



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8, MONTANA OFFICE**

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Ms. Amy Steinmetz  
Montana Department of Environmental Quality  
1520 Helena, Montana 59601

Dear Ms. Steinmetz:

Thank you for your letter submitted on behalf of the Montana Department of Environmental Quality (MDEQ) related to the position paper the EPA released on the proposed use of onsite material at the Butte Priority Soils Operable Unit (BPSOU). Please see additional information below in response to some of the specific questions and comments included in the letter.

The EPA similarly values healthy dialogue as a critical part of the decision-making process and agrees that the remedial design meetings are where discussion about concerns and design details should take place. The EPA is confident in this coordinated approach and the consent decree (CD) design process to reach protective decisions.

As the EPA makes these protective decisions in consultation with MDEQ, they will be integrated into the remedial design reports for each of the applicable, remedial elements required by Attachment C to Appendix D to the BPSOU CD. Furthermore, Section 3 of Appendix D to the BPSOU CD outlines the requirements for preparing the remedial designs for each of the remedial elements. These requirements include the preparation by Atlantic Richfield of remedial design work plans, pre-design investigation (PDI) work plans, quality assurance project plans, PDI evaluation reports, preliminary (30%), intermediate (60%), pre-final (95%), and final (100%) remedial designs, which will all be reviewed, commented on, and approved by the EPA in consultation with DEQ.

To the State's comment about use of onsite material as it relates to the tables in the CD, onsite material that is proposed for use at Buffalo Gulch, North Side Tailings and Diggings East will be sampled in accordance with the Backfill Material Characterization and Reuse Plans and associated quality assurance project plans. The results from the sampling will be extensively reviewed by the technical teams to determine the suitability for use at the three project areas. The CD (Attachment C to Appendix D) and the EPA's position paper outline the initial design parameters concerning the use of onsite material as general fill and that will ensure any use of onsite material is protective of human health and the environment. The EPA is not proposing modification of the BPSOU CD. Discussions about modeling, sampling results and their impact on the design work will take place in technical meetings alongside our partners and co-signatories of the BPSOU CD, and we look forward to engaging with MDEQ throughout these efforts.

As stated in your letter, the EPA's onsite material position paper is not a decision document. The EPA's position paper outlines an approach for onsite material usage only in the three non-residential corridor project areas named above, in line with the CD, for purposes of providing a clear proposal for partner and community feedback, and provides for a commitment to ensuring that any BPSOU design decision will be (1) protective of human health and the environment, (2) reflective of transparent community engagement, and (3) consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the National Contingency Plan (NCP), and the BPSOU CD.

With regard to MDEQ's request for clarification on how site-specific cleanup levels are calculated and assured to be protective, the risk-based soil action levels established in the BPSOU Record of Decision (BPSOU ROD) were developed using the calculation methods consistent with the procedures described in the human health risk assessments and current EPA policy. A preliminary remediation goal is identified, which is determined based on the objectives for the site, and the soil concentration that achieves this goal is back-calculated using the same site-specific inputs as used in the risk assessment. For example, for lead, the residential soil action level is determined using the Integrated Exposure Uptake Biokinetic (IEUBK) model (i.e., the EPA's child biokinetic blood lead model) and accounts for site-specific model inputs, such as soil lead bioavailability, based on a target blood lead level of 10 µg/dL. For additional information about the development of lead action levels for BPSOU please visit the interactive [dashboard](#).

For groundwater, the action levels established in the BPSOU ROD are based on national primary maximum contaminant levels (MCLs) for drinking water. These MCLs have also been adopted by the Montana Department of Environmental Quality as the groundwater standards established in the Circular DEQ-7, Montana Numeric Water Quality Standards. The Circular DEQ 7 also contains surface [water standards](#).

The EPA appreciates the input and feedback from MDEQ as our valued partner in the cleanup process. Our Agency shares MDEQ's commitment to a timely, protective cleanup for the Butte community that incorporates community feedback, and we look forward to our continued collaboration in furtherance of this goal.