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Ref: 8MO

March 11, 2014 ----------Draft (2) Confidential----------

John W. Ray, Ph.D.
915 West Galena St.
Butte, MT 59701

Dear Dr. Ray:

Thank you for your February 17, 2014 email and attachment titled "EJ Complaint—Butte Health Study" and your March 2, 2014 email titled "Environmental Justice and Butte Superfund Problems: Follow Up concern and complaint." The United States Environmental Protection Agency (EPA) takes very seriously your complaints and concerns and its mission to promote environmental justice. I assure you that EPA has taken great care throughout the Superfund cleanup process in Butte to identify and address environmental justice issues and respond to environmental justice concerns. Specific responses to you have been provided on several occasions regarding your environmental justice concerns discussing in detail EPA's ongoing efforts to identify and address environmental justice issues related to the Superfund cleanup in Butte.[1] The Montana Office has worked closely with the Region 8 Environmental Justice Program to carefully evaluate and respond to your concerns.

The Butte Residential Metals Abatement Program (RMAP) Plan and its multi-pathway approach were developed, in part, to address EPA's environmental justice mandate as established in Executive Order 12898 (January 12, 2010). The RMAP accomplishes this by implementing a protective human health standard that takes into account behaviors associated with low income people in the assumptions used to calculate that standard, and it details specific efforts to reach low income property owners and renters. It also provides cleanup for multiple pathways, such as lead paint in older homes or lead in older household piping – a source of lead common for low income residents. As we have discussed with you, EPA has determined the cleanup program to be protective but is also evaluating the U.S. Department of Health and Human Services Centers for Disease Control 5 micrograms per deciliter blood lead reference level as it relates to cleanups across the country.

[1] In response to prior EJ complaints from Dr. John Ray, EPA issued detailed EJ complaint responses on August 2, 2004; August 23, 2005; December 26, 2006; January 23, 2007; January 12, 2010; and October 4, 2012.

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For many years now, the RMAP, which is the focus of the Draft Final Public Health Study Phase 1, has been systematically sampling, assessing, and remediating residential properties addressing lead, arsenic, and mercury within the Butte Priority Soils operable unit (BPSOU) and the adjacent area, including low-income communities. EPA continues to oversee the RMAP implementation effort and promote Environmental Justice in all of its activities. Since work has begun at the site, EPA has incorporated environmental justice into community involvement activities associated with the RMAP and the Health Study. These efforts are detailed in the revised Community Involvement Plan, February 2013, in section 2.6. This section provides a good summary of what has been done historically and what continues to be done today. I wish to once again express my appreciation for your assistance in revising the Community Involvement Plan and for your participation and involvement in the development of the Draft Final Public Health Study Phase 1, the Technical Memorandum for the health study, the work plan for the Public Health Study, and for your involvement with developing the Silver Bow Creek/Butte Area Residential Metals Program, Bulletin No. 18, April 2, 2012.

Throughout the cleanup process, EPA has worked closely with the Butte-Silver Bow County Health Department to develop and implement specific outreach efforts for socioeconomically disadvantaged citizens and children potentially at higher risk for exposure to environmental contaminants. EPA's October 4, 2012 response to comments (attached) describes the Health Study process and how environmental justice concerns were addressed in its scoping and development. The attached press release describes the specifics of the next public meeting intended to solicit additional public comment on the Health Study. Please note that the meeting location was suggested by the local citizens group (of which you are the president) and technical assistance grant recipient, CTEC, as an accessible venue. Note also that the press release is distributed in the Montana Standard, Butte Weekly (free paper), and is available online.

EPA has strived to consistently meet its environmental justice mandate at the Butte site. EPA will continue to promote and include environmental justice in all Superfund activities. Specific activities to address environmental justice issues in Butte are described in EPA's October 4, 2012 response letter and the February 2013 Revised Community Involvement Plan. The Health Study Workplan, Draft Final Health Study Phase 1, Revised Community Involvement Plan, response letters, press releases, party line interviews, RMAP, and past information provided to CTEC all provide further information on outreach conducted to involve community members including low income citizens.

The primary study objective to be addressed by phase 1 of the health study is the review and evaluation of available RMAP data that have been collected to date in order to objectively document the efficacy of the RMAP and identify any areas where improvement to activities conducted via the RMAP may be needed. The majority of the blood lead data in the current health study came from patients recruited for regular blood lead testing through Butte-Silver Bow County's Women, Infants, and Children (WIC) program in Butte[2] (Draft Final Public Health Study Phase 1, 2014).

[2] The qualification for WIC is 175% of the federal poverty level or below. However, county blood lead records include those from WIC clients as well as from individuals referred via the RMAP and local physicians.

Although the Draft Final Public Health Study Phase 1 is not a decision document, it does represent EPA's commitment to the concerns of all citizens of Butte that their voices are heard and addressed. EPA promotes equal access to public information and participation in matters relating to human health and the environment and specifically through the current health study process. Although the work plan and draft report for the Butte Health Study are produced by the Butte-Silver Bow County Health Department, the documents have been independently peer reviewed through the work group process and will be further betted through public review and comment.

EPA has a strong commitment to continue to include environmental justice considerations in the Public Health Study. With your assistance, the Montana Office has developed and revised its Community Involvement Plan specifically to address environmental justice concerns and to engage all community members in Butte. EPA has ongoing environmental justice training requirements for staff, with which the Montana Office complies to ensure that all staff are aware of environmental justice concerns and the requirements of Executive Order 12898. The Montana Office will continue to make environmental justice a priority in our mission with the goal of ensuring that all residents in the community of Butte are equally protected from adverse environmental affects or impacts.

Thank you again for your comments and concerns. If you have any questions or if you require additional information, please contact me at (406) 457-5019 or greene.nikia@epa.gov.

Sincerely,

Nikia Greene
Remedial Project Manager

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