Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 4/9/2018 12:54:11 PM
To: Vranka, Joe [vranka.joe@epa.gov]
Subject: FW: Reflections on the Butte, Montana Superfund Cleanup Prior to EPA Agency Visits--Areas of Progress and Concern

Let's talk about this note today. I think I want to use this as the agenda for our Butte meeting. I also want to discuss Robert's departure and introduce Chris.

Let's get you, me, Kell, Charlie and Nikia together this morning or this afternoon.

-----Original Message-----
From: David McCumber [mailto:David.McCumber@mtstandard.com]
Sent: Sunday, April 8, 2018 2:01 PM
To: John Ray <bodinman2003@yahoo.com>
Cc: Kelly, Albert <kelly.albert@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Moler, Robert <Moler.Robert@epa.gov>; Greene, Nikia <Greene.Nikia@epa.gov>; Hestmark, Martin <Hestmark.Martin@epa.gov>; Bohan, Suzanne <bohan.suzanne@epa.gov>; Vranka, Joe <vranka.joe@epa.gov>; Eric Hassler <ehassler@bsb.mt.gov>; Jon Sesso <jsesso@bsb.mt.gov>; Dave Palmer <dpalmer@bsb.mt.gov>; Tom Livers <tlivers@mt.gov>; Erik Nylund <erik_nylund@tester.senate.gov>; Dylan (Tester) Laslovich <dylan_laslovich@tester.senate.gov>; Daryl Reed <dreed@mt.gov>; Karen Ogden <karen.ogden@mt.gov>; jchambers@mt.gov; Karen Sullivan <ksullivan@bsb.mt.gov>; Jim Keane <d.keane@bresnan.net>; Susan Dunlap <Susan.Dunlap@mtstandard.com>; Ring Henry (Tester) <henry_ring@tester.senate.gov>; Elsen, Henry <Elsen.Henry@epa.gov>; Thomas Stoops <tstoops@mt.gov>; Mutter, Andrew <mutter.andrew@epa.gov>; Archer, Allie <Archer.Allie@epa.gov>; Northey Tretheway <ntretheway59701@yahoo.com>; Sister Mary Jo <mjomcd@bresnan.net>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Stavnes, Sandra <Stavnes.Sandra@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Ron Davis <rondavis@kbowkopr.com>; Dave Bowers <dbowers@mt.gov>; Commissioners <commissioners@bsb.mt.gov>; Theodore McDermott <ted@medusarecords.org>; Mary Jo McDonald <mjomcd@gmail.com>; Thomas, Deb <thomas.debrah@epa.gov>; Sophie (Daines) Miller <sophie_miller@daines.senate.gov>; David Williams <toko.dave@gmail.com>; buttectec@hotmail.com; Tom Malloy <tmalloy@bsb.mt.gov>; Bill Macgregor <billmacgregor46@gmail.com>; Elizabeth Erickson <eerickson@wet-llc.com>; Edie McClafferty <ediemcclafferty@gmail.com>; Mick Ringsak <eltonringsak@aol.com>; Olivia Everett <olivia.m.m.everett@gmail.com>; Raja Nagisetty <rnagisetty@mtech.edu>; David Hutchins <dlhutchins@mtech.edu>; Noor Parwana <nparwana@hotmail.com>; Alysia Cox <acox@mtech.edu>; Robert Pal <rpal@mtech.edu>; Amanda Curtis <amanda@curtisforbutte.com>; David Williams <david_r_williams@blm.gov>; Evan Barrett <evanbutte@bresnan.net>; Katie Hailer <khailer@mtech.edu>; Nora Saks <nrv.saks@gmail.com>; Ed Simonich <simrio@aol.com>; Kriss Douglass <samjd@montana.com>
Subject: Re: Reflections on the Butte, Montana Superfund Cleanup Prior to EPA Agency Visits--Areas of Progress and Concern

Excellent note Dr. Ray. David

Sent from my iPhone

On Apr 8, 2018, at 12:46 PM, John Ray <bodinman2003@yahoo.com<mailto:bodinman2003@yahoo.com>> wrote:

As you will be visiting Butte again in the case of Mr. Benevento and for the first time in the case of Mr. Kelly, I thought it would be good to give my perspective as to where we stand regarding the Superfund cleanup of Butte and what needs to be done. My understanding is that part of the goal of your visits is listening to concerned citizens. (I am a board member of CTEC (Citizens Technical Environmental Committee—the local EPA TAG group in Butte and Chairperson of Citizens for Labor and Environmental Justice, also in Butte. I am a professor of public policy at Montana Tech in Butte. These affiliations are for the purposes of identification and my views do not necessarily reflect the views of Montana Tech, CTEC and/or CLEJ.)

