Questions from Susan Dunlap: MT Standard.

Doug originally said Butte would get a CD by Christmas of 2018. He said Anaconda would also have a CD by early 2019. Those timelines have not held. What assurance does the public have that EPA can stick to its larger timeline of delisting by 2024/2025 respectively?

EPA will continue to work towards beginning delisting for the Silver Bow Creek/Butte Area site in 2024 and the Anaconda Smelter Site in 2025, and the sites remain a priority for the EPA Administrator and Regional Administrator. If this timeframe changes, EPA will inform the public.

There's been a lot of talk about Atlantic Richfield and a cd signed with them – what about the railroads? Do they require a separate consent decree for BPSOU? If so, are those talks underway?

The current Butte Site consent decree negotiations do not include Burlington Northern Railway Co. or the Union Pacific Railroad Company. EPA plans a separate consent decree with those parties regarding the cleanup work on properties owned or controlled by them in Butte, to be negotiated at a later date. In the meantime, the existing CERCLA section 106 unilateral administrative order governs the ongoing cleanup and maintenance work on those properties by those parties.

Where is EPA with Restore Our Creek Coalition's feasibility study request?

EPA is considering the request, and conferring with both ROCC members and the other consent decree parties on the request. No decision has been made.

Note– there may be more definitive news on this by the time Greg visits.

Where is the process of hiring a community involvement coordinator? What about bringing Robert Moler back?

EPA is currently going through the hiring process for a new CIC for the MT office. We hope to start interviews in the coming weeks of the qualified candidates. We can not just bring people back on board to a federal job. Robert, like any member of the public, would have to go through the formal applicant process.

The public's comments during the two public meetings on the proposed plan were overwhelmingly negative. Will EPA take steps to modify the plan based on those comments? Will it affect the August 12 timeline?

There was both negative and positive comments received at the two public hearings. Additional comments have been and will be submitted in writing. EPA, in consultation with the Montana DEQ, will carefully consider all comments and will modify the proposed changes to the existing

remedy if that consideration indicates changes are needed. EPA anticipates issuing a final Recor of Decision Amendment, including a responsiveness summary that will provide EPA and DEQ's answers to all comments, in early August. At this time, the August 12 deadline for the consent decree negotiation completion has not been changed.

District Judge Brad Newman spoke during the last proposed plan hearing and questioned how the state and the county could sign a consent decree that doesn't include a free-flowing natural water course from Texas to George. What is EPA's position on that?

Judge Newman's comments are part of the formal public comments submitted on the Proposed Plan for a BPSOU ROD Amendment. EPA will respond to all comments, including Judge Newman's, in a responsiveness summary that will be part of the ROD Amendment. EPA cannot comment on any public comment of the proposed changes to the ROD until the ROD Amendment is issued.

With regard to the proposed Berkeley Pit second water treatment plant, EPA says AR is asking for a change in the adequacy review of Butte Mine Flooding. But MR says this has the potential to open up the CD and the ROD on BMFOU. Can Greg elaborate on why EPA thinks this change will require only an adequacy review and what that will entail?

EPA is considering both AR's and MR's position on whether the new plant and other associated changes proposed by AR. No decisions have been made about either the substance or the process issues raised by AR's proposal. EPA will keep the public informed as this discussion goes forward.

At this time, EPA initially believes a second plant would provide for adequate redundancy to the remedy. However, many details have to be developed and reviewed before a decision can be made on the implementation of the second plant and the effects it may or may not have.

How will the revamp EPA guidelines for evaluating whether environmental contaminants can cause cancer or other ailments impact Butte and Anaconda?

EPA tries to apply the most current science and guidelines in its decision making process. If new science or toxicological information becomes available, as well as new guidelines regarding toxicity exposure assessment, EPA has the ability to update and change the prior remedial decisions. An example of this mechanism would be a typical five year review, where one of the objectives is to determine if the remedy is still protective and/or if new science or toxicological information has been published.

Also, EPA is committed to continuing the human health study team approach for the five year studies that are described in the Proposed Plan for a ROD Amendment.