

2026 Record of Decision Amendment
for the
BUTTE PRIORITY SOILS OPERABLE UNIT
of the
SILVER BOW CREEK / BUTTE AREA SUPERFUND SITE
Butte and Walkerville, Montana



REGION 8

DENVER, CO 80202

September 2026

PART 1 – DECLARATION

Site Name and Location

Silver Bow Creek/Butte Area Superfund Site, Butte Priority Soils Operable Unit, Operable Unit 08, CERCLIS ID Number: MTD980502777; SSID: 0823. The Butte Priority Soils Operable Unit is in portions of Butte and Walkerville, Montana.

Statement of Basis and Purpose of this Amendment

This decision document amends the 2006 Butte Priority Soils Operable Unit (BPSOU) Record of Decision (2006 ROD) (EPA 2006), as amended by the 2011 BPSOU Explanation of Significant Differences (2011 ESD) (EPA 2011) and later the 2020 BPSOU Record of Decision Amendment (2020 RODA) (EPA 2020). The 2006 ROD, 2011 ESD, and 2020 RODA are the three decision documents for the BPSOU that are referenced collectively as the “Selected Remedy” herein. This 2026 Record of Decision Amendment (2026 RODA) amends the Selected Remedy by:

- revising the lead action level¹ for residential soil and interior dust² to align with EPA’s 2025 Residential Lead Directive for CERCLA [Comprehensive Environmental Response, Compensation, and Liability Act] Sites and RCRA [Resource Conservation and Recovery Act] Hazardous Waste Cleanup Program Facilities (2025 Lead Directive) (EPA 2025),
- expanding the area in Butte, Montana that is subject to a required assessment for residential soil and dust remediation and remediation where warranted, and
- increasing the anticipated timeframe for completing remediation to accommodate the additional residences to be sampled and remediated.

Together, the Selected Remedy and this 2026 RODA are referred to as the “Selected Remedy, as amended” herein.

This 2026 RODA is issued by the U.S. Environmental Protection Agency (EPA), the lead agency for Site activities, with the concurrence of Montana Department of Environmental Quality (DEQ), the state support agency. This 2026 RODA is based on information available in the administrative record per the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) Section 300.825(a)(2). The administrative record and copies of key documents are available for public review at the Montana Tech Library at 1300 West Park Street, Butte, Montana 59701. The administrative record is also maintained at the EPA-Montana Office 10 West 15th Street, Suite 3200, Helena, Montana 59626 and can be viewed during normal business hours. The administrative record documents are also available at EPA’s website for the Site: www.epa.gov/butte.

¹ The 2026 Proposed Plan used the term “cleanup level,” but to be consistent with prior BPSOU decision documents, this 2026 RODA uses the term “action level” instead of “cleanup level.”

² The Selected Remedy defines residential soil and interior dust as “Residential Contaminated Solid Media in the form of contaminated residential soil and interior residential dust.”

BPSOU Selected Remedy for Residential Soil and Interior Dust

The BPSOU, also referred to as Operable Unit (OU) 8, is part of the Silver Bow Creek/Butte Area Superfund Site (Site) in Montana and encompasses the historic Butte Mining District and surrounding residential neighborhoods. More than 120 years of hard-rock mining, milling, smelting, and mineral processing activities resulted in the widespread release of mine wastes, including waste rock, mill tailings, and slag, throughout the area. These wastes contaminate solid media (soil), groundwater, and surface water with metals such as lead, arsenic, and mercury. Many homes, schools, parks, and playgrounds were constructed near former mining and processing facilities or directly on top of mine waste deposits, creating the potential for ongoing human exposure.

EPA began removal actions in 1987 and conducted numerous cleanup actions between 1988 and 2005 to address contaminated residential yards in Butte and Walkerville, mine waste dumps, railroad corridors, stream channels, and former smelter areas. These early actions were followed by a comprehensive remedial investigation, risk assessment, and feasibility study that culminated in the 2006 ROD for the BPSOU (see references throughout and Section 8). The Selected Remedy included the Residential Metals Abatement Program (RMAP), which addresses lead, arsenic, and mercury exposure from residential soil and interior dust (including both living space and attic dust). The RMAP also applies a multi-pathway approach to mitigate residential exposures to interior and exterior lead-based paint and lead in drinking water from pipe solder in special cases. In addition, the program uses community education in conjunction with medical monitoring to target potentially affected individuals and those groups most at-risk. The Selected Remedy established site-specific action levels for addressing contamination in residential soil and interior dust, specifically for lead, arsenic, and mercury. The site-specific action levels set in the 2006 ROD were 1,200 milligrams per kilogram (mg/kg) for lead,³ 250 mg/kg for arsenic, and 147 mg/kg for mercury. Under the Selected Remedy, residential soil is sampled and compared to the action levels for lead, arsenic, and mercury established for residential exposure. If residential soil is found to have concentrations of lead, arsenic, or mercury over the established residential action levels, the contaminated soil is excavated, removed, and replaced with EPA-approved fill material⁴. Similarly, if residential interior dust is sampled and found to contain concentrations of lead, arsenic, or mercury elevated above the residential action levels, contaminated residential interior dust from living spaces is removed. Contaminated dust identified in attic spaces is removed when there is a complete exposure pathway, or if there are renovations expected at a residence that would require the removal of a ceiling above which contains potentially contaminated attic dust.

Under the Selected Remedy, all residential properties within the BPSOU boundary require assessment of residential soil and interior dust. Since the 2006 ROD, the Selected Remedy for residential soil and interior

³ The 2006 ROD adopted the 1994 baseline human health risk assessment identified preliminary remediation goal (PRG), which was calculated utilizing EPA's Integrated Exposure Uptake Biokinetic Model (IEUBK) and a target blood lead level of 10 micrograms per deciliter (µg/dl) (CDM 1994).

⁴ Soil used to backfill an excavation of contaminated material at a residential property must meet specific, defined criteria for metals and other soil properties, defined in the Butte Hill Revegetation Specification and approved by EPA.

dust has been modified through the 2011 ESD and the 2020 RODA (**Figure 3**). The 2011 ESD expanded the RMAP area to require additional attic dust assessments within the 2011 RMAP Attics Expansion Area, the area located southeast and west of the BPSOU boundary, and further requires remediation where contamination is found, if a current or future complete exposure pathway⁵ is identified. The 2020 RODA expanded the reach of the RMAP further to include the 2019 RMAP Expansion Area,⁶ where residents can request to have their home assessed for contamination in residential soil and interior dust.

Description of the 2026 Record of Decision Amendment

The Selected Remedy, as amended, ensures continued protection of human health. This 2026 RODA amends the Selected Remedy by: 1) revising the lead action level for residential soil and interior dust to align with the 2025 Lead Directive, which advances a target blood lead level of 5 µg/dl, 2) expanding the area in Butte, Montana that is subject to a required assessment for residential soil and interior dust, and remediation, where necessary, and 3) increasing the timeframe for completing remediation to accommodate the additional residences to be sampled and remediated. Collectively, these changes reflect updated lead risk information, current knowledge regarding the extent of residential contamination, and the actions necessary to ensure the Selected Remedy remains protective.

With this 2026 RODA, the site-specific residential lead action level is lowered to 456 mg/kg based on the revised target blood lead level established in the 2025 Lead Directive, which identified 5 µg/dL as the target blood lead level for Superfund lead risk assessments. Under the Selected Remedy, as amended, residential soil or interior dust with lead concentrations above 456 mg/kg is required to be remediated. This revised residential lead action level applies to multi-family dwellings, schools, daycare centers, and playgrounds sampled under the RMAP (i.e., areas where children may be exposed to site-related contaminated media).

A review of the RMAP data collected from neighborhoods in Butte outside of the BPSOU boundary indicates the presence of lead concentrations above the new residential action level of 456 mg/kg, and arsenic concentrations above the action level of 250 mg/kg in residential soil and interior dust. Thus, the Selected Remedy was no longer sufficient to address potential exposures. The available data set from RMAP sampling collected within the 2019 Expansion Area was utilized to determine the extent of contamination exceeding the action levels for lead (456 mg/kg), arsenic (250 mg/kg), and mercury (147 mg/kg), which was then used to draw the 2026 RMAP Expansion Area.

The Selected Remedy, as amended, requires all residential properties' soil and interior dust to be evaluated under RMAP within the BPSOU and within the 2026 RMAP Expansion Area. Properties outside the BPSOU and 2026 RMAP Expansion Area, but within the 2019 RMAP Expansion Area, will continue to be sampled at the request of the property owner. Properties within the 2011 RMAP Attics Expansion Area

⁵ Complete exposure pathway means an avenue for contaminated attic dust to migrate into the living space, or if remodeling is planned that would create a complete exposure pathway in the future.

⁶ The "2019 RMAP Expansion Area," as shown in Figure 3, was not implemented until the 2020 RODA was issued.

will continue to be sampled for attic contamination. See **Figure 5** for identification of the various boundaries described in this paragraph.

Because lowering the residential lead action level and expanding the area of required assessments for residential soil and interior dust under the RMAP significantly increases the number of properties that will need to be assessed and have the potential to require remediation, the completion timeline targets were extended. EPA anticipates that the assessments of residential properties within the BPSOU and the 2026 RMAP Expansion Area will occur in 8 years (from 2026), and that all contaminated residential properties within the BPSOU and the 2026 RMAP Expansion Area will be simultaneously remediated within 15 years (from 2026).

This amendment to the Selected Remedy is specific only to “Residential Contaminated Solid Media in the form of residential soil and interior dust”, as defined in the 2006 ROD; no changes have been made to the components of the Selected Remedy that address other sources of contaminated solid media, surface water, or groundwater with this RODA.

Statutory Determinations

CERCLA Section 121(b)(1), 42 United States Code (U.S.C.) § 9621(b)(1), mandates that a remedial action must be protective of human health and the environment, cost effective, and utilize permanent solutions and alternative treatment technologies or resource recovery technologies to the maximum extent practicable. Section 121(b)(1) also establishes a preference for remedial actions which employ treatment to permanently and significantly reduce the volume, toxicity, or mobility of the hazardous substances, pollutants, or contaminants at a site. CERCLA Section 121(d), 42 U.S.C. § 9621(d), further specifies that a remedial action must attain a degree of cleanup that satisfies Applicable or Relevant and Appropriate Requirements (ARARs) under federal and state laws, unless a waiver can be justified pursuant to CERCLA Section 121(d)(4), 42 U.S.C. § 9621(d)(4).

EPA has determined that the Selected Remedy, as amended, meets the requirements of CERCLA Section 121, 42 U.S.C. § 9621. However, because the Selected Remedy, as amended, results in hazardous substances, pollutants, or contaminants remaining onsite above levels that allow for unlimited use and unrestricted exposure, statutory reviews will continue to be conducted every five years to ensure that the remedy is, or will be, protective of human health and the environment.

Authorizing Signatures

This 2026 Record of Decision Amendment for Operable Unit 8, the Butte Priority Soils Operable Unit of the Silver Bow Creek/Butte Area National Priorities List Site, along with unaltered portions of the 2006 Record of Decision, 2011 Explanation of Significant Difference, and 2020 Record of Decision Amendment, documents the Selected Remedy, as amended. The BPSOU Selected Remedy, as amended, was selected by EPA with the concurrence of the State of Montana, as authorized by the signature below.

Thomas D. Croci
Acting Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency

Date

Authorizing Signatures

This 2026 Record of Decision Amendment for Operable Unit 8, the Butte Priority Soils Operable Unit of the Silver Bow Creek/Butte Area National Priorities List Site, along with unaltered portions of the 2006 Record of Decision, 2011 Explanation of Significant Difference, and 2020 Record of Decision Amendment, documents the Selected Remedy, as amended. The BPSOU Selected Remedy, as amended, was selected by EPA with the concurrence of the State of Montana, as authorized by the signature below.

Sonja Nowakowski Digitally signed by Sonja
Nowakowski
Date: 2026.09.18 08:41:28 -06'00'

Sonja Nowakowski

Director

Montana Department of Environmental Quality

Date

PART 2 – DECISION SUMMARY

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LIST OF ACRONYMS AND ABBREVIATIONS

%	percent
µg/dL	micrograms per deciliter
ARAR	Applicable or Relevant and Appropriate Requirements
BPSOU	Butte Priority Soils Operable Unit
CDC	Centers for Disease Control and Prevention
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
COC	contaminant of concern
DEQ	Montana Department of Environmental Quality
EPA	U.S. Environmental Protection Agency
ESD	Explanation of Significant Differences
GIS	Geographic Information System
GSDi	geometric standard deviation
IC	institutional control
IEUBK	Integrated Exposure Uptake Biokinetic Model
mg/kg	milligram per kilogram
MSD	soil-to-dust transfer factor
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NPL	National Priorities List
OU	Operable Unit
PRG	preliminary remediation goal
RAO	Remedial Action Objective
RCRA	Resource Conservation and Recovery Act
RMAP	Residential Metals Abatement Program
ROD	Record of Decision
RODA	Record of Decision Amendment
Site	Silver Bow Creek/Butte Area Superfund Site
U.S.C.	United States Code
WIC	Women, Infants, Children

Section 1 – Introduction and Statement of Purpose

1.1 Site Name and Location

Site Name:	Silver Bow Creek/Butte Area (Site)
CERCLIS ID Number:	MTD980502777
Site Location:	Butte and Walkerville, Silver-Bow County, Montana
Operable Unit (OU):	Butte Priority Soils Operable Unit (BPSOU), 08
Lead Agency:	U.S. Environmental Protection Agency (EPA)
Supporting Agencies:	Montana Department of Environmental Quality (DEQ)
Original Record of Decision (ROD):	September 21, 2006 (EPA 2006)
Explanation of Significant Differences (ESD):	July 18, 2011 (EPA 2011)
Record of Decision Amendment (RODA):	February 4, 2020 (EPA 2020)

1.2 Purpose for the Amendment

The purpose of this 2026 RODA is to amend the remedy established in the 2006 ROD (EPA 2006), as modified by the 2011 ESD (EPA 2011), and the 2020 RODA (EPA 2020). The 2006 ROD, 2011 ESD, and 2020 RODA are the three decision documents for the BPSOU that are referenced collectively as the “Selected Remedy” herein. This 2026 RODA applies specifically to those portions of the Selected Remedy addressing residential contaminated solid media in the form of contaminated soil and interior dust and is intended to ensure that the remedy remains protective of human health and the environment based on current scientific information, updated lead risk information, current knowledge regarding the extent of residential contamination, and the actions necessary to ensure the Selected Remedy remains protective. This 2026 RODA does not change the components of the Selected Remedy that address other identified sources of contaminated solid media, surface water, and groundwater.

Since issuance of the Selected Remedy, EPA has updated its understanding of lead exposure risks and the relationship between environmental lead contamination and blood lead levels. Consistent with EPA’s *2025 Residential Lead Directive for CERCLA [Comprehensive Environmental Response, Compensation, and Liability Act] Sites and RCRA [Resource Conservation and Recovery Act] Hazardous Waste Cleanup Program Facilities* (2025 Lead Directive)⁷ (EPA 2025), scientific evidence demonstrates that adverse health effects can occur at lower blood lead levels than those previously used to establish residential cleanup criteria. In response to these advances in science and policy, EPA recalculated the residential lead action level for the BPSOU using the current Integrated Exposure Uptake Biokinetic (IEUBKv2.0) model and a target blood lead level of 5 micrograms per deciliter (µg/dL), together with site-specific inputs, such as soil lead bioavailability. This recalculation ultimately resulted in a site-specific, risk-based action level of 456 milligrams per kilogram (mg/kg) for lead in residential soil and interior dust.

⁷ In 2024, EPA released a Proposed Plan that applied the 2024 *Updated Residential Soil Lead Guidance for CERCLA Sites and RCRA Corrective Action Facilities* (2024 Lead Guidance). The 2024 Lead Guidance was superseded/replaced by the 2025 Lead Directive. For more information about the 2024 Proposed Plan and the application of the 2025 Lead Directive, see the Responsiveness Summary (**Appendix B**).

This 2026 RODA modifies the Selected Remedy to address human health risks and improve overall remedy effectiveness. More specifically, this 2026 RODA:

- lowers the residential lead action level from 1,200 mg/kg to 456 mg/kg,
- expands the area subject to required residential sampling and remediation, when sample results indicate an exceedance of the action level, to include locations where contamination has been identified beyond the BPSOU boundary (the 2026 RMAP Expansion Area), and
- extends the implementation timeframe needed to complete sampling and remediation activities within the BPSOU and the 2026 RMAP Expansion Area.

Consistent with the requirements of Section 117 of CERCLA and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), EPA evaluated these remedy modifications using the nine Superfund remedy evaluation criteria identified in 40 Code of Federal Regulations (CFR) § 300.430(e)(9)(iii). The Selected Remedy, as amended, was found to satisfy the criteria of overall protection of human health and the environment and compliance with Applicable or Relevant and Appropriate Requirements (ARARs), while also balancing long-term effectiveness; reduction of toxicity, mobility, or volume through treatment; short-term effectiveness; implementability; and cost. The modification criteria of state acceptance and community acceptance are addressed through the public participation process and are documented in this RODA and accompanying Responsiveness Summary (see **Appendix B**). Through this process, EPA fulfills CERCLA and NCP requirements for formally documenting fundamental changes to the remedy while ensuring meaningful public involvement in the decision-making process.

1.3 Administrative Record

Consistent with 40 CFR § 300.825(a)(2), this 2026 RODA will be included in an administrative record for the Site. The following administrative record documents provide the primary technical and scientific basis for this 2026 RODA. Together, they support the reevaluation of residential lead risks, the revised residential lead action level, and the expansion of the area requiring assessment and remediation necessary to ensure that the Selected Remedy remains protective of human health and the environment.

The administrative record and copies of key documents for this 2026 RODA (listed below) are available for public review at the Montana Tech Library at 1300 West Park Street, Butte, Montana 59701. The administrative record is also maintained at the EPA-Montana Office 10 West 15th Street, Suite 3200, Helena, Montana 59626 and can be viewed during normal business hours. The complete administrative record is also available on the EPA's Site webpage: www.epa.gov/butte. The key documents in the administrative record for this 2026 RODA include the following:

- EPA. 2024a. Integrated Science Assessment for Lead. Center for Public Health and Environmental Assessment, Office of Research and Development. EPA/600/R-23/375. January 2024.
- EPA. 2024b. Superfund Residential Lead Sites Handbook. Office of Superfund Remediation and Technology Innovation. March 2024.

- EPA. 2025. Residential Lead Directive for CERCLA Sites and RCRA Hazardous Waste Cleanup Program Facilities. Office of Land and Emergency Management. Directive from John W. Busterud, Assistant Administrator to Regional Administrators. October 2025.
- EPA. 2026a. Calculation of Updated Residential Soil Lead Preliminary Remediation Goals for the Butte Priority Soils Operable Unit, Silver Bow Creek/Butte Area Superfund Site. Memorandum. U.S. EPA, March 2026.
- EPA. 2026b. Summary of Naturally Occurring Background Soil Lead Concentrations for the Butte Priority Soils Operable Unit, Silver Bow Creek/Butte Area Superfund Site. Memorandum. U.S. EPA, April 2026.
- EPA. 2026c. Anthropogenic Lead Background Source and Concentration Summary for the Butte Priority Soils Operable Unit, Silver Bow Creek/Butte Area Superfund Site. Memorandum. U.S. EPA, May 2026.
- EPA. 2026d. Residential Metals Abatement Program (RMAP) Evaluation of the Extent of Contamination for the Butte Priority Soils Operable Unit, Silver Bow Creek/Butte Area Superfund Site. Memorandum. U.S. EPA, May 2026.
- EPA. 2026e. Basis of Estimate to Support the 2026 Proposed Plan for the Butte Priority Soils Operable Unit, Silver Bow Creek/Butte Area Superfund Site. Memorandum. U.S. EPA, May 2026.
- Ramboll. 2026. Third Butte RMAP Biomonitoring (Phase 3) Report – Final. June 2026.

Section 2 – History, Contamination, and Selected Remedy

A more comprehensive description of the BPSOU, its history, the contamination and its threat to human health and the environment, as well as the Selected Remedy, is found in the 2006 ROD (EPA 2006), 2011 ESD (EPA 2011), and the 2020 RODA (EPA 2020). The following subsections provide information relevant to the portion of the Selected Remedy, as amended, by this 2026 RODA, for residential soil and interior dust.

2.1 Site Description

The Site is in and around Butte, Montana, and includes 26 miles of stream and streamside habitat downstream from Butte. Since the late 1800s, mining wastes have been dumped into areas in and around Butte, as well as into streams and wetlands near mining operations. Meanwhile, historic mining, milling, and smelting activities contaminated soil, groundwater, and surface water with arsenic and heavy metals.

In 1982, EPA proposed that Silver Bow Creek be added to the National Priorities List (NPL), and it was listed as a Superfund Site in 1983. The Butte Area was added to the Silver Bow Creek Site in 1987. During initial site investigations, EPA formally recognized historical mining and smelting in the City of Butte as a significant source of contamination to Silver Bow Creek. Preliminary findings indicated that upstream sources, mainly widespread mining-related wastes throughout Butte, were partially responsible for contamination observed in the creek. EPA divided the “Silver Bow Creek/Butte Area” Superfund Site into OUs based on common characteristics and conditions to optimize investigation, evaluation and cleanup. Over time, some of the originally defined OUs have been incorporated into the following, current OUs:

- OU1 – Streamside Tailings – cleanup performed under a remedy selected in 1995;
- OU3 – Butte Mine Flooding – cleanup is ongoing under a remedy selected in 1994;
- OU4 and OU12 – Warm Springs Ponds – cleanup is ongoing under an interim remedy selected in 1990;
- OU7 – Rocker Timber Framing – cleanup is ongoing under a remedy selected in 1995;
- OU8 – Butte Priority Soils – cleanup is ongoing under a remedy selected in 2006;
- OU13 – West Side Soils is in the remedial investigation and feasibility study phase; a remedy has not yet been selected.

The current OUs are shown in **Figure 1** on the following page.

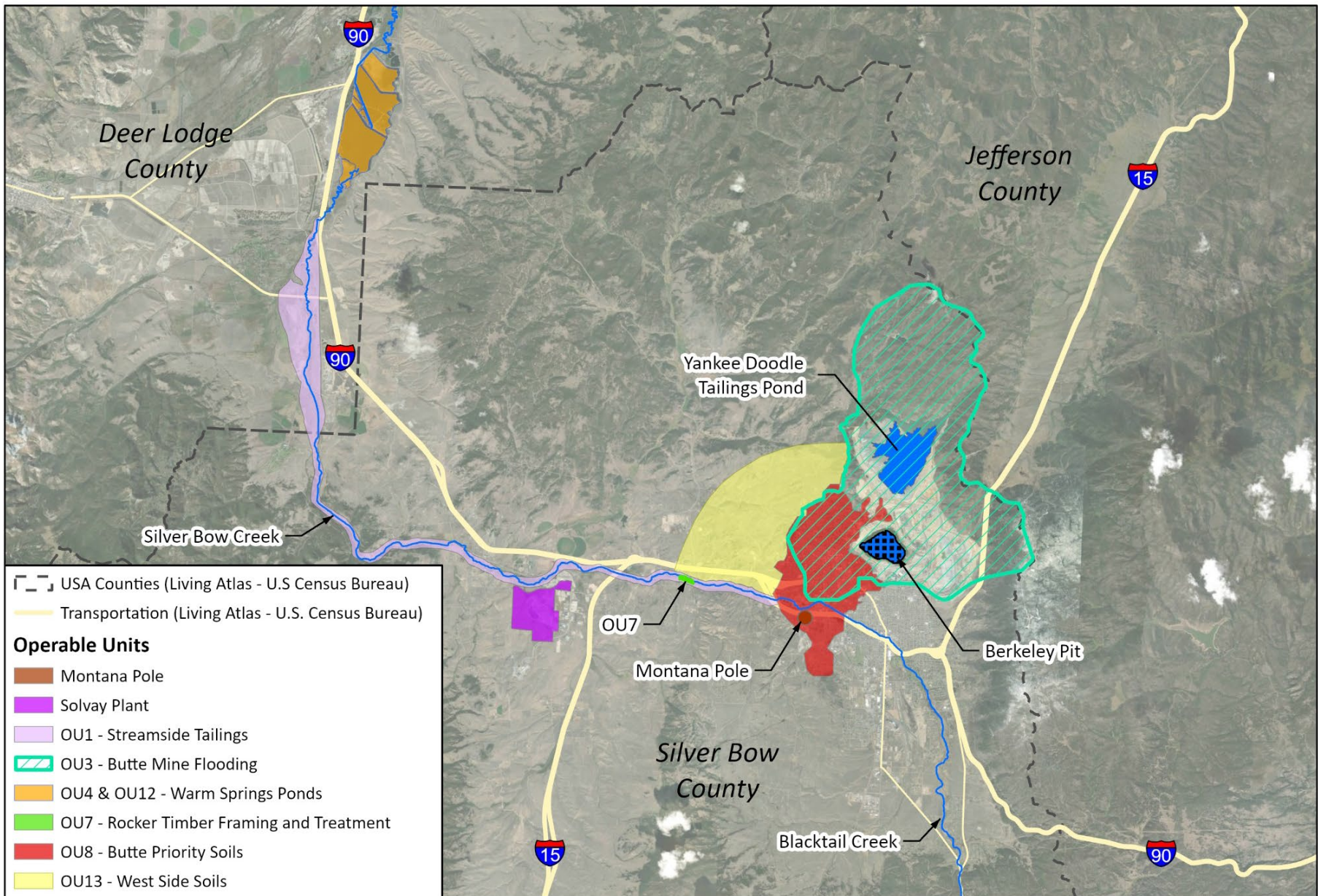


Figure 1 – Site Operable Units (OUs)



COORD SYS ZONE: MT SP
DATUM: NAD83
UNITS: FEET

The BPSOU (also referred to as (OU8)) is centered on the “Butte Hill,” the location of the historic Butte Mining District (**Figure 2**). It is approximately five square miles, and incorporates the Town of Walkerville, part of Butte north of Silver Bow Creek and west of the Berkeley Pit, and a section of land that extends south from Silver Bow Creek to Timber Butte. It includes the alluvial aquifer impacted by the BPSOU surface contamination, the surface water in Silver Bow Creek below its confluence with Blacktail Creek, and a portion of Blacktail Creek. The BPSOU portion of Blacktail Creek starts at the confluence of Grove Gulch Creek and extends downstream to the confluence of Silver Bow Creek. The BPSOU is in a predominantly urban setting, which includes residential neighborhoods, schools and parks, as well as commercial and industrial areas. Extensive underground mining, milling, and mineral processing over many decades resulted in widespread distribution of mine waste such as waste rock, mill tailings, and slag. Mine wastes impacted soil, interior dust, groundwater and surface water throughout the BPSOU and became the focus of the environmental cleanup ongoing today.

2.2 Extent of Contamination

Contaminants found within the BPSOU, including arsenic and heavy metals such as copper, lead, mercury and zinc, are the result of 120 years of hard rock mining, smelting, milling and other processing activities. Sources of ongoing contamination have been identified and include waste rock piles, mill tailings deposits, slag and railroad beds. Many homes in Butte were built near former mines and mineral processing facilities while some were built directly on top of mine wastes.

Early investigations included residential soil sampling, and subsequent investigations characterized the soil and mine wastes in residential, commercial, and industrial areas of the BPSOU. The early investigations focused on Walkerville and portions of Butte where historical mining activities were more intensive and where metal levels were expected to be higher than in other residential areas of Butte.

Lead, arsenic, and mercury were identified as the contaminants of concern (COCs) for residential soil and interior dust in the BPSOU. Lead concentrations in Butte residential soil and interior dust are highly variable and range from less than 2 mg/kg to over 50,000 mg/kg for soil, and from less than 2 mg/kg to over 200,000 mg/kg in dust. However, lead in Butte soil has been found to be less bioavailable than in other lead-contaminated sites. In Butte, the site-specific bioavailability for lead in soil was found to be 12 percent (%) (CDM 1994), which is about three times lower than the EPA default value of 30%. When lead contamination is encountered in soil, the depth of elevated lead concentrations can vary depending on the source of contamination. At some properties, the depth of contamination is shallow, extending less than 6 inches beneath the surface. At other properties, contamination is only encountered at depth (greater than 6 inches) beneath a layer of uncontaminated surface soil.

Arsenic concentrations in residential soil and interior dust are also highly variable. In general, arsenic concentrations in residential soil and living space dust tend to be lower than concentrations in attic dust. This observation suggests that arsenic in attic dust may be most attributable to historical smelter emissions and not from outdoor soil track-in.

Residential properties with mercury contamination are rare, and nearly all properties identified to have mercury contamination are located within the Walkerville neighborhood. The Walkerville neighborhood was the focus of intensive sampling as part of a 2000 investigation performed by EPA because it encompasses an area where several historical mills reportedly used mercury amalgamation during silver mining operations.



Figure 2 – Butte Priority Soils Operable Unit (BPSOU)

2.3 Site Risks and Remedial Action Objectives

The 1991 Preliminary Baseline Risk Assessment used data from the 1988 *Butte Soil Screening Study* to identify contaminants at the BPSOU that may pose significant human health risks. EPA then conducted additional human health risk assessments focused on lead, arsenic, and mercury, including:

- 1994 *Baseline Human Health Risk Assessment for Lead* (CDM 1994);
- 1997 *Baseline Human Health Risk Assessment for Arsenic* (CDM 1997); and
- 2003 *Human Health Risk Assessment for the Walkerville Residential Site* (URS 2003).

The three COCs for residential exposures to soil and interior dust are lead, arsenic, and mercury. For the BPSOU, lead is the COC primarily driving remediation of residential soil. Lead can cause adverse health effects, such as anemia, behavioral problems, and cognitive difficulties. Risks of health effects from elevated lead levels are greatest for young children and the developing fetus because those populations are more susceptible to the effect of lead than are older children and adults. Arsenic tends to be the COC primarily driving remediation of attic dust, while mercury contamination is rare and is typically in areas where mercury was used in historical mining operations.

Remedial Action Objectives (RAOs) state the goals of remedial action. The RAOs identified in the 2006 ROD for contaminated solid media⁸ specific to residential soil and interior dust for human health are to:

- Prevent the ingestion of, direct contact with, and inhalation of, contaminated soil, interior dust, waste rock, and/or tailings or other process waste that would result in an unacceptable risk to human health from site-related contamination assuming current or reasonably anticipated future land uses.
- Remediate contaminated solid media to the extent that it will not result in an unacceptable risk to human health and/or aquatic environmental receptors from site-related contamination.

There have been no changes to these RAOs relative to residential soil and interior dust since they were established in the 2006 ROD.

2.4 Risk-based Preliminary Remediation Goals for Lead

The Selected Remedy includes residential action levels for lead, arsenic, and mercury that are used to evaluate residential soil and interior dust. Additional information about residential arsenic and mercury COCs can be found in the 2006 ROD, 2011 ESD, and the 2020 RODA.

For the COC lead, EPA's IEUBK model is used in Superfund risk assessment processes to develop risk-based PRGs, which are used to set clean-up levels (which for consistency with prior documentation at this Site is referred to as an action level in this 2026 RODA). The IEUBK model is used to predict the likely distribution of blood lead levels in young children (aged six months to 72 months [6 years] of age) based on potential exposure to lead in their environment (i.e., residential property). In 1994, EPA used the

⁸ The Selected Remedy documents residential soil and interior dust as "Residential Contaminated Solid Media in the form of contaminated residential soil and interior residential dust."

Integrated Uptake/Biokinetic model (Version 0.61), which was the precursor to the current IEUBKv2.0 model, to predict blood lead levels from environmental exposure to lead and derive a lead PRG for residential soil and interior dust that corresponds to a target blood lead level of 10 µg/dL. Use of a target blood lead level of 10 µg/dL was consistent with the EPA's risk assessment guidance at the time, specifically the 1994 *Revised Interim Soil Lead Guidance for CERCLA Sites and RCRA Corrective Action Facilities* (1994 Lead Guidance) (EPA 1994). In developing this risk-based PRG, model inputs were adjusted to include site-specific values for soil lead bioavailability,⁹ soil-to-dust transfer factor (MSD),¹⁰ and geometric standard deviation (GSDi).¹¹ Ultimately, the resulting residential PRG for lead was set equal to 1,200 mg/kg (CDM 1994).

2.5 Summary of Selected Remedy

Historically, residential cleanups in Butte were completed under the Butte – Silver Bow Lead Intervention and Abatement Program, the predecessor to the RMAP, a multi-pathway protocol for identifying properties for lead remediation. The multi-pathway protocol considered lead-contaminated soils and the presence of other sources of lead associated with residential properties, such as lead-based paint.

The 2006 ROD established residential action levels for lead, arsenic, and mercury that are used to determine where contamination requiring remediation exists in residential land use scenarios. The following subsections describe the Selected Remedy for residential soil and interior dust.

2.5.1 Original 2006 Remedy

As specified in the 2006 ROD (EPA 2006), the remedial action selected for residential soil and interior dust¹² includes the following:

- Applies residential action levels for contaminants of concern: 1,200 mg/kg for lead, 250 mg/kg for arsenic, and 147 mg/kg for mercury.
- Implement the BPSOU RMAP, which uses a multi-pathway approach for mitigating residential exposure. The RMAP addresses lead, arsenic, and/or mercury exposure from residential yard soil, interior dust (including both living space and attic dust), as well as interior and/or exterior lead-based paint and lead in drinking water from pipe solder in special cases.¹³ In addition, the program

⁹ In Butte, the site-specific bioavailability for lead in soil is about 12%. The more conservative default lead bioavailability value for interior dust (30%) was used to account for the potential for dust to contain lead from both Site-related soil and from more bioavailable lead-based paint.

¹⁰ In the IEUBK model, MSD refers to the Mass of Soil in Dust, a parameter to describe the fraction of indoor dust mass derived from outdoor soil.

¹¹ In the IEUBK model, GSDi stands for Geometric Standard Deviation, a parameter to describe the biological and behavioral variability of the blood lead distribution for similarly exposed children.

¹² The conceptual site exposure model in the 2006 ROD identified a “significant human health exposure pathway” to residents due to the ingestion of interior dust, attic dust (where there is a complete exposure pathway), and surface soil. The Selected Remedy was chosen to address the human health exposure pathway in residential solid media, specifically defined as contaminated soil and interior dust (including both living space and attic dust).

¹³ In cases where a resident is experiencing an elevated blood lead level that has been identified by a medical provider, paint, drinking water, and/or air are evaluated by the RMAP, when access is given to do so.

uses community education in conjunction with medical monitoring to target affected individuals and those groups most at-risk if exposed to lead and/or arsenic. The program prioritizes sampling and remediation in locations where high-risk groups live.