Progress

1. The Berkeley Pit. The recent decisions by MRI and BP/ARCO to begin treating water earlier than required and to seriously address the issue of scaling related to the release of water into Silver Bow Creek should allay most of the concerns citizens have had about the Pit remedy. This development is significant progress.

2. Environmental Justice. Several months ago, Robert Moler of the Montana Office of EPA and I produced a brochure entitled "Be Contaminant Smart." (Mr. Benevento has a copy of this.) Even after the Superfund remedy is in place in Butte, toxic waste will remain. This brochure's purpose is to give citizens some practical tips for protecting themselves and their families from exposure to and harm from the waste left behind. Over 7000 brochures have been directly distributed to individuals and firm plans call from the

distribution of several thousand more. Mr. Moler and I have spoken to service groups and organizations and have several more engagements in the next few months. This brochure and the distribution campaign surrounding it have been very successful and illustrate a collaborative partnership between citizens and the EPA. A particular target of this outreach effort is uptown Butte which has a disproportionate number of low-income citizens and constitutes an environmental justice constituency. Uptown Butte is the site of the Butte Priority Soils Operable Unit.

3. New Atmosphere. The Montana Office has been very forthcoming toward the public in the last several months and helped to create a new openness to and trust in the agency. I wish to particularly cite the efforts of Robert Moler, Allie Archer, Nikia Greene, Joe Vranka and Henry Elsen in the Montana Office. Collaboration is much better than confrontation and these individuals have been instrumental in advancing the EPA goal of full citizen involvement. Much of the credit also goes to Mr. Benevento who has made a very positive impression during his visits to Butte. The cleanup appears to be moving in a positive direction and expectations are exceedingly high. Hopefully, this public optimism will show itself to have been warranted by the content of the decisions that are soon to be made and announced.

Outstanding Issues:

1. The Butte Health Study. This study is mandated by EPA. Special outreach to low income citizens in the area of the health study needs to be finalized. Low-income citizens need to be part of the planning and execution of this study and special attention needs to be given to the detrimental effects of exposure to the toxics of concern at BPSOU on low-income citizens.

2. Westside Priority Soils. There must be a complete investigation of the nature and extent of contamination in the area of Butte called the “Flat” that is currently excluded from the Westside Priority Soils OU. Anecdotal evidence exists that there is contamination present in the area that is a result of past mining activity in Butte and Anaconda (Smelter). This needs to be addressed

3. Montana Pole Plant. This is a federal Superfund site although the lead agency is the Montana Department of Environmental Quality. Dioxin remains an unaddressed threat at the site and needs to be cleaned up. Future land use issues are unresolved. Cleanup cost issues, i.e. will there be enough money for a comprehensive cleanup, are problematic.

4. Restore Our Creek. Support has been expressed by EPA for the Restore Our Creek Vision for Silver-Bow Creek. This support must be translated into action. As much tailings removal as feasible must be accomplished under remedy, not restoration.

5. Secrecy. As quickly as possible, the terms and conditions of the recent agreement in principle between EPA and the responsible parties for the cleanup of Butte need to be made known to the public. Full opportunity needs to be afforded the public for meaningful comment on this agreement. Secrecy has hurt EPA credibility. Secrecy is inimical to public participation in Superfund decision making and to public accountability.

I purposely left off of this list the agreement in principle itself which is a major accomplishment. Whether it is a positive or negative document depends on what is in it. Hopefully, that will become public quickly.

Of course other issues remain. From my perspective, the above are the most important. I look forward to hearing your comments.

Dr. John W. Ray