



East Helena Explanation of Significant Difference (ESD) Response to Comments Summary

January 22, 2024

ESD Overview and Background on Community Involvement

In advance of drafting the Explanation of Significant Difference (ESD), the EPA held a community listening session on August 28, 2023. During this meeting, community members expressed concern about lingering soil-lead contamination in East Helena that was unaddressed by the 2009 ROD. They were supportive of lowering the lead cleanup level in general.

On December 1, 2023, the EPA released the Proposed ESD for the East Helena Superfund Site to lower the residential lead cleanup level to 400 ppm. This action removes the 1,000 ppm soil-lead action level and lowers the existing 500 ppm lead cleanup level to 400 ppm.

The EPA conducted a 30-day public comment period from December 1-30, 2023, asking for written comments. The EPA held a virtual public listening session on December 11 as well as office hours to answer questions and accept written comments on December 1, 4, 5, 11, and 12.

The EPA received five formal comments on the proposal to reduce East Helena soil-lead cleanup levels from 1,000 ppm to 400 ppm. All comments were in favor of reducing the cleanup level for a variety of reasons. One commenter wrote in support because they were concerned about garden vegetables being contaminated by high levels of soil-lead. One local elected official advocated for those residents whose yards were not included in previous cleanups despite testing near 1,000 ppm for soil-lead contamination.

Other commenters expressed concern that they were not told about their yard's lead contamination when purchasing their home. One couple detailed the steps they had taken over the years to reduce their family's lead exposure, such as installing a sprinkler system to promote grass coverage and growing vegetables in a community garden rather than in their yard. That same couple are now grandparents and are concerned about exposing their grandchild to soil-lead. An official from the Montana Natural Resources Damages Program also expressed support for the change in the residential lead cleanup level.

In each of these instances, removing contaminated soil from the entire yard and replacing it with clean fill and sod (or equivalent groundcover) will prevent future lead exposure and address community concerns about contaminated soil.

Summary and Response to Local Community General Concerns

- 1) The EPA received several comments from residents expressing concern that properties were not previously cleaned up.

EPA Response: The EPA appreciates this feedback and is working to address this concern by lowering the residential lead cleanup level to 400 ppm.

- 2) The EPA received several comments from residents expressing concern about children's health and potential exposure to lead-contaminated soil on properties not previously cleaned up.

EPA Response: As the EPA moves forward with residential yard cleanups for properties with soil-lead above 400 ppm, properties where children live and/or play will be prioritized. The EPA encourages residents concerned about their children's potential exposure to lead to contact Lewis and Clark County's Lead Education and Assistance Program (LEAP) for information about free blood-lead testing and how to reduce lead exposure. <https://www.lccountymt.gov/Government/Public-Health/Healthy-Kids/Lead-Education-and-Assistance>

- 3) The EPA received two comments from residents expressing concerns about gardening in properties not previously cleaned up.

EPA Response: In addition to the comment received, the EPA has also heard from residents wishing to expand gardens or change their location within a property. The EPA's approach to cleaning up yards will take this into account. Special attention will be paid to areas where produce is grown for individual consumption (i.e., backyard gardens).

- 4) The EPA received a comment from a resident expressing concern about soil being disturbed and possibly contaminating, or re-contaminating, their yard.

EPA Response: The EPA appreciates this concern and will work with individual property owners to address any specific considerations. This could involve additional sampling of properties previously sampled years ago to ensure the EPA is making decisions with the best available data. Additionally, Lewis and Clark County's soil regulations require dust mitigation when soils are being disturbed. The EPA will work with the county to limit windblown dust during construction activities.

- 5) The EPA received a comment from a resident expressing concern about disclosure of lead contamination to property buyers and sellers.

EPA Response: The EPA is committed to raising awareness within the East Helena Superfund Site of the presence of lead in soil. The Lewis and Clark County Lead Education and Assistance Program (LEAP) hosts a map on their website that includes the cleanup status of properties within the East Helena Superfund Site.

- Lewis and Clark County LEAP's website:
<https://www.lccountymt.gov/Government/Public-Health/Healthy-Kids/Lead-Education-and-Assistance>
- The county's interactive cleanup status map is available at
<https://helenamtmaps.maps.arcgis.com/apps/webappviewer/index.html?id=ab66dbc5881b4a088a9e0a22bae9136a>

To increase transparency, the EPA is communicating with area realtors and will continue to work with the Helena Association of Realtors and individual brokerages to ensure all buyers, sellers, and their agents have the information they need to make informed decisions.

Additional comments from Montana officials and agencies

- 1) The EPA received a comment, provided below, from Senator Mary Ann Dunwell, Montana Senate District 42, supportive of lowering the residential lead cleanup level 400 ppm and asking for 0 ppm.

EPA Response: The EPA thanks Senator Dunwell for her comment.

- 2) EPA received a comment, provided below, from Doug Martin, Acting Montana Natural Resource Damage Program (NRDP) Manager, supportive of lowering the residential lead cleanup level 400 ppm.

EPA Response: The EPA thanks NRDP for their comment.



MONTANA STATE SENATE

Senator Mary Ann Dunwell
Senate District 42

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December 16, 2023

Bridget Williams, Remedial Project Manager, Region 8, EPA

Hello Ms. Williams,

Thank you for proposing the Explanation of Significant Difference to modify the East Helena Superfund Site's 2009 Record of Decision for Residential Yards and Undeveloped Lands. As the state Senator representing the area, I wholeheartedly support the ESD.

While visiting residents, many would tell me how they wish their yard would be cleaned up like their neighbor's had. Their yards tested just under 1000 ppm and just missed the 1000 ppm cleanup level.

I appreciate the recent residential soil-lead testing in East Helena and EPA's reconsideration of the cleanup level for soil-lead in yards in East Helena. I agree with removing the 1,000 ppm action level and lowering the cleanup level to 400 ppm. I wish it could be 0 ppm, yet, am pleased with 400 ppm.

I agree with EPA's goal to clean up yards and yard areas in East Helena with soil-lead concentrations greater than 400 ppm, then replace the excavated contaminated soil with clean soil and sod or the equivalent. Again, I wish it could be 0 ppm, but understand limitations may exist.

Thank you for your consideration of my supportive comments and for all that you do to protect our clean and healthful environment.

Warmly,

Mary Ann Dunwell, East Helena State Senator

From: [Martin, Douglas](#)
To: [Meter, Mackenzie](#); [Williams, Bridget](#)
Cc: [Stewart, Sydney](#); [Hausrath, Katherine](#)
Subject: East Helena ESD Montana NRDP Support
Date: Tuesday, December 19, 2023 10:44:46 AM
Attachments: [images001.png](#)

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Dear Ms. Williams and Ms. Meter,

Thank you for the opportunity to comment on the proposed Explanation of Significant Differences that would modify the East Helena Superfund Site's 2009 Record of Decision for Residential Yards and Undeveloped Lands to remove the lead action level of 1,000 ppm and lower the lead cleanup level to 400 ppm. The State of Montana Natural Resource Damage Program (NRDP) commends EPA for proposing this change and supports the lower soil lead cleanup level for residential yards in East Helena. This cleanup level is consistent with the residential lead cleanup level required by the RCRA Statement of Basis and the cleanup level that the State (including NRDP), as a beneficiary of the Montana Environmental Custodial Trust, has endeavored to require for disposition of all properties from the Trust. NRDP supports this modification in order to provide a protective remedy to the residents of East Helena. We recognize that EPA is reevaluating lead cleanup levels nationally and support a continued utilization of the best available science going forward.

Sincerely, Doug

Doug Martin
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