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Silver Bow Creek / Butte Area

Redevelopment and Institutional Controls

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What are Institutional Controls?

ICs are legal and administrative tools used to maintain protection of human health and the environment at Superfund sites, sometimes by protecting a remedy that is already in place.

ICs are often an important part of the overall cleanup and redevelopment at a site. Every Montana Superfund Site has Institutional Controls to protect and complement the remedy.

ICs can be used for many reasons and there are different types. Some restrict site use, others ensure that redevelopment happens in a protective manner. Some aim to modify behavior or provide information to people.

Superfund and Redevelopment in Butte

At the Butte Priority Soils Operable Unit (BPSOU), more than two million cubic yards of mine waste within the community have been removed and taken to secure repositories. Some areas of mine waste have been capped in place. It is common at large mining sites such as Butte to see some combination of waste removal and capping of waste in-place. It is simply not feasible to remove such a large volume of contaminated mining waste and replace it with clean soil.

Since the remedy leaves wastes in place, these caps must be permanent and remain effective and, to the extent possible, must not restrict future community development projects.

EPA highly encourages redevelopment at Superfund sites. BPSOU workplans have included redevelopment since 1990. There are many examples of Superfund cleanup efforts in Butte improving public health and the environment while allowing for significant redevelopment projects including:

- The Original Mine Yard—the primary stage for the National Folk Festival for the last 3 years.
- The Mountain Con Mine Yard— set to open to the public in spring 2011 with walking trails, public restrooms, a covered gazebo for picnics and a beautiful garden area.
- East Park/Mercury Street Redevelopment Area— site of a number of new buildings including the Belmont Senior Citizens Center and the Butte Central Gymnasium. Both are used daily and serve people from all over the Butte area.
- Granite Mountain Memorial
- Copper Mountain Complex
- Missoula Street Baseball Complex
- Knob Hill Park
- Chamber of Commerce
- Tullamore Subdivision

Institutional Controls in Butte

The Butte remedy includes the following minimum ICs:

1. A controlled groundwater area

- which covers both bedrock and alluvial aquifers
- prevents domestic use of contaminated water, spreading or worsening existing contamination, or release of highly contaminated groundwater to surface water through irrigation
- prevents new well development, except for Superfund monitoring wells, well systems that treat contaminated water prior to use, and the use of existing commercial wells.

An education and well abandonment program will be implemented to persuade owners not to use contaminated water and to voluntarily take existing wells out of service in exchange for being hooked up to public water.

2. County zoning and permit requirements will be implemented to ensure that

- capped waste left in place, and other control measures such as storm water controls are not disturbed, mismanaged, or inappropriately developed
- waste taken from these areas is disposed of at the Butte Mine Waste Repository or, if identified as a hazardous waste, disposed of appropriately.

These controls and permits allow reuse and redevelopment with adequate funding.

3. Deed notices and deed restrictions are required and are in place for most of the capped areas

- for all areas where wastes were capped and left in place or where engineered controls were constructed or other discrete wastes were left in place.
- to notify current and subsequent landowners of the presence of wastes or engineered controls and ensure that these wastes are not disturbed. Fencing and signs may be required to ensure the integrity of caps and engineered controls.

4. Where private landowners require fencing or signage to protect the remedy, the remedy requires installation of these fences or signs.

Do you Need More Information?

- **U.S. Environmental Protection Agency:** Sara Sparks, Remedial Project Manger, 782-7415 or Wendy Thomi, Community Involvement Coordinator, 406-457-5037
- **Montana Department of Environmental Quality:** Joe Griffin, Project Officer, 560-6060
- **Butte Silver Bow County Planning Department:** Tom Malloy, 497-6257
- **Butte Silver Bow County Health Department:** Eric Hassler, 497-5042
- **Citizens Technical Environmental Committee:** Janice Hogan, TAG Administrator, 723-6247
- **Atlantic Richfield Company:** Marci Sheehan, 723-1831, Trey Harbert, 723-1816

Check out these web sites!

www.buttectec.org **www.epa.gov/region8/superfund/mt/sbcbutte**