- Sample all residential properties within the BPSOU boundary (**Figure 3**), where access is granted, and evaluate for remediation based on the sample results for lead, arsenic, and mercury.
- Sample residential soil, at a minimum, from the 0- to 2-inch depth interval within decision units (e.g., front yard, back yard, play area, driveway, etc.).
- Remove and replace soil to a minimum depth of 18 inches in those decision units exceeding the action levels. Other materials, such as road base, gravel, etc., will be used as replacement material where appropriate (e.g., driveways, walkways, etc.). Excavated soil will be transported to the Butte Mine Waste Repository.
- Excavate, remove, and replace to a depth of 24 inches in gardens that could be used to grow vegetables for human consumption. Excavated soil will be transported to the Butte Mine Waste Repository.
- Install a lightweight geotextile marker fabric will be placed beneath clean¹⁴ soil cover to indicate that the underlying soil may contain lead, arsenic and/or mercury above the action levels.
- Remove contaminated dust in living spaces and remove contaminated attic dust when there is an avenue for the dust to migrate into the living space (i.e., a complete exposure pathway exists), or if remodeling is planned that would create a complete exposure pathway in the future. Properties where attic dust is not removed will be tracked in the RMAP database for at least 99 years.
- Track residential properties within BPSOU in the RMAP database that have not been sampled or remediated because the owner would not allow access for sampling for at least 99 years.
- Implement extensive community awareness and education program to manage lead, arsenic, and mercury exposure within BPSOU, to raise general public awareness of potential risks, especially to young children. The education and outreach program should target remodeling contractors and weatherization workers that may be exposed to many attics.
- Encourage participation in a medical monitoring program, which uses blood lead, blood mercury, and urinary arsenic data to identify individuals who have concentrations of those elements above risk-based thresholds. Homes will be prioritized for sampling where individuals are found to have elevated blood lead, blood mercury, or urinary arsenic.

¹⁴ Clean soil used to backfill an excavation of contaminated material at a residential property must meet specific, defined criteria for metals and other soil properties, originally defined in the *Butte Hill Revegetation Specification* (EPA 2006) and updated as required.

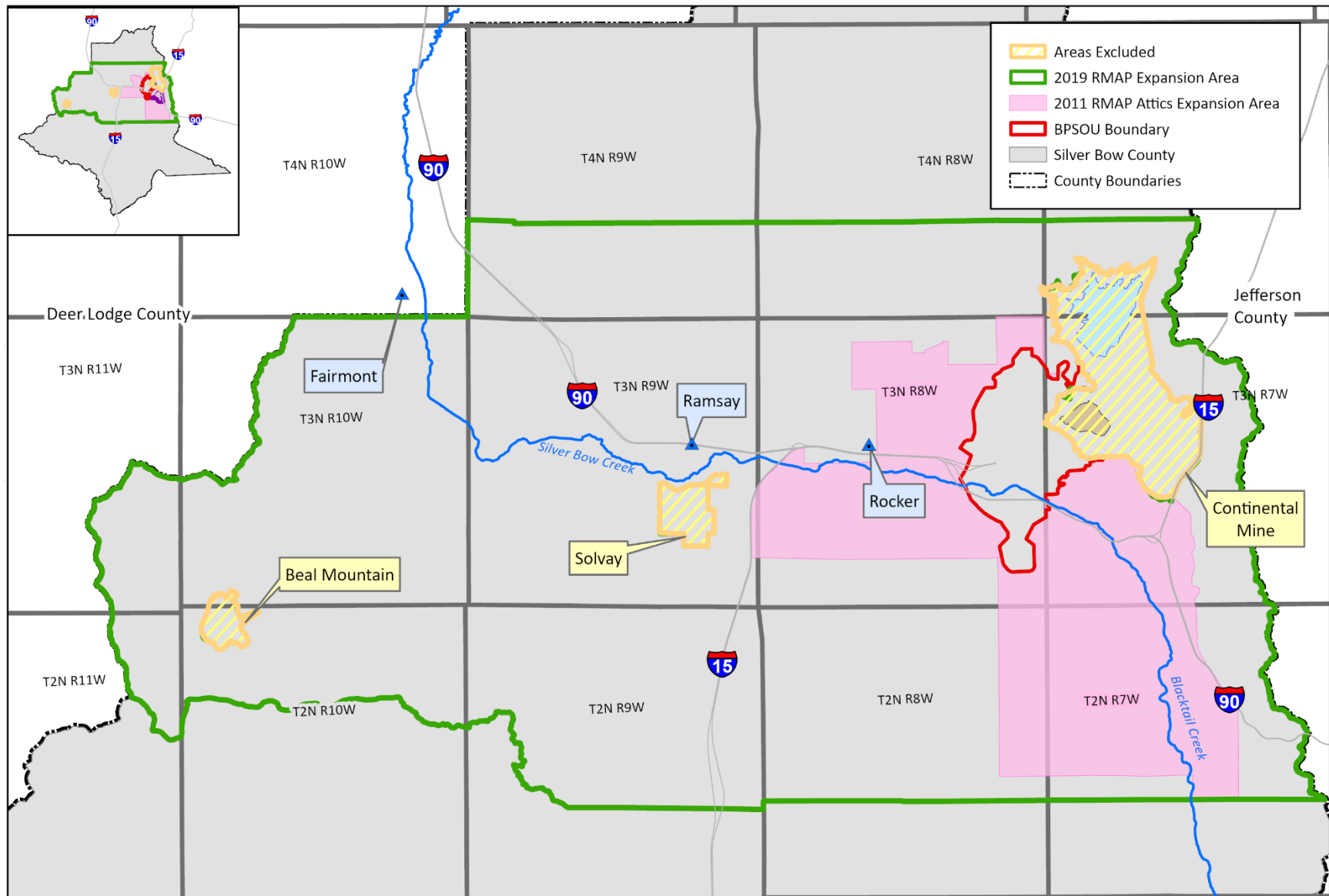
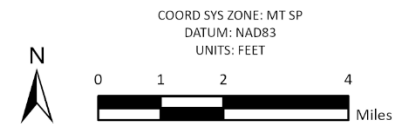


Figure 3 – Residential Metals Abatement Program (RMAP) Changes Over Time



- Implement institutional controls (ICs) where necessary, in coordination with Butte-Silver Bow County (BSB), including:
 - County zoning and permitting to ensure capped waste areas and discrete areas of waste left in place are not disturbed, mismanaged, or inappropriately developed. Waste taken from areas subject to County zoning and permitting will be taken to the Butte Mine Waste Repository.
 - Deed notices will be required for all areas where wastes are capped and left in place or where engineered controls are constructed or other discrete wastes are left in place. Deed notices notify current and subsequent landowners of the presence of these wastes or engineered controls, to ensure that these wastes are not disturbed. Fencing and signs may be required to ensure the integrity of caps and engineered controls.

2.5.2 Changes to the Original 2006 Remedy (2011 ESD and 2020 RODA)

Since the 2006 ROD, the Selected Remedy has been modified twice by the 2011 ESD (EPA 2011) and 2020 RODA (EPA 2020). The prior changes to the Selected Remedy specific to residential soil and interior dust included:

- Modification of the RMAP area over time, as shown in **Figure 3**:
 - In the 2011 ESD, EPA expanded the RMAP area where attic dust sampling is required. This expanded area is shaded in pink and labeled as the 2011 RMAP Attics Expansion Area in **Figure 3**, southeast and west of the BPSOU boundary.
 - In the 2020 RODA, EPA expanded the RMAP area again for additional residential assessment and remediation. This area is shown by the green perimeter and labeled as the 2019 RMAP Expansion Area¹⁵ in **Figure 3**. The 2020 RODA indicated that residential soil and interior dust outside the BPSOU boundary (red perimeter line) but within the 2019 RMAP Expansion Area (green perimeter line) would only be sampled on an as-requested basis. The 2019 RMAP Expansion Area includes rural residential development to the north, south and west. Soil remediation activities in the 2019 RMAP Expansion Area are conducted in the same manner as actions within the BPSOU.
- The 2011 ESD documented that additional time would be needed to complete the sampling and remediation of contaminated residential properties.
- The 2011 ESD modified the sampling protocol for residential soil to include sampling from three depth intervals, including 0- to 2-inches, 2- to 6-inches, and 6- to 12-inches.
- The 2011 ESD modified the Selected Remedy to remove and replace soil to a minimum depth of 12 inches in those decision units exceeding the action levels, or at a minimum to the soil/bedrock interface. The remediation depth was not changed for gardens, which remains at 24 inches.

¹⁵ The “2019 RMAP Expansion Area,” was not implemented until the 2020 RODA was issued.

2.5.3 Institutional Controls

As described in Section 2.5.1, the original 2006 Remedy included the use of ICs to minimize exposure to residual contamination and ensure the long-term effectiveness of the remedy by managing land use, construction activities, property ownership obligations, and public awareness (EPA 2006). These BPSOU ICs are further described in Appendix E (the Institutional Control Implementation and Assurance Plan) to the 2020 BPSOU Partial Remedial Design/Remedial Action and Operation and Maintenance Consent Decree. The program integrates excavation permitting and soil-handling protocols, deed notices, restrictive covenants, community education and outreach, and Geographic Information System (GIS)-based tracking and monitoring systems (RMAP Database). Together, these measures help prevent disturbance of capped or remediated areas, ensure contaminated materials are properly managed during future development, require disclosure of remediation-related restrictions to current and future property owners, and provide long-term management of the remedy through monitoring, reporting, education, maintenance, and enforcement activities.

2.6 Remedy Activities Conducted to Date

Under the RMAP, residential soil includes exterior yard soil and earthen basement soil. Residential interior dust includes both living space and attic dust, where living spaces are those areas of a residence most frequently accessed by the residents (including, but not limited to, bedrooms, living rooms, kitchens, hallways, bathrooms), and attic dust is found in the space below a roof and above the ceiling and in crawl spaces. The RMAP also evaluates multi-family dwellings, schools, daycare centers, and playgrounds (i.e. areas where children may be exposed to site-related contaminated media).

As of January 1, 2026, approximately 3,300 residential properties have been sampled for outdoor soil, approximately 930 residential properties have been sampled for soil in basements/crawlspaces, more than 560 residential properties have been sampled for living space dust, and nearly 2,700 residential properties have been sampled for attic dust (EPA 2026d).

As of January 1, 2026, approximately 620 residential properties have had remediation of residential soil, approximately 60 residential properties have had remediation of earthen basements, and approximately 1,400 residential properties have had remediation of interior dust. This includes remediation work completed by removal actions, the original Butte Lead Intervention and Abatement Program, and the RMAP. Remediation of residential soil and interior dust is ongoing.

As part of the RMAP, blood lead screening is available to all county residents at no charge through the BSB Health Department and in coordination with the Women, Infants, Children (WIC) Program. When blood lead monitoring shows a person has an elevated blood lead level, the BSB Health Department refers the affected resident (or the guardian of the child resident) to the RMAP to test for lead in interior and/or exterior paint and household drinking water, in addition to the evaluation of residential soil and interior dust. The BSB Health Department provides additional education to the resident (or the guardian of the child resident) regarding ways to limit exposure to lead and arsenic from residential soil, interior dust, paint, and pipes.

Blood lead monitoring results are summarized in a comprehensive report to the public every five years by a technical working group comprised of federal and state agency representatives, local health officials and experts, and the Responsible Parties. Three reports have been issued to date:

- *Butte Priority Soils Operable Unit Public Health Study, Phase 1* (Environ 2014),
- *Second Butte RMAP Medical Monitoring Study (Phase 2) Report* (Ramboll 2020), and
- *Third Butte RMAP Biomonitoring (Phase 3) Report – Final* (Ramboll 2026).

Section 3 – Basis for the Document

3.1 2025 Lead Directive

After the EPA selects a remedy in a ROD, new information may be identified that could affect the implementation or long-term protectiveness of the Selected Remedy. In this case, EPA issued updated guidance documents, specifically the *Integrated Science Assessment for Lead* (EPA 2024a) and the *Superfund Residential Lead Sites Handbook* (EPA 2024b), and the 2025 Lead Directive (EPA 2025). The 2025 Lead Directive reflects updated science showing adverse effects from lead exposure and provides recommendations, which prompted the EPA to re-evaluate the previously selected residential lead action level of 1,200 mg/kg for the BPSOU.

Given the requirement that remedial actions be protective of human health and the environment, it is essential that new information or changed conditions be effectively evaluated for impacts on human health and the environment at the Superfund Site.

The EPA's review of the scientific literature has shown that health effects from lead exposure can occur when blood lead levels are below the 1994 Lead Guidance's threshold of 10 µg/dL, which was referenced in setting the residential soil and interior dust action levels in the 2006 ROD. The 2025 Lead Directive decreases the target blood lead level the EPA uses to develop a risk-based PRG for residential soil and interior dust from 10 µg/dL to 5 µg/dL. The 2025 Lead Directive also recognizes that additional layers of protection, such as ICs and informational devices, enhance the effectiveness of response actions.

The target blood lead level is used to derive a risk-based PRG for lead in soil and interior dust by applying the IEUBK model.¹⁶ Risk-based PRGs take into account site-specific information, like soil lead bioavailability, to inform the action levels. EPA applies a target blood lead level (5 µg/dl) as a trigger for action based on an individual or population risk rather than a threshold for adverse health effects. While EPA acknowledges there is no known safe level of lead in blood, the 5 µg/dL blood lead target is used to prioritize resources to protect children from the highest, most immediate hazards addressable under CERCLA.

3.2 Revising the Residential Action Level for Lead

The blood lead monitoring data in Butte shows that blood lead levels for children have declined. Even so, the BPSOU residential lead action level of 1,200 mg/kg was based on a target blood lead level of 10 µg/dL in children, which could no longer be viewed as protective based on EPA's review of current scientific literature (EPA 2025). For the remedy to be protective, the residential soil action level is being revised with this 2026 RODA to meet the lower target blood lead level set forth in the 2025 Lead Directive.

EPA calculated a new risk-based PRG for lead in Butte residential soil and interior dust using the IEUBKv2.0 model. The site-specific model inputs of the MSD, GSDi and bioavailability adjustments used to develop the original lead risk-based PRG in the 1990s were also used to calculate the revised risk-based PRG;

¹⁶ This process is outlined in EPA's *Superfund Residential Lead Sites Handbook* (EPA 2024b). The IEUBK model is the only model approved for Superfund human health risk-assessments for young children.

these model inputs and adjustments are still relevant site-specific information. EPA incorporated a target blood lead level of 5 µg/dL, as recommended by the 2025 Lead Directive, and site-specific information for MSD, GSDi, and bioavailability, and calculated a new PRG value of 456 mg/kg lead for residential soil and interior dust (EPA 2026a).¹⁷

When the new lead action level for residential soil and interior dust was proposed in the 2026 Proposed Plan, EPA considered the risk-based PRG of 456 mg/kg, as well as information on local background concentrations of lead (EPA 2026f). Soil background is the term used to describe the ambient or typical presence of a particular constituent (here, lead) in a defined area. Lead can occur naturally in the environment, in forms that have not been influenced by human activity. Lead can also be found in an urban environment, influenced both by naturally occurring lead levels in the soil and from human-made sources, including lead-based paint and leaded gasoline. Within the BPSOU, it is important to understand the known presence of lead in soil both as it occurs in the geology of the area and also from human-made sources in the urban environment.

Because EPA generally does not establish action levels lower than background concentrations, EPA reviewed soil data in several studies to determine whether both naturally occurring and urban background concentrations of lead in soil within the BPSOU are below the calculated PRG value of 456 mg/kg. EPA estimates that both naturally occurring and urban background concentrations of lead in soil within the BPSOU are below the calculated PRG value of 456 mg/kg (EPA 2026b, EPA 2026c). Therefore, the new action level for lead in residential soil and interior dust is 456 mg/kg.

3.3 2026 RMAP Expansion Area

As described, the RMAP area has been modified over the course of remedy implementation. The Selected Remedy requires that all residential properties within the BPSOU be evaluated. Sampling of individual residential properties within the 2019 RMAP Expansion Area was completed only at the request of a property owner.

The BPSOU was drawn to encompass areas of historic mining activity (except for the Berkeley Pit and active mining areas) with the assumption that the intensity of mining impacts generally diminishes with distance. The likelihood of action level exceedances (i.e., lead soil concentrations greater than 1,200 mg/kg) was expected to be less in areas outside of the current BPSOU boundary.

To date, of residential properties that have been sampled within the BPSOU, more than 75% have soil lead concentrations greater than the amended lead action level of 456 mg/kg, nearly 90% have attic dust lead concentrations above this level, and approximately 50% of living space dust samples exceed the action level of 456 mg/kg (EPA 2026d). When comparing residential soil and interior dust data collected from outside of the BPSOU to the amended, 456 mg/kg action level for lead, and the 250 mg/kg action

¹⁷The soil action level is also protective of interior dust exposures for the residential exposure scenario because the equations/models used to develop the risk-based action levels for soil account for soil-to-interior dust impacts. Interior dust includes surficial dust in both living spaces and attics.

level for arsenic, numerous exceedances exist, particularly in those residential neighborhoods to the east and south of the BPSOU (EPA 2026d). The frequency of soil and interior dust exceedances for lead tends to be lower for properties outside the BPSOU compared to inside the BPSOU. Even so, there are more than 800 residences outside the BPSOU that have been sampled under the RMAP to date that would qualify for remediation when applying the amended residential lead action level.

Arsenic concentrations in residential soil and interior dust are also highly variable. In general, arsenic concentrations in soil and living space dust tend to be lower than concentrations of arsenic found in attic dust. This observation suggests that arsenic in attic dust may be most attributable to historical smelter emissions and not from outdoor soil track-in. About 60% of the residential properties sampled for attic dust in the BPSOU have arsenic concentrations above the 250 mg/kg action level. While frequency of arsenic action level exceedances within the 2026 RMAP Expansion Area is lower, over 30% of the sampled residential properties in the 2026 RMAP Expansion Area have arsenic concentrations in attic dust above the action level.

The identification of widespread lead and arsenic exceedances outside the BPSOU boundary indicates that sampling residential properties in neighborhoods south and east of the BPSOU on an opt-in basis only is not sufficient to identify and reduce the exposure to lead and arsenic in these areas (EPA 2026d). The Selected Remedy, as amended, therefore, creates the 2026 RMAP Expansion Area within the 2019 RMAP Expansion Area and requires evaluation of all residential properties within the BPSOU boundary and 2026 RMAP Expansion Area.

3.4 Additional Time for Action

Revising a portion of the 2019 RMAP Expansion Area to require sampling of all residential properties, rather than providing sampling by request, will significantly increase the number of properties that will need to be sampled compared to what was anticipated by the Selected Remedy. Lowering the residential lead action level will also increase the number of properties that will need remediation compared to what was anticipated by the Selected Remedy. Thus, the completion timeline targets for assessment and remediation of residential properties under the RMAP have been reevaluated in this 2026 RODA.

Section 4 – Description of Significant Differences

The Selected Remedy for residential soil and interior dust is the result of three previous decision documents: the 2006 ROD, the 2011 ESD, and the 2020 RODA (EPA 2006, EPA 2011, and EPA 2020). **Table 1** provides a summary of the modifications to the Selected Remedy, and the changes to be implemented in this 2026 RODA. Each of the changes associated with this RODA are described further in Sections 4.1 to 4.3 below.

These changes do not alter the RAOs established in the 2006 ROD (Section 2.6) and are necessary to ensure the Selected Remedy will prevent exposures to contaminated residential soil and interior dust that would result in an unacceptable risk to human health.

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Table 1. Changes to the Selected Remedy

Original 2006 ROD	Modification to 2006 ROD by Decision Document Specific to Residential Soil and Interior Dust		
	2011 ESD	2020 RODA	2026 RODA
- Target blood lead level = 10 µg/dL. - Residential lead action level for residential soil and interior dust = 1,200 mg/kg.	No change.	No change.	- Target blood lead level = 5 µg/dL. - Residential lead action level is 456 mg/kg.
Assess (sample) all BPSOU residential properties in 8 years for residential soil and interior dust. Remediate contaminated residential properties in 15 years. Maintain a Residential Metals Program database that tracks residential property status of implementation for a period of 99 years.	Assess (sample) all BPSOU residential properties in 10 years. Remediate contaminated residential properties in 20 years.	No change.	Assess (sample) all residential properties within the BPSOU boundary and all of those residential properties within the 2026 RMAP Expansion Area within 8 years [from 2026] for residential soil and interior dust. - Simultaneously remediate contaminated residential properties in 15 years [from 2026].
- Current BPSOU boundary established. All residential properties within established BPSOU boundary require soil and interior dust sampling and, if warranted, remediation.	No change.	No change.	Include 2026 RMAP Expansion Area to require residential soil and interior dust sampling and, if necessary, action will be taken. The 2026 RMAP Expansion Area includes neighborhoods south and east of current BPSOU boundary.
Allows for expansion of RMAP.	RMAP area expanded for required attic evaluation south and west of the BPSOU boundary.	RMAP area expanded access to residential sampling and evaluation for remediation by request of property owner to urban and rural residential areas outside BPSOU boundary.	No change, see above.
Yard soil sample depth = 0 to 2 inches.	Yard soil sample depth = 0 to 2 inches, 2 to 6 inches, and 6 to 12 inches.	No change.	No change.
Geotextile fabric installed beneath the clean fill to show underlying soil may have contamination above action levels.	No change.	No change.	No change.
Soil removals to a minimum depth of 18 inches. Garden removals to a minimum depth of 24 inches.	Soil removals to a minimum depth of 12 inches or to soil/bedrock interface. No change to garden removals.	No change.	No change.
Deed notices required for contaminated material capped in place. - County zoning, ordinance/ permit requirements.	No change.	BPSOU Institutional Control Implementation and Assurance Plan finalized as Appendix E to the 2020 Consent Decree.	Additional layers of protection may accompany remediation, including institutional controls and educational outreach, when appropriate.

4.1 Lower Lead Action Level for Residential Soils and Interior Dust

The Selected Remedy, as amended, revises the residential soil and interior dust action level for lead to 456 mg/kg. When residential properties are assessed for either residential soil or interior dust, the results of the sample analyses will be compared to the residential soil and interior dust action levels for lead (456 mg/kg), arsenic (250 mg/kg), and mercury (147 mg/kg). Residential soil will continue to be addressed by the RMAP and includes exterior yard soil and earthen basement soil. Residential interior dust is defined as both living space and attic dust, where living spaces are those areas of a residence that are most frequently accessed by the residents (including, but not limited to, bedrooms, living rooms, kitchens, hallways, bathrooms). Attic dust is found in the space below a roof and above the ceiling and in crawl spaces.¹⁸ The new action level applies to all residential properties evaluated under the RMAP, including multi-family dwellings, schools, daycare centers, and playgrounds (i.e., areas where children may be exposed to site-related contaminated media).

It is estimated that approximately 2,300 properties within the BPSOU boundary still require an initial assessment (sampling) of either soil or dust or both media. The sampling protocol identified in the Selected Remedy for residential soil includes the sampling from three depth intervals, including 0- to 2-inches, 2- to 6-inches, and 6- to 12-inches; this sampling protocol remains unchanged with the incorporation of this 2026 RODA. The next subsection describes the properties to be assessed for remediation in the 2026 Expansion Area.

Because the Selected Remedy has been implemented since 2006, there are specific scenarios that are unique to implementation of the new action level:

- Residential properties where partial remediation has already been conducted under the Selected Remedy will be reassessed to determine whether additional action may be required. For example, if a residential property previously only had one portion of the yard remediated, data collected at the time of the yard sampling will be reviewed to determine if there are other portions of the yard where action should be taken.
- Approximately 900 residential properties that were previously sampled under the RMAP but did not qualify for any remediation at the 1,200 mg/kg action level will be reassessed to determine if action is now required.

Residential properties where action is required will be evaluated to determine how remediation of contaminated residential soil and interior dust, with additional layers of protection, such as ICs or informational devices (e.g., notice of contamination, community outreach), can be used to achieve protectiveness. Further, EPA may use notices of contamination in certain circumstances, for example, where access has not been granted for assessment or remediation activities, to inform prospective purchasers of potential or known contamination.

¹⁸ In cases where a resident is experiencing an elevated blood lead level that has been identified by a medical provider, paint, drinking water, and/or air are evaluated by the RMAP, when access is given to do so.

4.2 Change of Requirements within the RMAP Boundary

The area to be evaluated under the RMAP was originally aligned with the BPSOU boundary (**Figure 3**; “BPSOU” red line). However, the area evaluated under the RMAP has been expanded over the course of remedy implementation. The Selected Remedy described in the 2006 ROD required that all residential properties within the BPSOU be evaluated under the RMAP. The 2011 ESD expanded the area where residential attic dust sampling was required to locations outside the BPSOU (**Figure 3**; “2011 Attics Expansion Area” pink area). The 2020 RODA further expanded the RMAP area (**Figure 3**; “2019 RMAP Expansion Area” green perimeter line), but sampling of individual residential properties within this area was only completed at the request of a property owner.

To ensure potentially affected residential properties are evaluated and addressed, an adjustment of the area where the RMAP assessment is required is warranted to ensure protection of human health. Accordingly, EPA is requiring assessments within portions of the area previously identified as the 2019 RMAP Expansion Area. These areas where assessments are required are now the 2026 RMAP Expansion Area.

The 2026 RMAP Expansion Area encompasses affected residential areas where documented exceedances of the residential action levels have been identified (EPA 2026d), including the new lead action level. **Figure 4** shows the 2026 RMAP Expansion Area (purple line). The expanded area boundary delineation considered the locations of exceedances, BSB census tract boundaries, and major roads and thoroughfares.

Under the 2026 RODA, the same *proactive* approach to assessment and remediation, if necessary, of residential soil and interior dust is required at all¹⁹ residential properties within the 2026 RMAP Expansion Area. The 2026 RMAP expansion is estimated to increase the number of residential properties requiring sampling by approximately 7,100 additional residences.

Residential properties that fall outside the BPSOU or 2026 RMAP Expansion Area but that are still located within the 2019 RMAP Expansion Area (**Figure 5**), will continue to be sampled upon owner request with additional remediation performed, if necessary.

¹⁹ Sampling and remediation, if necessary, is contingent upon owner access being granted.

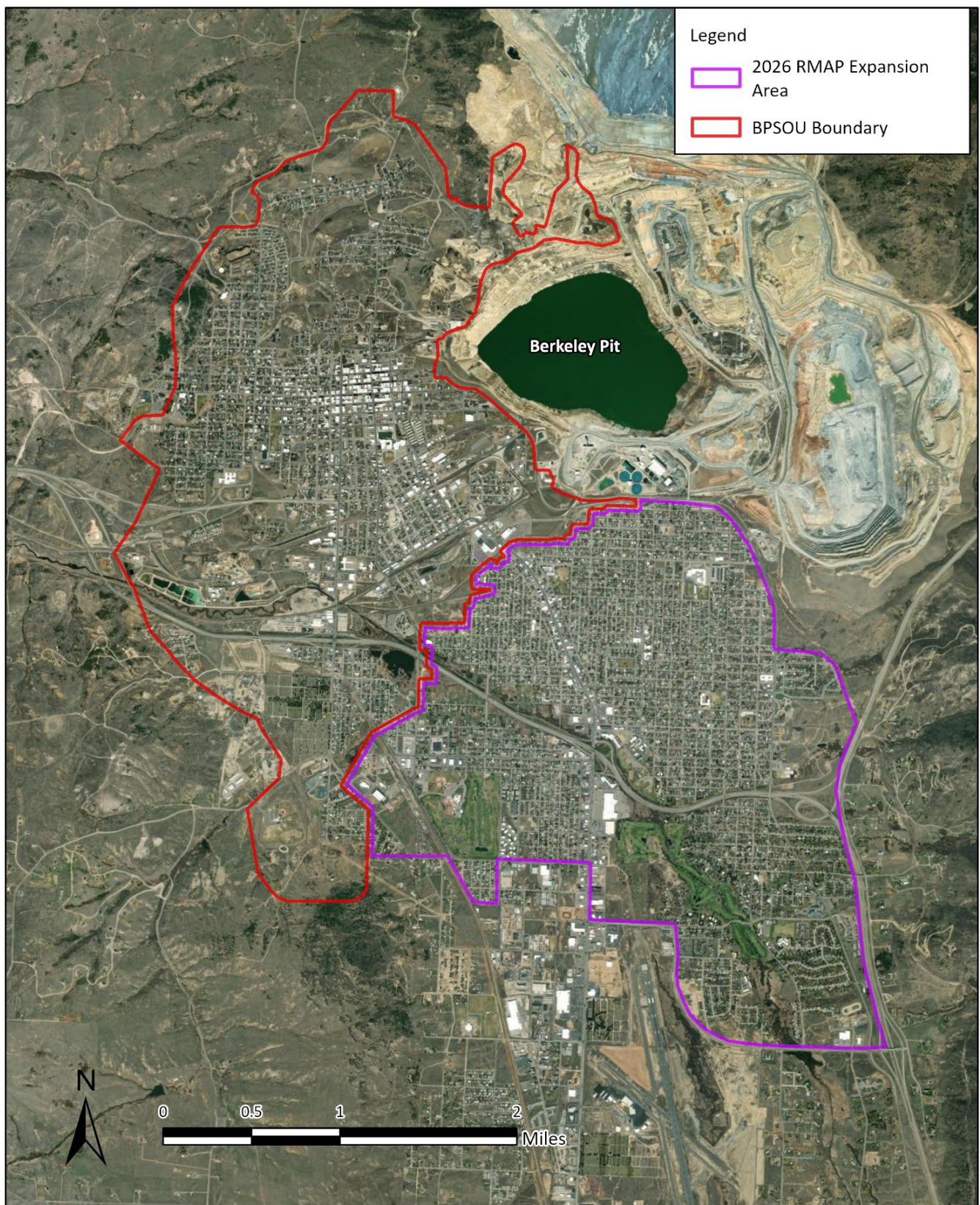


Figure 4 – BPSOU Boundary and 2026 RMAP Expansion Area

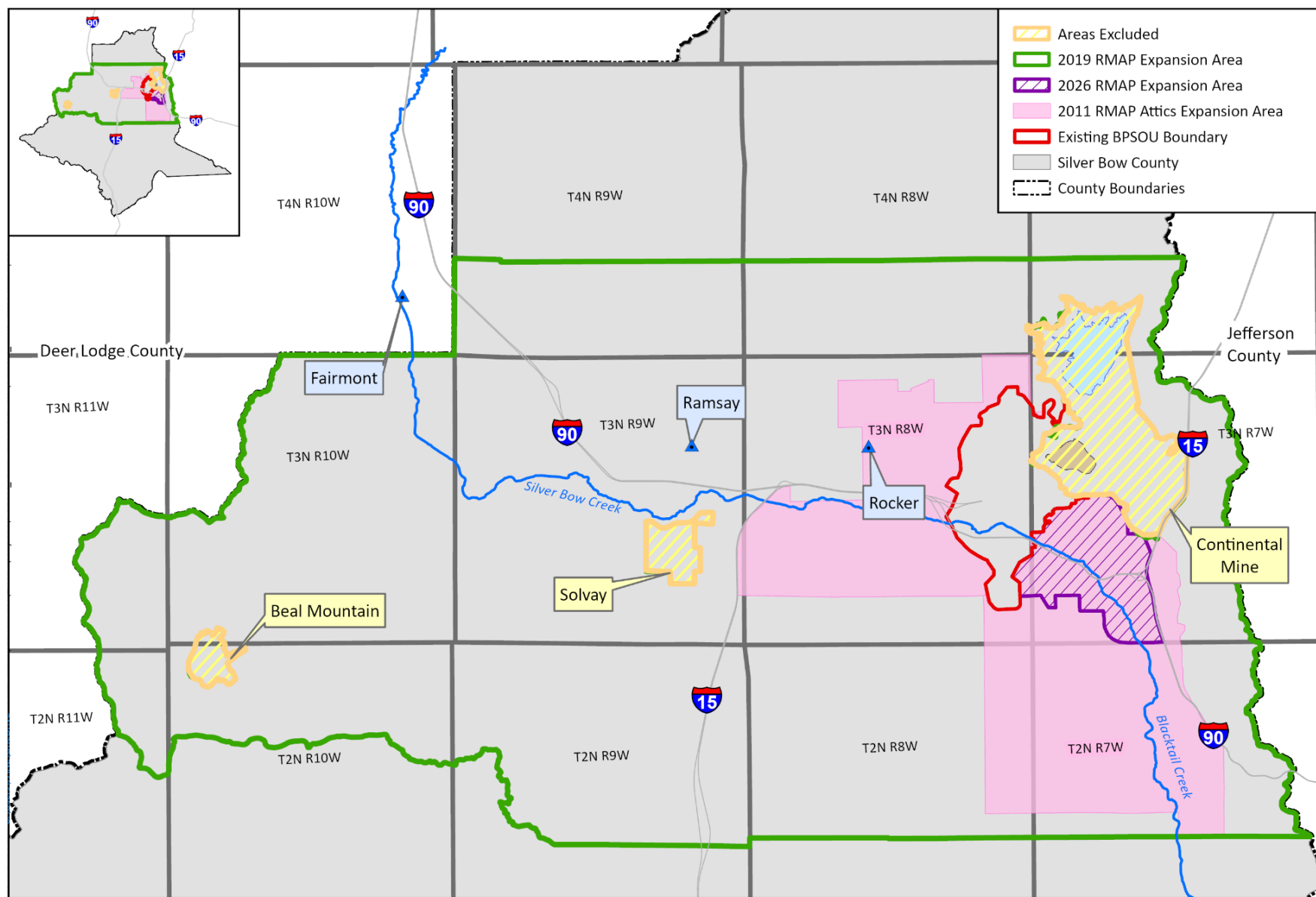
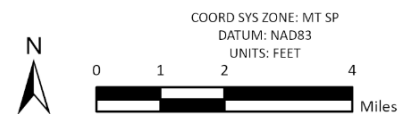


Figure 5 – BPSOU and RMAP Areas



4.3 Extended Timeframe for Assessment and Remediation

The 2011 ESD established expected timeframes for when all RMAP property assessments (sampling) and remediation would be completed. The 2026 RMAP Expansion Area significantly increases the number of additional residential properties that require sampling. In addition, applying the amended, lower residential lead action level increases the number of residential properties that require remedial action. Therefore, additional time is necessary to complete these activities. This RODA extends the originally anticipated timelines described in the Selected Remedy.²⁰ EPA anticipates that the assessments of residential properties within the BPSOU and the 2026 RMAP Expansion Area will occur in 8 years (from 2026), and that all contaminated residential properties within the BPSOU and qualifying properties within the 2026 RMAP Expansion Area will be remediated simultaneously within 15 years (from 2026).

Sampling and remediation, if necessary, will prioritize the most vulnerable populations, including young children, pregnant women and nursing mothers. This timeline greatly expedites current rates of sampling and remediation. For work to be completed within these timelines, EPA will work closely with the Responsible Parties to streamline field work and find efficiencies in the actions taken under the RMAP.

²⁰ The 2006 ROD required the assessment of all BPSOU residential properties within 8 years and any necessary remediation within 15 years. The 2011 ESD required the assessment of all BPSOU residential properties within 10 years and any necessary remediation within 20 years.

Section 5 – Evaluation of Alternatives

This section compares the changes described in this 2026 RODA to the Selected Remedy using the nine Superfund evaluation criteria (40 CFR § 300.430 (e)(9)(iii)). The “no action alternative” is defined as no adjustment to the Selected Remedy.

