Message

From: Elsen, Henry [Elsen.Henry@epa.gov]
Sent: 3/26/2019 6:50:44 PM
To: Wardell, Christopher [Wardell.Christopher@epa.gov]; Greene, Nikia [Greene.Nikia@epa.gov]; Barker, Jacqui [barker.jacqui@epa.gov]; Mutter, Andrew [mutter.andrew@epa.gov]; Vranka, Joe [vranka.joe@epa.gov]; Lindsey, William [Lindsey.William@epa.gov]
Subject: RE: Questions and Issues Westside Soils OU Superfund and the Greeley Neighborhood and Flat--Butte
Attachments: Dr. John Ray Response_elsenedits_20190326.docx

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Chris – see my redline comments. Nikia – you should check out my additions carefully to be sure I am saying what you intend to do.

For everyone, Will Lindsay, a LEP Superfund attorney, has been assigned to this site and should be included on communications about the site.

Will – this is a response to a Butte resident who is a frequent critic of EPA, and has sent us the attached questions regarding the scope of the Westside investigation. IF you have additional thoughts, please let the team know.

Henry Elsen, Attorney
Legal Enforcement Program
U.S. EPA Region 8 Montana Office
Federal Office Building, Suite 3200
10 W. 15th St.
Helena, MT 59626
406 457-5030

From: Wardell, Christopher
Sent: Monday, March 25, 2019 4:39 PM
To: Greene, Nikia <Greene.Nikia@epa.gov>; Barker, Jacqui <barker.jacqui@epa.gov>; Mutter, Andrew <mutter.andrew@epa.gov>; Vranka, Joe <vranka.joe@epa.gov>; Elsen, Henry <Elsen.Henry@epa.gov>
Subject: Questions and Issues Westside Soils OU Superfund and the Greeley Neighborhood and Flat--Butte

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Attached are draft responses to Dr. Ray. Please edit as necessary, not looking for a quick turnaround, perhaps by the end of the week? Thanks

Chris Wardell
U.S. EPA Region 8
303-312-6062
wardell.christopher@epa.gov

From: Wardell, Christopher
Sent: Sunday, March 24, 2019 4:47 PM
To: John Ray <bodinman2003@yahoo.com>
Cc: Greene, Nikia <Greene.Nikia@epa.gov>; Barker, Jacqui <barker.jacqui@epa.gov>; Mutter, Andrew

<mutter.andrew@epa.gov>
Subject: Re: Questions and Issues Westside Soils OU Superfund and the Greeley Neighborhood and Flat--Butte

John, I will work on responses to your questions/concerns this week. Thanks.

Chris Wardell
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303-312-6062
wardell.christopher@epa.gov

On Mar 22, 2019, at 6:19 AM, John Ray <bodinman2003@yahoo.com> wrote:

Nikia,
Thanks for your very prompt response. I do intend to attend the Council meeting. But I would also respectfully request some kind of thorough written response to my questions from EPA as there is no assurance that all of these issues will be fully addressed at a Council of Commissioners meeting. These meetings have time constraints and the interaction in this case will be between you and the Council, not the public. Certainly, the Council meeting is important but many citizens can't attend these, so communications outside of the meetings becomes important. Hopefully, the issues I raised will be addressed but the more information that is given to the public the better. An abundance of information is also I think necessary given the confusion that has surrounded what the Westside Soil OU will encompass and what parts of Butte are in and what parts of Butte are out of the OU. We are talking about a large area and a well populated area. Citizens need to know, given that this is the last OU in Butte and given that delisting is just around the corner, that health risks from past mining activity in this area of Butte will be comprehensively considered.
Full and meaningful public involvement as EPA mandates demands that the public know what is going on in the area. I also hope that environmental justice concerns will be given extra consideration.
So, I respectfully repeat my request for a response from EPA in dependent of the Council meeting..
John Ray

On Friday, March 22, 2019 6:03 AM, "Greene, Nikia" <Greene.Nikia@epa.gov> wrote:

Good Morning John,

Please come to the Council meeting on March 27th. I believe that a lot of your questions will be answered then. Most importantly to note: the WSSOU investigation is the sample gathering for the RI/FS and is yet to be determined what the remedy (if needed) will be. Greeley Neighborhood is a part of that investigation and a boundary has not been determined at this time.

