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May 7, 2019

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Wheeler:

I am writing today about the proposed cleanup actions in Butte, MT announced by EPA and British Petroleum/Atlantic Richfield (ARCO). Recent correspondence between the EPA and the Restore Our Creek Coalition indicates that the EPA is not seriously considering community input into its cleanup plans. I am concerned that widespread community support for a restored upper Silver Bow Creek is falling on deaf ears.

The Restore Our Creek Coalition is steadfast and clear in its desire to see a restored Silver Bow Creek as part of a cleanup plan for the Butte Priority Soils Operable Unit. Over 3,500 local people have signed a petition supporting that vision. Then-Regional Administrator Doug Benevento committed to the community that a restored creek wouldn't be excluded from EPA cleanup plans. Community support and EPA's prior commitment are clear. That's why I am troubled by a letter sent from EPA to the community indicating that the EPA would not pursue even a basic engineering analysis to determine if stream restoration is feasible. The additional suggestion that the community pay for the creek restoration itself is wildly off-base, given EPA's commitments to taking community input on what cleanup and restoration actions are appropriate for the site. I urge you to work with the BP/ARCO to include an engineering analysis for a restored creek in any final Record of Decision amendments for the site, and to improve your responsiveness to community input.

This instance of communication breakdown between EPA and the community is a symptom of a larger issue. Under the sealed consent decree negotiations, the public is being asked to comment on cleanup plans with limited details on what those plans will cover. These decisions will have direct impacts on water quality, human health, economic development, and the character of the community. Transparency and public engagement are the key to a successful and timely cleanup. The EPA needs to be more responsive to the community, and to the maximum extent it legally can, it needs to disclose the details of its cleanup plans.

I look forward to your timely response.

Sincerely,

Jon Tester

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