The Selected Remedy, as amended, must first meet the two threshold criteria: overall protection of human health and the environment and compliance with ARARs, as outlined in the NCP (40 CFR § 300.430 (f)(1)(i)). The five primary balancing criteria are then used to compare the Selected Remedy to the Selected Remedy, as amended. A detailed discussion of each criterion outlined in the NCP is discussed below.

5.1 Threshold Criteria

5.1.1 Overall Protection of Human Health and the Environment

The change to the residential soil and interior dust action level for lead is needed to reduce the potential for unacceptable lead exposures from residential soil and interior dust. The current action level of 1,200 mg/kg is no longer deemed protective based on EPA’s review of current scientific literature referenced in the 2025 Lead Directive. The Selected Remedy established a residential lead action level of 1,200 mg/kg for residential soil and interior dust, derived based on a target blood lead level of 10 µg/dL. EPA’s 2025 Lead Directive lowered the target blood lead level used in the development of risk-based PRGs to 5 µg/dL (EPA 2025). By using 5 µg/dL as the updated target blood lead level in the most current IEUBKv2.0 model, and incorporating site-specific model inputs such as soil lead bioavailability, the resulting site-specific, risk-based PRG for lead in residential soil is 456 mg/kg. This risk-based PRG has been selected as the amended residential lead action level. Use of this new action level will ensure that residential exposures to lead in residential soil and interior dust will not lead to more than 5% of the population exceeding the target blood lead level of 5 µg/dL, which EPA anticipates addresses the contribution of the CERCLA release to predicted blood levels based on the best available science per the 2025 Lead Directive.

This 2026 RODA also expands the area where sampling and remediation under the RMAP is required. Sample results for residential properties outside the BPSOU where sampling was requested indicate approximately 60% have an exceedance of the revised lead action level (456 mg/kg). Requiring sampling of residential soil and interior dust in the 2026 RMAP Expansion Area, which is outside the BPSOU boundary, is critical to protecting human health in Butte.

EPA will determine how additional layers of protection, through a combination of ICs, medical monitoring, and community education and outreach, may supplement active remediation. ICs may include land use zoning and excavation ordinances, access easements and restrictive covenants, and informational devices such as notices of environmental contamination and deed notices. Further, EPA may use notices of contamination in certain circumstances, for example, where access has not been granted for assessment or remediation, to inform prospective purchasers of potential or known contamination.

Lowering the existing action level for lead in residential soil and interior dust, updating the requirements for residential assessments within the RMAP, and implementing additional layers of protection via a combination of ICs, medical monitoring, and education and outreach will reduce exposure and risks to residents. The Selected Remedy, as amended, will be protective of human health and the environment once implemented.

5.1.2 Compliance with ARARs

ARARs are existing laws and regulations that help define remedy protectiveness and ensure that a Superfund cleanup meets existing regulatory and statutory requirements. ARAR waivers may be appropriate under certain site-specific circumstances, and any existing ARAR waivers adopted as a part of the Selected Remedy remain in place. The Selected Remedy, as amended, does not alter ARAR compliance; rather, the Selected Remedy, as amended, will meet the ARARs identified in the site decision documents (Appendix A to the 2006 ROD). ARAR compliance will also extend to the 2026 RMAP Expansion Area for the residential soil and interior dust components addressed by this RODA.

5.2 Primary Balancing Criteria

The Selected Remedy, as amended, will not result in significant changes to long-term effectiveness and permanence; to reduction of toxicity, mobility, or volume through treatment; or to implementability, as there are no specific changes to the components (e.g., soil and dust removal, backfilling, restoration) of the Selected Remedy. Short-term effectiveness and cost are impacted by the number of additional residential properties that will require action. The following subsections describe the determinations made for each of these balancing criteria.

5.2.1 Long-term Effectiveness and Permanence

Soil removal (followed by placement of a geotextile marker if underlying soil exceeds action levels, backfill and revegetation or cover) and interior dust remediation is an effective, long-term cleanup method with a long history of success under the RMAP. Additionally, existing ICs through a BSB County Ordinance establish requirements to ensure that capped areas in yards are not disturbed, mismanaged or inappropriately developed. These methods are a major part of the Selected Remedy and have performed well. The changes identified in this 2026 RODA do not alter the implementation of the Selected Remedy, which has been found to be effective and permanent upon completion.

Properties, or portions of properties, where soil cleanup has occurred and EPA-approved fill material has been used to backfill the excavation do not need to be re-addressed. The proposed changes in this RODA will increase the volume of contaminated, residential soil (material) to be removed; therefore, the Selected Remedy, as amended, will reduce exposure and risks for more residents at the Site.

5.2.2 Reduction of Toxicity, Mobility, or Volume

The Selected Remedy, as amended, does not reduce toxicity, mobility, or volume through treatment. The excavated soil can be disposed of in a repository located within the Site without treatment and without impacts to other media. Active treatment was screened out as an option for solid media in the 2005

feasibility study because of technical difficulties preventing effective treatment of various metals present, large volume, and low contaminant of concern concentrations. There is no significant difference in reduction of toxicity, mobility, or volume of solid wastes through treatment between the Selected Remedy and the Selected Remedy, as amended.

5.2.3 Short-term Effectiveness

There are significant differences in short-term effectiveness between the Selected Remedy as compared to those changes identified in this 2026 RODA because of the increased number of residential properties that will need to be addressed when applying the lower residential lead action level and the 2026 RMAP Expansion Area. Sampling and remediation under the Selected Remedy, as amended, will take additional time to complete. Even so, residential properties where young children or other vulnerable populations are present will be a higher priority for action because of higher risk potential. The additional time required for completing the work under the Selected Remedy, as amended, will extend the period of disruption to the community. It is expected that the disruption will include additional traffic due to hauling and equipment mobilization, potential noise, and impacts to community infrastructure (e.g., roads). Disruption would primarily be attributed to hauling both contaminated materials excavated from residential properties to the repository in addition to the increased hauling to bring EPA-approved fill onsite.

A significant number of additional crews will be needed to support the updated timeframes established in this 2026 RODA. Additionally, short-term risks to workers include the inherent safety risks associated with heavy equipment. Other short-term challenges include impacts due to changing weather conditions. With the additional properties to be cleaned up, work will likely occur during more months throughout the year and through more seasons. Considerations and contingency planning will be critical to ensure that worker safety is prioritized in inclement weather (e.g., rain, snow).

There could be impacts to the environment during implementation of the remedial action caused by heavy construction and hauling equipment. Use of fuel-efficient and low-emission equipment could mitigate these impacts. Safety measures such as dust suppression and personal protective equipment will be used to protect workers.²¹ Construction best practices will be implemented to ensure signage and flaggers are appropriately deployed where truck traffic could pose increased safety hazards.

While there are important considerations regarding short-term effectiveness, most of these challenges will be addressed through effective construction management and planning during the remedial design process. Work plan documents (e.g., the RMAP Plan, remedial design work plan documents, scope of work documents) will be updated to ensure that short-term impacts are mitigated to the extent practicable.

²¹ As stated in the 2006 ROD, "There are no short-term threats associated with the Selected Remedy that cannot be readily controlled through applicable health and safety requirements, monitoring, and standard construction practices."

5.2.4 Implementability

There are no changes to the current construction practices under the Selected Remedy; standard equipment, such as excavators and trucks, will continue to be used to clean up residential properties. Implementability of the Selected Remedy, as amended, will be affected by the need for additional crews to conduct the work as well as the ability to secure backfill for residential properties identified for action activities. Based on these considerations, there is a difference between the Selected Remedy and implementing the changes included in this 2026 RODA when applying this particular evaluation criteria. However, the proposed changes result in a protective remedy that reduces exposure and risks to more residents at the Site, outweighing the implementability considerations.

5.2.5 Cost

The expansion of the RMAP area under the Selected Remedy, as amended, increases the number of residential properties to be sampled under the RMAP by approximately 7,100 properties. There are more than 6,000 unsampled residential properties in the 2026 RMAP Expansion Area that require soil and interior dust sampling. The lower residential lead action level will increase the number of additional residential properties that require action and, therefore, the cost associated with those activities. This includes costs to sample residential properties in the 2026 RMAP Expansion Area and reevaluate residential properties previously sampled under the RMAP to determine if remedial actions would now be necessary. It is estimated that approximately 900 residential properties that were sampled previously and determined to not need remediation will now require action based on the lower residential lead action level. Residential properties where only a portion of the property was previously remediated will also be reevaluated to ensure that unremediated areas left in place do not exceed the lower residential lead action level. The numbers of additional residential properties to sample and remediate can only be estimated at this time applying assumptions (EPA 2026e).

- **Estimated Range of Annual Capital Costs: \$8,000,000 to \$18,800,000**
- **Estimated Annual Operation and Maintenance Costs: \$36,000**
- **Estimated Total Cost (Present Value): \$227,000,000**

EPA estimates the annual capital costs to include direct and indirect costs of residential sampling (i.e., residential soil and interior dust), data management, remedial design activities, remediation construction activities, project management, and construction management. These costs are biased high because they assume those residential attics yet to be sampled or remediated have a complete exposure pathway.²² No costs are included to sample any currently unsampled BPSOU properties, as these properties are already required to be sampled under the Selected Remedy. Under the Selected Remedy, as amended, EPA estimates that about 1,200 properties will be sampled each year to complete all assessments within 8 years and that up to 450 properties will be remediated each year to complete all necessary remediation

²² Assumes there is a connection between an attic and the living space or that a resident frequently accesses the attic, which would necessitate remediation under RMAP.

within 15 years.²³ EPA will continue to evaluate efficiencies in sampling and remediation construction activities to accelerate timelines, as appropriate.

5.3 Modifying Criteria

5.3.1 State Acceptance

The State of Montana, acting through DEQ, is in agreement with the Selected Remedy, as amended which lowers the residential lead action level, expands the area where the RMAP sampling and remediation (as appropriate) is required, and increases the timeframe targets for sampling/remediation completion.

5.3.2 Community Acceptance

Community acceptance was assessed based on comments received on the 2026 Proposed Plan. EPA received a variety of comments on the 2026 Proposed Plan for a BPSOU Record of Decision Amendment. Most comments were generally supportive of the lower residential lead action level and expansion of the RMAP. Many community comments were opposed to the proposed increases in the sampling/remediation completion timeframes. EPA will continue to work with the Responsible Parties to streamline field work and find efficiencies, which will expedite the remedy implementation while still prioritizing the most vulnerable populations within the Butte community. Community comments were carefully considered by EPA; specific responses to comments are provided and addressed in **Appendix B**.

²³ The estimate of 450 residential properties per year is based upon extrapolation of the current RMAP dataset and rates of remediation. Additional sampling will determine the actual number of residential properties requiring remediation.

Section 6 – Statutory Determination

CERCLA Section 121(b)(1), 42 U.S.C. § 9621(b)(1), mandates that a remedial action must be protective of human health and the environment, cost effective, and utilize permanent solutions and alternative treatment technologies or resource recovery technologies to the maximum extent practicable. CERCLA Section 121(b)(1) also establishes a preference for remedial actions which employ treatment to permanently and significantly reduce the volume, toxicity, or mobility of the hazardous substances, pollutants, or contaminants at a site. CERCLA Section 121(d), 42 U.S.C. § 9621(d), further specifies that a remedial action must attain a degree of remediation that satisfies ARARs under federal and state laws, unless a waiver can be justified pursuant to CERCLA Section 121(d)(4), 42 U.S.C. § 9621(d)(4).

As described in Section 5, EPA has determined that the Selected Remedy, as amended by this 2026 RODA, meets the requirements of CERCLA Section 121, 42 U.S.C. § 9621. However, because the Selected Remedy, as amended, results in hazardous substances, pollutants, or contaminants remaining onsite above levels that allow for unlimited use and unrestricted exposure, statutory reviews will continue to be conducted every five years to ensure that the remedy is, or will be, protective of human health and the environment.

Section 7 – Public Participation

7.1 Public Participation Events and Notices

EPA has worked closely with community members and other stakeholders throughout the Superfund process in BPSOU and the larger Superfund Site. That cooperation and engagement continued into the amendment process in 2026 which played an essential role in the development of the 2026 RODA.

EPA's outreach goal is to educate the community about the work being done at the BPSOU and collaborate with stakeholders on how to successfully continue to engage the public. Extensive work has been done within the BPSOU, in conjunction with DEQ, Butte-Silver Bow County (BSB), Atlantic Richfield Company (AR), Citizens Technical Environmental Committee (CTEC), and the medical monitoring working group, as well as interested individual members of the public.

EPA used public information sessions, fact sheets, websites, one-on-one discussions, and participation in community events as ways to share information about the site with the broader community. Furthermore, EPA has provided financial support to CTEC since 1984 via a technical assistance grant, which allows a community group to contract their own technical advisor to interpret and explain technical reports, site conditions, and EPA's proposed cleanup proposals and decisions.

EPA made significant community outreach efforts leading up to the release of the 2026 Proposed Plan to get community input and to prepare people to participate in the public comment period. These efforts included producing and disseminating information, such as fact sheets; maintaining the information repository at the Montana Tech Library where the public can review documents associated with the BPSOU; maintaining current information on EPA's BPSOU website and in the Administrative Record; supporting CTEC; sustaining strong partnerships with DEQ, the Butte-Silver Bow County officials, and the Butte-Silver Bow Public Health Department to maximize community outreach efforts; and attending and presenting at public forums and meetings.

Specific public participation for the Proposed Plan included:

- EPA hosted a public meeting at Montana Tech Campus Library Auditorium on January 27, 2026, and announced the expected release of the Proposed Plan in June 2026.
- The Proposed Plan and an associated fact sheet were published on EPA's website on June 1, 2026.
- The public comment period for the Proposed Plan was June 1 to June 30, 2026, during which the public could submit written comments by email or mail or provide oral comments at the public meeting.
- Two newspaper advertisements were published in the Montana Standard on June 2 and June 13, 2026. The advertisements notified the public of the release of the Proposed Plan, documented where/how copies of the Proposed Plan could be accessed (EPA's website and at public information repositories), specified the 30-day public comment period, and highlighted the

upcoming public meeting that was to be held on June 16, 2026, at the Montana Tech Campus Library Auditorium.

- Postcards were mailed during the first week of June to residents and property owners within the Site boundary. The postcards notified the public of the release of the Proposed Plan, documented where/how copies of the Proposed Plan could be accessed (EPA's website and at public information repositories), specified the 30-day public comment period, and highlighted the upcoming public meeting that was to be held on June 16, 2026, at the Montana Tech Campus Library Auditorium.
- A public meeting was held at the Montana Tech Campus Library Auditorium on June 16, 2026, with an option to participate virtually (Zoom). A stenographer attended the meeting to prepare a transcript of all oral comments.

EPA's efforts to provide opportunities for public participation have met and exceeded the requirements of CERCLA and the NCP. The input EPA received from the public and other stakeholders throughout the Superfund process was instrumental in developing the 2026 RODA for BPSOU. The ongoing involvement of the community and other stakeholders will remain an important part of the cleanup as it moves forward.

7.2 Summary of Public Comments

Appendix B provides a detailed responsiveness summary of the comments received on the Proposed Plan.

7.3 Documentation of Changes from the Proposed Plan

In response to comments on the Proposed Plan, EPA modified the strategy by which the requirement for residential sampling by the RMAP was expanded within the 2019 RMAP Expansion Area. The Proposed Plan proposed an expansion of the OU boundary for the BPSOU to include the neighborhoods to the south and east of the BPSOU to ensure residential properties within these areas were required to be assessed under the RMAP. In prior decision documents (i.e., 2011 ESD, 2020 RODA), the RMAP was expanded without adjusting the OU boundary. Thus, the 2026 RODA employs a similar strategy. The 2026 RODA does not alter the BPSOU boundary but identifies where in the 2019 RMAP Expansion Area assessment of all residential properties is required (i.e., within the 2026 RMAP Expansion Area).

Section 8 – References

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EPA. 2026a. Calculation of Updated Residential Soil Lead Preliminary Remediation Goals for the Butte Priority Soils Operable Unit, Silver Bow Creek/Butte Area Superfund Site. Memorandum. U.S. EPA, March 2026.

EPA. 2026b. Summary of Naturally Occurring Background Soil Lead Concentrations for the Butte Priority Soils Operable Unit, Silver Bow Creek/Butte Area Superfund Site. Memorandum. U.S. EPA, April 2026.

EPA. 2026c. Anthropogenic Lead Background Source and Concentration Summary for the Butte Priority Soils Operable Unit, Silver Bow Creek/Butte Area Superfund Site. Memorandum. U.S. EPA, May 2026.

EPA. 2026d. Residential Metals Abatement Program (RMAP) Evaluation of the Extent of Contamination for the Butte Priority Soils Operable Unit, Silver Bow Creek/Butte Area Superfund Site. Memorandum. U.S. EPA, May 2026.

EPA. 2026e. Basis of Estimate to Support the 2026 Proposed Plan for the Butte Priority Soils Operable Unit, Silver Bow Creek/Butte Area Superfund Site. Memorandum. U.S. EPA, May 2026.

EPA. 2026f. 2026 Proposed Plan to Amend the Remedial Action for the Butte Priority Soils Operable Unit. U.S. EPA, June 2026.

Ramboll. 2020. Second Butte RMAP Medical Monitoring Study (Phase 2) Report, March 2020.

Ramboll. 2026. Third Butte RMAP Biomonitoring (Phase 3) Report – Final. June 2026.

URS. 2003. Final Human Health Risk Assessment, Walkerville Residential Site. Prepared for EPA by URS Operating Systems, Inc. July 2003.

APPENDIX A – MINOR MODIFICATIONS TO THE SELECTED REMEDY

The following minor modification to the Selected Remedy is included to provide clarification to the Selected Remedy and the RMAP implementation.

- Only those residences built prior to 1980 are required to be sampled for attic dust if they are within the following areas: BPSOU and the 2011 Attics Expansion Area, which fully encompasses the 2026 RMAP Expansion Area. Attic dust sampling will also be performed for residences built prior to 1980 that are outside these areas but within the 2019 Expansion Area when the homeowner has requested RMAP sampling.

APPENDIX B – RESPONSIVENESS SUMMARY

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LIST OF ATTACHMENTS

- Attachment 1. Master Tracking Spreadsheet of All Public Comments on the 2026 Proposed Plan
- Attachment 2. Redacted Comments Received on the 2026 Proposed Plan, As Submitted

LIST OF ACRONYMS AND ABBREVIATIONS

%	percent
µg/dL	micrograms per deciliter
ABA	absolute bioavailability
AR	Atlantic Richfield Company
ARAR	Applicable or Relevant and Appropriate Requirements
BLL	Blood lead level
BLRV	Blood lead reference value
BMWR	Butte Mine Waste Repository
BOE	Basis of Estimate
BPSOU	Butte Priority Soils Operable Unit
BSB	Butte-Silver Bow County
CD	Consent Decree
CDC	U.S. Centers for Disease Control and Prevention
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CTEC	Citizens Technical Environmental Committee
DEQ	Montana Department of Environmental Quality
EPA	U.S. Environmental Protection Agency
ESD	Explanation of Significant Differences
GSDi	geometric standard deviation
HUD	U.S. Department of Housing and Urban Development
IC	institutional control
IEUBK	Integrated Exposure Uptake Biokinetic Model
IQ	intelligence quotient
mg/kg	milligrams per kilogram
MCACES	Micro Computer Aided Cost Engineering System
MSD	soil-to-dust transfer coefficient or factor
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NHANES	National Health and Nutrition Examination Survey
O&M	Operation and Maintenance
OU	Operable Unit
PRG	preliminary remediation goal
RCRA	Resource Conservation and Recovery Act
RMAP	Residential Metals Abatement Program
ROD	Record of Decision
RODA	Record of Decision Amendment
RSL	Regional screening level
Site	Silver Bow Creek/Butte Area Superfund Site
UAO	Unilateral Administrative Order
WIC	Women, Infants, Children
WSSOU	West Side Soils Operable Unit

Section 1 - Introduction

This Responsiveness Summary supports the 2026 Record of Decision Amendment (RODA) for the Butte Priority Soils Operable Unit (BPSOU), also referred to as Operable Unit (OU) 8, which is a part of the Silver Bow Creek/Butte Area Superfund Site (Site) in Montana regulated by the U.S. Environmental Protection Agency (EPA).

1.1 Overview of Changes

An Amendment to a Record of Decision (ROD) is required by the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) at 40 Code of Federal Regulation (CFR) § 300.430(f)(3)(F) when fundamental changes to a remedy are made. A proposed plan is developed and issued for public comment to fulfill the public participation requirements established in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) § 117(a) and NCP § 300.430(f)(2). The proposed plan documents why the cleanup needs to be changed and explains why the changes are needed. The proposed plan is released to the public for comment to solicit community feedback before EPA finalizes the remedy changes at a Superfund site.

EPA released the *2026 Proposed Plan to Amend the Remedial Action for the Butte Priority Soils Operable Unit* on June 1, 2026.¹ This Plan described proposed changes to the BPSOU Selected Remedy, which is established by the 2006 ROD as modified by the 2011 Explanation of Significant Differences (ESD) and 2020 RODA. The 2026 Proposed Plan replaced the Proposed Plan previously released on October 16, 2024.

The 2026 Proposed Plan was developed to fulfill the public participation requirements established in the CERCLA § 117(a) and NCP § 300.430(f)(2). EPA is the lead agency for the BPSOU and prepared the 2026 Proposed Plan in conjunction with the Montana Department of Environmental Quality (DEQ), the support agency. The 2026 Proposed Plan proposed three primary changes to the Selected Remedy:

- lowering the residential lead action level from 1,200 milligrams per kilogram (mg/kg) to 456 mg/kg,²
- expanding the area subject to required residential sampling and remediation, when sample results indicate an exceedance of the action level, to include locations where contamination has been identified beyond the BPSOU boundary, and
- extending the implementation timeframe needed to complete sampling and remediation activities.

The 2026 Proposed Plan proposed changes to the portion of the Selected Remedy addressing contaminated residential soil and interior dust, including both living space and attic dust. With this 2026

¹ EPA. 2026. Proposed Plan to Amend the Remedial Action for the Butte Priority Soils Operable Unit. U.S. EPA, June 2026.

² The 2026 BPSOU Proposed Plan used the term “cleanup level,” but to be consistent with prior BPSOU decision documents, this 2026 RODA uses the term “action level” instead of “cleanup level.”

RODA, no changes were made to the components of the Selected Remedy that address other sources of contaminated solid media, surface water, or groundwater. The portion of the Selected Remedy addressing residential soil and interior dust is implemented by the Residential Metals Abatement Program (RMAP). Together, the Selected Remedy and this 2026 RODA are referred to as the “Selected Remedy, as amended” herein.

1.2 Community Involvement Activities

EPA released the 2026 Proposed Plan to Amend the Remedial Action for the BPSOU on June 1, 2026. The NCP requires a 30-day comment period (June 1 to June 30, 2026). All key supporting documents, including a fact sheet prepared by EPA to distill the Proposed Plan down into two pages, were posted on EPA’s BPSOU website. Hard copies of the Proposed Plan and electronic copies of the complete Administrative Record were made available at the Montana Tech library and on EPA’s Silver Bow Creek/Butte Area website. Section 8 of the Decision Summary describes the public participation for this 2026 RODA in greater detail.

1.3 Overview of Comments Received

Public comments on the 2026 Proposed Plan were submitted by email and recorded by a stenographer at the public meeting on June 16, 2026. A total of 38 individual comment submissions were received.

Comments were received from the following businesses, organizations, and government entities:

- Atlantic Richfield Company (AR);
- Butte Community Farm;
- Butte-Silver Bow County (BSB) Chief and Council of Commissioners;
- BSB Department of Reclamation and Environmental Service;
- Butte Watchdogs for Social and Environmental Justice; and
- Citizens Technical Environmental Committee (CTEC).

In addition, 21 individuals submitted comments on the 2026 Proposed Plan. Because most comment submissions contained more than one comment, a total of 230 individual comments were received on the 2026 Proposed Plan.

EPA’s Privacy Policy and commitment to protecting personally identifiable information protects names and addresses of individual commenters from being available to the public. Each submission was given a sequential identification number. Basic identification information was tracked in a master spreadsheet (i.e., date received, commenter name, comment submittal method). This master spreadsheet assigned unique ID identification numbers for each comment in each submission. For example, comment identification 32.02 is the identifier assigned to the second comment in submittal number 32. **Attachment 1** provides a redacted version of this master spreadsheet. **Attachment 2** provides a redacted

version of the comments submitted in their original form, where redactions were made to protect personally identifiable information.

In general, most commenters stated support for the expansion of mandatory sampling and remediation, if necessary, under the RMAP to include more residential properties. Comments stated appreciation for lowering the residential lead action level established in the 2006 ROD, but many commenters requested the revised action level be set even lower and questioned why action levels differ between Butte and Anaconda. Commenters raised concerns with extending the timeframes for sampling and remediation completion, noting that remedial actions have already taken too long to complete for this Site. Commenters also sought clarification on the differences between the 2024 and 2026 Proposed Plans as well as the recent changes in EPA's lead policy.

1.4 Protocol for Addressing Comments

Under Section 117(b) of CERCLA, EPA must provide formal responses to all significant comments submitted during the public comment period. A comment is significant if it addresses the core merits of the preferred remedy, identifies legal or technical errors, offers a viable alternative cleanup strategy, or raises environmental or health concerns that have not been addressed under the remedy. EPA is not required to reply individually to every comment but must develop a Responsiveness Summary that addresses all significant comments.

All public comments received were organized into similar topic categories so that multiple comments could be answered with a single response to avoid repetition. EPA is only required to respond to comments specific to the changes presented in the 2026 Proposed Plan. Even so, this Responsiveness Summary includes responses to comments about unchanged elements of the RMAP to help provide more clarity on other aspects of this important remediation program.

Section 2 – Public Comments and Responses

EPA considered all significant public comments provided on the 2026 Proposed Plan and this Responsiveness Summary provides responses. EPA, in consultation with DEQ, prepared this Responsiveness Summary.

The responses to public comments are organized into 13 topic categories, listed below. **Attachment 1** provides the associated topic category for all 230 individual comments received.

- Category 1: Lead Action Levels and 2025 Lead Directive
- Category 2: Public Participation and Responsiveness
- Category 3: Cleanup Timeline and Participation
- Category 4: Resources, Costs, and Staffing
- Category 5: Boundary Expansion and RMAP Expansion Area
- Category 6: Property Access and Participation
- Category 7: Public Health and Exposure Reduction
- Category 8: RMAP Program Operations
- Category 9: Technical Basis and Site Science
- Category 10: Additional Considerations
- Category 11: Public Outreach
- Category 12: Supportive Comments
- Category 13: Administrative Process

Sections 2.1 to 2.13 provide detailed responses for each topic category, respectively. Each section provides a brief overview of the comments received and a detailed response. In some instances, the topic category is further split into subheadings for more focused responses.

2.1 Category 1: Lead Action Levels and 2025 Lead Directive

Introductory Summary

EPA received 56 individual comments specific to lead action levels and implementation of EPA's 2025 *Residential Lead Directive for CERCLA Sites and RCRA [Resource Conservation and Recovery Act] Hazardous Waste Cleanup Program Facilities (2025 Lead Directive)*. Commenters questioned EPA's selection of 456 mg/kg as the lead action level instead of 175 mg/kg and requested clear scientific justification for this change. Many commenters stated their support for an action level to match or be

lower than the action level at the Anaconda Superfund Site³ and questioned the blood lead target of 5 micrograms per deciliter (µg/dL). Commenters also requested explanations of screening levels vs. action levels, exposure sources, affected properties, and how the revised remedy protects the local citizens.

*Specific Comment IDs Addressed (see **Attachment 1**):* 1.01, 3.02, 7.02, 9.01, 9.05*, 9.08, 10.01, 11.01, 11.02, 11.04, 11.05, 11.06, 11.08, 11.09, 11.10, 11.11, 11.13, 11.16, 12.01, 14.01, 15.02, 16.03, 17.01, 18.03, 20.01, 21.05, 21.07, 23.02, 26.01, 26.02, 26.03, 26.04, 26.05, 27.02, 27.03, 28.03, 28.04, 28.05, 28.06, 28.07, 28.08, 28.09, 30.01, 31.01, 31.03, 32.02, 32.05, 32.06, 32.07, 32.08, 32.10, 33.02, 34.01, 34.03, 37.01, 37.02 *also addressed under Category 9

Response

Changes in Lead Policy

Several comments requested additional information to explain the recent changes in EPA's lead policy and how these changes affected BPSOU. EPA appreciates the opportunity to provide additional clarification regarding the updates on the new approach to accelerate cleanup of lead contaminated soil on residential properties at CERCLA and RCRA hazardous waste cleanup facilities in EPA lead policy.

EPA released the *Updated Residential Soil Lead Guidance for CERCLA Sites and RCRA Corrective Action Facilities* (the "2024 Lead Guidance") on January 17, 2024. The 2024 Lead Guidance included two target blood lead levels (BLLs) of 3.5 or 5 µg/dL. Each Superfund site was to select the appropriate target BLLs relevant to their site, based on whether multiple sources of lead were present in the community. Site action levels are derived using the target BLL. The 2024 Proposed Plan, issued on October 16, 2024, developed a revised BPSOU-specific residential lead action level of 175 mg/kg using the target BLL of 3.5 µg/dL.

On October 16, 2025, EPA released the 2025 Lead Directive.⁴ The 2025 Lead Directive supersedes the 2024 Lead Guidance. Under the 2025 Lead Directive, the EPA policy retains only the target BLL of 5 µg/dL. The 2026 Proposed Plan, issued on June 1, 2026, developed a revised BPSOU-specific residential lead action level of 456 mg/kg using the target BLL of 5 µg/dL. This 2025 Lead Directive is part of a larger EPA effort to reduce children's exposure to lead. This renewed agency-wide focus is centered around strengthening cooperative federalism, streamlining actionable risk communications, and unleashing private sector innovation to protect human health and the environment.⁵ The 2026 Proposed Plan was reviewed by Agency technical experts and follows current Agency policy and guidance. The action level of 175-mg/kg presented in the 2024 Proposed Plan is no longer consistent with current EPA lead policy. See following subsection describing the Basis for the Lead Policy Change that affected the approach for BPSOU.

³ For more information on the Anaconda Co. Smelter Superfund Site located in Anaconda, MT please visit the EPA webpage available at, <https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0800403>.

⁴ More information regarding the 2025 Lead Directive can be found here: <https://www.epa.gov/superfund/residential-soil-lead-directive-cercla-sites-and-rcra-hazardous-waste-cleanup-facilities>.

⁵ More information regarding lead can be found here: <https://www.epa.gov/lead>.

Basis for the Lead Policy Change

In the 2025 Lead Directive, the Agency determined that using a single residential regional screening level (RSL) and target BLL of 5 µg/dL provides consistency and clarity to decision makers and the public. To address commenter's concerns regarding a target BLL of 5 µg/dL, EPA notes that studies show there is no threshold for adverse health effects in children, the relationship between intelligence quotient (IQ) loss and the dose-response at BLLs less than 5 µg/dL is less certain. Furthermore, there is a causal relationship between BLLs at 5 µg/dL and hypertension, coronary heart disease, reproductive development, and adverse effects on red blood cells. The National Toxicology Program's *Monograph on Health Effects of Low-Level Lead*⁶, the Agency for Toxic Substances and Disease Registry's *Toxicological Profile for Lead*⁷, and EPA's 2024 *Superfund Lead-Contaminated Residential Sites Handbook* (Chapter 8: Residential Lead Risk Assessments) also provide additional information on the toxicity of lead.⁸ EPA also notes that the *Superfund Lead-Contaminated Residential Sites Handbook* outlines the method for calculating a site-specific preliminary remediation goal (PRG) using the Integrated Exposure Uptake Biokinetic Model (IEUBK) and that EPA's 2024 *Integrated Science Assessment for Lead* provides a comprehensive summary of negative health effects from lead exposures in children and adults.⁹

The IEUBK model is used to develop risk-based action levels for lead in soil and dust. This model has been evaluated at a target BLL of 5 µg/dL and shown to perform well to predict potential risks at this level. Application of the IEUBK at lower levels has not been evaluated. Additionally, for a target BLL of 5 µg/dL and above, more than half of the predicted lead exposure is derived from soil and dust. However, when the target BLL is below 5 µg/dL, diet becomes a major contributor to the predicted lead exposures; therefore, cleaning up more contaminated soil does not address the dietary exposure pathway.

As noted in the 2025 Lead Directive, EPA moved away from identifying two target BLLs (3.5 and 5 µg/dL) in 2025 to reduce inconsistent implementation between sites and to provide clarity to decision makers and the public. The 2024 guidance intended the BLL of 3.5 µg/dL to account for multiple sources of lead beyond the release(s) addressed under CERCLA (e.g., lead paint and pipes). The decision to pursue a single RSL and a single target BLL does not impede the Agency's ability to apply other available tools and authorities to evaluate and implement actions to address residential lead exposures. Awareness of the other sources of lead allows the Agency to use other authorities and work with other federal agencies to address those sources under appropriate authorities when CERCLA authority may not directly extend to those sources. Identifying all potential sources of lead in a community remains a priority to advance the Agency's broad commitment to reduce children's exposures to lead. EPA anticipates that a lead action

⁶ U.S. Department of Health and Human Services. 2012. Health Effects of Low-Level Lead, NTP Monograph. National Toxicology Program. June 2012.

⁷ U.S. Department of Health and Human Services. 2020. Toxicological Profile for Lead. Agency for Toxic Substances and Disease Registry. August 2020.

⁸ EPA. 2024. Superfund Residential Lead Sites Handbook. Office of Superfund Remediation and Technology Innovation. March 2024.

⁹ EPA. 2024. Integrated Science Assessment for Lead. Center for Public Health and Environmental Assessment, Office of Research and Development. EPA/600/R-23/375. January 2024.

level based on a target BLL of 5 µg/dL addresses the contribution of site contamination. EPA considers protectiveness to have been achieved at a Superfund site when there is no more than a 5 percent (%) probability of a child's BLL exceeding 5 µg/dL considering all lead exposures. Additionally, the 2025 Lead Directive emphasizes applying layers of protection in the form of institutional controls (ICs) and educational devices to further reduce lead exposures.

Differences between EPA and CDC Blood Lead Levels

To address commenters' concerns regarding the protectiveness of the proposed action level, EPA notes the importance of understanding the differences between and application of the U.S. Centers for Disease Control and Prevention (CDC) blood lead reference value¹⁰ (BLRV) of 3.5 µg/dL and EPA's target BLL value of 5 µg/dL. CDC's BLRV is not equivalent to and should not be compared to EPA's target BLL value. The two values serve different purposes. The BPSOU RMAP uses both values in accordance with their purpose.

CDC's BLRV is a screening value used to identify children who have higher levels of lead in their blood compared with most children in the United States. CDC uses it to assess the effectiveness of prevention efforts. The BLRV value represents the 97.5th percentile of measured BLLs for children aged 1 to 5 years in the CDC's BLRV is not health-based. It is not a regulatory standard. The reference value is simply the value at which a child has more lead in their blood than most U.S. children and may be at risk from effects associated with lead exposure.