Thanks,

Nikia Greene
Remedial Project Manager
U.S. EPA, Region 8
(406)-457-5019

greene.nikia@epa.gov

From: John Ray <bodinman2003@yahoo.com>
Sent: Friday, March 22, 2019 5:50 AM
To: Greene, Nikia <Greene.Nikia@epa.gov>; Wardell, Christopher <Wardell.Christopher@epa.gov>; Mutter, Andrew <mutter.andrew@epa.gov>; Hestmark, Martin <Hestmark.Martin@epa.gov>; Elsen, Henry <Elsen.Henry@epa.gov>; Bohan, Suzanne <bohan.suzanne@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Barker, Jacqui <barker.jacqui@epa.gov>; Vranka, Joe <vranka.joe@epa.gov>; Karen Sullivan <ksullivan@bsb.mt.gov>; Eric Hassler <ehassler@bsb.mt.gov>; Daryl Reed <dreed@mt.gov>; Smidinger, Betsy <Smidinger.Betsy@epa.gov>; Thomas, Deb <thomas.debrah@epa.gov>
Cc: John Ray <bodinman2003@yahoo.com>; Dave Palmer <dpalmer@bsb.mt.gov>; jchambers@mt.gov; Commissioners <commissioners@bsb.mt.gov>; Katie Hailer <khailer@mtech.edu>; Jim Keane <d.keane@bresnan.net>; Susan Dunlap <susan.dunlap@mtstandard.com>; David McCumber <david.mccumber@mtstandard.com>; Nora Saks <nrv.saks@gmail.com>; Ron Davis <rondavis@kbowkopr.com>; Erik Nylund <erik_nylund@tester.senate.gov>; Cindi Shaw <wrocshaw@hotmail.com>; Bill Andersen District Ten <woandersen@gmail.com>; Greeley Neighborhood <greeleyneighborhoodbutte@outlook.com>; R. Edward Banderob <rebanderob@outlook.com>; Cindy (Daines) Perdue-Dolan <cindy_perdue-dolan@daines.senate.gov>; sonny.capece@mail.house.gov
Subject: Questions and Issues Westside Soils OU Superfund and the Greeley Neighborhood and Flat--Butte

Questions about Westside Soils OU and the Greeley/Flat Area

Submitted by Dr. John W. Ray

I would like to pose the following questions and raise the following issues pertaining to Westside Soils OU and the Greeley/Flat area:

1. This is the last OU to be created in Butte under Superfund. Delisting will occur soon. If the Greeley Neighborhood and Flat Area are not included as part of the Westside Soils OU, how can the extent of contamination in these areas be systematically and thoroughly investigated and remediated? What assurances does the public have that these areas will be systematically and thoroughly investigated and remediated?

2. If the area south of Continental Drive including the Greeley Neighborhood is not part of an established legally constituted Operable Unity under Superfund, does the EPA have an enforcement mechanism under Superfund to use to remediate the area? If not part of a designated OU does the area south of Continental Drive qualify for remediation under Superfund?

3. Does EPA agree that the arsenic contaminated dust that has been found in some attics in the Greeley Neighborhood is smelter dust and therefore considered as mine waste from past mining activity and due remediation under Superfund as has occurred in the BPSOU and Anaconda?

4. If a formal RI/FS process is not conducted for the Greeley Neighborhood and the Flat, how can residents have any confidence that the full extent of contamination in the area has been determined?

5. What provisions are being made for addressing the environmental justice community in the Greeley Neighborhood?

6. When will the public know as to whether or not the RMAP program has been "officially" extended to the Greeley Neighborhood and the Flat?

7. If there is no PRP for the Greeley Neighborhood and the Flat, from where will the necessary cleanup funds for the area be derived? Who will pay? Wil there be enough money for a systematic cleanup?

8. If there is no RI/FS, how can the public be assured that sufficient data is available to completely assess the extent of contamination in the Greeley/Flat area?

9. If not part of an official Superfund OU, what assurances can the residents of the area have that they will not become simply a Superfund afterthought?

10. Will the current Superfund Health Study be extended to the Greeley Neighborhood and the Flat?

11. What community involvement activities will be directed to the Greeley Neighborhood and Flat if these areas are not part of an official OU?