. EPA acknowledges the status of this site is in flux. The Proposed Corrective Action states that the site has been sampled under the Unreclaimed Site methodology, but then later asserts that it will be investigated further under the Insufficiently Reclaimed methodology. Table 2.1 notes the Corrective Action Type as being a Remedial Improvement (RI) Plan. If an Insufficiently Reclaimed Work Plan is going to be implemented at the site, this should be noted as such in Table 2.1. Please update the Proposed Corrective Action and Table 2.1 to reflect the current status of this site, as appropriate. EPA believes the site should be classified as an IR site.
3. Bonanza Dump East – Site ID No. 120E, Page 12. Two separate BRES evaluation forms with slightly differing results were provided in Appendix A for this site. Was this for quality assurance purposes? Please explain in the Field Evaluation Summary.
4. Emma Dump – Site ID No. 132, Page 15. In first sentence of the Field Evaluation Summary, the adjusted live score should be 40 not 45. Please revise. The site issues identified in 2019 are nearly the same as those identified in 2023, indicating that the corrective actions had limited effect. One item particular concern is the repeated presence of exposed waste which is indicative of potential cap failure. If 2024 corrective actions are ineffective, more detailed evaluation of this site may be necessary.
5. Kaw at Casey – Site ID No.1796, Page 24. Since this site is the future location of a sedimentation basin, it makes sense not to implement any maintenance actions. Please update the Corrective Action Type on Table 2.1 to read “No Further Action” instead of “2023 Corrective Action Plan”.

### Specific Comments – Corrective Action Plans

1. Introduction, Page 5. The last sentence of the second paragraph states that “[a] Technical Working Group comprised of subject area experts including restoration ecologists, biologists, and reclamation specialists will perform site visits, conduct additional evaluations, and make supplemental recommendations to these corrective action plans.” Please add text explaining how and when these supplemental recommendations will be communicated to EPA/DEQ.
2. Summary of BRES Field Evaluation Process, Page 5. The fourth sentence of the first paragraph lists Quadrant 3, please update to Quadrant 4.
3. Figure 1, Page 8. Star West Dump and Bonanza Dump East are not located on the figure. Please update accordingly.
4. Corrective Action Plans, Page 12. Tables listed for each site need to have Corrective Action Required boxes listed for weeds. Please update accordingly. Additionally, please provide a schedule and order of activities, i.e., when chemical weed control will be performed with respect to mowing, fixing of land slump, seed broadcasting, etc.
5. Bonanza Dump – Site ID No. 120, Page 12. The site is in the RI category both in 2019 and 2023 and is automatically classified as an IR site, based on the SIUTWG agreement with AR. It’s status as an IR work plan site should be shown on Tables 2.1 and 2.3.
6. Bonanza Dump East – Site ID No. 120E, Page 13. Tables 2.1 and 2.2 show this site as Vegetation Improvement Plan, Table 2.3 as an IR Site, and the CAP for the site describe the site as being in the RI category to be investigated as an IR site. This is confusing. EPA believes an IR investigation is the best course of action for the CAP given the 2023 VI classification and that immediately adjacent sites have been categorized as IR and it makes sense to sample them together; however, the site has not failed consecutive evaluations, so it isn’t automatically an IR site. Please clarify this in Table 2.1 and in the CAP.
7. Emma Dump – Site ID No. 132, Pages 14 and 15. Are the site edge issue identified north of the Emma Dump included in the CAP or part of Catch Basin 08? Please clarify. The south portion of the Emma Dump is an oxide ore body covered with a 39-inch evapotranspiration cap. The plan to repair the areas exposed waste with 12-inches of approved fill material is inadequate. Please revise the CAP to repair with 39 inches of cover soil.
8. Star West Dump – Site ID No. 134, Page 17. Has this area been sampled? If so, when will results be provided to the agency? Please clarify.
9. Charlie Judd Park, Site ID No. 142. Why is this referred to as a repository? Please explain.
10. Montana St. & I-90 – Site ID No. 152, Page 24. If the site is going to continue as a snow storage site, the CAP should describe the periodic maintenance that will be performed for this land use, such as weed spraying and sampling snow pile remnants for metals content. The Technical Working Group needs also to consider the results of the UR-41 investigation in its site determination. Ultimately, EPA would discourage the placement of snow over waste materials.
11. Site CB08 – Catch Basin 08, Page 32. Please add a corrective action to address site edge issues.

Ms. Peltomaa and Mr. McAnulty  
March 15, 2024  
Page 4 of 4

If you have any questions or concerns, please call me at (406) 457-5021.

Sincerely,

Molly Jane Roby  
Remedial Project Manager

cc: Butte File  
Chris Greco / Atlantic Richfield  
Josh Bryson / Atlantic Richfield  
Loren Burmeister / Atlantic Richfield  
Dave Griffis / Atlantic Richfield  
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