CDC specifically uses the term "reference value" as a screening tool to avoid the misinterpretation that the BLRV represents a "level of concern." Physicians and other healthcare providers use the BLRV when evaluating individual patient blood lead results. The RMAP compares collected blood lead test results to CDC's BLRV of 3.5 µg/dL to identify children with elevated BLLs. When the RMAP identifies an elevated BLL, it initiates an expedited and enhanced property assessment for the child's residence. The enhanced property assessment includes both lead-based paint and drinking water sampling, in addition to the standard soil and dust sampling. When appropriate, the elevated BLL assessment may also include evaluating secondary properties (e.g., other family member residences, daycares) to fully identify other potential lead sources for the child.

EPA uses the target BLL in the IEUBK model to develop action levels that will reduce risks to children's health from site-related lead exposure. For Superfund soil lead cleanups, EPA relies on site-specific information, such as soil lead bioavailability, to develop site-specific risk-based action levels. EPA derived the revised residential lead action level of 456 mg/kg using EPA's target BLL of 5 µg/dL. The 456 mg/kg action level also includes BPSOU-specific adjustments to other IEUBK model parameters, including soil lead bioavailability, soil-to-dust transfer coefficient (MSD), and geometric standard deviation (GSDi), discussed in section 2.9 in this document. The RMAP compares measured soil and dust lead

¹⁰ For more information, see: cdc.gov/lead-prevention/php/news-features/updates-blood-lead-reference-value.html.

concentrations for each residential property to the lead action levels and triggers cleanup when concentrations are above the action levels.

The RMAP is unique because it includes a multi-faceted cleanup approach that goes beyond applying lead action levels to reduce lead exposures. The RMAP also offers free blood lead testing to all children in Butte and the surrounding community. Thus, the RMAP is currently using both the EPA target BLL of 5 µg/dL and the CDC BLRV of 3.5 µg/dL to assess and reduce lead exposures in Butte and the surrounding community.

Screening Levels versus Cleanup/Action Levels

Several comments raised questions regarding the RSL presented in the 2025 Lead Directive and the relationship to cleanup levels (identified as action levels at BPSOU). EPA emphasizes that screening levels are different from action levels and serve a different purpose under Superfund. EPA uses screening levels in the initial stages of a Superfund site evaluation. Screening levels determine if further study and risk assessment are needed. Screening levels also identify the chemicals and locations that need more investigation. Screening levels are intentionally lower to ensure that a potential risk is not overlooked. Screening levels are based upon default exposure and bioavailability assumptions and do not account for site-specific information. Screening levels are not intended to be default action levels or trigger cleanup. The 2025 Lead Directive specifies an RSL for lead in residential soil of 200 mg/kg, but it is not an action level.

For Superfund sites, EPA uses action levels to identify locations that pose an unacceptable risk and need cleanup. EPA calculates action levels using site-specific information, which is why they may differ between Superfund sites.

The 200 mg/kg RSL is not relevant to the Butte Superfund Site because this Site is well beyond an initial screening stage and screening levels are not to be applied default action levels: EPA has already concluded that this Site needs further investigation of lead in soil and dust, based on the site risk assessments for BPSOU that determined that lead is a contaminant of concern. Additionally, EPA concluded remedial action is needed for residential properties in Butte and the surrounding community; this conclusion was documented in the 2006 ROD for BPSOU. For these reasons, EPA has advanced the BPSOU from the screening to the cleanup phase. The 200 mg/kg RSL is not relevant to the Butte Superfund Site because the BPSOU is well beyond an initial screening stage.

Lead action levels are site-specific using EPA's target BLL. The revised BPSOU-specific residential soil lead action level is 456 mg/kg. This revised action level is based on the target BLL of 5 µg/dL established in the 2025 Lead Directive. This revised action level also accounts for Butte-specific information, such as the soil lead bioavailability, GSDi, and MSD specific to residences in BSPOU. Lead concentrations above this level will trigger cleanup for soil and dust for all residential properties evaluated under the RMAP. This revised lead action level applies in both BPSOU and the 2026 RMAP Expansion Area as well as any residential property within the 2019 RMAP Expansion Area that requests a property assessment.

2.2 Category 2: Public Participation and Responsiveness

Introductory Summary

EPA received six comments concerning Public Participation and Responsiveness. Commenters expressed frustration that EPA had not responded to public comments submitted on the 2024 Proposed Plan and questioned whether community input meaningfully influences remediation decisions. Comments urged EPA to provide a clear, comprehensive, and well-organized Responsiveness Summary that explains how public comments affected decisions, addresses significant concerns with specific rationale, and demonstrates that public participation is valued.

*Specific Comment IDs Addressed (see **Attachment 1**):* 7.01, 16.04*, 17.02*, 21.06, 28.01, 28.02 *also addressed under Category 9

Response

EPA values community engagement and public input, and recognizes the time, effort, and care people put into each comment. EPA also understands that commenters want clear answers about how EPA considered public input.

The 2024 Proposed Plan, issued in October 2024, applied the 2024 Lead Guidance to develop a lower action level for residential lead cleanups. After the public comment period for the 2024 Proposed Plan closed in 2025, EPA replaced the 2024 Lead Guidance with the 2025 Lead Directive. Because the proposed revised action level in the 2024 Proposed Plan was no longer supported by the current EPA policy, EPA did not develop a responsiveness summary and a RODA was not issued. EPA worked quickly to draft a new Proposed Plan to incorporate the 2025 Lead Directive and apply the new lead policy to update the residential lead action level for the BPSOU. Additionally, to ensure transparency EPA wanted to give the public the opportunity to comment on the proposed change in action level from 175 ppm to 456 ppm.

EPA communicated in the 2026 Proposed Plan that any comments submitted on the 2024 Proposed Plan the public felt were applicable could be resubmitted. EPA also mentioned the possibility to resubmit comments at the formal public meeting on June 16, 2026. EPA has provided this responsiveness summary to highlight the extent to which EPA considered public comments, is addressing concerns, and has incorporated public input into EPA's final decision.

EPA has written this Responsiveness Summary in plain language and limited technical terms where possible. Comments are grouped by topic category so readers can follow the main areas of concern. EPA answered all comments submitted on the 2026 Proposed Plan. EPA identifies comments that resulted in changes to the final action and explains why other requests were not granted. EPA included data, science, and outreach information when those details helped explain our response. EPA appreciates the community's participation and encourages continued public involvement throughout the cleanup.

2.3 Category 3: Cleanup Timeline and Participation

Introductory Summary

EPA received 28 comments regarding the proposed cleanup timeline and implementation schedule for the BPSOU. Comments expressed concern that the proposed 15-year remediation timeframe is too long, particularly given the length of time the community has already lived with lead contamination. Comments urged EPA to accelerate sampling and remedial activities through additional resources, improved coordination, and more efficient implementation. Several comments requested greater justification for the proposed schedule, including explanations of the health risks associated with delaying remediation and the factors used to develop the timeframe. Other comments supported EPA's proposed accelerated schedule and cautioned that efforts to expedite cleanup should not compromise the quality, thoroughness, or protectiveness of the remedy.

*Specific Comment IDs Addressed (see **Attachment 1**):* 3.01, 7.03, 8.01, 9.03, 9.06, 9.19, 11.07, 12.03, 13.03, 14.03, 15.01, 16.01, 17.04, 20.02, 21.01, 23.01, 27.01, 29.03, 29.04, 29.05, 29.06, 29.13, 29.14, 29.22, 29.23, 31.04, 33.08, 33.10

Response

EPA recognizes the long history of Superfund work in the Butte community and understands the community's frustration regarding cleanup timeframes for the Site. Superfund is a dynamic program, designed to incorporate new information as the understanding of site contaminants and the extent of contamination evolves. The ability of the Superfund program to continually evaluate and adjust the remedy is critically important for ensuring community health. In some cases, these adjustments result in a need for additional time to address new information or carry out additional necessary work.

EPA extended the completion targets for the cleanup because the scope of the cleanup has significantly expanded. EPA will not sacrifice the quality of the cleanup to reduce the timeframe. EPA determined that 8 years is needed to complete the required sampling activities at all residential properties under the RMAP. This includes approximately 2,500 residences within BPSOU and approximately 6,000 residences within the 2026 RMAP Expansion Area that have not yet been sampled. EPA anticipates that about 1,200 properties will need to be sampled each year to meet the 8-year target.

EPA determined that 15 years are needed to complete the required residential remediation activities. Additional remediation will be required at:

- all properties previously sampled under the RMAP that did not qualify to be remediated under the 1,200 mg/kg action level, but now qualify under the new 456 mg/kg action level will now be remediated (approximately 1,300 properties);
- all properties previously sampled under the RMAP where only a portion of a yard had been remediated previously, but now additional portions of the yard require remediation under the new 456 mg/kg action level (approximately 450 properties); and

- all residential properties where sampling has not yet been completed within BPSOU and the 2026 RMAP Expansion Area (approximately 6,000 residences, based on current rates of property exceedances in those areas).

EPA anticipates continuing to work with the Responsible Parties to find efficiencies in the RMAP implementation. The goal is to establish percent completion milestones to track early progress towards the timeframe goals. Specifically, EPA will seek opportunities to reduce the time between when an exceedance is identified and remediation is completed. EPA will incorporate efficiencies regarding the implementation of RMAP via future work plan documents.

One of the benefits of the blood lead testing program under the RMAP is that elevated BLLs can be used to identify and expedite remediation to rapidly address children with documented elevated lead exposures. This process alleviates concerns with extended remediation schedules when there are actual unacceptable lead exposures occurring.

2.4 Category 4: Resources, Costs, and Staffing

Introductory Summary

EPA received 22 comments on resources, costs, staffing, and achievability considerations for the proposed remedy changes. Comments emphasized that a shorter cleanup schedule would require additional funding, staffing, equipment, disposal capacity, and work crews to maintain cleanup quality. Several comments requested clearer explanations of EPA's cost estimates, staffing assumptions, resource requirements, and implementation challenges used to develop the proposed schedule. Comments also urged EPA and the Responsible Parties to commit sufficient resources, address logistical constraints, and ensure cleanup costs are not passed on to local taxpayers.

*Specific Comment IDs Addressed (see **Attachment 1**):* 9.04, 9.1, 9.10*, 9.11, 9.12, 9.13, 9.14, 9.15, 11.19, 14.04, 14.05, 21.02, 29.01, 29.08, 29.09, 29.10, 29.11, 29.15, 29.21, 33.11, 36.04, 36.06, 36.09 *also addressed under Category 8

Response

Additional Costs

As discussed in more detail in the prior section, the 2026 RODA adjusts the area where the RMAP soil and dust sampling is required, which will increase the number of residential properties needing sampling. The 2026 RODA also lowers the residential lead action level, which will increase the number of properties requiring remediation. Both changes will increase the overall cost of the remedy. To date, the Responsible Parties (AR and BSB) have been responsible for RMAP implementation. EPA is responsible for overseeing remedy implementation and ensuring it is done properly. EPA anticipates that the Responsible Parties will continue to fund the costs related to remedy implementation, including additional costs associated with the 2026 RODA changes.

The 2026 Proposed Plan included an estimate of costs associated with the proposed changes; this Basis of Estimate (BOE) is in the Administrative Record.¹¹ The BOE documents the cost estimate assumptions and supporting information. The BOE developed unit quantities, including property sizes and excavation volumes, from available site-specific information and professional judgment. The BOE used those quantities to estimate costs for sampling, remediation, material handling, transport, and disposal. Site-specific inputs included data from ongoing BPSOU cleanup and general property characteristics taken from publicly available sources. EPA used comparable project literature and engineering judgment to develop representative quantities and design assumptions when site-specific information was not available. The BOE based cost and implementation estimates on EPA-derived unit costing software (including the U.S. Army Corps of Engineers Micro Computer Aided Cost Engineering System [MCACES]), U.S. Department of Labor resources, and vendor quotes. The RMAP work within the BPSOU and other projects with similar scopes also helped to inform the assumptions.

The proposed sampling and remediation rates in the BOE considered standard productivity and labor rates, average parcel area, current RMAP work, and EPA's target completion timeframe. EPA used soil and dust concentration data for each sampled property in the RMAP Database to determine the number of properties requiring cleanup. EPA extrapolated the known frequency of action level exceedances for sampled properties to estimate the number of unsampled residential properties requiring cleanup.

The BOE does not include costs for impacts to municipal infrastructure, such as roads and stormwater systems; however, EPA monitors municipal infrastructure during remedy implementation. EPA anticipates that any incidental damage will be addressed prior to completion of construction activities by the Responsible Parties, not the Butte Silver Bow taxpayers.

The BOE also does not include costs for any long-term operation and maintenance activities. The RMAP is not responsible for long-term maintenance obligations at either residential or non-residential properties (such as parks, schools, and playgrounds). After remedial action activities, property owners must maintain their property according to the Access Agreement and Notice of Covenants.

EPA's recent national policy to exclude public health benefits as part of its cost calculations had no effect on the 2026 Proposed Plan cost estimate or BOE. This national policy is specific to setting air quality standards under the Clean Air Act, which is not part of this cleanup effort.

Additional Resources

EPA appreciates the community's perspective regarding the need for additional resources to support the RMAP and understands that the Butte community wants the remedy completed as soon as possible. As such, EPA established the revised sampling and remediation timeframe targets accordingly.

¹¹ EPA. 2026. Basis of Estimate to Support the 2026 Proposed Plan for the Butte Priority Soils Operable Unit, Silver Bow Creek/Butte Area Superfund Site. Memorandum. U.S. EPA, May 2026.

EPA expects a significant increase in the number of field sampling, remediation, and administrative staff to accomplish these targets will be necessary. EPA, the Responsible Parties, and their respective contractors will continue to work together to identify opportunities to streamline sampling and remediation activities.

The Responsible Parties have already committed more contractor resources to the RMAP to complete sampling and remediation activities faster. In 2026, construction crews were doubled from previous years to ramp up remediation activities. Scaling up residential remediation activities will be necessary to address more residential properties each year. The RMAP will identify opportunities to implement efficiencies to complete more work within each subsequent field season to meet the 15-year timeframe.

Remedial Action Disruptions to the Community

EPA recognizes that active construction work with large heavy duty type equipment in residential areas can be disruptive. Change in traffic flow and noise may increase as work progresses and with the increase in the scale of activities. Other cleanup activities in BPSOU includes ongoing construction projects that are not residential cleanups but are being implemented in accordance with the Selected Remedy. For example, additional haul trucks and equipment will be operating in the 2027 field season because of construction in the Diggings East corridor project site. EPA emphasizes that implementation of all cleanup activities are critical to ensure the health and safety of the Butte community. EPA and the RMAP will try to minimize the potential disruptions that increased cleanup activities could have in the community.

Institutional Controls (ICs)

A few commenters raised questions regarding how ICs would be considered and how they would be incorporated into the RMAP. ICs are non-engineered, legal, and administrative tools used by Superfund as part of the remedy. They reduce the potential for human exposure to residual contamination and protect the cleanup by restricting land and resource use.

The 2020 RODA required the development of the *Institutional Controls Implementation and Assurance Plan* for the BPSOU. This Plan governs ICs required as part of the remedy. These controls include requirements for any excavation dirt-moving activities and stormwater management. The Responsible Parties document IC activities each year. Any implementation issues, modifications, or enforcement actions (if these controls are not properly implemented or maintained) are also documented. The Responsible Parties are required to report any IC related issues to EPA. EPA also evaluates ICs for consistency with County ordinances.¹²

Property Redevelopment

Several commenters raised concerns regarding redevelopment. EPA places a high priority on working with communities to encourage the reuse of Superfund sites. Hundreds of communities have reclaimed formerly contaminated Superfund sites for protective and productive uses. EPA does not anticipate that

¹² For more information, see: [https://library.municode.com/mt/butte-silver bow county/codes/code of ordinance](https://library.municode.com/mt/butte-silver%20bow%20county/codes/code%20of%20ordinance).

remedy implementation will create a financial burden that limits new economic development or redevelopment opportunities in Butte.

In Butte, EPA has worked with local stakeholders, including government and industry, to be mindful of cleanup impacts on current and future land use in the community. EPA will also continue to work with Butte residents and the local government on ideas for future land use and coordinate redevelopment opportunities with Superfund cleanup activities. EPA has also required the Responsible Parties to address historic preservation issues and comply with the regional historic preservation plan when listed or eligible historical resources are affected by the Superfund cleanup. For example, AR made financial contributions to the Butte Visitors Information Bureau. Public and private cooperation also makes it possible to transfer properties owned by AR and mining companies to local government for potential redevelopment.

Repository Capacity

Three commenters specifically mentioned concerns regarding repository capacity. The Butte Mine Waste Repository (BMWR) was designed for a total capacity of approximately 700,000 cubic yards. The BMWR Conceptual Development Plan estimated the BMWR could be expanded to accommodate approximately 1.4 million cubic yards. The BMWR has available capacity for disposal of tailings, waste, and contaminated soils. Additional geotechnical investigations at the BMWR have been completed to support the proposed capacity increase within the previously approved repository footprint.

The existing BMWR Operation and Maintenance (O&M) Manual is being revised to incorporate the additional disposal capacity of approximately 1.4 million cubic yards and to document the findings and recommendations of the geotechnical investigation. The revised O&M Manual will also include a demolition and site preparation plan, project-specific material placement requirements, and an updated cultural resource inventory and evaluation to ensure continued compliance with applicable regulatory and historic preservation requirements.

The BMWR future expansion will allow for appropriate disposal for the estimated volume of materials removed under the 2026 RODA. EPA is overseeing the Responsible Parties' efforts to expand the BMWR. The BMWR will continue to receive materials during the expansion process.

2.5 Category 5: Boundary Expansion and RMAP Expansion Area

Introductory Summary

EPA received 17 comments on the proposed BPSOU boundary expansion which is referred to in the 2026 RODA as the 2026 RMAP Expansion Area. Most commenters supported expanding the cleanup area to include additional residential neighborhoods and many commenters requested the inclusion of Census Tract 6, Margaret Leary Elementary School, and the Jeremy Bullock Soccer Complex. Several commenters stated that the expansion should cover all residential areas potentially affected by historic mining and smelting activities, including vacant residential lots and additional neighborhoods south of the proposed boundary. In contrast, one commenter recommended expanding the residential soils and interior dust cleanup program without changing the existing BPSOU operable unit boundary.

*Specific Comment IDs Addressed (see **Attachment 1**):* 4.02, 9.02, 9.18, 12.02, 13.02, 13.09*, 13.11, 14.02, 16.02, 20.03, 21.04, 23.03, 28.1, 33.13, 33.14, 36.07, 36.08 *also addressed under Category 8

Response

EPA agrees that adjusting the required area for RMAP assessments is warranted to ensure that, where appropriate, additional residential properties are sampled and remediated, if necessary. The area evaluated under the RMAP was originally aligned with the BPSOU boundary. However, the RMAP evaluation area has been expanded over the course of remedy implementation. The 2011 ESD created the 2011 RMAP Attics Expansion Area where attic dust sampling is required. The 2020 RODA created the 2019 RMAP Expansion Area where residents could request sampling under RMAP.

EPA agrees with the commentor's suggestion to adjust the RMAP area without adjusting the BPSOU operable unit boundary. Adjusting the RMAP area, rather than the BPSOU boundary, is consistent with the strategy used in both the 2011 ESD and the 2020 RODA. This procedural change in strategy does not effectively change the outcome: sampling and remediation of additional residential properties will be required, but those areas will be identified as within the 2026 RMAP Expansion Area rather than within the BPSOU boundary. Thus, in the 2026 RODA, EPA has modified the terminology used in the 2026 Proposed Plan but maintained the substance of the remedy amendment described in the Proposed Plan. Consistent with the RMAP requirements within BPSOU, the 2026 RODA requires the RMAP to sample and remediate, if necessary, all residential properties within the 2026 RMAP Expansion Area. Homeowners within the 2026 RMAP Expansion Area will no longer be required to submit a request for sampling.

Four commenters included in their comments a position on the inclusion of Census Tract 6 in the 2026 RMAP Expansion Area. Census Tract 6 is large and includes areas used for commercial, industrial, agricultural, and recreational purposes, which are not the focus of the RMAP. The limited data for the residential areas in Census Tract 6, like the Margaret Leary neighborhood and the neighborhoods south of Holmes Avenue, do not show many action level exceedances. Thus, EPA did not include all of Census Tract 6 within the 2026 RMAP Expansion Area. Even so, every residential property within Census Tract 6 can still participate in the RMAP by requesting sampling. The 2020 RODA expanded the area eligible for the RMAP to include most of Silver Bow County (and all of Census Tract 6) (this is referred to as the 2019 RMAP Expansion Area). The only difference for properties outside the 2026 RMAP Expansion Area is that sampling will be conducted at the request of the property owner or resident, rather than required. Residential property owners can call the RMAP at 406-497-5040 or go to the RMAP website¹³ to request free sampling.

The Selected Remedy, as amended, requires sampling of soil and interior dust at every residential property within BPSOU and the 2026 RMAP Expansion Area. Properties outside the BPSOU and 2026 RMAP Expansion Area, but within the 2019 RMAP Expansion Area, will continue to be sampled at the

¹³ To submit an RMAP sampling request, visit: <https://survey123.arcgis.com/share/e968dd9b204a406a8d838f1e7fee7269>.

request of the property owner. Properties within the 2011 RMAP Attics Expansion Area will continue to be sampled for attic contamination. Sampling and remediation, if necessary, is contingent upon owner access being granted. Some property owners choose not to allow the RMAP to sample and remediate their property.

Regarding expansion beyond the 2026 RMAP Expansion Area, the Responsible Parties have sampled all schools, parks, and playgrounds in and around Butte under the RMAP, including at Margaret Leary School and the Jeremy Bullock Memorial Soccer Complex. Neither property exceeds the residential lead action level of 456 mg/kg. The RMAP also requires the evaluation of vacant lots that could be used for residential purposes in the future. However, the program prioritizes existing residential properties over vacant lots.

2.6 Category 6: Property Access and Participation

Introductory Summary

EPA received seven comments on property access and participation in the RMAP. Comments expressed concern that property owners, particularly landlords, may refuse access for sampling and remediation, potentially leaving residents exposed to contamination. Several comments urged EPA to use enforcement authorities as appropriate to access properties and address risks. Comments also emphasized that timely property access and broad participation are necessary to meet cleanup goals and ensure that all residents have an opportunity to benefit from the remedy.

*Specific Comment IDs Addressed (see **Attachment 1**):* 7.04, 13.04, 13.07, 21.03, 29.02, 33.09, 36.05

Response

Property Access and EPA Authority

Sampling and remediation, if necessary, is contingent upon owner access being granted. Some property owners choose not to allow the RMAP to sample and remediate their property. Thus, lack of owner consent can limit yard cleanups.

EPA understands that access issues can slow sampling and remediation at residential properties. Obtaining access from absentee owners can be challenging, especially when tenants live at the property. EPA will work with the RMAP to increase outreach to owners and tenants. The RMAP will document calls, door knocking, and other efforts to reach property owners. EPA will also help the RMAP improve tracking of property sales and ownership changes. The RMAP will re-attempt to gain access whenever property ownership changes, at properties that have not been remediated. The RMAP database tracks access denials, sampling, and remediation status for each residential property.

The Selected Remedy, as amended, requires the sampling of soil and interior dust at every residential property within BPSOU and the 2026 RMAP Expansion Area.¹⁴ Properties outside the BPSOU and 2026 RMAP Expansion Area, but within the 2019 RMAP Expansion Area, will continue to be sampled at the

¹⁴ Sampling and remediation, if necessary, is contingent upon owner access being granted.

request of the property owner. Properties within the 2011 RMAP Attics Expansion Area will continue to be sampled for attic contamination.

EPA will work with the RMAP to utilize additional layers of protection listed in the 2026 RODA when owners deny access for sampling or remediation within the BPSOU or 2026 RMAP Expansion Area. These tools may include distribution of educational materials, information notices, and notices of environmental contamination. These notices can also inform future buyers about known or possible contamination and can recommend individual actions that can reduce exposure to lead. After the RMAP documents repeated access attempts and denials, EPA may consider access authorities, as appropriate.

Properties outside the BPSOU and 2026 RMAP Expansion Area, but within the 2019 RMAP Expansion Area, will continue to be sampled at the request of the property owner. Properties within the 2011 RMAP Attics Expansion Area will continue to be sampled for attic contamination.

2.7 Category 7: Public Health and Exposure Reduction

Introductory Summary

EPA received 16 comments on public health concerns and reducing exposure to lead contamination in the Butte community. Many comments emphasized the importance of protecting children and other vulnerable populations by reducing lead exposure as quickly as possible. Several comments requested additional information about BLLs, health studies, exposure pathways, cleanup standards, and the basis for EPA's risk assessments and decisions. Other comments asked EPA to clearly explain how the proposed remedy changes will protect human health during the cleanup period and address ongoing concerns about lead contamination in homes, soil, dust, and locally grown food.

*Specific Comment IDs Addressed (see **Attachment 1**):* 1.02, 4.03, 11.03, 11.15, 11.18, 11.21, 11.23, 17.03, 18.02, 22.01, 22.02, 24.02, 29.12, 29.17, 29.18, 29.20

Response

Blood Lead Levels in Butte

The RMAP for Butte is unique because it includes a holistic cleanup approach that goes beyond applying soil/dust lead action levels to reduce lead exposures. The RMAP also offers free blood lead testing to all people in and around Butte.

The blood lead monitoring program results are one of the best metrics to determine potential lead exposures in Butte. These results also provide a good measure of Superfund cleanup success. The community blood lead monitoring results are summarized in a comprehensive report to the public every five years. The first (Phase 1) biomonitoring report was released in July 2014.¹⁵ The second (Phase 2) biomonitoring report was released in March 2020. The Phase 2 report also summarized disease prevalence and rates from studies conducted within Butte-Silver Bow County.¹⁶ The third (Phase 3)

¹⁵ Environ. 2014. Butte Priority Soils Operable Unit Public Health Study, Phase 1. July 2014.

¹⁶ Ramboll. 2020. Second Butte RMAP Medical Monitoring Study (Phase 2) Report, March 2020.

biomonitoring report was released in June 2026.¹⁷ All three reports are available in the Administrative Record for BPSOU.

BLLs for children in Butte have declined within the same time period as the implementation of the RMAP. This observation strongly supports the conclusion that the program has reduced lead exposures in Butte. The Phase 2 report presents a comparison between National Health and Nutrition Examination Survey (NHANES) BLLs in the U.S. and Butte. BLLs in Butte declined faster than U.S. levels between 2003 and 2016. This further supports that the higher rate of decline of BLLs in Butte is because of the RMAP implementation. However, the Phase 3 Report also shows that recent BLLs are not continuing to decline, despite continued mine waste cleanup. This suggests higher BLLs in Butte may not be due solely to mine waste. More than 80% of Butte houses were built before 1960 when lead-based paint was commonly used. Children living in an older home with lead-based paint have a higher potential for lead exposure. Lead-based paint is often found when investigating confirmed elevated BLL cases for children in Butte.

Reducing Lead Exposures

Several commenters expressed concern with the potential for ongoing lead exposures while they await completion of the RMAP and requested that properties with children be prioritized. The populations most vulnerable to lead exposure include young children (under the age of 6 years), pregnant women, and nursing mothers. EPA agrees that cleanup at residential properties with young children should be a priority. The RMAP gives first priority to sampling and remediation at properties where there has been an identified elevated BLL in a resident and second priority to those homes with children. Properties where blood lead testing shows a child with an elevated BLL is present are expedited for sampling and remediation, even if the lead sources are not site-related.

Sampling and remediation in the 2026 RMAP Expansion Area and in BPSOU can occur at the same time. EPA plans to remediate properties already known to be above the action level(s) as sampling occurs at other properties. Even so, it will take several years to complete all residential sampling and remediation efforts. CERCLA is also limited to addressing lead-contaminated soil/dust released from the Superfund site.

Residents can take many actions to reduce potential lead exposures in their home, including:

- Keeping your home clean and dust-free,
- Leaving dirty shoes at the door,
- Frequently washing children's hands, pacifiers, and toys,
- Determining if your home contains lead-based paint,
- Keeping painted surfaces in good condition,

¹⁷ Ramboll. 2026. Third Butte RMAP Biomonitoring (Phase 3) Report – Final. June 2026.

- Avoiding playing in mine waste or contaminated soils,
- Gardening in raised beds,
- Washing homegrown fruits and vegetables and peeling root crops, and
- Eating a healthy diet.

The RMAP website¹⁸ provides additional resources on how residents can reduce potential lead exposures, including the following publications:

- Be Contaminant Smart: <https://www.co.silverbow.mt.us/DocumentCenter/View/34261/Be-Contaminant-Smart>
- 5 Things You Can Do to Lower Your Child's Lead Level: <https://www.co.silverbow.mt.us/DocumentCenter/View/34256/5-things-you-can-do-to-lower-your-childs-lead-level>
- Fight Lead Poisoning with a Healthy Diet: <https://www.co.silverbow.mt.us/DocumentCenter/View/34263/Fight-lead-poisoning-with-a-healthy-diet>
- Protect Your Family from Lead in Your Home: <https://www.co.silverbow.mt.us/DocumentCenter/View/34257/Protect-Your-Family-From-Lead-In-Your-Home>

Garden Exposures

A local non-profit described how they are seeking to promote urban farming in Butte and described their concern with the potential for lead exposure. EPA appreciates this concern, however, uptake of lead into garden vegetables and fruits is generally low. Most exposure can be attributed to soil stuck to food that has not been properly washed. Urban farmers/gardeners should follow best practices to limit potential exposure to lead. Best practices include: washing or peeling fruits and vegetables before eating; cleaning hands, clothing, and tools before bringing them inside; moving garden plots outside the roof drip line of older (pre-1980) homes and buildings to avoid potential impacts from lead-based paint; adding composts or phosphorus-containing fertilizers to the soil; and gardening in raised garden beds filled with clean soil.

Additional resources are available online to support urban farming and gardening:

- Safe Gardening in Lead-Contaminated Soils: <https://semspub.epa.gov/work/05/979893.pdf>
- Reusing Potentially Contaminated Landscapes: Growing Gardens in Urban Soils: https://clu-in.org/download/misc/urban_gardening_fact_sheet.pdf
- Soil Safety Guide for Urban Gardeners: <https://clf.ihsph.edu/sites/default/files/2019-02/soil-safety-guide-for-urban-gardeners.pdf>

¹⁸ Visit the RMAP website here: <https://www.co.silverbow.mt.us/467/Residential-Metals-Abatement-Program>.

- What Gardeners Can Do: 10 Best Practices for Healthy Gardening:
<https://ecommons.cornell.edu/bitstream/handle/1813/48154/What-Gardeners-Can-Do-English.pdf?sequence=2&isAllowed=y>
- Recommendations Regarding Gardening and Reducing Exposure to Lead Contamination in Soil: <https://www.epa.gov/superfund/lead-superfund-sites-frequent-questions-risk-assessors-integrated-exposure-uptake>

2.8 Category 8: RMAP Program Operations

Introductory Summary

EPA received 19 comments on the RMAP operations, implementation, and long-term support for cleanup activities. Comments were in support of continuing the multi-pathway approach, including remediation, blood lead monitoring, health studies, and public education efforts. Several comments recommended using historical sampling data, updating indoor dust sampling methods and equipment, reevaluating previously sampled sites, increasing resources, and streamlining program procedures to improve efficiency. Other comments requested continued funding, uninterrupted program operations, expanded testing and cleanup efforts, clear explanations of RMAP requirements, program updates, and long-term implementation strategies.

*Specific Comment IDs Addressed (see **Attachment 1**):* 9.07, 9.09, 9.10, 9.16, 11.20, 13.05, 13.06, 13.08, 13.09, 13.10, 14.06, 14.07, 29.07, 29.16, 31.02, 33.12, 34.02, 36.03, 38.01

Response

RMAP Multi-Pathway Approach

Several comments suggested there may be public confusion about who can participate in the RMAP and the services provided by the program. The RMAP helps protect public health and reduces exposure to lead, arsenic, and mercury in Butte and the surrounding community. This approach includes layers of protection including soil cleanup, indoor dust cleanup, blood lead testing, biomonitoring, education, outreach, property tracking, and excavation ordinances. Together, these activities identify and address potential health risks and continue to reduce metals exposure over time.

The 2020 RODA expanded the area eligible for the RMAP to include most of Silver Bow County (this is referred to as the 2019 RMAP Expansion Area). All residents within the 2019 RMAP Expansion Area can participate in the RMAP. Under the Selected Remedy, as amended, in the 2026 RODA, all residential properties within BPSOU and the 2026 Expansion Area require sampling. Residents that live within the 2019 RMAP Expansion Area, but outside BPSOU and the 2026 Expansion Area, still need to request sampling. Residential property owners can call RMAP at 406-497-5040 or go to the RMAP website¹⁹ to request free sampling of their property.

¹⁹ To submit an RMAP sampling request, visit: <https://survey123.arcgis.com/share/e968dd9b204a406a8d838f1e7fee7269>.

The blood lead testing program is an important part of the RMAP. The RMAP offers free blood lead testing to all residents in Butte and the surrounding community. Blood lead testing is also conducted in partnership with the Women, Infants, and Children (WIC) program. Partnering with WIC focuses testing on the children and pregnant women that are most susceptible to lead health risks. The testing aims to identify elevated BLLs and prioritize home assessments that evaluate all sources of lead contamination.

EPA will continue to work with the Responsible Parties to improve or speed up property sampling and remediation. EPA also recognizes the community's interest in keeping the RMAP active without interruption.

Indoor Dust Sampling

A few commenters noted issues with indoor dust collection under the RMAP because of sample equipment limitations. EPA is in the process of developing a new standard operating procedure for indoor dust sampling. The procedure relies on commercially available vacuums and equipment for surficial dust sample collection. EPA plans on doing a dust sampling validation study in Butte in fall 2026. The study will compare the new and old sampling methods. EPA expects the new indoor dust sampling procedure will become the standard RMAP procedure during the 2027 field season. Equipment availability should no longer limit indoor dust sampling once the new procedure is implemented.

Historic Data and Cleanup Efficiency

Some comments asked how the historical data will be used to support decision making and questioned what factors might limit the cleanup implementation. EPA recognizes that three decades of sampling and remediation have provided a large amount of environmental data. EPA and the Responsible Parties have used these data to support remedial decisions and determine the need for cleanup and will continue to rely on these historical data to support current decision-making.

The Selected Remedy, as amended, requires sampling all residential properties within BPSOU and the 2026 RMAP Expansion Area. Sampling and remediation, if necessary, is contingent upon owner access being granted. Some property owners choose not to allow RMAP to sample and remediate their property. Thus, this limits yard cleanups. The Responsible Parties are actively providing program information to the public to increase RMAP participation. The program also schedules sampling appointments with property owners based on their availability.

Several factors affect the pace of residential sampling and remediation. Crews must coordinate consent for access, schedule appointments, collect and document samples. EPA based the 2026 BPSOU Proposed Plan cost estimate on an average of two hours per property for residential sampling. This time estimate includes more than the physical soil sample collection. It also includes mobilization to and demobilization from the property, sample documentation and tracking, sample packaging, shipping, and handling, and homeowner interactions. The actual time to complete residential soil sampling can range depending on the size of the property, number of unique areas present at the property, and field crew experience.

