When it rains or the snow melts in Butte, stormwater runoff occurs. As this water flows over Butte's landscape, large amounts of toxics from past mining as well as other pollutants from land, streets, driveways and sidewalks flow into Butte's drain system and go untreated into Silver Bow Creek. Stormwater runoff is the main source of ongoing pollution of Silver Bow Creek. Unmitigated stormwater runoff is a significant threat to the Superfund cleanup of Silver Bow Creek.

Recently, the EPA has announced several major projects to control stormwater runoff. These projects hide the EPA's utter failure to address Butte's stormwater runoff in the past and will do little to solve the problem. The problem of stormwater runoff in Butte exists because the EPA has failed to enforce clearly mandated stormwater control regulations. This problem has gone on unaddressed for years and a couple of showpiece projects are not enough.

You don't have to look at persistent problems meeting water quality standards, seeing the extent of the problem is easy. All one has to do is drive around uptown Butte after a rain storm and you can see the yellow, contaminated soil and other debris flowing into Butte's storm drains, flowing untreated into Silver Bow Creek.

EPA has delegated to Butte's local government the task of implementing and enforcing these stormwater control regulations. Many of the most problematic stormwater properties are actually owned and controlled by Butte's local government. Why can't local government tend to its own property? The local government has not been up to the task of implementing stormwater controls, EPA knows that local government is not enforcing the regulations and EPA does nothing about it. Is this lax enforcement by local government because of a lack of money or a lack of personnel or a lack of will? The reason for lax enforcement doesn't matter. What matters is that the EPA has become ossified in its cleanup efforts and has failed to enforce the stormwater control mandates in place.

Although the EPA can delegate to local government the task of enforcing the controls, ultimate authority and responsibility for the quality of the cleanup remains with EPA. The EPA admits there are problems but fails to articulate a solution. What is stopping EPA from enforcing these stromwater runoff controls? Why isn't Butte's local government being held accountable for not enforcing the stormwater runoff controls?

While having construction projects to address the issue is important, these projects are no substitute for enforcing the storm water runoff controls currently in place.

The EPA has said it will continue to rely on voluntary compliance and "education" to achieve storm water runoff control.

Nationally, as the EPA's Office of the Inspector General has determined, voluntary controls that rely on "education" do not work to significantly solve environmental problems. The voluntary approach has not worked in the past in Butte and there is no reason to conclude that it will work in the future.

Poor regulatory oversight leads to poor compliance. Without enforcement, the storm water controls in place in Butte are meaningless.

It is a simple cost/benefit analysis. For example, a contractor can ignore the regulations and it costs them nothing other than perhaps a lecture on voluntary compliance. Why comply? Complying costs money. Non-compliance costs nothing. Why act contrary to self-interest when there is no penalty attached for non-compliance?

I ask EPA to implement the following suggested solution:

1. **Conduct an inventory of present problematic storm water runoff sites in Butte**.
2. **Once these problematic sites are identified, BSB is notified and told to fix them or see that they are fixed.**
3. **At weekly meetings, BSB will report on progress and indicate what are the next steps in their enforcement.**
4. **If voluntary compliance does not work, the controls will be enforced.**
5. **The EPA needs to make sure that BSB cleans up its own property.**
6. **The public needs to be enrolled to help.**
7. **The process of storm water runoff controls enforcement needs to be transparent.**
8. **To enhance public involvement, an ad hoc storm water runoff citizens group should be created to hold EPA, MDEQ and BSB accountable.**
9. **If BSB needs additional resources, they will be provided.**