Impacts of Residential Action Level Change to Other Butte Programs

A few commenters requested clarity on how the residential lead action level change might affect other aspects of the Superfund site cleanup. The changes for the RMAP do not affect the Butte Reclamation Evaluation System field inspection or tracking procedures. The change to the residential lead action level also does not affect the Insufficiently Reclaimed and Unreclaimed sites, as these properties are typically not residential. Changes to the residential lead action level will not affect the metals criteria for backfill materials cited in the 2020 Consent Decree (CD), Appendix D.

RMAP Implementation Mechanisms

One commenter requested more information on why the RMAP was not part of the 2020 Consent Decree (CD). Under CERCLA, a Unilateral Administrative Order (UAO) issued by the EPA can be used to order a responsible party to perform a cleanup of hazardous pollution, whereas a CD is a voluntarily negotiated settlement agreement between EPA and a responsible party that is approved by a federal court. To date, EPA has not been able to negotiate a CD that includes the RMAP program. The focus of the previous CD negotiations was on non-RMAP components of the remedy. EPA envisions that the RMAP work will eventually be incorporated into a CD.

Plan Updates and Community Education

A few commenters requested that EPA develop clear policies and increase outreach efforts. EPA anticipates coordinating with the Responsible Parties to update key plans that govern the RMAP. These key plans include:

- RMAP Plan – presents the overarching program approach
- Quality Assurance Project Plans – guides sample collection and analysis and documents required procedures
- Remedial Action Work Plan – establishes cleanup methods for soil and dust
- Medical Monitoring Plan – describes how blood lead and urine testing is performed
- Community Involvement Plan – guides public outreach and community education efforts

One commenter praised the RMAP's outreach efforts and emphasized the importance of continued community outreach in the future. EPA agrees that strong outreach helps residents understand lead exposures and other site-related risks. EPA and the RMAP will keep improving outreach, so more owners participate in the sampling program and ultimately provide access for remediation, if needed. EPA has started outreach for families with young children that face a higher lead risk. Education materials can help residents understand these risks and the actions that they can take to protect their families.

2.9 Category 9: Technical Basis and Site Science

Introductory Summary

EPA received 18 comments on the technical basis and site-specific science used to calculate the Site action level. Comments requested clearer explanations of lead bioavailability and the exposure models and site-specific model inputs (including soil-to-dust relationships) used to develop the revised lead

action level. Several comments urged EPA to use updated, site-specific scientific data and release supporting technical documents for public review in establishing the residential lead action level. Others raised concerns about mercury testing, the interaction between arsenic- and lead-based cleanup, and EPA's authority regarding smelter dust emissions.

*Specific Comment IDs Addressed (see **Attachment 1**):* 9.05, 9.17, 11.12, 11.14, 11.17, 11.22, 13.12, 16.04, 17.02, 18.01, 29.19, 32.01*, 32.03, 32.04, 32.09, 33.05, 33.06, 33.07, 33.15 *also addressed under Category 12

Response

Lead Bioavailability

Commenters raised questions regarding how bioavailability was considered in developing the revised residential lead action level at Butte, whether EPA's understanding of bioavailability has changed, and to what extent site-specific bioavailability information was available. Lead bioavailability is a major consideration when developing a soil lead action level. Bioavailability is the amount of lead absorbed from the stomach into the bloodstream when children or adults ingest soil. The source and chemical form of the lead in soil affects bioavailability. For example, lead bioavailability is usually higher if the source is lead-based paint compared to mine waste. Different mine waste materials can also have different lead bioavailability. Local geology and the soil matrix also affect bioavailability. Because of these influences, EPA guidance recommends collecting site-specific lead bioavailability data. Superfund sites use site-specific lead bioavailability data to better estimate lead exposures and develop action levels.

A juvenile swine (young pig) feeding study is the gold standard for how to evaluate soil lead bioavailability. Juvenile swine provide a good model for the gastrointestinal system of a human child. Mouse and rat studies have also been used to estimate soil lead bioavailability. However, animal studies are costly and time-consuming, and EPA wants to reduce animal use in testing. Thus, EPA also developed a benchtop method that estimates bioavailability by analyzing soil samples in a laboratory.

The soil lead bioavailability estimates for BPSOU include decades of research specific to Butte. Multiple studies, including animal studies for two different test animals and laboratory studies, inform the lead bioavailability estimates for BPSOU. Site-specific lead bioavailability studies were first done in the early 1990s using animal studies. EPA first used a rat study that showed an absolute soil lead bioavailability value of 12%. EPA used this lead bioavailability value in the 1994 human health risk assessment for BPSOU. A juvenile swine study in 1998 confirmed this low soil lead bioavailability value. Laboratory bioavailability tests for soils and mine waste materials in Butte also support the low lead bioavailability established by the animal studies. EPA used the absolute soil lead bioavailability value of 12% to derive the residential soil lead action level of 1,200 mg/kg, which was documented in the 2006 ROD for BPSOU. Most recently, the 2019 remedial investigation for the West Side Soils Operable Unit (WSSOU) did laboratory bioavailability tests for nearly 50 soil samples within the mine study area. The WSSOU soil lead bioavailability results were similar to or slightly lower than the values used to establish the BPSOU residential lead action level.

All the bioavailability studies and documents described above are available in the Administrative Record, can be found online, or obtained through local library resources. While the animal bioavailability studies are older, all the studies, including the recent WSSOU laboratory data, support the original soil lead bioavailability findings. Soil lead bioavailability from mining-related contamination in Butte is low. This means there is less absorption potential of lead in soil in Butte compared to other sites.

The memo, Calculation of Updated Residential Soil Lead Preliminary Remediation Goals for the Butte Priority Soils Operable Unit, provides a detailed discussion of the BPSOU soil lead bioavailability studies. This memo was cited in the 2026 BPSOU Proposed Plan and is also available in the Administrative Record.

IEUBK Model Inputs

Commentors requested clarification on the model inputs used to establish the revised residential lead action level. EPA calculated the revised residential lead action level using the IEUBK version 2.0 Model for Lead in Children. This revised action level is based on a target BLL of 5 µg/dL. The revised action level also incorporates BPSOU-specific adjustments to other model parameters, including the soil lead bioavailability, MSD, and GSDi. Other model inputs, such as the dust lead bioavailability, soil/dust and water ingestion rates, dietary lead intakes, drinking water concentrations, and material BLLs, were not adjusted from the model defaults. The memo, Calculation of Updated Residential Soil Lead Preliminary Remediation Goals for the Butte Priority Soils Operable Unit, provides a detailed discussion of how EPA derived the revised residential lead action level. This memo was cited in the 2026 BPSOU Proposed Plan and is available in the Administrative Record.

In 2026, a workgroup of EPA subject matter experts initiated a review of the default MSD parameter in the IEUBK model. This parameter represents the mass fraction of house dust that is derived from outdoor soil. This review considered the peer-reviewed literature and conducted statistical analyses of more than 3,500 paired outdoor soil and indoor dust samples from residential Superfund sites (including the Site) and U.S. Department of Housing and Urban Development (HUD) Healthy Homes Survey data. EPA concluded that sufficient data are available to warrant a reexamination and recalculation of the default MSD parameter. The workgroup will examine this data and create a draft report and recommendation. This associated report will undergo external peer review once an internal review is completed. When finalized, the default MSD value in the IEUBK model may be updated if deemed appropriate and acceptable. The BPSOU residential lead action level relies on a site-specific MSD, using the same soil/dust dataset presented in Tu et al. 2020, and not the IEUBK model default. Thus, changes to the default MSD parameter in the IEUBK model are not expected to change the BPSOU residential lead action level.

EPA also initiated a review of the current U.S. Food and Drug Administration “Total Diet Study” data and the U.S. Department of Agriculture “What We Eat in America” data. This review will evaluate whether an update to the default dietary lead intakes in the IEUBK model is warranted. The default dietary lead intakes establish how much lead is in store-bought food. EPA subject matter experts will examine this data and provide a recommendation in a peer-reviewed report. The BPSOU residential lead action level may be reassessed if the default dietary lead intakes in IEUBK model are changed.

To address specific public comments regarding how this action level was determined, EPA notes that the residential soil PRG was derived by incorporating site-specific adjustments in the IEUBK model. Specifically, the absolute bioavailability (ABA) of lead in soil was adjusted from the model default of 30% (0.30) based on site-specific lead bioavailability studies in rats and supported by swine and in vitro studies. The site – specific soil ABA value was the upper bound of a range, resulting in 12% (0.12). The bioavailability for dust was the model default value of 30%. The soil-to-dust MSD is used to calculate the contribution of outdoor soil lead to indoor dust concentration. A site-specific MSD of 0.24 (the model default is 0.7) for lead was developed using paired soil and dust data points from homes in Butte. The GSDi term reflects the expected differences between individuals in blood lead concentrations among children exposed to similar concentrations of environmental lead. A site-specific GSDi of 1.68 (the model default is 1.6) was estimated based on an analysis of blood lead data from 273 children in Butte. All other model inputs were set to default model values. The resulting PRG was 456 mg/kg, which is based on a 5% probability not to exceed a target BLL of 5 µg/dL. EPA considers protectiveness to have been achieved at a Superfund site when there is no more than a 5% probability of a child's BLL exceeding 5 µg/dL considering all lead exposures. The process of deriving the PRG is further described in the memo included as a part of the Administrative Record entitled *Calculation of Updated Residential Soil Lead Preliminary Remediation Goals for the Butte Priority Soils Operable Unit*.²⁰

These efforts reflect EPA's continued commitment to incorporate the best available science into key inputs for the IEUBK model used to estimate risk.

Differences between Butte and Anaconda

Many comments requested clarification as to why the lead action levels differed between BPSOU and the nearby Anaconda Co. Smelter Superfund Site, which is a nearby mining-related Superfund site that is also performing residential lead cleanups. Action levels for residential lead for the Butte and Anaconda Sites are different because the contamination sources differ between the two sites. In Butte, mining-related lead contamination comes from processing the lead-containing ore that exists below Butte, disposing of mine waste materials in dumps and piles on the surface, and using these wastes as backfill throughout the community. EPA acknowledges that historic roasting and smelting operations either in Butte or nearby communities also contributed to contamination in Butte, through areal deposition. In Anaconda, mining-related lead contamination comes from ore that was mined in Butte and shipped to Anaconda for smelting. The Anaconda Smelter operated for almost a century and dispersed contaminants through smelter emissions by air over hundreds of miles. Lead has been the primary contaminant for cleanup in Butte, but arsenic from smelter emissions has been the primary contaminant for cleanup in Anaconda. Thus, it is not unexpected that soil lead bioavailability conditions and lead action levels would differ between the two sites.

²⁰ EPA. 2026. Calculation of Updated Residential Soil Lead Preliminary Remediation Goals for the Butte Priority Soils Operable Unit, Silver Bow Creek/Butte Area Superfund Site. Memorandum. U.S. EPA, March 2026.

The differences between the lead action levels in Butte and Anaconda are mainly because of site-specific differences in the soil lead bioavailability. Other IEUBK model parameters, such as the soil-to-dust MSD and GSDi also differ between the two sites.

Site-specific bioavailability studies for both sites show lead bioavailability in mining-impacted soils in Butte is about 3 times lower than in Anaconda. When the soil bioavailability is lower, the body absorbs less lead, so the level of residual lead allowed in soil is higher. This is the main reason that the BPSOU residential lead action level of 1,200 mg/kg established in the 2006 ROD was about 3 times higher than the 400-mg/kg residential lead action level selected for Anaconda. EPA emphasizes that although the action levels were different, both remedies are protective. This is because they were both derived to meet the same target BLL (i.e., the previous target of 10 µg/dL).

Background Lead Considerations

Several commenters requested clearer explanation on background lead concentrations and how background is considered in developing Superfund action levels. Lead is naturally present in the Earth's crust and is a common environmental contaminant. Lead can also be in many products, such as lead-based paint, lead plumbing, leaded gasoline, cookware, and even secondhand tobacco smoke. While EPA aims to prevent and reduce total lead exposures, activities under Superfund are meant to address lead-contaminated soil and dust attributed to the site-related release of a hazardous contaminant. As a matter of policy, EPA generally does not set action levels at concentrations below background (either from naturally occurring or non-site (anthropogenic or urban) sources).

EPA reviewed available existing data on 1) natural background soil lead concentrations and 2) anthropogenic background soil lead concentrations in Butte. The naturally occurring levels of lead in soil are documented in the memo *Summary of Naturally Occurring Background Soil Lead Concentrations for the Butte Priority Soils Operable Unit*.²¹ The anthropogenic (human-made) non-mining-related sources of lead in soil is documented in the memo *Anthropogenic Lead Background Source and Concentration Summary for the Butte Priority Soils Operable Unit*.²² These background soil reviews relied on data collected by EPA from areas within the Site likely to be less impacted by mining-related effects, the RMAP property assessment results, state-wide evaluations by other researchers, and other available scientific literature. Both memos were cited in the 2026 BPSOU Proposed Plan, the 2026 RODA, and are available in the Administrative Record.

EPA determined that naturally occurring background soil lead concentrations in Butte are about 15 to 20 mg/kg on average in non-mineralized areas. Urban background soil lead concentrations are much more variable. Most studies show soil lead concentrations typical of urban background between about 100 and 400 mg/kg. Parks and playground data from BPSOU could provide a site-specific estimate of an

²¹ EPA. 2026b. Summary of Naturally Occurring Background Soil Lead Concentrations for the Butte Priority Soils Operable Unit, Silver Bow Creek/Butte Area Superfund Site. Memorandum. U.S. EPA, April 2026.

²² EPA. 2026c. Anthropogenic Lead Background Source and Concentration Summary for the Butte Priority Soils Operable Unit, Silver Bow Creek/Butte Area Superfund Site. Memorandum. U.S. EPA, May 2026.

anthropogenic background (about 134 mg/kg) potentially associated with leaded gasoline impacts. However, the parks/playground soils are less likely to account for impacts from lead-based paint because fewer structures are present in these areas. Some parks also have the potential to be influenced by mining waste materials.

Data from Black Eagle, Montana collected in support of the ACM Smelter and Refinery Superfund Site showed that drip zone soil lead concentrations were about 200 mg/kg higher than yards. Higher concentrations in the building drip zone indicate there may be lead-based paint impacts. If the lead-based paint influences in Butte are assumed to be similar to the ACM Smelter and Refinery Site, located in Black Eagle, Montana, urban background soil lead concentrations may range from approximately 115 mg/kg (for properties influenced mainly by leaded gasoline) up to about 315 mg/kg (for properties also potentially influenced by lead-based paint).

As a matter of policy, EPA generally does not set action levels lower than background concentrations. The revised residential soil lead action level of 456 mg/kg is higher than both naturally occurring background and typical urban background levels for most properties. Therefore, there was no need to adjust the revised lead action level to account for background. However, EPA recognizes that non-mining-related sources and native mineralized soils could be important for some residences in Butte. In the future, EPA may find it necessary to conduct a site-specific background study.

Arsenic and Mercury

Commenters raised concerns about mercury testing and the interaction between arsenic- and lead-based clean up. The RMAP cleans up residential soil and interior dust under Superfund for properties in and around Butte. The RMAP includes sampling and remediating lead, arsenic, and mercury, and currently considers both arsenic and mercury when deciding the need for soil and dust remediation. The changes to the residential lead action level in the 2026 RODA do not alter the current action levels for arsenic or mercury. Where the Selected Remedy, as amended, is implemented for one contaminant at a property, this cleanup will also address other contaminants that are present in the same location. For example, if contaminated soil is excavated and removed from a property or section of property to address elevated lead in soil, any arsenic or mercury present in the soil would also be addressed.

The 2026 RODA only addresses lead. The Mercury Data Review that was developed by AR and submitted to EPA is outside the scope of this RODA. Any potential future changes to residential action levels for arsenic or mercury will be addressed separately.

Smelter Dust

One commenter sought clarification on EPA's regulatory authority to address smelter dust. EPA maintains its authority to address the contamination at the Site.

2.10 Category 10: Additional Considerations

Introductory Summary

EPA received numerous comments providing additional concerns that the public requested EPA consider in the RODA. Specifically, EPA received 14 comments in which commenters shared their concerns regarding special attention to areas with the highest levels of exposure. In the comments, the public asked EPA to clearly explain how it considered the needs of low-income residents in Uptown Butte, who may face greater health risks and higher exposure to contamination. The comments argue that standard action levels, risk assumptions, and outreach efforts may not adequately protect or engage these residents and request a more detailed analysis of potential disproportionate impacts. Overall, the comments supported documentation for what commenters described as how environmental justice, equity, equal protection, and community input influenced cleanup decisions and implementation.

Additionally, EPA received 13 comments regarding whether the 2026 RODA adequately considers potential impacts to the long-term protectiveness of the proposed remedy changes. The comments raise concerns that flooding, extreme rainfall, drought, wildfires, and changes to water management could damage caps, increase contaminant movement, and reduce the effectiveness of cleanup actions over time. The comments ask EPA to explain whether it conducted climate vulnerability assessments, considered climate resilience in remedy design, and evaluated how extreme weather events could affect the revised action levels and cleanup goals. Overall, the comments request clearer analysis and stronger documentation that the proposed remedy changes will remain protective under future climate conditions.

*Specific Comment IDs Addressed (see **Attachment 1**):* 11.24, 24.01, 24.03, 24.04, 24.05, 24.06, 24.07, 24.08, 24.09, 24.10, 24.11, 24.12, 24.13, 24.14, 25.01, 25.02, 25.03, 25.04, 25.05, 25.06, 25.07, 25.08, 25.09, 25.10, 25.11, 25.12, 25.13

Response

EPA is required under Superfund law and regulation to select a remedy that is protective of human health and the environment. In accordance with CERCLA, regulations, and guidance, the Selected Remedy, as amended, for BPSOU is based primarily on the risk of being exposed to lead, arsenic, and mercury in soil and dust, exposure pathways associated with the contamination source, and the long-term effectiveness of the remedy. EPA's commitment to ensuring long-term protection for the uptown Butte area residents remains a top priority, and that has not changed. Residences with the most vulnerable populations, including those with young children and pregnant and nursing mothers, are currently prioritized under existing cleanup protocols and will continue to be prioritized.

As directed under the 2026 RODA, residential properties within the BPSOU boundary will continue to be sampled to determine whether further remediation is necessary. Properties previously sampled but not warranting remediation under the former 1,200 mg/kg action level will be reevaluated to determine if additional remediation is necessary.

Further, under the 2026 RODA, the EPA site team will continue its community involvement presence in the Butte community. This includes our work with the BSB Health Department and WIC to expedite sampling of those properties where there is a resident with an elevated BLL. EPA will also ensure the community has access to lead education materials and other resources to assist in making the healthiest decisions for their families.

One commenter specifically requested that EPA use additional criteria in Superfund decisions. For Butte, as in all Superfund sites, EPA used the nine Superfund evaluation criteria (40 CFR § 300.430 (e)(9)(iii)) to evaluate the Selected Remedy, as amended. As described in this 2026 RODA, the Selected Remedy, as amended, meets the two threshold criteria: overall protection of human health and the environment, and compliance with Applicable or Relevant and Appropriate Requirements (ARARs), as outlined in the NCP (40 CFR § 300.430 (f)(1)(i)). The five primary balancing criteria were then used to compare the prior remedy to the amended remedy. These five criteria are: long-term effectiveness and permanence; reduction of toxicity, mobility, or volume; short-term effectiveness; implementability; and cost. EPA also considered the modifying criteria of state acceptance and community acceptance. EPA emphasizes that the issues raised by commenters are addressed through this evaluation.

Regarding impacts to long term protectiveness, EPA notes that remedies at contaminated sites may be vulnerable to the impacts of extreme weather events and other hazards. EPA's Superfund program developed an approach that raises awareness of these vulnerabilities as a standard operating practice in cleanup projects. The approach involves periodic screening of Superfund remedy vulnerabilities, prioritizing the Superfund program's steps to adapt to changing vulnerabilities, and identifying measures to assure the resilience of remedies at Superfund sites. The strategies that can be used to evaluate and strengthen remedy resilience at Superfund sites include conducting a vulnerability assessment, evaluating applicable resilience measures, and building adaptive capacity. EPA's *Evaluation of Remedy-Resilience*²³ identifies that the following hazards could affect remedy performance over time:

- Intense precipitation
- Flooding
- Drought
- Wildfire
- Increased stormwater
- Erosion
- Soil subsidence
- Other changing site conditions

²³ EPA. 2018. Evaluation of Remedy Resilience at Superfund NPL and SAA Sites, Final Report. Office of Land and Emergency Management. August 2018.

Five-year reviews also provide an ongoing mechanism to reassess protectiveness and consider new information, including extreme weather or climate-related conditions, that may affect the selected remedy over time. At this time, the Selected Remedy, as amended, remains the best available remediation technology to address residential contamination.

The RMAP changes under the 2026 RODA do not change the remedy for the Butte Mine Flooding Operable Unit, or any other operable units; it only revises residential soil and interior dust action levels and continues the existing residential cleanup strategy.

2.11 Category 11: Public Outreach

Introductory Summary

EPA received three comments focused on public outreach, education, and communication. The comments ask EPA to commit adequate funding, staff, and resources to support the extensive public involvement and education efforts needed to implement the 2026 RODA. One comment stated that public notices did not clearly explain the proposed cleanup standards, the scientific basis for those standards, or how they compare with standards used elsewhere. Overall, the comments request stronger public communication, clearer explanations of technical information, and continued investment in community engagement throughout the cleanup process.

*Specific Comment IDs Addressed (see **Attachment 1**):* 11.25, 34.04, 35.04

Response

EPA recognizes that outreach and public education are key to public participation and achieving a full protective residential clean-up. EPA will continue to work with the RMAP, local health officials, schools, community organizations, and community members to provide information about cleanup activities and ways to reduce exposure to contaminants. The cost estimate includes funding for communication and outreach activities throughout remedy implementation, including outreach efforts that encourage participation in sampling and remediation programs and provides education to residents about actions that individuals can take to reduce long term exposure to contaminants. EPA developed the public notice using plain language and provided links to the 2026 Proposed Plan, Fact Sheet, and Administrative Record for additional information. EPA remains committed to maintaining strong community engagement, sharing new site information, and providing opportunities for public involvement throughout implementation of the selected remedy and in the future.

2.12 Category 12: Supportive Comments

Introductory Summary

EPA received 14 comments expressing general support for EPA's proposed changes and for ongoing cleanup efforts in Butte. Comments were received in support of lowering the residential lead action level to 456 mg/kg, expanding cleanup activities, and continuing to protect public health. Several comments praised EPA, DEQ, BSB, and AR for their cooperation, leadership, public engagement, and commitment to cleanup.

*Specific Comment IDs Addressed (see **Attachment 1**):* 2.01, 3.03, 4.01, 5.01, 6.01, 13.01, 32.01, 33.01, 33.04, 35.01, 35.02, 35.03, 36.01, 36.02

Response

EPA appreciates the comments expressing support for the proposed remedy changes, the opportunity for public participation, and the efforts of EPA, MDEQ, BSB, AR, and other partners involved in cleanup activities. EPA values the time community members, local officials, organizations, and stakeholders devoted to reviewing the 2026 BPSOU Proposed Plan and providing feedback. EPA recognizes the importance of collaboration, public engagement, and transparency in advancing cleanup efforts and protecting human health. EPA remains committed to working with community partners and stakeholders to implement the selected remedy, reduce exposure to site-related contaminants, and continue making progress toward a healthier environment for the Butte community.

2.13 Category 13: Administrative Process

Introductory Summary

EPA received two comments focused on the decision-making process and administrative record. One comment asked EPA to provide a clearer timeline for the next steps and final decision because the schedule appeared open-ended. Another comment requested that EPA include current comments, previous comments on the 2024 BPSOU Proposed Plan, and all referenced documents to the administrative records for both the 2026 BPSOU Proposed Plan and the 2020 RODA. Overall, the comments seek greater transparency about the process, schedule, and supporting record for EPA's decision.

*Specific Comment IDs Addressed (see **Attachment 1**):* 19.01, 33.03

Response

EPA did not provide a specific date for issuance of the 2026 RODA during the public meeting, but the next steps in the process were outlined. EPA strives to complete the transition from Proposed Plan to final RODA as efficiently as possible. This Responsiveness Summary accompanies the final 2026 RODA that modifies the Selected Remedy.

EPA is not updating the Administrative Record for the 2020 RODA because the comments submitted on the 2024 and 2026 Proposed Plans were not part of that 2020 RODA decision-making process. All comments received on the 2026 Proposed Plan and EPA's responses are included in the Administrative Record for the 2026 RODA. EPA also stated in the 2026 Proposed Plan that comments received on the 2024 Proposed Plan could be resubmitted. Comments that were resubmitted were considered and addressed, where appropriate, as part of this Responsiveness Summary. All other documents that EPA relied upon in making its final decision are included in the Administrative Record.

As described in an earlier response, EPA remains committed to maintaining strong community engagement, updating the public about the progress of the cleanup, sharing new site information, and providing opportunities for public involvement throughout implementation of the selected remedy and

in the future. The website for the Site²⁴ is updated regularly and a newsletter is distributed to an email mailing list to provide information about upcoming public engagements, ongoing construction activities, contact information, and ways to access the EPA team that supports the Site.

²⁴ The EPA website specific to the Site can be found here: <https://www.epa.gov/butte>.

Attachment 1. Master Tracking Spreadsheet of All Public Comments on the 2026 Proposed Plan

2026 Butte Priority Soils Operable Unit Record of Decision Amendment

Comment Document ID Number	Date received by EPA	Type (email, written, public mtg)	Comment ID	Topic Category Heading	Detailed Comment
1	6/5/2026	Email	1.01	1	Most in Butte are well aware that the EPA and related federal health agencies agree there is no safe level of lead exposure. Because lead is highly toxic and accumulates in the body over time, exposure thresholds have been systematically lowered across all major environmental categories. Dropping the cleanup level for lead in Butte to 456 ppm from 1200 ppm is a welcome improvement, but it remains below the established level in other communities, such as Anaconda. While 200 would be preferred, I respectfully request that EPA lower the standard in Butte to 400.
1	6/5/2026	Email	1.02	7	If cleanup will really take 15 years or more, we should try to reduce exposure to local children as much as possible as soon as possible. Lowering the levels may also prevent re-addressing levels in the future if the issue is revisited.
2	6/8/2026	Email	2.01	12	I am a resident on E Mercury Street. I see no downside to reducing the "action level" for soil and dust levels requiring clean up. If there's funding available to help residents recover even better than they have so far from more than a century of pollution, why not?
3	6/8/2026	Email	3.01	3	I am not in favor of your proposed cleanup of the Butte priority soils project. The environmental cleanup in Butte, Montana started in 1987 and is still not finished. Your proposal for an additional 15 years is not within reason and unacceptable. This cleanup should be finished in no more than 5 years. Butte has been in this mode for nearly 40 years and would like to see some end to the cleanup. It is far past time that this problem be solved. Butte and the area have gone on far too long without a proper cleanup. It is high time that the area be properly cleaned up for the citizens of Butte. Let's get this project under way so that Butte, MT. can enjoy the environment that should have been completed years ago. I am a life long citizen of Butte and will certainly look forward to ridding the area of all the contaminants we can.
3	6/8/2026	Email	3.02	1	The selected remedy for percent of residential soils and interior dust is still higher than acceptable. This contaminant level should not be any higher and perhaps lower than the level negated in Anaconda as the two cities reside in very similar circumstances.
3	6/8/2026	Email	3.03	12	Thanks for your help and assistance in making Butte America still the best place to live. Thanks also for holding an open house and public meeting at Montana Tech. I am sure it will be well attended as Butte people want to hear from you and get this proposal done.
4	6/12/2026	Email	4.01	12	I am submitting my public comments on EPA's proposed changes to the BPSOU. I am a resident and property owner in the current BPSOU, and our daughter and grandchildren live in another property my husband and I own in the BPSOU. Our daughter's yard was tested and was below the current lead action level of 1,200 mg/kg but samples in the surface soil of her yard are above the proposed new action level of 456 mg/kg. Her children are ages 5, 8 and 10 and often play in the yard. With the advice from BSB expert Eric Hessler, we have fertilized and filled in the bare spots in the yard to minimize contact with the soil, but the coverage could be better. I support the new, lower lead action level of 456 mg/kg. It is an acceptable compromise between an unachievable zero exposure and the higher 1,200 mg/kg action level. Thank you for the opportunity to participate and comment.
4	6/12/2026	Email	4.02	5	I support the expansion of the BPSOU to include more homes with residents potentially at risk
4	6/12/2026	Email	4.03	7	Because remediation resources are not unlimited, I suggest the EPA and BSW take remedial action first on the KNOWN risks of already tested homes above the 456 mg/kg before expanding the testing area unless those actions can be conducted concurrently OR unless EPA and BSW have reason to believe the children in the proposed BPSOU expansion area are at higher risk.
5	6/13/2026	Email	5.01	12	I am in favor of lowering the cleanup level for soils in Butte from the current 1,200 ppm to the proposed 456 ppm. I feel this will be much more protective of human health. I believe new information on the level of lead detrimental to human health has come out since the 1,200 ppm standard was set, and I live within the boundary of the BPSOU.

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Comment Document ID Number	Date received by EPA	Type (email, written, public mtg)	Comment ID	Topic Category Heading	Detailed Comment
6	6/14/2026	Email	6.01	12	We are writing to share our strong support for the proposed plan to lower lead cleanup levels for residential soils and interior dust from 1,200 ppm to 456 ppm in Butte, Montana. We want to commend the EPA for your hard work on this proposed update for our city. Strengthening these health standards is a major step forward for the Silver Bow Creek/Butte Area Superfund site. It will truly improve community lives and keep Butte families safe. Thank you for your dedication to protecting our health and creating a cleaner environment for our town.
7	6/16/2026	Email	7.01	2	I hesitate to participate in this process when the community's comments on a proposed lead plan more than a year ago were never given a response. I also cannot point to a time when public comment has meaningfully altered the path of remediation in Butte. I submit these comments, then, simply to place them on the record for posterity, and for my own peace of mind that I did not quietly accept what I see as the products of regulatory capture within the agency charged with protecting human health and the environment.
7	6/16/2026	Email	7.02	1	EPA says this proposal is science-based, but the plan does not adequately explain why a 5 µg/dL blood lead target was chosen when EPA itself acknowledges that there is no known safe level of lead in blood. This matters because lead is treated differently than many other contaminants in Superfund risk assessment. For most toxic substances, cleanup goals are tied to toxicity values and evidence-based estimates of cancer risk or non-cancer harm. For lead, however, EPA uses a modeled blood lead target as a regulatory trigger, not a true threshold of safety. If the 5 µg/dL target is meant to track the CDC blood lead reference value, then it is already out of date: CDC lowered its reference value from 5 to 3.5 µg/dL in 2021, after first establishing the 5 µg/dL reference value in 2012. Butte should not be asked to accept a cleanup standard built around yesterday's science, especially when children are the population most at risk. If the key parameter shaping the lead action level is not transparently justified, then this proposed plan is far from science-based.
7	6/16/2026	Email	7.03	3	The timeline is also deeply concerning, especially when the record shows that deadlines for the Butte cleanup have been missed repeatedly. EPA proposes eight years just to complete sampling and roughly fifteen years to finish required residential cleanups. That means a whole new generation of Butte children could grow up with preventable exposure while the work slowly proceeds.
7	6/16/2026	Email	7.04	6	The plan also does not clearly explain how EPA will ensure participation from property owners who refuse access, including landlords whose tenants may be the people most at risk. A protective plan has to do more than set a number; it has to guarantee timely cleanup and protect children regardless of who owns the property.
8	6/16/2026	Email	8.01	3	15 Yr Timeline for lead cleanup is NOT acceptable. It's already been TOO LONG!!! I've stated my comment in the subject line. I've lived in Butte 72 yr and watched this bogus procedure of EPA doing nothing productive.
9	6/17/2026	Email	9.01	1	Butte-Silver Bow is appreciative of the reduction in the residential lead action level, which is significantly lower than the existing level of 1200 mg/kg. However, Butte-Silver Bow requests an explanation of the change in the proposed action levels in the 2024 and 2026 plans, and justification in the differences between the action levels in Butte versus Anaconda. Chief Executive Gallagher and Department of Reclamation staff have worked closely with the Agency to advocate for a lower lead action level that will be protective of the Butte community. Butte-Silver Bow staff (along with outside consultants) have reviewed the Agency's 2026 Proposed Plan and have compared it to the 2024 Proposed Plan to provide updated input and comments that will help facilitate efficient and effective implementation of the proposed remedy changes. Butte-Silver Bow continues to support expanded remedy activities as described in this plan; and it offers the following specific comments to ensure the Proposed Plan is protective of local citizens and responsive to the public's concerns, interests, and desires pertaining to public health, the environment, and Butte-Silver Bow's municipal obligations related to BPSOU remedial work
9	6/17/2026	Email	9.02	5	The 2026 Proposed Plan includes the same BPSOU Boundary expansion as the 2024 Proposed Plan. Butte Silver Bow would like to resubmit its previous comment that although it supports the Agency's proposed BPSOU boundary expansion, it strongly proposes inclusion of the residential area (Census Tract 6) located immediately adjacent to the southwest of the proposed boundary expansion. This area includes a number of residential properties, the Margaret Leary Elementary School, and Jeremy Bullock Soccer Complex. Census Tract 6 has also been identified as "disadvantaged" according to EPA's Climate & Economic Justice Screening Tool; as a result, this area should be included in the expanded BPSOU boundary.

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9	6/17/2026	Email	9.03	3	The 2026 Proposed Plan includes an 8-year timeframe for sampling activities and a 15-year timeframe for total remedy implementation from 2026. This timeframe is generally consistent with Butte-Silver Bow’s previous comments to the Agency on the 2024 Proposed Plan, in which it requested the Agency to develop plans to complete at least 80% of the required remedial activities in 10 years or less and fully completed no later than 15 years. Butte-Silver Bow would add that it still believes there are opportunities to shorten the timeframe from 15-years. This would require concurrent sampling and remedy coordination, as well as full implementation of the following statement in the 2026 Proposed Plan: “EPA will work closely with the RMAP to develop strategies to streamline fieldwork and find efficiencies in the actions take under RMAP.”
9	6/17/2026	Email	9.04	4	A shorter timeframe should not come at the cost of a quality cleanup. This timeframe reduction will require substantially more resources to be committed to the project by both the responsible parties and the Agencies. The current resource levels will not be acceptable to achieve this goal. If ARCO indicates that it cannot perform the remediation activities in a timeframe that is protective to the people of Butte, then the EPA should perform the cleanup and collect the costs as provided by CERCLA Sections 104, 106, and 107.
9	6/17/2026	Email	9.05	1, 9	Butte-Silver Bow would like to understand changes between the Agency’s February 2024 Lead Guidance and the 2025 Lead Directive, some of which are significant. Specifically: a.)The 2026 plan (Page 12) discusses updates to the Superfund Residential Lead Sites Handbook and the Integrated Science Assessment for Lead (February 2024) in the Residential Lead Directive for CERCLA Sites and RCRA Hazardous Waste Cleanup Program Facilities (October 2025) “based on updated science”. Please describe the updated science that prompted these changes. b.)Please discuss the change in blood lead level from 5 ug/dL to 3.5 ug/dL. Historically this was due to multiple sources of lead in Butte, which is acknowledged in the 2026 plan (2026 Plan, Page 15). This change affects the Lead action level significantly. c.)Please discuss how the background concentration was adjusted from 134 mg/kg to a range of 115 to 315 mg/kg.
9	6/17/2026	Email	9.06	3	Please explain the factors used to develop the time frame for the cleanup of soils and what resource considerations were used. Specifically: a)Did the Agency consider the health risk to the public of leaving impacted properties for this proposed additional extended period of time? If so, what health risks were identified? b)How will the Agency prioritize high-risk demographic groups? c)Has a similar implementation timeframe been used at a comparable Superfund site and found to be protective, efficient, and effective? If so, where?
9	6/17/2026	Email	9.07	8	a)A significant amount of environmental sampling data has been collected over almost three decades of investigation and remedial activities in Butte. Butte-Silver Bow suggests the use of this historic data to expedite the assessment and remedial implementation of previously assessed residential properties. Acceptance of this historic data will minimize repeat visits and sampling duration and expedite remedial decisions and cleanup of residential properties. b)Butte-Silver Bow expects continued support from the Agency to maintain operations of the RMAP, including the 2019 RMAP expansion. Continuation of the multi-pathway program approach, in addition to preservation of the biomonitoring program and 5-year health studies, will ensure that protection of human health remains the focus of program activities. c)The existing RMAP will require significant additional resources to complete the expected volume of remedial activities in a timely manner. An analysis of existing policies and procedures will also be necessary to streamline the review and approval of compliance documents and residential workplans to meet an expedited remedial action timeline. d)Butte-Silver Bow expects the continuance of the RMAP and remedial activities without financial impact to the taxpayers of Butte-Silver Bow.

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9	6/17/2026	Email	9.08	1	a)Will the proposed action level of 456 mg/kg be utilized throughout the expanded RMAP area (implemented in the 2020 Unilateral Administrative Order) or only within the proposed expanded boundary of the BPSOU? b)The Proposed Plan specifies that the changes only modify the residential soil and interior dust action levels. Does the Agency anticipate a change to the non-residential action level? c)The Proposed Plan mainly discusses the implementation of the soils remedy. Are interior dust remedial actions considered in the proposed remedial timeframe? e)Butte-Silver Bow proposes modification of the attic pathway methodology to allow remedial action in all properties where action levels have been exceeded. The pathway methodology could be used to prioritize and schedule residential remedial actions.
9	6/17/2026	Email	9.09	8	Butte-Silver Bow requests an expedited revision to the existing sampling methodology and equipment utilized to obtain interior dust samples. The current approved sampling equipment is no longer available; as a result, meeting the sampling objectives in the 2026 plan is not possible.
9	6/17/2026	Email	9.10	4, 8	a)The existing Mine Waste Repository has limited capacity and cannot accommodate the volume of materials expected to be removed under the Proposed Plan. Historically, the siting and approval for potential repository locations has been a lengthy process. Butte-Silver Bow strongly suggests that the Agency identify additional repository space to avoid impacting the remedial timeframe and abandon proposals to permanently place removed waste in residential areas. b)The current criteria used for clean backfill material allows for lead levels up to 100mg/kg. Will the proposed action level change require an update to this criterion?
9	6/17/2026	Email	9.11	4	a)The Agency should consider costs associated with the impacts to municipal infrastructure and services (i.e., roads, stormwater systems, etc.), including reduced infrastructure service life due to remedial activities. These costs should be considered in the Cost section of the Proposed Plan. Butte-Silver Bow taxpayers should not be burdened by cost impacts from remedy. b)The Agency should consider expected impacts to institutional controls (Excavation and Dirt Moving, stormwater controls, etc.) within the BPSOU versus outside the BPSOU. c)Butte-Silver Bow is experiencing increased economic development interest. Costs associated with remedial action should not hamper or be a burden to new economic development or existing redevelopment activities.
9	6/17/2026	Email	9.12	4	Long-term operations and maintenance activities are not required as part of the RMAP for residential properties. What are the Agency's expectations for operations and maintenance obligations and costs associated with parks, schools, and playgrounds completed under the RMAP where remedial actions have been performed?
9	6/17/2026	Email	9.13	4	What resource requirements were utilized to determine the annual capital, operations, and maintenance costs associated with implementation?
9	6/17/2026	Email	9.14	4	What assumptions were utilized to determine the number of staff, crews, etc. needed to complete work in the proposed timeframe?
9	6/17/2026	Email	9.15	4	What data was utilized to determine cost estimates and the percentage of properties potentially requiring remedial actions?
9	6/17/2026	Email	9.16	8	a)The inability to gain access to residential properties in the BPSOU will directly impact the implementation of remedial actions in the Proposed Plan. The Agency must develop a policy/procedure to address property owners who decline participation in program activities, especially rental properties where high-risk demographic groups may not have control over potential impacts to their properties. Butte-Silver Bow wants to maximize the number of residential properties cleaned up during the initial remedial efforts but ensure that all residential properties remain eligible for future remedial action as determined by sampling and analysis.

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9	6/17/2027	Email	9.17	9	Butte-Silver Bow is appreciative of the reduction in the residential lead action level, which is significantly lower than the existing level of 1200 mg/kg. However, Butte-Silver Bow requests an explanation of the change in the proposed action levels in the 2024 and 2026 plans, and justification in the differences between the action levels in Butte versus Anaconda.
9	6/17/2027	Email	9.18	5	Butte-Silver Bow generally supports the BPSOU Proposed Plan with the addition of Census Tract 6 to the expanded BPSOU boundary and a timeline of 80% completion in 10 years or less with all remediation being completed within 15 years. Additionally, the costs of the proposed changes should not have a negative financial impact on the citizens of Butte-Silver Bow or the county. We recognize the existing process for approving the 2026 Proposed Plan and determining the appropriate compliance mechanism to allow remedy to move forward.
9	6/17/2027	Email	9.19	3	We urge the Agency to be expeditious in completing this process in order to continue the momentum of the existing RMAP program and other remedy requirements under the existing BPSOU Consent Decree so that the residents of Butte-Silver Bow can enjoy a fully remediated community. Butte-Silver Bow looks forward to collaborating with the Agency and all stakeholders in reviewing the Agency's Responsiveness Summary and implementation of the Proposed Plan in a timely manner.
10	6/18/2026	Email	10.01	1	Hello, as a resident of Butte Silver Bow, and someone who has spent their lifetime living in proximity to the mine waste I am all in favor of lowering the parts per million to 175 but even 400 would be an acceptable action. Surrounding communities have lowered it to 400 as well. Thank you for your time.
11	6/18/2026	Email	11.01	1	Why does the RODA use a 5 ug/dl blood lead level and not the current minimum protective standard of 3.5 ug/dl. If 3.5 ug/dl is the new minimum acceptable blood lead level, why have 5 ug/dl as the target? I have been trying to further understand why the EPA in the RODA for BPSOU uses a target for blood lead levels in children to be 5 ug/dl. Given that this is higher than the CDC level of below 3.5 ug/dl and the fact that it is generally accepted that there are no safe levels of lead exposure, what allows EPA to claim that this 5 ug/dl is protective of human health? In this regard I realize the CDC level is not a remediation level and cannot automatically be translated by EPA to an action level. My understanding of the reasoning for this is the EPA complex modeling process that takes into account as mitigating factors background lead levels, naturally occurring lead and other sources of lead such as lead paint. EPA has consistently maintained that it will not attempt to regulate below background levels. EPA also takes into account exposure models and bioavailability models in determining action levels which would not pertain to the CDC process. Given that, I still have some concerns about possible inconsistencies in the EPA position or, at least, some questions that need to be addressed, fully, in the Responsiveness Summary.
11	6/18/2026	Email	11.02	1	What action level would be needed for the BPSOU to achieve the 3.5 ug/dl target? Would such an action level have to be around 319 mg/kg? Would this necessitate dropping below background levels? Would this be cost effective? Would it be achievable?
11	6/18/2026	Email	11.03	7	In summary fashion, what assurances can EPA offer the public that the 5 ug/dl blood lead level is protective of human health. Or is it protective of human health only to the extent sanctioned by exposure models, bioavailability studies and not exceeding background levels? In other words, is it protective to a point but not totally? Is it protective to the extent allowed by EPA processes?
11	6/18/2026	Email	11.04	1	Did the CDC guideline of 3.5 ug/dl influence the EPA action level decision or acceptable blood level decisions? Is so, how? If not, why not? Why was it not used to determine the action level?
11	6/18/2026	Email	11.05	1	Over time CDC and the studies of others have influenced EPA to adopt more restrictive standards. This has happened in Butte. Given that the situational constraints such as back ground levels, exposure estimates and bioavailability models have remained constant, how can EPA logically accept the new levels? In other words, what allows EPA to not follow CDC recommendations now but do so in the future when the factors mentioned above remain static? Why not err on the side of safety now? These intervening variables remain constant, so what allows EPA to be propose more permissive action levels?

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11	6/18/2026	Email	11.06	1	What are the reasons EPA does not automatically translate the blood lead levels proposed by the CDC into action levels? Let me put this another way. Given that what is important are the blood lead levels in children in Butte which have indicated potential health problems for these children, the issue of whether the target lead levels for children should be 3.5 or 5 ug/dl is particularly important. The CDC has said that below 3.5 is the only acceptable blood lead level for children. Yet, EPA for purposes of the RODA for the BPSOU has selected 5 ug/dl. Is this justifiable? Is this level protective? How do we know? EPA selects the target blood lead level and then develops an action level for Butte of 456 mg/kg to achieve this target. But if the target for the acceptable blood lead level is 3.5 ug/dl couldn't that be achieved by, roughly, an action level of 319 mg/kg which is still higher than the 175 proposed in 2024. Why wasn't this action level of roughly 319 mg/kg or slightly lower not selected? Were there intervening variables that prevented this from happening? What were the regulatory or statutory constraints?
11	6/18/2026	Email	11.07	3	The fifteen-year timetable seems excessively long. Why so long if there is an active threat in Butte? The RODA press release speaks in some general terms of speeding up the testing and remediation so that implementation takes under 15 years but what specifics can be provided to indicate how this will be done and what will happen. Will the fifteen-year schedule be significantly lowered? If so, specifically, how? There are constant promises that EPA will speed up the timeframe, which we heard again at the public hearing on June 16, 2026 at Montana Tech, but what makes these recent promises any more believable than in the past?
11	6/18/2026	Email	11.08	1	Was the new action level of 456 ppl affected by the fact that Superfund in Butte can only address contamination directly due to the effects of past mining activity? Since lead in Butte emanates from multiple sources including past mining and smelting, lead paint in older homes, naturally occurring lead and other miscellaneous sources of contamination such as toys, lead work related to hobbies, etc., the task of only addressing that lead exposure which is the direct result of past mining activity becomes particularly onerous in that much of the lead exposure in Butte is NOT due to past mining activities. Is there a percentage breakdown as to how much of the lead in Butte is from: a. Mining, b. Smelting, c. Naturally Occurring, d. Lead Paint or e. other commercial sources of lead, d. Other Activities such as hobbies?
11	6/18/2026	Email	11.09	1	Does the new action level of 456 ppl or mg/kg result from EPA's attempt to somehow come up with a defensible standard that would somehow and in some way focus on that lead contamination directly associated with past mining activity? EPA alluded to doing this in past recent statements referring to lead contamination in Butte and in the RODA itself. This was alluded to in the public meeting in Butte on June 16th. Are the new action levels the product of that concern by EPA? In other words is EPA arguing that the new action levels although not totally protective in an absolute sense are the best possible while still being consistent with the Superfund limitation that only that lead exposure directly related to mining is what Superfund is limited in addressing?
11	6/18/2026	Email	11.10	1	Are the new action levels the products of EPA's compromise attempt to develop a defensible standard under Superfund that focuses on the results of past mining while still, within the legal limits of Superfund, addressing the threat of lead contamination?
11	6/18/2026	Email	11.11	1	Is the reason for the new standard action level EPA attempting somehow to bracket out or control for lead not associated with past mining activity? This would seem to be almost impossible. But such efforts are also mandated under Superfund limitations.
11	6/18/2026	Email	11.12	9	What is the relationship between lead action levels and blood lead levels? What assurances are there that a more restrictive action level of 456 ppm will actually accrue a lessening of blood lead levels in Butte?
11	6/18/2026	Email	11.13	1	Would not the action level of 175 mg/kg announced in 1974 been more protective? Why was this level used in the RODA? Specifically, why not?
11	6/18/2026	Email	11.14	9	EPA still focuses on the issue of bioavailability of lead. Should the public still have confidence in the validity of EPA's approach to related lead exposure, bioavailability and whether or not there is a threat of adverse health effects? In the past EPA said in a pervious responsiveness summary that lead is lead. Is it possible to only regulate that lead exposure that is the direct result of past mining activity? Would this be technically feasible? Is it mandated?
11	6/18/2026	Email	11.15	7	Is Butte currently experiencing a public health problem related to the presence of lead in the residential areas of the community? Are Butte disease levels that could be associated with lead exposure particularly elevated in the community?

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11	6/18/2026	Email	11.16	1	Why does Anaconda have a 400 ppm or mg/kg action level and Butte a higher level. Butte was exposed to smelter emissions just as was Anaconda.
11	6/18/2026	Email	11.17	9	Does EPA have the authority to regulate smelter dust emissions under CERCLA or has the regulation of smelter emissions been excluded from Superfund purview? What specifically gives EPA the statutory or regulatory authority to regulate smelter dust.
11	6/18/2026	Email	11.18	7	Of the 11 identified cases of children with high blood lead levels, what was the source of the lead contamination?
11	6/18/2026	Email	11.19	4	The RODA calls for new resources to meet the demands for expanded testing and remediation of residences in Butte. Where will the money be derived for this expansion? How many new people will need to be hired? How much new equipment will be needed?
11	6/18/2026	Email	11.20	8	Why wasn't the RMAP program for Butte part of the BPSOU Consent Decree?
11	6/18/2026	Email	11.21	7	If there is an unremediated threat from lead exposure that will not be fully addressed for another 15 years, what are people to do in the interim? What is EPA doing to address the threat of lead contamination now so as to protect human health?
11	6/18/2026	Email	11.22	9	How will arsenic cleanup in the future be interfaced with the current lead remediation activities? Once arsenic is being fully addressed could that result in the current cleanup of lead having to be redone again?
11	6/18/2026	Email	11.23	7	What if in the future acceptable blood exposure levels become more restrictive, will EPA have to do it all again?
11	6/18/2026	Email	11.24	10	In several sections of the RODA mention is made of the low-income population that disproportionately resides in Uptown Butte, i.e. the BPSOU. Under equal protection of the laws, what is being done to particularly address the needs of the low-income citizens in the BPSOU?
11	6/18/2026	Email	11.25	11	What new resources will be directed in order to implement the aggressive public outreach and education called for in the RODA? EPA must fully and completely fund public outreach and education activities in order to accomplish the aggressive public involvement goals of the RODA.
12	6/18/2026	Email	12.01	1	Please reconsider the new target blood lead levels that have been outlined from the prior 175ppm.
12	6/18/2026	Email	12.02	5	Also, I encourage you to expand the testing & remediation area to encompass every structure, yard, & piece of property in city limits.
12	6/18/2026	Email	12.03	3	A vastly accelerated pace of cleanup is direly needed. Butte Americans have earned & deserved a healthy & clean environment.
13	6/19/2026	Email	13.01	12	We support the plan to lower the residential lead action level from 1,200 parts per million (ppm) to 456 ppm, or a reappraised action level consistent with comment #11 below.
13	6/19/2026	Email	13.02	5	We support the expanded area of the BPSOU, but it should include all residential areas south of Holmes Ave where houses were constructed before 1980 (the year that smelting ended at Anaconda). The information provided in the Proposed Plan is clear that the extent of mining and smelting impacts to residential areas has become clearer as additional residences have been sampled since the properties outside of the BPSOU were allowed access to free RMAP sampling under the 2019 RMAP Expansion Area. We are unable to find adequate justification in the Proposed Plan or administrative record for why the 2026 proposed BPSOU boundary expansion ends near the south end of Stodden Park. Figures 3-6 of the accompanying report, Residential Metals Abatement Program (RMAP) Evaluation of the Extent of Contamination for the Butte Priority Soils Operable Unit, show that dust exceeds the proposed 456 ppm lead and 250 ppm arsenic residential action levels widely outside of the existing BPSOU boundary. The fact that it is dust that is predominantly impacted in this area is indicative of smelter fallout, which would occur throughout the airshed and not be limited to the proposed expansion boundary. These figures also show that to date, very limited property sampling has occurred south of the proposed boundary expansion. This means sampling data is not available to determine if this area does not have the same contaminated dust prevalence as farther north. Our understanding is there are several neighborhoods older than 1980 in the area south of the proposed boundary expansion.
13	6/19/2026	Email	13.03	3	CTEC supports the expedited project implementation schedule in the Proposed Plan which would provide resources to accomplish sampling of all properties within the expanded BPSOU in 8 years and remediation within 15 years. To date, residential cleanup has been too slow to address the human health risk. This schedule would greatly increase the rate at which residences are addressed and risk is reduced.

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13	6/19/2026	Email	13.04	6	EPA should identify legal mechanisms available to require RMAP access to rental properties where landlords deny access. It has been acknowledged that there are landlords within Butte who have denied RMAP access to rental properties that likely need remediation. EPA has indicated in the past they may have legal mechanisms to enforce cleanup of residential properties but to our knowledge that has not been pursued. Our understanding is one reason EPA has never enforced access is because there is always sufficient backlog of landowners who allow RMAP access. If legal mechanisms exist for EPA to enforce RMAP access to properties where landlords deny access, the Proposed Plan should provide for these and a schedule for implementing them.
13	6/19/2026	Email	13.05	8	CTEC expects continued EPA support under the Proposed Plan for RMAP’s multi-pathway approach (residential yard soils, interior dust, interior and/or exterior lead-based paint, lead in drinking water from pipe solder, and non-living-space dust). We also expect continued support for the medical monitoring program, including blood lead testing and five year interval Medical Monitoring reports, but recommend that it is extended through the life of the RMAP program.
13	6/19/2026	Email	13.06	8	The RMAP program has been unable to meet indoor dust sampling requirements because EPA’s development and approval of new sampling vacuums has been delayed. Our understanding is there have been an insufficient number of sample vacuums available for years. The Evaluation of the Extent of Contamination memo says, “less than 70 indoor dust samples have been collected at residential properties under RMAP since 2014” and Table 1 shows that since program inception only 565 properties have been sampled for indoor dust compared to 2,686 properties sampled for attic dust which does not require the sample vacuum. CDM’s 1994 Baseline Risk Assessment for Lead states, “The strongest positive, significant correlation was between interior dust concentrations and blood lead levels ($r = 0.441$).” This supports the importance of indoor dust sampling at BPSOU. EPA should give highest prioritization to completing development of new indoor dust sampling vacuums.
13	6/19/2026	Email	13.07	6	The "targeted neighborhood approach" briefly mentioned in the Proposed Plan should be described in more detail. What are the benefits of this approach and how would property owners who are unable to participate in the schedule or who purchase properties after the neighbor is targeted avoid being left out?
13	6/19/2026	Email	13.08	8	The Proposed Plan mentions in several locations “layers of protection” that may include a combination of institutional controls, medical monitoring, and community education and outreach, to supplement active remediation. The layers of protection mentioned seem similar to those already incorporated into the RMAP program. We recognize that layers of protection are a core part of EPA’s national 2025 Residential Lead Directive. The community would benefit from further explanation of what layers of protection are proposed for RMAP and if they differ from those used today which have proven effective.
13	6/19/2026	Email	13.09	5, 8	The Proposed Plan should apply the revised residential action level to vacant lots in residential areas. These areas are specifically included in the definition of residential areas in the 2025 Residential Lead Directive (footnote 2). The Proposed Plan recognizes that vacant lots in residential areas are included in the national guidance definition (bullets on pp 12) but does not seem to include vacant lots in the description of the Proposed Changes to the Selected Remedy on pp 14. The 2026 Final Insufficiently Reclaimed Sites Quality Assurance Project Plan (QAPP) only references the Recreational/Commercial or Industrial (Non-Residential) human health action level. The 2026 Final Unreclaimed Sites QAPP references the current 1,200 ppm residential action level “based on land use determination.” The Proposed Plan should include provisions for updating the Insufficiently Reclaimed and Unreclaimed QAPPs to account for the revised residential action level based on land use determination that considers whether the site is accessible to the public and in a residential area.
13	6/19/2026	Email	13.10	8	Previously sampled BRES/IR/UR sites should be reevaluated to determine if additional capping or other corrective action is needed to meet the residential lead action level.
13	6/19/2026	Email	13.11	5	The Evaluation of the Extent of Contamination Figures 3-7 show an area of uptown where very few residential properties have been sampled (roughly bounded by Quartz St to the north, Mercury St to the south, Montana St to the west, and Arizona St to the east). Why have residential properties in this area of uptown not been sampled and remediated?

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13	6/19/2026	Email	13.12	9	EPA should evaluate whether using the Soil-to-Dust Correlation Coefficient from the 1994 Baseline Risk Assessment for Lead (RA) remains protective of human health. The Integrated Exposure Uptake Biokinetic (IEUBK) model used to derive the 456 ppm action level uses the correlation coefficient derived in the 1994 RA to estimate the concentration of lead in indoor dust that children are exposed to. That 1994 analysis relies on old data taken from limited areas of the Butte Hill (Areas A Butte/Walkerville, north of Copper Street and G Second Street/Hebgin Park) and attic sampling was limited to a few opportunistic samples in that study. The soil samples used in developing the correlation coefficient only included the top 2 cm of soil (University of Cincinnati Department of Environmental Health 1992). The conceptual exposure model appears to be one where the only source of mining related lead is from track in of outdoor soils impacted by mining wastes. Since 1994, it has become clear that smelter fallout is a significant source of contamination in residential dust. For instance, the Evaluation of the Extent of Contamination Figures 3&4 show lead exceedance frequency in soil and dust are similar on the Butte Hill whereas on the flats/southern Summit Valley, exceedances are much more prevalent in dust. This is likely related to smelter fallout being a predominant source of lead contamination in dust (i.e., the airshed was impacted with smelter fallout where the Butte Hill soils were also impacted by direct mining wastes. There is significant newer data from the RMAP program to further assess the relationship between indoor dust and outdoor soil and to evaluate multiple sources of contamination including attic dust from smelter fallout. Given that the strongest correlation between blood lead level and contaminated media is from indoor dust, it is important that this portion of the exposure assessment use the best site specific data. The statistical data in Evaluation of the Extent of Contamination Table 1 which uses RMAP's newer data shows attic dust is much more likely to exceed the proposed 456 ppm action levels than soil is, especially outside of the existing BPSOU boundary. Given the current understanding of exposure pathways, CTEC requests that the IEUBK analysis consider the following, 1) Is use of a Soil-to-Dust Correlation Coefficient appropriate when dust may be the predominant source of mining related lead in parts of the Summit Valley, 2) Can exposure pathways be better evaluated using a Multiple Source Analysis, 3) Is there site specific dust concentration data that can be used in the model, or used to check dust concentration derived using the Soil-to-Dust Correlation Coefficient?
14	6/16/2026	Public Meeting	14.01	1	Thank you for the opportunity for comment. First, the lead action level for Butte-Silver Bow must not be higher than the Anaconda lead level that is set in the Anaconda cleanup area. The 2026 Proposed Plan lowers Butte's residential lead level, and we appreciate that. The science behind the changes from the 2024 plan needs to be clearly explained, especially why Butte's numbers differ from Anaconda's when both communities face similar legacy contamination. A higher screening level for Butte is not acceptable. Our residents deserve the same level of protection.
14	6/16/2026	Public Meeting	14.02	5	Second, we strongly support expanding the BPSOU boundary, but it must include Census Tract 6, which contains homes, a school, and the Jeremy Bullock Soccer Complex. EPA's own climate and economic justice screening tool identifies this area as a disadvantaged area. Leaving it would leave a vulnerable family and neighborhood behind. Include Census Tract 6
14	6/16/2026	Public Meeting	14.03	3	Third, the cleanup timeline needs to be faster and fully resourced. EPA proposes up to 15 years for full implementation. Butte-Silver Bow believes that 80 percent of the work should be completed within 10 years and all the work within 15 years without sacrificing quality. This will require more crews, more coordination, and more commitment from the responsible parties. Accelerate the cleanup with adequate resources. Our community has waited long enough for a fully remediated and healthy environment.
14	6/16/2026	Public Meeting	14.04	4	Across all of this, we ask EPA to ensure that the costs of remedy do not fall on Butte-Silver Bow taxpayers
14	6/16/2026	Public Meeting	14.05	4	[we ask EPA to ensure that] the repository capacity is expanded
14	6/16/2026	Public Meeting	14.06	8	[we ask EPA to ensure that] that interior dust sampling methods are updated
14	6/16/2026	Public Meeting	14.07	8	[we ask EPA to ensure that] the RMAP program is continuous without interruptions.

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15	6/16/2026	Public Meeting	15.01	3	I just have a couple of points. 1983, when Butte was declared a Superfund site, I was a sophomore in high school. And this summer, I'm celebrating my 40-year reunion. So 15 years, yeah, I understand that's not a long time for the big picture, but it's been a long time.
15	6/16/2026	Public Meeting	15.02	1	As far as the actionable levels, I just want to say that we in the United States are famously unfamiliar with the metric system: Parts per million, millimeters per kilogram -- or milligrams per kilogram. But one kilogram, correct me if I'm wrong, is like a Nalgene bottle. Yeah. I mean, we've got a bottle here that's what, one-and-a-half; right? So anyway, it's not a lot of -- a kilogram isn't that big. And a milliliter, think about a 200-milligram ibuprofen tablet, and then think about 400, think about 1200; that's 6 of those. And obviously, that's a false equivalent to what we're talking about because we're not drinking dirt, except for my little brother when we were younger, and that probably explains a lot. But all I'm saying is please ask yourselves, everyone who is not from Butte, knowing that there's no safe level of mercury, would you prefer a lower level in your back yard, for your kids, for your grandkids? That's all we're asking. Put yourself in our shoes. And we thank you for that. [comment team assumed meant lead instead of Mercury for responsiveness purposes]
16	6/16/2026	Public Meeting	16.01	3	As to the, as to the time frame, I moved here 47 years ago. Superfund was passed 46 years ago by the Senate. I happened to work for the Senate that helped vote that in. So I've been involved in this for all 47 years of Superfund. And now, of course, it was '83 and we're 43 years as a site. And now, of course, we know at least 20 of that has been active in the lead stuff, since 2006. So it's multiple decades that we've had to live with this situation and an awareness that we have lead in the land, in the ground that is dangerous to all human beings, especially children, and we've had to suffer through the slow time frame of the EPA and ARCO. And by the way, we recognize they're the responsible party, but you're responsible for kicking them in the fanny and making sure it gets done in a timely manner. So as to the -- There's been a slight improvement on timing. A couple years ago it was going to be, what was it, 15 to what was it? MS. METER: 25 years. MR. COMMENTER: 25 years even. So now we're saying in 15, and it's still too long. And if you look at EPA's record in other communities around the nation, they have been able to drive resources to the area and do it much quicker. Volumes of testing of yards have been 1500 a year, and as I read this, it was let's plan 100. Let's not plan 100. How about we do a lot better than that? So that's an objection that I certainly find in the thing, is we're asking for way more time than is needed to be done.
16	6/16/2026	Public Meeting	16.02	5	As to the area covered, I couldn't be in more agreement with Butte-Silver Bow that we need to take those extra steps, like Census Tract 6. It seems pretty arbitrary to have encircled certain other additional areas and left that out. And so you should do that, follow the request of Butte-Silver Bow for the additional acreage.
16	6/16/2026	Public Meeting	16.03	1	As to the level, the action level you're talking about -- And recognizing that there is no safe level. You know, we talk about the kids, but there's no safe level for me either, although I'm more than a kid. The proposal is 456 ppm. Well, sounds good. In fact, EPA is saying, hey, we're lowering it; we're lowering it from 1200 to 456. I look at it that they're raising it from 175 to 456. Because you guys put out 175, we didn't make it up, and we reacted to that.
16	6/16/2026	Public Meeting	16.04	2, 9	And by the way, you said that you will respond to the offerings from the comments. You never responded to the comments on the, on the 175. A bunch of us wrote stuff in and never got any responses. No?...So don't expect us to be silent about that and silent about the fact that we have unanswered comments for 2 years and you haven't done your job well enough because that's part -- your response is important. So let's change back to 175. That's probably the main point of all of this kind of stuff.
17	6/16/2026	Public Meeting	17.01	1	I'm disappointed in the numbers. Did not go to the 175. I spoke with you guys beforehand. I was disappointed in that not making it to 175. 456, to me, is -- Why were we here back in January and talking about we wanted it to go to 175 and we are now here talking about 456? To me, that is, and I mentioned it, it's insulting to us. I mean, everybody is in agreement that any level of lead is not safe. Then why the heck are we talking about 456 then? Why shouldn't we be at 175? Anaconda, J.P. talked about they're at 400. I think they're too high. But we're here talking about Butte Priority Soils. I would rather see us down at 175. I would appreciate you to look stronger at going to 175, not at the 156. Thank you. Or 456, I'm sorry.

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17	6/16/2026	Public Meeting	17.02	2, 9	Why were we here the last year and a half putting out our public comments to go to 175, and I'll agree with [previous commenter] that we ended up going up to 456? We are seeming that we -- We come and talk at these public comments; doesn't seem like our comments are taken in and are respected. We wanted the 175; we're not getting there. I do not understand why we can't get there, make a decision and go.
17	6/16/2026	Public Meeting	17.03	7	I am not a scientist, by any stretch of the imagination. I have a P.E. degree, but it sure the hell isn't a professional engineer's degree. Okay? But I do know certain things roll downhill. And we need to make sure that our city is safe for our children, our grandchildren, and into the future. I am a lifelong resident of Butte. I have three grandchildren in this town. That's why I'm here; not for me, I'm here for my grandchildren.
17	6/16/2026	Public Meeting	17.04	3	We have been talking about this stuff -- I have been involved for about the last ten years only, and that's my fault. But it's frustrating that I've lost two very good friends in the last ten years that passed away, and they used to talk at coffee about we are going to -- they are going to outlast us, and they sure as hell have. [These friends], two advocates of Butte-Silver Bow, have gone. And as [he]used to say, "I'll be out there south of Butte, you know, waving in airplanes before anything is done," and, unfortunately -- I don't want to be out there with [him] waving in the airplanes before something is done.
18	6/16/2026	Public Meeting	18.01	9	And I agree that you did not lower it from 1200 to 456, you raised it from 175 to 456.
18	6/16/2026	Public Meeting	18.02	7	The practical effort of higher cleanup thresholds may be that fewer contaminated properties are investigated or remediated. That makes it faster, less expensive, but you're leaving people out. It should not come at the expense of the health of us in Butte.
18	6/16/2026	Public Meeting	18.03	1	I remember when the mine closed. I remember -- I was here before the EPA, the Superfund. I remember having to look at places in Helena when my parents thought we had to move. We've delivered a third of the copper to this country. We've done more than anything and we get the shaft. If your yard was 456 in Sheridan, Wyoming, they'd dig it up. 175 is what it should be. Thank you.
19	6/16/2026	Public Meeting	19.01	13	And I just want to re-encapsulate everything that everybody is saying. But the last slide that was up there had three bullet points to it, we'll say, and one was when our comment session ended, and then the next two said the processes that would take place. And there was no dateline on any of them. So that is an open-ended question to you. What is the dateline even or are we going to chew on this thing again for a long time?
20	6/16/2026	Public Meeting	20.01	1	Thank you. I've been dealing with this for a long time in both my career and the Legislature. And I kind of agree with the chief executive on it. I mean, I get it. We change administration, we get a new deal, it isn't as good a deal as we had before. But we certainly shouldn't be more than Anaconda. So if you could take the 56 that you put on the 400 and kind of lower it down to 340, whatever that is, and then we'd be 56 lower than Anaconda. That would make Butte feel real good, if we could at least be a little bit lower than Anaconda. That would help us out.
20	6/16/2026	Public Meeting	20.02	3	And the one part I think that the chief executive said is the 15 years is too long. I mean, I'm 84. 10 years, I'm 94. If we get to the 10 years, I might make that. I'm not going to make the 15 years, though. So I'd like to at least see that we at least get to 10 years and we could do that.
20	6/16/2026	Public Meeting	20.03	5	So the other part is the expansion; we need to take care of those other neighborhoods. And the chief executive had it just right, except we still want to be a little better than Anaconda on that number. So if we could take that into consideration. Thank you.
21	6/16/2026	Public Meeting	21.01	3	One of the things I was stumbling a little bit with, when we first -- about a year and a half ago, we had some signs made that said "Get the Lead Out," and then it said not -- I forget the numbering, but not 25 to 40 years. The sign said 40. You guys said 25 to 40, which you liked to talk about the 25. But the 40 was pretty darn scary. And so now you've got one number, I can handle that. But instead of 15, it should be less. I would submit that it could be done and should be done in 5 years. The job needs to get done in a limited time, and my personal opinion is it should be 5 years or less.
21	6/16/2026	Public Meeting	21.02	4	And you can force ARCO to spend the money and get the resources, get them here, manage them right. And you pay attention to them, ARCO's role in it, and help Butte-Silver Bow for the portion that they're going to be doing. And if there's someone else going to be working on it, fine. We don't particularly care if it's a public employee or a private contractor.

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21	6/16/2026	Public Meeting	21.03	6	Obviously, it's a technical legal question about mandatory testing and mandatory sampling, but it's really not a particularly good situation that yards get sampled and someone asks them to be sampled. And I understand the freedom thing about I don't want to be tested, but kids in the neighborhood that are playing in a yard that isn't their own have a problem. So I submit that you ought to approach your national office and put your legal beagles to work on trying to find a way to make sure that we don't have a whole bunch of people who are getting exposure only out of neglect of their neighbors or their own families. People are being exposed to this. It's not right. And I know it's tough, it's not easy to do this stuff because of all the legal arguments. But the easiest thing to say is no, but it's not the best for Butte to say no about that.
21	6/16/2026	Public Meeting	21.04	5	Now, as to the area covered, you know, the expanded area, 7100 new houses and 3637 acres, I like the sounds of that, as I mentioned before, and the Census Tract 6 and the additional acreage are good. And so let's make sure that gets done.
21	6/16/2026	Public Meeting	21.05	1	The level, the action level, and recognizing there's no safe level, again, the proposal of 456, I'm, I'm sorry, I'm going to beat EPA up every time I talk about this when you choose to ignore your action in going to 175. So in 2024, it was 175 and now it's 456, and that's raising the rate, not lowering it.
21	6/16/2026	Public Meeting	21.06	2	I want to take a look out here and address something that as a citizen, I look at every one of you here and say -- I think we'll get a petition and ask you to come and sign it. If you don't feel comfortable coming up here and you agree with what we're talking about, we need your voice, even if your voice is in the form of a signature. They will respond to the citizens. They will respond to the people. They're not going to pay much attention to your silence. And I appreciate how difficult it sometimes is. So please find a way in the next two weeks to find a petition you can sign and put your, your signature on this thing in favor of the changes that will do things better for Butte.
21	6/16/2026	Public Meeting	21.07	1	And finally, I must say that I second completely all of the comments about Butte's comparison to Anaconda. It's unforgivable that it's stayed still putting us on the short side.
22	6/16/2026	Public Meeting	22.01	7	I'm coming to present a -- or just make a public comment on behalf of a local organization, a recent nonprofit startup in Butte to promote urban farming. It's very common for our community to be overlooked, especially around environmental cleanup, where there's not a compelling reason for local food production. And I want to make an important note in the record that this nonprofit was conceived of in 2024, filed nonprofit official status in 2025. We are a fully functioning board with promising funding and a farm -- active farm site here in town. The mission is to inspire a new generation of local growers and small producers here in this area, and soil quality continues to bubble up to the surface as a leading concern among community residents as whether it is safe to produce food here. I know at times EPA has made effort to try to explain the real risk and communicate that to the community. However, I think that there's plenty more work to be done there given the very, very low level of trust that people have to grow and use the soil in this community, and you may very well argue that it is not safe. And therefore, this lead soil cleanup is imperative. It must be protective of human health. So I do think it's important to note that this will be an emerging trend and an important issue in the community for our families and residents.
22	6/16/2026	Public Meeting	22.02	7	I also wanted to just mention, and I don't know if this issue has been looked at closely, however, when you look at lead dust in residential environments, another very common safety threshold is that of lead, of loading. And it's above my pay grade. I've looked at it a little bit. I don't know which is more protective or more applicable. However, even if you have very low concentration of lead in the home and that is available and dispersed and that the lead loading is higher than the measure of concentration, is that, in fact, safe? I've not ever heard this question. But we do manage lead-based paint on this safety threshold. And so I would like to have that comment lodged and some kind of response based on the risk assessment and why the other unit is appropriate and protective. Thank you.
23	6/16/2026	Public Meeting	23.01	3	the timeline is unacceptable
23	6/16/2026	Public Meeting	23.02	1	the level is unacceptable

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23	6/16/2026	Public Meeting	23.03	5	the boundary is unacceptable. I fully stand behind Chief Executive J.P.'s comments, and I would like that to be reflected in the record on behalf of myself and the members of District 2.
24	6/23/2026	Email	24.01	10	While environmental justice has recently been removed from EPA’s national lexicon, EPA is still bound by the Fourteenth Amendment that guarantees equal protection of the laws. Equity is still part of U.S. law. U.S. law still recognizes the evils of disparate impact of seemingly neutral rules and regulations. This submission also argues that both the U.S. Constitution as well as the Constitution of the State of Montana recognize as a human right the right to a clean and healthful natural environment. Therefore, the RODA needs to be more explicit in its acknowledgment that: There is a concentration of low-income citizens within the confines of the BPSOU. This concentration is higher than the average of low-income citizens for the rest of Butte, Montana and the nation as a whole. That these low-income citizens have a right to a clean up of the toxics and a lessening of the threats from these toxics in the BPSOU under Superfund. In order to have this right protected, special consideration needs to be given to the health effects of the toxics on concern on the low-income citizens living within the BPSOU A. The specific health situation of low-income citizens (poor diets, living in older housing, living in sub standard housing, lack of access to medical care, lack of affordable healthy foods such as vegetable, and personal habits, etc.) make them more susceptible to the health effects of exposure to the toxics of concern in the BPSOU B. A one size fits all approach to protective action levels does not work. C. The low-income citizens in the BPSOU have a disparate, greater toxic’s burden to endure that the rest of Butte. D. Low-income citizens need specialized public education, outreach and involvement activities specifically tailored to their unique situation. The RODA must specifically address these above points more comprehensively.
24	6/23/2026	Email	24.02	7	The following is a summary of the Medical Monitoring Meeting Phase 3 of June 17 2026 which directly bears on the RODA for BPSOU. It also relates directly to the focus of this submission. In the timeframe 2018-2024, blood lead levels in children have levelled off compared to the substantial drop in blood lead levels between 2010 and 2018. Still higher than national average. Findings of the Latest Medical Monitoring Study as Reported in June 2026: 1. Blood lead levels are more elevated in the 1-to-3-year range than the 4–6-year age range. 2. Higher elevated blood lead levels are found in older homes than newer homes. These older homes tend to be disproportionately in the BPSOU where there is a disproportionate number of low-income citizens compared to the rest of Butte, the rest of Montana and the nation as a whole. 3. Higher blood lead levels are found in uptown Butte, i.e. the original BPSOU, than the Flats. These elevated levels have persisted here. 4. Higher levels of lead and arsenic are found in uptown Butte. Sources of Contamination 1. Soil and dust 2. Lead based paint which is the most identified source. 3. Other such as jewelry, toys, hobbies. Also the BOSOU RODA acknowledges that low-income citizens are disproportionately living within the confines of the BPSOU in uptown Butte. These citizens by definition are experiencing a disproportionate toxic burden in that they are living within an area contaminated by lead which the Superfund program in Butte has stated needs remediation because it is unacceptable.

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24	6/23/2026	Email	24.03	10	Seemingly safe levels of exposure to the toxics of concern that may be “safe” for the non-poor are not safe for the poor. This disparity is due to the fact that the poor who are disproportionately concentrated in the BPSOU have weakened immune systems, poorer diet, less access to medical care, greater exposure to toxics than do the non-poor in Butte. Historically, action level determinations do not factor in the differential of poverty. On size does not fit all. To meet its burden under U.S. Law, Common Law and its own rules and regulations as well as statutes, EPA must: A. Clearly demonstrate how in the development of the new action levels for the BPSOU articulated in the RODA, the health effects disparities of exposure to the toxics of concern were taken into account. If this was not done, the action levels need to be redone. At the least, they need to be reevaluated.
24	6/23/2026	Email	24.04	10	To meet its burden under U.S. Law, Common Law and its own rules and regulations as well as statutes, EPA must: Clearly articulate how the particular health needs of low-income citizens were considered in the development and proposed implementation of the new actions levels of 456 ppm. If this was not done, it needs to be done.
24	6/23/2026	Email	24.05	10	To meet its burden under U.S. Law, Common Law and its own rules and regulations as well as statutes, EPA must: Clearly articulate what specifically tailored to the poor outreach, public involvement and public education are provided for in the RODA. If this was not done, it needs to be done.

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24	6/23/2026	Email	24.06	10	These findings announced in the Medical Monitoring Meeting and stipulated in the RODA indicate the need for special attention to the Uptown Butte area that has the highest level of toxics exposure in Butte. It is also important to remember that the uptown part of Butte has a disproportionate number of poor people compared to the rest of Butte and the rest of Montana. Equal protection of the laws demands special attention to this area. Even if EPA national has difficulty with the term environmental justice, EPA still must adhere to the other parts of U.S. law that mandates equal protection of the laws and equity. Since the term environmental justice encapsulates equal protection of the laws, I will continue to use it, as I have no problem advocating environmental justice. Rember though that when this term is used it encompasses the protections afforded by the U.S. Constitution, Common Law, Federal Law and the provisions of the Constitution of the state of Montana. As we know, EPA has defined environmental justice as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to development, implementation and enforcement of environmental laws, regulations, and policies. The goal of Environmental Justice is to provide an environment where all people enjoy the same degree of protection from environmental and health hazards, and equal access to the decision-making process to maintain a healthy environment in which to live, learn, and work. But for too long this has been a pious sentiment, a lofty goal, an unfulfilled promise. It is time now to fulfill this commitment to equality and equity for those disadvantaged by income, race or ethnic origin and to provide to them a clean and healthy natural environment. Even though EPA has problems nationally with the term environmental justice, EPA still must promote the fair and equitable treatment of all when it comes to its rules and regulations and its enforcement of its rules and regulations. Because citizens have a right to health and a right to have an environment that is conducive to the protection of that right, citizens have a right and are entitled to live in a clean and healthy natural environment. To achieve this goal, extra help and consideration is needed for environmental justice communities What may be adequate for a non-environmental justice community to live free from threats from exposure to environmental toxins may not be protective of environmental justice communities who are more susceptible to the ill effects of such exposure because of diet issues, lack of access to health care, substandard housing, greater pollution burden, etc. EPA has a particular obligation to give special consideration to the environmental health needs of low-income citizens as well as citizens of color and ethnic minorities. That obligation is encapsulated in the environmental justice movement. Clearly, given the impediments that are inherent in belonging to an environmental justice community, failure to consider the differential impacts of exposure to environmental toxics would be a violation of the equal protection of the laws guarantee; would deny citizens Constitutionally protected rights and entitlements; would violate the provisions of equity; would produce an impermissible disparate impact on the poor, citizens of color and ethnic and cultural minorities and would prevent the achievement of the Constitutionally mandated “ordered liberty” in society. What may be “safe” for those who are not poor or minorities may well be harmful for the poor and members of an ethnic or racial or cultural minority. Environmental justice, because it addresses this environmental imbalance in society, is clearly rooted in the fundamental principal of equal protection of the laws and is also based on the concept of equity, which is different from the concept of equality. Equality means that everyone is treated the same without regard to need or special circumstances. Equity means that people are treated differently based on need. Equity means giving people what they need or giving proportionate to their need or their own circumstances. Equity means leveling the playing field and equity is a means to equality. Equity is a recognized principal and value under English common law. Equity is emphasized in U.S. social policy in education, health care, civil rights, criminal law, aid to the poor and many other areas. For example, disability accommodations are an instance of equity provisions in action. It is now time to operationalize equity in terms of the administration of our environmental policy. It is time to make environmental justice a part of our social and environmental policy actions. It is time to elevate environmental

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24	6/23/2026	Email	24.07	10	Exposure levels to toxics that are deemed to be safe may not be safe for environmental justice communities. While applied equally to all, these standards may have a disparate impact on environmental justice communities. (If we were to switch from numeric standards of environmental exposure to toxics to narrative or interpretive standards, the problems would be exacerbated.) What is the meaning of disparate impact? Disparate impact occurs when policies, practices, rules or other systems that appear to be neutral result in a disproportionate, discriminatory impact on a protected group. Disparate impact as an equity problem is well recognized by the courts. The Supreme Court in Griggs v. Duke Power Co. found that "practices, procedures, or tests neutral on their face, and even neutral in terms of intent, cannot be maintained if they operate to 'freeze' the status quo of prior discriminatory employment practices." Because of the nation's long history of providing inferior educational opportunities to African Americans in segregated schools, the company's requirements for hire or transfer did not offer equal opportunity. Griggs v. Duke Power Co., 401 U.S. 424 (1971). See also Texas Department of Housing and Community Affairs v. The Inclusive Communities Project, Inc. which also recognized disparate impact as an equity issue. In short, in terms of decisions affecting the public health, of which environmental pollution decisions are a subset, special consideration and attention must be afforded environmental justice communities in order to avoid disparate impact. Failure to consider the specific needs of an environmental justice community will result in disparate, detrimental result. It may well be in the future that in developing numeric exposure/risk standards, special standards will need to be developed that take into account the specific needs of environmental justice communities regarding acceptable levels of exposure to toxics.

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24	6/23/2026	Email	24.08	10	In Montana, we are entitled and granted a right through the Montana Constitution to a clean and healthy natural environment. Montana citizens are also guaranteed equal protection of the laws. Unless these rights are enforced, they are meaningless rights. Every agency of Montana government and every agency of local government is charged with enforcing the provisions of the Montana Constitution. In order for all to enjoy these rights, environmental justice issues and concerns must be considered and enforced. Substantive Right and Substantive Entitlement under Montana Law Environmental justice encapsulates a substantive right and a substantive entitlement under Montana’s Constitution. (This right also exists under the U.S. Constitution.) If you have a right to something you are entitled to it; you are entitled to its enjoyment. You are entitled to the conditions that allow for its enjoyment. We are entitled to a clean and healthy natural environment in Montana under the Montana Constitution. Rights are entitlements (not) to perform certain actions, or (not) to be in certain states; or entitlements that others (not) perform certain actions or (not) be in certain states. Rights dominate modern understandings of what actions are permissible and which institutions are just. “Rights” in Stanford Encyclopedia of Philosophy Given that Montana guarantees the right to a clean and healthy natural environment, all are entitled to environmental justice. If because of poverty, race, ethnic background or gender, someone is denied this right, we have a violation of the protections of the Montana Constitution and redress is due to that person. . (As I said earlier, interpretive or narrative environmental standards are ripe for discriminatory interpretation and disparate impact. Narrative standards are almost by nature arbitrary and capricious. Narrative standards would facilitate deliberate indifference. Before Montana switches to narrative or interpretive standards, the environmental justice impacts must be considered. This would also be true nation-wide. For all the problems with numeric standards they are less open to discriminatory practice than narrative/interpretive standards. They have more specific meaning than narrative standards. Numeric standards are less susceptible to misinterpretation or misrepresentation than are narrative standards.) The United States Constitution does not contain an explicit provision guaranteeing the right to a clean and healthy natural environment. Nevertheless, such a right can be inferred and is clearly implied under the U.S. Constitution. Therefore, there is also an implied or inferred constitutional right to environmental justice. A right to a clean and healthy natural environment requires attention to environmental justice if this right is not to be arbitrarily limited by income, race or ethnicity. Implied rights are just as enforceable as explicit rights. There is a clearly implied U. S. Constitutional right to a clean environment for all. Unenumerated constitutional rights are worthy of protection. (Lochner V. New York) Not all rights guaranteed under the Constitution are explicitly stated. These implied rights are worthy of the same degree of protection as explicitly stated rights. (Shapiro v. Thompson 394 U.S. 618 [1969] and Reynolds v. Simms 377 U.S. 533 [1964]. See also: Crandall v. Nevada; United States v. Guest; Skinner v. Oklahoma) Of course, the Ninth Amendment to the U.S. Constitution clearly recognizes the existence of implied rights under the Constitution. In Griswold v. Connecticut, Mr. Justice Goldberg stated: The Ninth Amendment shows a belief of the Constitution’s authors that fundamental rights exist that are not expressly enumerated in the first eight amendments and an intent that the list of rights included there not be deemed exhaustive. There are many implied rights in the U.S. Constitution that are guaranteed and protected: 1. Privacy (Roe v. Wade; Meyer v. Nebraska; Skinner v. Oklahoma; Griswold v. Connecticut. See also Poe dissent by Justice Harlan.) 2. Right to Vote 3. Right to Die
24	6/23/2026	Email	24.09	10	What opportunities did the environmental justice community have in influencing the RODA formulation?
24	6/23/2026	Email	24.10	10	Was there procedural accountability to the environmental justice community?
24	6/23/2026	Email	24.11	10	Was disparate impact considered in the RODA?
24	6/23/2026	Email	24.12	10	Was any “deliberate indifference” manifested in the RODA?

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24	6/23/2026	Email	24.13	10	What inferences can logically be drawn from the failure to consider environmental justice issues in the RODA?
24	6/23/2026	Email	24.14	10	What environmental justice or equal justice criteria were applied to the development of the RODA?
25	6/24/2026	Email	25.01	10	DOES THE RODA FOR BPSOU ADEQUATELY TAKE INTO ACCOUNT THE AFFECTS CLIMATE CHANGE ON THE PROPOSED CHANGES IN THE REMEDY FOR BUTTE?
25	6/24/2026	Email	25.02	10	Climate change directly threatens the protectiveness of Superfund remedies in Butte. Warmer temperatures, severe droughts, and intense precipitation events in Montana complicate the management of toxic mine waste, potentially causing capped repositories and water treatment systems to fail. These effects can definitely lessen the impact of the proposed changes to the ROD for the BPSOU.
25	6/24/2026	Email	25.03	10	Extreme Precipitation & Flooding: Intense, rapid rainfall events cause severe soil erosion, which can wash protective soil caps away and mobilize heavy metals—such as arsenic and lead—into Silver Bow Creek and residential areas. How would this impact the proposals in the ROD? Although EPA is still supposed to consider the effects of climate change on remedies, this does not appear to have been done in this case in Butte? Why not given EPA policy?
25	6/24/2026	Email	25.04	10	Drought & Wildfire: Sustained droughts diminish the vigor of vegetation layers planted to prevent leaching into groundwater and the protectiveness of waste in place remedies such as we have in the BPSOU. Would the vegetative cover of the caps in uptown Butte be weakened or destroyed thus increasing the toxic load of lead and other contaminants of concern in uptown Butte? Do the new proposed action levels take this into account? Meanwhile, the increased risk of wildfires threatens to release toxins via smoke and ash. Could this increase the toxic load of lead and other contaminants of concern in uptown Butte thus necessitating a reevaluation of the action levels that are proposed?
25	6/24/2026	Email	25.05	10	Water Management (Berkeley Pit) and the RODA: The Butte Mine Flooding Operable Unit (BMFOU) relies on keeping contaminated water from rising past a specific protective level. Prolonged drought or sudden, heavy storm surges disrupt the local equilibrium between surface waters and groundwater, challenging the delicate pumping and treatment systems at the Horseshoe Bend plant. Could problems with the Berkeley Pit remedy occasioned by climate change affect the overall protectiveness of the RODA in regard to soils and water in the BPSOU? After all the Superfund sites in Butte are interconnected and part of one system. Has this been considered? Should it have been considered?
25	6/24/2026	Email	25.06	10	The U.S. Environmental Protection Agency (EPA) actively mandates vulnerability screening of Superfund remedies to extreme weather and changing climate baselines. In Butte, the EPA frequently updates its cleanup guidelines and has lowered the action level for lead in residential soil and attic dust to 456 parts per million (ppm) Did the EPA do any vulnerability screening in developing these changes in the RODA? Are the proposed changes climate change resistant?
25	6/24/2026	Email	25.07	10	While the EPA factors climate resilience into Superfund remedies nationwide, local stakeholders and advocacy groups have frequently criticized the Butte Priority Soils Operable Unit (BPSOU) plans for lacking specific consideration of climate change and extreme weather events.
25	6/24/2026	Email	25.08	10	Because much of the mining waste in Butte is managed via "waste in place" (capped and left underground rather than hauled away), community advocates have actively raised concerns that future climate-driven flooding or extreme weather could compromise caps, mobilize heavy metals, and increase toxic runoff into local waterways like Silver Bow Creek. Is this the case? Has EPA considered the effects of climate change on mobilizing heavy metals? Increasing runoff? The protectiveness of the caps? These factors affect the permanence of the proposed changes? Was there resilient remedial design vis a vis the proposed changes?
25	6/24/2026	Email	25.09	10	The EPA's June 2026 Proposed Plan for the site is focused primarily on residential soil and interior dust lead cleanup. Would the proposed changes in action levels, etc. be climate change resistant? Would they still be protective in the face of climate change?
25	6/24/2026	Email	25.10	10	EPA is supposed to conder climate data in evaluating the protectiveness of Superfund remedies. the EPA incorporates the effects of climate change when designing and implementing cleanups at Superfund sites, particularly by ensuring long-term remedy resilience against extreme weather, sea-level rise, flooding, and wildfires.

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25	6/24/2026	Email	25.11	10	Specific ways the EPA factors climate risks into the Superfund process include: A) Vulnerability Assessments: The EPA routinely conducts site-specific climate vulnerability assessments to evaluate exposure and sensitivity to hazards (e.g., assessing if soil subsidence or heavy precipitation threatens a cleanup remedy). B) Resilient Remedial Design: Action levels and site remedies (such as containment systems or groundwater pump-and-treat facilities) are adapted to withstand projected climate impacts. This includes building structural redundancies and elevating facilities located in 100-year or 500-year floodplains. C) Guidance and Policies: Through internal directives like the Consideration of Climate Resilience in the Superfund Cleanup Process memo, the EPA directs regions to integrate the best available climate science into site-level decision-making. Was this done in terms of the RODA? If not, why not?
25	6/24/2026	Email	25.12	10	Has all of the above been done in regard to the RODA for the BPSOU? The RODA seems silent on the climate change affect question. Should more attention have been paid in the RODA to the effects of climate change on the proposed changes?
25	6/24/2026	Email	25.13	10	My concern is that climate change considerations were not a specific focus or part of the proposed ROD Amendment for the Butte Priority Soils Operable Unit (BPSOU) released by the EPA in June 2026. Yet, they should have been. For the reasons given above, the protectiveness of the new action levels could be significantly reduced as the results of climate change become more pronounced in Butte. Instead, the 2026 Proposed Plan RODA was strictly drafted to modify the residential soil and interior dust cleanup standards following new national blood lead level guidance. These are pertinent today in Butte. They will not necessarily be effective as the effects of climate change become more pronounced in Butte. The protectiveness of these new action levels can very definitely be affected by climate change for the reasons cited above which can be exacerbated by the 15-year timeframe of remediation given in the RODA. Yet, the RODA is silent on climate changes impact on the protectiveness of the proposed changes in the action levels for Butte. I would argue that the RODA needs to be modified to specifically address the potential effects of climate change on the proposed changes.
26	6/26/2026	Email	26.01	1	Protectiveness of New Action Levels - Given that the CDC has determined, along with other qualified groups, that there are no safe levels of exposure to lead and - Given that at a MINIMUM the CDC says that blood lead levels in children should be below 3.5 ug/dl and - Given that the EPA has determined that 5 ug/dl is the target blood lead level for children in Butte (not 3.5) and - Given that the proposed action level of 456 ppm for Butte soils is designed to achieve the goal of 5 ug/dl - Given that EPA rejected the 2024 proposed action level of 175 ppm, which de facto, would have been more protective than an action level of 456 ppm A. Why was the 175-ppm action level abandoned? Was it because: - It was technically impossible to implement given background levels of lead, etc. At what point in Butte, does an action level become impossible to implement? - It would have further blurred the line between lead exposure that was the direct result of past mining activity and that naturally occurring, thereby calling upon the PRPs to remediate non-Superfund covered waste.
26	6/26/2026	Email	26.02	1	What justification has EPA offered for the 456-ppm action level? For example, given the conclusions of the CDC, it cannot be health because it will not and does not intend to reach a blood lead level of 3.5 mg/dl which CDC says in the minimum protective level. If as the Region 8 administrator said at Montana Tech in June, health is the number one concern of EPA, why was a less protective action level selected?
26	6/26/2026	Email	26.03	1	What assurances can EPA give that the proposed action level of 456 ppm is as protective of human health as an action level of 319 ppm which, using EPA’s own metrics, would have achieved a blood lead level of 3.5 ug/dl?
26	6/26/2026	Email	26.04	1	How much more protective of human health would an action level of 319 ppm which would have achieved the target of 3.5 ug/dl be than an action level of 456 ppm?

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26	6/26/2026	Email	26.05	1	Why wasn't the action level of 319 ppm, which would have achieved the goal of 3.5 mg/dl selected?
27	6/28/2026	Email	27.01	3	I am not a scientist or a public official. I'm a mechanic. My job is to diagnose problems and fix them. I have to follow technical standards and make sure the work I do is safe and reliable for the people in the vehicle and everyone else on the road. In my profession, efficiency matters. Customers want their vehicles back quickly, and every shop wants to work more efficiently. But I cannot make a repair easier, faster, or cheaper by lowering safety or technical standards. If brakes, steering, or suspension components require a certain level of inspection and repair, I don't get to skip steps because they are expensive or inconvenient. My responsibility is to learn how to do quality work more efficiently, not to redefine quality so the job becomes easier.
27	6/28/2026	Email	27.02	1	That is why I am concerned about both this current proposal and EPA's 2025 Lead Directive, which appears to be the basis for increasing the proposed action level from 175 ppm after the thorough public process in 2024 to 456 ppm today. From what I have read, EPA continues to recognize the serious health and environmental risks of lead exposure, especially for children. Yet at the same time, the directive appears to prioritize implementation concerns to "streamline" the process across different sites. I understand those concerns. Cleanup should be efficient, and resources should be used wisely. However, it is not clear to me that increasing the action level to 456 ppm actually solves anything with respect to implementation. It complicates the process by creating confusion and concern due to what it disregards. From the record available, it is not clear what scientific evidence supports that change. The practical effect of higher cleanup thresholds may be that fewer contaminated properties are investigated or remediated. That may make cleanup easier, faster, or less expensive, but the agency should be able to adequately explain how it evaluated the resulting health impacts and how those impacts were weighed against any implementation benefits.
27	6/28/2026	Email	27.03	1	If EPA is changing its approach to lead cleanup, the public deserves a clear explanation supported by science. What new scientific evidence since the 2024 process justifies the higher screening and cleanup thresholds? What analyses demonstrate that this change will provide the same level of protection for children, families, communities, and our local environment? How many properties that would have qualified for further action under the 2024 proposal will no longer qualify under this new proposal based on the 2025 directive? As a mechanic, I know that when a job is difficult, the answer is not to lower the standard. The answer is to improve the way the work is done while still meeting the standard. When the issue is lead contamination that affects human health, especially children's health, as well as our environment, we should be looking for better ways to achieve protective cleanup goals, not accepting greater risk because those goals are challenging to meet. I respectfully ask EPA to place adequate scientific basis for this current proposal and the 2025 policy change in the public record. It should fully explain how the new approach protects human health and the environment while increasing the screening level and reducing the area that is cleaned up. Because that doesn't add up. After paying attention to the 2024 public process and the record generated during that time, I don't think the EPA can justify this policy change that seems to prioritize streamlining over the quality of cleanup. For Butte, the EPA should cease relying on the 2025 policy focused directive and place emphasis on the best available up to date information and research. We can find efficiencies in other ways.
28	6/29/2026	Email	28.01	2	Public Input and Responsiveness: Members of the Butte community have expressed frustration that their feedback during previous comment periods has been dismissed. Critics claim that the federal government is prioritizing the minimization of cleanup costs for responsible parties over genuine ecological restoration. It is my sincere hope that EPA provides comprehensive reponses to the very detailed input that has been receive from some citizens. I know I spent a great deal of time preparing my public comments.

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28	6/29/2026	Email	28.02	2	WHAT MAKES A GOOD EPA RESONSIVENESS SUMMARY An effective EPA responsiveness summary clearly demonstrates that public input was taken into account by the agency. To achieve this, it must be written in plain language (typically targeting an eighth-grade reading level), explicitly explain how comments influenced the final decision, and logically organize the agency's positions. In preparing the Responsiveness Summary it is my ardent wish that EPA produces a high-quality summary that meets specific regulatory and communication requirements. Given the competency, commitment and expertise of EPA personnel in the Montana Office this should be no problem. Clear Organization: Comments and responses are grouped by topic rather than published as a chronological list, making it easy to see the main areas of public concern. Transparent Justifications: The document explicitly details whether a proposed action was modified in response to a comment, or logically explains why a recommendation was rejected. If public comments had no impact on the proposed RODA, then why was the public asked to comment? Plain Language: Technical jargon is translated into lay terms, ensuring the public can easily understand the agency's reasoning. Mass Campaign Handling: For large-scale public comment campaigns, the summary synthesizes recurring themes, concerns, and proposed alternatives rather than responding to hundreds of identical form letters individually. I doubt this RODA will occasion a large-scale public comment campaign but those comments received should be carefully considered as I am sure they will be. Significant Comment Focus: The EPA addresses all "significant comments"—those that raise relevant environmental, scientific, or procedural concerns that directly impact the scope of the decision. I hope the responses display some specificity directly related to the content of the comments received. There are nuances to public input that must be recognized. Simply saying that several people were concerned about the protectiveness of the action levels and the EPA give a standard reply will simple not do. Administrative Record Integration: It cites the supporting data, science, and public outreach that informed the EPA's response. Citizens want to know why something was done.

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28	6/29/2026	Email	28.03	1	VARYING ACTION LEVELS FOR SOILS ACROSS THE UNITED STATES The U.S. Environmental Protection Agency (EPA) generally establishes national screening and removal management levels for lead in residential soil, rather than fixed, state-by-state cleanup limits. However, the exact soil lead levels that prompt action can vary from site to site based on regional decisions, local conditions, and state laws. Key factors causing variation in soil lead actions include: National Baseline Guidelines: The EPA has a standard residential soil screening level of 200 parts per million (ppm). In areas where children face multiple sources of lead exposure (such as old lead-based paint), regional EPA teams may drop this screening threshold to 100 ppm. The EPA's regional removal management level for soil is 600 ppm. Site-Specific Decisions: Screening levels are not automatic cleanup standards. Local EPA site teams make decisions based on specific risk factors, community input, and natural background levels of lead in the soil, leading to varying responses depending on the location. State Regulations: While the EPA sets national guidance, individual states are permitted to implement their own stricter guidelines. For instance, California utilizes much more stringent screening values, such as 80 ppm for residential soils What role did these factors play in setting the RODA lead action and screening levels? Please explain and justify. Federal Action Levels (U.S. EPA) Screening Level: The U.S. Environmental Protection Agency recommends a residential soil screening level of 200 ppm (parts per million or mg/kg). In Butte it is 456. Why? Multiple Sources: If a home has additional sources of lead, such as leaded water lines or deteriorating lead paint, the screening level drops to 100 ppm. As I read the RODA, this is not being done for rescreening and for new properties added to the BPSOU. There are multiple sources of lead exposure in Butte that need to be recognized and incorporated into screening level decisions. Removal Management Level: The EPA's trigger for immediate soil removal at Superfund and hazardous waste sites is 600 ppm.
28	6/29/2026	Email	28.04	1	Under the EPA's proposed ROD amendment for the Butte Priority Soils Operable Unit (BPSOU), the current removal level for lead is 456 parts per million (ppm). At the same time, the EPA's standardized national screening level for lead is 200 ppm. This means screening is triggered earlier (at 200 ppm) to identify at-risk properties, while physical soil removal and remediation are triggered if lead concentrations exceed 456 ppm. Why isn't the screening level for Butte 200 ppm as it is in the rest of the country? Why isn't it really 100 ppm given that Butte has extensive multiple sources of lead contamination.
28	6/29/2026	Email	28.05	1	My assumption is that a high screening level does not necessarily trigger a removal action level, but indicates that further remedial investigation is needed? Is this assumption correct? If so, what additional investigation activities are proposed or have already been accomplished in Butte?

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28	6/29/2026	Email	28.06	1	In the proposed EPA Record of Decision (ROD) amendment for the Butte Priority Soils Operable Unit (BPSOU), the numerical values for lead depend on whether they are being used for initial investigation screening or actual yard remediation. Cleanup/Action Level: The EPA proposes to lower the cleanup threshold for lead in residential soils and interior dust from 1,200 mg/kg (parts per million) to 456 mg/kg. Standard Screening Level: In line with national guidance, the EPA's standardized initial screening level for lead in residential soil is 200 mg/kg. The 456 mg/kg standard is the site-specific cleanup level derived for the Butte area, while the 200 mg/kg value serves as the trigger level across sites for initiating soil investigations and evaluations to see if cleanup is required. So, as properties are added to the BPSOU under the ROD Amendment, will they be screened using the 200 mg/kg level? If not, why not? Or more appropriately, at the 100-ppm level. If not, why wasn't this done?
28	6/29/2026	Email	28.07	1	In Butte, homes within the Priority Soils Operable Unit (BPSOU) are not screened for cleanup at 100 ppm. While 100 ppm is sometimes used by the EPA as a screening level in residential properties with multiple sources of lead exposure, Butte’s Superfund cleanup thresholds and action levels are site-specific. GIVEN THAT IT IS ADMITTED THAT HOMES WITHIN THE BPSOU HAVE MULTIPLE SOURCES OF LEAD, WHY ARE BUTTE PROPOERTIES IN THE BPSOU NOT SCREENED USING THE 100 PPM ACTION LEVEL?
28	6/29/2026	Email	28.08	1	The regulatory standards and active screening processes for lead in Butte include: Current Status: The longstanding cleanup action level was historically set at 1,200 ppm. Proposed Update: The RODA proposes lowering the cleanup action level for residential soils and interior dust to 456 ppm. This proposal includes expanding the site boundaries to test and evaluate approximately 7,100 additional households. WHAT SCREENING LEVELS WILL APPLY TO THESE NEW PROPERTIES? Local Guidelines: The Residential Metals Abatement Program (RMAP) conducts environmental assessments, including yard and interior dust sampling, to reduce exposure. The program prioritizes vulnerable populations (e.g., homes with children aged six and under or pregnant and nursing mothers) for testing and evaluation. Action levels and screening levels are the result of complex decision making. I believe the public has a right to know how they were derived and what is the justification for the levels selected.

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28	6/29/2026	Email	28.09	1	Is the reason the screening level for lead in Butte not 100 ppm [because of] the following: The U.S. Environmental Protection Agency (EPA) did not set the Butte, MT lead screening level at 100 ppm because, while national screening levels are 100–200 ppm, site-specific cleanup standards are based on local risk factors, historical contamination levels, and bioavailability (how easily the body absorbs the lead). Under the EPA Proposed Plan for Butte, the action level is set at 456 parts per million (ppm), balancing national health guidance with what is deemed realistically achievable for the Butte Superfund site's specific geology. Key Factors Influencing the Decision National Guidance vs. Site Actions: The EPA’s general guidance sets a screening level of 100 ppm for residential properties with multiple sources of lead exposure. However, EPA explicitly notes that screening levels are not cleanup standards; actual cleanup decisions use site-specific risk factors. Historical vs. Proposed Levels: The previous cleanup standard for Butte was unconscionably high at 1,200 ppm. The EPA's proposed amendment drops this by over 60% to 456 ppm. Bioavailability Arguments: The EPA has historically justified higher action levels in Butte by arguing that the legacy lead contamination is less bioavailable than in other regions (such as the nearby Anaconda smelter site), though local public health officials have heavily disputed this. Community Controversy: The decision to land on 456 ppm is a compromise, but it has faced local pushback. Local officials and Superfund watchdogs advocate for a level matching Anaconda's 400 ppm or lower, noting the CDC's stance that no level of lead is safe for children. As I have said before this controversy needs a through answer in the Responsiveness Summary.
28	6/29/2026	Email	28.10	5	I would also argue that the mandatory soil sampling boundary should be expanded further to encompass additional locations, such as Census Tract 6, the Margaret Leary School, and the Jeremy Bullock Memorial Soccer Complex. Excluding these areas is not environmental or from a public health perspective defensible.
29	6/29/2026	Email	29.01	4	At the public meeting to discuss the RODA for the BPSOU held at Montana Tech in June, the Region 8 Administrator indicated that the 15-year timeframe for completing the multi-pathway lead abatement under the RMAP for the BPSOU—old and new--was the longest it would take. He stated that he thought that it could be done in ten years. He also told the Montana Standard that no new additional resources would be needed to accomplish this timeframe. Is this reduced timeframe realistic? Is it realistic considering the expansion of the BPSOU in size and the lowering of the action level for lead in the BPSOU that will bring more homes, by definition, under the purview of the BPSOU. Can it be done with no additional resources? The Region 8 administrator gave no evidence to warrant this conclusion that an expedited timeframe could be accomplished with no additional resources. He also did not indicate how the expedited time frame would be accomplished. These questions need answers in the responsiveness summary for the RODA for the BPSOU. Expediency is good but not at the expense of quality.
29	6/29/2026	Email	29.02	6	Also, in terms of required mandatory access and cleanup in the BPSOU, what mechanisms will be used to enforce compliance if people do not voluntarily comply? If there is no compliance mechanism, if there is not penalty attached for noncompliance, compliance will be iffy and spotty. What enforcement mechanisms are in place now? Will they be continued?

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29	6/29/2026	Email	29.03	3	What is the Region 8 Administrator’s basis for the above assertions? How could the public be certain that such a rush to get it done in a hurry will not compromise the quality and the protectiveness of the cleanup? EPA is under pressure under the Superfund Solutions Initiative to expedite cleanups. But what assurances does the public have that this rush will not come at the expense of quality and protectiveness of the cleanup? It does no good to rush a solution that is not protective.
29	6/29/2026	Email	29.04	3	The following represents my effort to discuss what seems to be the main complaint/issue/concern regarding the proposed new lead action levels for Butte—Is the implementation time for the new lead levels excessively long and should it be expedited? Some have asked the question: Why wait so long? Is 15 years too long to wait? Of course, the other questions as to whether it is too short also need to be considered.
29	6/29/2026	Email	29.05	3	Discuss in detail the complexity of the current RMAP remediation process in Butte coming to the conclusion that under the present remediation components, procedures and protocols, the 15-year estimate that remediation activities will take pursuant to the new action levels for lead is reasonable. If anything, I think that it underestimates the time it will take for remediation unless significant new resources are committed to the activity. (These procedures are largely mandated under existing decision documents for the Superfund cleanup in Butte.) I want to focus on what seems to be the main point of contention regarding the implementation of the proposed actions levels: The amount of additional time cleanup will require—an additional 15 years. Is this too long? It is too short? Can it be expedited and accomplished more quickly? Is there justification for accelerating the pace of cleanup under the new lead action levels? Obviously, in a perfect situation and a situation not constrained by law, rules, regulations, cost, technology, the faster the new action levels could be implemented the better as long as quality, validity, and thoroughness were maintained in the implementation process. Quality must not be sacrificed to speed. Also, decision making under Superfund is affected and constrained, as I said, by existing law, policy, decision documents etc. Finally, good cleanups take time. The issue is: Can and should the time frame for implementing the new lead action levels be shortened while still preserving the quality of the implementation?
29	6/29/2026	Email	29.06	3	Explore the question as to whether or not an expedited remediation implementation effort in Butte is warranted. Other than cleanup fatigue, what mandates an expedited cleanup, particularly if it sacrifices quality?

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29	6/29/2026	Email	29.07	8	In order to answer that question we must first considered what is involved currently under the RMAP in identifying, sampling and remediating a property. The following summarizes what is involved in this process. Sampling Residential Property a. 2 to 3 hours per property—mapping, collecting and note taking while on premises. Prior to this RMAP must obtain property information such as obtaining access agreement, scheduling, etc. b. Results of the samples take six to eight weeks. Does not include time for necessary data validation. Remediating Residential Property a. Indoor remediation—one week per property. (Currently, RMAP has two in-house remediation crews.) b. Soil remediation—One week but of course will vary based on size of the lot, topographical characteristic and other surface features. c. Additional time to develop work plans, completing property access agreements, etc. Seasonal Remediation Numbers a. 100 per year indoor b. 60 per year outdoor soil c. The remediation season in Butte is from 5 to 7 months for both indoor and outdoor of course depending on weather. Source: Eric Hassler, BSB Department of Reclamation and Environmental Services, Director—Email of January 18, 2025. Data Quality Control is also mandated by the RMAP which requires additional resources and time. (One ancillary question could be how long does it take to hire, train and equip remediation crew? Are they available? What does it cost to train a crew? What about benefits? What about wages? Etc.)

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29	6/29/2026	Email	29.08	4	Estimated Additional Remediations that would be Required as the New Action Levels are Implemented It is estimated by EPA that 60% of the newly added properties will require remediation. 50% of properties in the historic/uptown BPSOU will have to be resampled. We could also use the 60% figure here or as I discuss later a slightly lower percentage. (The discussion below is an estimate for purposes of discussion. The exact figures could be slightly different.) Under the new lead action levels an additional 7100 additional properties will need to be sampled. If there is a 60% remediation rate, that would be 4260 homes needing remediation. Assuming that because of their location and the age of the structures that the 60% rate for newly added properties outside of the historic BPSOU is too high, although it would not be in the Greeley Neighborhood, the required remediation rate will actually be lower, i.e. fewer homes would need remediation. But there is also the question of attic dust contamination from past smelter activities and whether it is more prevalent in the new property additions compared to those in the original BPSOU. Anyway, let us assume 40% of newly added homes outside of the existing BPSOU need remediation. A lower remediation rate of 40% would still mean that approximately 2800 properties would need remediation in the new added properties. If we assume the 60% rate would apply for the properties that are resampled in the existing BPSOU boundary, that would be an additional 2820 properties needing remediation in the old BPSOU. The result of adding together old and new properties would be a total (old plus new), using the lower percentage rate of 40% for newly added properties, 5720 additional remediations, approximately. If the 60 % rate is used for newly added properties as well as properties in the historic BPSOU that would be resampled that would be an additional 7172 remediations, approximately—ball park. The inference from all of the above information is that the old-time frame of 25 additional years for remediation to be accomplished using the existing staff, equipment and procedures is realistic. I don't know how given all the RODA additions the EPA expects to get all this done in 15 years. I didn't do all the math but this point should be obvious is you look at the time involved in cleaning up a property.

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29	6/29/2026	Email	29.09	4	Cost (This cost analysis assumes the cleanup schedule articulated in the Proposed Plan for the ROD Amendment to BPSOU and, more importantly the actual RODA for the BPSOU.) Taken from: Proposed Plan to Amend the Remedial Action for the Butte Priority Soils Operable Unit #MTD980502777 October 2024—U.S. EPA RODA—June 2026—BPSOU Press Release for the RODA EPA personnel comments at the public meeting in June. Cost The proposed expansion of the BPSOU boundary will increase the number of residential properties to be sampled to over 7,000 properties. The proposed lower cleanup level of 456 ppm is expected to greatly increase the number of additional residential properties that may require cleanup and, therefore, the cost associated with those activities. This includes costs to sample residential properties in the proposed BPSOU boundary expansion and reevaluate residential properties previously sampled. Properties that were previously remediated will also be reevaluated to ensure that the remedy in place remains protective. Estimated Annual Capital Costs: \$13 million Estimated Annual Operation and Maintenance Costs: \$50,000 Estimated Total Cost (Present Value): \$134 million—at a very minimum. The numbers of additional properties to sample and remediate can only be estimated at this time using broad assumptions. The EPA estimates the annual capital costs to include direct and indirect costs of residential sampling (i.e., residential soils and interior dust), data management, remedial design activities, construction (remedial action) activities, project management, and construction management. The annual capital costs are estimated to be approximately \$13 million. The EPA estimated that 640 properties will be sampled each year for 15 years. The EPA estimated that half (50%) of the properties in the current BPSOU boundary will require re-sampling based on historic sample data. The EPA broadly estimates that 60% of properties to be sampled within the proposed BPSOU boundary (approximately 5,000) will require cleanup over a period of 25 years, where 230 properties would be cleaned up each year. While Operation and Maintenance costs are not included for residential properties in the 2006 ROD, costs associated with institutional controls and the EPA Five-Year Review have been assumed to be broadly \$50,000 per year. The total costs representing the present value of sampling for a duration of 15 years and a present value of cleanup activities for 15 years are approximately \$134 million. The present value calculation includes a discount rate of 7% consistent with EPA policy. There is a significant difference, increase in cost, between the Existing Remedy, presented as approximately \$30 million in the 2006 ROD, and the proposed changes. The point is somewhat obvious: unless significant new moneys are allocated to RMAP, above and beyond what is contained in the RODA provisions and cost estimates, the timeframe for full implementation of the new lead action levels cannot be significantly accelerated. If you want expedited cleanup, stipulate how this will be accomplished. The Region 8 Administrator seems to be engaged in “magical thinking” on this one. It is counterproductive to promise something to the public and then fail to deliver.
29	6/29/2026	Email	29.10	4	The question now becomes: Is there sufficient warrant that would justify EPA requiring more money, above and beyond that mandated in the proposed plan, from Atlantic Richfield for expedited remediation under the new lead action levels? If there is this needs to be specified in greater detail than has been done to this point. Also, how does EPA calculate cleanup fatigue in its calculation?

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29	6/29/2026	Email	29.11	4	Make no mistake an expedited implementation of the new lead action levels would require additional funding, the amount of which would depend on how expedited did decision makers want the implementation to be achieved. In any event, a significant expediting of the implementation would have a substantial cost associated with it. Could such a cost increase be justified? Would the PRPs be willing to pay such an additional cost? What does the cost/benefit analysis show?
29	6/29/2026	Email	29.12	7	I participated in the Blood Lead Levels Screening studies and didn't see any evidence of an emergency situation that would warrant a time critical or expedited response action. In short, I am not aware of any data that would at this time mandate an expedited response under EPA rules and regulations used to determine whether or not an expedited response is warranted. Is there existing data that has been missed or that has been overlooked? I there isn't such a situation, what is EPA's justification? Will it stand if challenged?
29	6/29/2026	Email	29.13	3	On the other hand, using the new blood lead level action levels as a guide, it is obvious that a significant number of properties within the original BPSOU and in the expanded remediation area under the proposed plan, have lead levels that are higher than the action levels. In the proposed plan, the EPA says: The EPA anticipates that the proposed lower lead cleanup level of 456 mg/kg will significantly increase the number of residential properties that will be identified for cleanup. By definition, these areas pose a threat to public health from lead exposure and should be remediated. Fifteen years before remediation is complete is a long time to wait and a long time to allow this threat to remain in place. The Precautionary Principle, which is a part of Superfund's justification, would seem to demand a more expedited cleanup as well. But can the fifteen timeframe be reasonably shortened as the Region 8 Administrator said?
29	6/29/2026	Email	29.14	3	EPA takes pride in its ability to identify and quantify health threats under Superfund. EPA has identified a significant unremediated health threat that must be addressed by the newly proposed, more protective lead action levels. Assuming this threat exists, and EPA says it does, is it justifiable to wait 15 years for this threat to be fully addressed? That is what the public is asking. EPA needs to provide greater explanation and justification with regard to the timeframes that are at play here. Why will it take 15 years? Can it be done realistically in a shorter time period?
29	6/29/2026	Email	29.15	4	One question then becomes, under Superfund, how long can a threat remain in place when it is technically feasible to move faster if the necessary resources are committed? How does EPA determine the length of time a threat may remain in place versus the cost of removal? Is the threat posed by lead under the new action levels sufficient to warrant an expedited or emergency cleanup? What can help the public understand the tradeoff between threat and cost? EPA should explain how they go about answering these questions and how EPA has answered them with regard to Butte. (There are those who maintain that cost should not matter. The PRPs should bear the cost no matter how much because they are responsible for the problem and have an obligation legal and moral to pay this cost. While moral culpability might be interesting to explore, it is generally irrelevant to the implementation of Superfund, which depends of what the law says. Whatever actions EPA orders must be defensible, ultimately in court if needed. The EPA cannot be arbitrary and/or capricious in its decision making. It is also important to remember that the RMAP program goes far beyond anything EPA could order under Superfund. Finally, retroactive liability, as defined in law, is part of the Superfund process and has been used and is being used in Butte. I would also reiterate my view that much progress in terms of Superfund has been achieved in the last few years because of cooperation between EPA, MDEQ, BSB and Atlantic-Richfield. That cooperation needs to be recognized. That cooperation has accelerated the progress in Butte. We do not want to lose that spirit and reality of cooperation.)
29	6/29/2026	Email	29.16	8	The RMAP program, which is a nationally recognized success, goes far beyond what could be mandated under Superfund and addresses contaminates that are not directly linked to past mining operations. How, if at all, does this fact limit or shape EPA's regulatory authority? What would EPA have to do to demonstrate a warrant for a significantly expedited the cleanup?
29	6/29/2026	Email	29.17	7	If the threat of lead exposure is being realized, why have we not seen evidence of lead associated disease in Butte or significantly elevated blood lead levels compared to the rest of the nation, even in areas of previous mining? Is it bioavailability, poor past studies, asking the wrong questions or what? Could it be that the problem of lead is being remediated and the threat lessened? Could we be seeing programmatic success?

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29	6/29/2026	Email	29.18	7	Are the average blood lead levels in children in Butte higher than the average at other mining communities such as Butte? Are the average blood lead levels in children in Butte higher than other communities with a higher percentage of older homes with lead paint, which we see in the BPSOU?
29	6/29/2026	Email	29.19	9	There are questions as to the validity of previous studies. There is doubt as to what is actually occurring with regard to the health effects of exposure to lead but these doubts have yet to be documented or quantified. But again, under Superfund policy, cleanups cannot be mandated by what may be discovered when existing studies show no or little evidence. The existing studies show that blood lead levels in Butte children remain higher than the national average. Why? What part do background levels of lead in Butte play? How do background levels relate to residential soils? EPA has a policy of not trying to remediate below background levels of a contaminant.
29	6/29/2026	Email	29.20	7	Also, those past health studies are defended particularly by those who participated in them? Are they wrong? If so, why and how? There are still a lot of unanswered and perplexing problems and questions. Maybe this responsiveness questions can answer them. Certainly, new and revised studies using different valid methodologies may be warranted. Existing studies need to be critically scrutinized. Do they adequately assess the effects of lead exposure in Butte? Are they missing something? EPA needs to provide answers to these quandaries and questions. I would urge EPA to explain with clarity and comprehensives this complex cost benefit analays of the benefit from an expedited implementation of the new lead action levels versus the cost.
29	6/29/2026	Email	29.21	4	What effect will the newly announced EPA national policy not to calculate health effects as part of its cost calculations affect the issue of costs associated with the RODA?
29	6/29/2026	Email	29.22	3	Again, I would like to reiterate the role of cost in Superfund decision making. It should not be to find the cheapest remedy. It should be: find the best remedy and then seek to determine the most cost-effective way to achieve that best remedy. I fear that the current push by the national office of EPA to expedite cleanups, which we all want, will come at the expense of quality which we all do not want to occur. If it takes longer than 15 years to achieve a good cleanup, quality must not be sacrificed for speed. There needs to be more attention given to the issue of whether expanded resources are needed to accomplish an expedited cleanup. The Administrator’s comments that resources are currently sufficient needs to be fleshed out, explained and defended. I hope this is done in terms of the responsiveness summary.
29	6/29/2026	Email	29.23	3	Is the threat of exposure posed by residential lead above the proposed action levels serious enough to demand an expedited remediation effort faster than that proposed in the RODA?
30	6/29/2026	Email	30.01	1	Please reject the new suggested standards for lead cleanup in Butte, Montana. The suggested standard of 456mg/kg, cutting earlier targets in less than half, is inadequate for human health and the health of the Butte environment. Butte supplied copper to electrify the nation and to win two world wars. Butte deserves a strong reasonable cleanup target! 456mg/kg is too low a target! Thank you.

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31	6/29/2026	Email	31.01	1	Thank you for giving us an opportunity to express our thoughts concerning the lead level clean up in Butte. Listed below are several points we would like to make: Locally, it is widely accepted that over time smelter emissions from the Anaconda Smelter were deposited in the homes and soils of Butte/ Silver Bow. To protect the health of the residents of Butte/Silver Bow at the same level as the residents of Anaconda, it only makes sense that the lead clean up level in Butte should be the same as the clean up level in Anaconda.
31	6/29/2026	Email	31.02	8	EPA representatives have suggested that the “speed “ of the cleanup is dependent on how quickly the residents sign up for the program. It is imperative that the EPA establishes and oversees an aggressive outreach program in Butte/Silver Bow. This outreach program should contact every property owner to explain not only the clean up opportunities but also the potential value added to their property. Included in the outreach documents should be an access agreement that allows EPA to test and remediate the property. This proactive approach would jump start the program to allow for a more efficient completion.
31	6/29/2026	Email	31.03	1	It is widely held by health experts that there is no safe blood lead level, especially in children. Therefore the EPA should set the blood lead level at zero in Butte Silver Bow. This should not be constrained by budget issues. The EPA should compel ARCO to fully fund the cleanup so that the level is zero.
31	6/29/2026	Email	31.04	3	In regards to clean up, the EPA should require that clean up of properties be started immediately after testing of the individual property. This will require additional crews. All sampling should be completed by 2032 and clean up should be completed by 2037.
32	6/29/2026	Email	32.01	9, 12	I appreciate the opportunity to comment on EPA's proposed residential soil lead cleanup level for the Butte Priority Soils Operable Unit. As a Butte resident, I reviewed the proposal and the supporting documents to better understand the basis for the proposed cleanup level. During this review, I found several areas where I could not determine the scientific basis for EPA's proposal. My comments focus on those questions and on the information I believe should be included in the administrative record before EPA issues a final decision.
32	6/29/2026	Email	32.02	1	First, In reviewing the 2025 Residential Lead Directive, I could not determine why EPA selected a target blood lead level of 5 µg/dL instead of the current CDC blood lead reference value of 3.5 µg/dL. If EPA concluded that 5 µg/dL remains the appropriate target for decision-making, I believe the scientific analyses supporting that conclusion should be included in the administrative record and available for public review.
32	6/29/2026	Email	32.03	9	Second, site-specific lead bioavailability was used to develop the original residential cleanup level for the Butte Priority Soils Operable Unit. EPA recognized that lead mineralogy within the Butte mining district differs from many other sites and incorporated site-specific bioavailability data into its risk assessment. However it appears that the site-specific bioavailability studies supporting the original Butte cleanup level were conducted many years ago and there may be updated approaches to this type of study. Based on the current documents in the record, I could not determine whether EPA evaluated the need for updated bioavailability testing before proposing a revised cleanup level. The EPA should demonstrate whether the original bioavailability studies remain representative of current site conditions given that more recent studies suggest the need to take another look. Was updated site-specific bioavailability testing performed? Because bioavailability directly affects predicted blood lead concentrations, EPA should clearly explain whether the original Butte studies remain the best available science or whether updated, independent information is needed before changing the residential cleanup level.
32	6/29/2026	Email	32.04	9	Third, during my review, I was unable to identify the studies EPA used to establish background soil lead concentrations for the Priority Soils Operable Unit. I could not find updated site-specific background sampling. EPA should identify the studies used to establish background soil lead concentrations and explain whether updated site-specific sampling was considered to establish background soil lead concentrations and explain how uncertainty in background conditions was addressed. Because background concentrations influence both exposure estimates and cleanup implementation, the supporting analyses should be site specific and available for public review.

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32	6/29/2026	Email	32.05	1	Finally, I am still seeking clarification regarding the 2025 Residential Lead Directive. Earlier in June, 2026, I emailed EPA requesting the technical support documents, scientific analyses, and other materials relied upon in developing the 2025 Residential Lead Directive, particularly regarding the selection of the target blood lead level and the scientific basis for the revised approach. As of the date I am submitting these comments, I have not received a response.
32	6/29/2026	Email	32.06	1	The Directive identifies accelerating cleanup decisions and streamlining response actions as important objectives. I understand the value of improving the efficiency of the cleanup. However, because the Directive also results in a revised approach for developing residential cleanup levels, I believe EPA should clearly demonstrate that those changes are supported by current scientific evidence.
32	6/29/2026	Email	32.07	1	Based on the information currently available, I cannot determine how much of the proposed cleanup level results from updated science and how much results from policy or administrative decisions. If the proposed cleanup level of 456 ppm would reduce the number of residential properties requiring remediation relative to the number that would be remediated if the level is 175 ppm, EPA should explain how that outcome was evaluated and demonstrate that the proposed cleanup level remains protective of children's health.
32	6/29/2026	Email	32.08	1	The public should be able to independently evaluate whether the proposed cleanup level reflects the best available science and understand how EPA evaluated any effect that the revised approach may have on the overall scope of cleanup.
32	6/29/2026	Email	32.09	9	Before issuing a final decision, I respectfully request that EPA make available additional technical support documents and analyses underlying the proposed residential soil cleanup level. This should include: the scientific rationale for selecting a target blood lead level of 5 µg/dL rather than 3.5 µg/dL; any updated site-specific lead bioavailability analyses; site-specific studies supporting background soil lead concentrations; analyses showing how alternative assumptions affect predicted blood lead levels and cleanup thresholds; and documentation showing how the proposed cleanup level remains protective of children's health while meeting EPA's stated objective of accelerating cleanup decisions.
32	6/29/2026	Email	32.10	1	Essentially, I am requesting that EPA clearly identify the scientific analyses, assumptions, and supporting documentation used to develop the 2025 Directive and to support the 2026 proposal of an action level of 456 ppm over the 2024 proposal of an action level of 175 ppm which was supported by an administrative record that the public had an opportunity to review. This represents a substantial change. I was unable to identify the technical analyses explaining this change in the materials available for public review. Providing those analyses would allow the public to meaningfully evaluate the scientific basis for EPA's proposal before it is finalized.
33	6/30/2026	Email	33.01	12	Atlantic Richfield Company (AR) appreciates the opportunity to comment on the 2026 Proposed Plan for the Butte Priority Soils Operable Unit. AR supports the overall direction of the plan and remains committed to working collaboratively with EPA, the State of Montana, and Butte-Silver Bow County to accelerate cleanup efforts.
33	6/30/2026	Email	33.02	1	While AR has provided technical comments on certain aspects of the Proposed Plan, we agree that it is appropriate to adopt a residential lead cleanup level generally consistent with the residential lead cleanup level in the site-wide Consent Decree for the neighboring milling and smelting site in Anaconda, Montana. Our shared objective remains clear: to deliver a protective, implementable, and durable cleanup for the Butte community. AR is committed to working collaboratively with EPA in the implementation of the modified remedy ultimately selected in the ROD Amendment, and it respectfully requests that EPA consider AR's Comments as a whole when the Agency considers modifying CERCLA remedies in the future at this Site or other sites.
33	6/30/2026	Email	33.03	13	The 2026 Proposed Plan entirely replaced a previously issued Proposed Plan dated October 16, 2024 ("2024 Proposed Plan"). AR submitted comments on the 2024 Proposed Plan on February 14, 2025 ("AR Comments on the 2024 Proposed Plan," Administrative Record Doc. ID No. 100019723). Where appropriate, AR has referenced and incorporated herein relevant portions of those comments. AR requests that these Comments on the 2026 Proposed Plan, AR's Comments on the 2024 Proposed Plan, and all documents cited herein be added to the administrative records of both this 2026 Proposed Plan (EPA ID: MTD980502777; Collection ID: 68247), and the Administrative Record of EPA's 2020 RODA for the BPSOU (EPA ID: MTD980502777; Collection ID: 64614)

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Comment Document ID Number	Date received by EPA	Type (email, written, public mtg)	Comment ID	Topic Category Heading	Detailed Comment
33	6/30/2026	Email	33.04	12	AR generally supports the 2026 Proposed Plan and the direction of EPA’s proposed modifications to the Butte Area remedy for residential soils and interior dust, including EPA’s proposal to adopt a 456 mg/kg lead cleanup level and to expand the geographic area addressed by the Residential Metals Abatement Program (“RMAP”). The proposed cleanup level is similar to the 400 mg/kg residential lead cleanup level selected for the neighboring Anaconda Smelter Site in its amended Record of Decision and Explanation of Significant Differences (2020). AR believes that both communities benefit from generally consistent residential lead cleanup levels for homes, yards, schools and parks, and that the 2026 Proposed Plan provides a consistent and robust remedy for thousands of residents in Butte-Silver Bow County.
33	6/30/2026	Email	33.05	9	AR supports the 456 ppm lead cleanup level that EPA proposed for residential soil and interior dust at this site in its 2026 Plan, while reserving its right to ask EPA to reevaluate and update the IEUBK model inputs used to derive residential soils action levels in any further or future agency reevaluation of residential lead risks at this site, or at other CERCLA sites. AR believes that EPA used certain IEUBK model inputs that are outdated and inconsistent with those used by other EPA programs. These issues are discussed in detail in AR’s comments on the 2024 Proposed Plan, which AR incorporates herein by reference. For example, the 2026 Proposed Plan continues to use 20- to 30-year-old data that overestimates exposure to lead in the US food supply, resulting in a proposed cleanup level that is significantly lower than needed to achieve the target blood lead level of 5.0 ug/dL today. While EPA’s conservative approach provides a significant margin of safety to Butte residents, it is inconsistent with EPA’s goal of using the best available data to support its analyses. In any further evaluation of lead exposure in Butte, AR suggests that EPA should consider updating the following inputs: The site-specific mass soil-to-dust transfer factor MSD calculated in the 2020 Evaluation of Mining, Smelting, Refining Sites (Tu et al. 2020) ³ is the best available data and should be used in any further analysis. EPA has acknowledged this is currently under evaluation; The recent dietary intakes calculated by the U.S. Food and Drug Administration (FDA) (Spungen 2019 ⁴ ; Hoffman-Pennesi et al. 2024 ⁵) are the most current, best science-based estimates of intakes that should be used to derive a residential soil lead PRGs; EPA should use the default Geometric Standard Deviation; and The soil ingestion rate should be updated to more recent estimates developed by EPA scientists (Zartarian et al. 2017 ⁷ ; Zartarian et al. 2023 ⁸).
33	6/30/2026	Email	33.06	9	The 2026 Proposed Plan contains an updated analysis of background sources of lead that cannot be remediated under CERCLA, including lead found in naturally occurring minerals on Butte Hill, lead paint in older homes, and lead in water pipes. EPA expanded its estimate to include a wider range of anthropogenic lead sources (115ppm to 315 ppm) but retained its older estimate of 15-20 ppm of naturally occurring lead in the BPSOU, even in the mining district, where surface soil lead concentrations were consistently higher (32-330 mg/kg). AR urges EPA to more closely follow its own guidance on background determinations in any further or future evaluations of residential lead risks at this Site and at other CERCLA sites. See U.S. EPA, Role of Background in the CERCLA Cleanup Program (2002); U.S. EPA, Superfund Residential Lead Sites Handbook (2024); U.S. EPA, ProUCL Technical Guide (2022). AR is concerned that EPA’s updated background analyses underestimate the contribution of naturally occurring minerals, anthropogenic sources of lead and lead based paint in BPSOU.
33	6/30/2026	Email	33.07	9	If EPA seeks to further reduce the residential or other lead cleanup levels in the Butte Area in the future, AR reserves its right to object to all background lead calculations that use inadequate data sets or inappropriate statistical methods to estimate naturally occurring and anthropogenic lead concentrations, resulting in artificially low background lead estimates as outlined in detail in AR Comments on the 2024 Proposed Plan.
33	6/30/2026	Email	33.08	3	AR supports EPA’s 2026 proposal to implement RMAP at a faster pace, in a shorter period of time (15 years), while prioritizing assessment and remediation for those most at risk in the community.
33	6/30/2026	Email	33.09	6	However, achieving EPA’s proposed 15-year remedial timeframe depends on many factors outside of EPA’s or AR’s control. First and foremost, receiving timely access for sampling and remediation. If access is denied or granted at a slower pace, EPA may need to extend the remedy schedule and/or use its enforcement authority to compel access.

Attachment 1. Master Tracking Spreadsheet of All Public Comments on the 2026 Proposed Plan
2026 Butte Priority Soils Operable Unit Record of Decision Amendment

Comment Document ID Number	Date received by EPA	Type (email, written, public mtg)	Comment ID	Topic Category Heading	Detailed Comment
33	6/30/2026	Email	33.10	3	Other factors that impact the achievability of EPA’s timeframe include, but are not limited to: - o A potential increase in the number of properties that require remediation based on sampling results. - o Butte’s climate already limits work to approximately 5 months and weather conditions (extended winter temperatures below freezing, late season snow, occasional flash flooding, etc.) can further delay residential soil sampling and remediation work. - o Butte’s topography and narrow streets may limit the number of remediation crews that can work safely in a given area. - o The seasonality and short construction season can make hiring and retaining competent workers difficult. - o <u>Logistical challenges with other BPSOU superfund construction activities including traffic and safe truck access to the mine waste repository.</u>
33	6/30/2026	Email	33.11	4	Implementation of the revised BPSOU residential soils remedy will require additional work crews to sample and remove lead, significant amounts of EPA-approved clean fill, additional truck traffic to haul excavated soil and clean fill, and careful construction management, among other factors. AR therefore requests that the ROD Amendment include realistic implementation expectations and appropriate flexibility to modify the remedy schedule when work is delayed by seasonal weather conditions or property access, remedy sequencing, disposal capacity, fill availability, and other practical implementation constraints that AR does not control. Build more flexibility into the remedy schedule to manage events and delays that are beyond the control of EPA and liable parties.
33	6/30/2026	Email	33.12	8	While AR supports the geographic expansion of the RMAP’s coverage into the area identified as the proposed “BPSOU Boundary Expansion Area”
33	6/30/2026	Email	33.13	5	AR opposes the expansion of the BPSOU Boundary for two reasons: First, the BPSOU boundary should not be expanded or modified to remediate land that is not in residential use, since the 2026 Proposed Plan did not provide the data or analysis that CERCLA and NCP require to extend the BPSOU boundary to industrial, commercial, agricultural, and other non-residential properties in this area. In fact, the 2026 Proposed Plan only provides the data and analysis needed to address contamination of “residential” properties. Before selecting or modifying a remedial action under CERCLA, the NCP requires a Remedial Investigation (“RI”) sufficient to collect the data necessary to characterize the site, evaluate remedial alternatives, assess risks to human health and the environment, and support the selected response action. See 40 C.F.R. § 300.430(d)(1), (d)(2), (d)(4). The existing BPSOU RI was designed to characterize conditions within the BPSOU as then and as currently defined; the RI did not characterize the areas and neighborhoods EPA now proposes to add to the BPSOU, nor did it provide the background, source-characterization, exposure-pathway, or risk-assessment information needed to support a broad expansion of the BPSOU boundary for all purposes. Expand the area covered by the residential soil and interior dust remedy, without expanding the BPSOU boundary for non-residential remedies;
33	6/30/2026	Email	33.14	5	AR opposes the expansion of the BPSOU Boundary for two reasons: Second, EPA’s prior BPSOU decision documents confirm a boundary modification and expansion is not required to accomplish EPA’s proposed RMAP changes and stated objectives. In the 2011 ESD, EPA expanded the RMAP attic-dust program to areas south and west of the BPSOU boundary without expanding the BPSOU itself. In the 2020 RODA, EPA likewise expanded the geographic area eligible for RMAP sampling and cleanup to the 2019 RMAP Expansion Area without redefining or enlarging the BPSOU boundary. EPA should follow that same approach here—expand the area to which the RMAP applies and make sampling and cleanup mandatory within that area—and leave the BPSOU boundary unchanged. Expand the area covered by the residential soil and interior dust remedy, without expanding the BPSOU boundary for non-residential remedies.

Attachment 1. Master Tracking Spreadsheet of All Public Comments on the 2026 Proposed Plan

2026 Butte Priority Soils Operable Unit Record of Decision Amendment

Comment Document ID Number	Date received by EPA	Type (email, written, public mtg)	Comment ID	Topic Category Heading	Detailed Comment
33	6/30/2026	Email	33.15	9	EPA should remove mercury as a required routine analyte for future RMAP sampling of soil, dirt, and dust, and should instead retain targeted mercury analysis only where site-specific historic uses warrant. This requested change is supported by and documented in the comprehensive Draft Final Butte Area Mercury Data Review (1986–2025), which was submitted by AR to EPA on December 17, 2025 (“Mercury Data Review”). The Mercury Data Review compiles and analyzes nearly four decades of mercury sampling data across the RMAP area, including the RMAP expansions under the 2011 ESD and 2020 RODA. The Mercury Data Review demonstrates that routine mercury monitoring imposes analytical costs and programmatic burdens without a commensurate benefit to protectiveness, because mercury exceedances are exceedingly rare, geographically concentrated in a small area, and overwhelmingly co-located with lead-driven remediation. The Mercury Data Review compiled 23,637 soil, dirt, and dust samples collected throughout the expanded RMAP area from 1986 through 2025. Only 36 of 23,637 samples (0.15%) exceeded the mercury action level of 147 mg/kg and almost all were located in Walkerville or the West Side Soils Operable Unit (“WSSOU”) and associated with historical mercury amalgamation activities at specific mills (e.g., Alice, Moulton, and Lexington facilities). Further, all but four had a co-located lead exceedance, allowing the residential lead remedy to address rare mercury exceedances. Among recent validated RMAP data, only two of 7,149 samples from residential parcels, schools, daycares, parks, and playgrounds exceeded the action level (0.03%). And only one exceedance sample was from a location without any lead exceedance—and that single sample was from a historical program with limited scope and no other samples collected at the location. The human health risk assessments summarized in the Mercury Data Review conclude that mercury generally does not present a risk at detected soil levels. Limit mercury testing and remediation to the relatively small area where mercury was used in the past to produce silver and where the rare mercury exceedances have been found.
34	6/30/2026	Email	34.01	1	I oppose the proposed changes to the residential metals abatement program because the clean-up standards are inadequate. The acceptable level of hazardous metals should be lowered.
34	6/30/2026	Email	34.02	8	The programs should provide for more testing and more cleanup.
34	6/30/2026	Email	34.03	1	I am particularly concerned with lead blood level. A targeted blood lead level of 5 micrograms per deciliter is too high. I would prefer a target of zero. There is no reason to accept that children in Butte should have a higher level of lead in their blood than the national average.
34	6/30/2026	Email	34.04	11	I also think the public notices are legally insufficient. The written material explaining the changes gives a lay reader the erroneous impression that the clean up is consistent with national standards. An average person without a scientific background who reads the notice is not informed of the true impact of the proposed clean-up standards and is not informed that the EPA is accepting low clean up standards for the Butte area. This was only made clear by public testimony at the hearing, not by the published notices. At a minimum, the proposal should be re-noticed to make it clear how the proposed cleanup for the Butte areas compares to acceptable levels in other areas. The EPA's conclusions about bioavailability and urban background concentrations should also be explained and clarified in a re-notice. If the EPA is accepting a lower standard of clean up for the Butte area, the science it is relying on should be clearly stated in its public notice.
35	6/30/2026	Email	35.01	12	1. The Montana Office of EPA is staffed by exceedingly competent and committed people. The staff in Helena and Butte exemplify what dedicated, devoted and able public officials should be and do. They are all guided by a deep commitment to providing a clean and healthy environment for all citizens. I want to specifically mention by name {REDACTED}. I also want to mention {REDACTED}, who seems to live in Butte given the time spent in Butte, for also displaying the highest standards of a government official: expertise, caring and accessibility. These are the people I have worked with and I can personally attest to their ability and accessibility.
35	6/30/2026	Email	35.02	12	2. MDEQ has also been an extremely capable partner to EPA. {REDACTED} are great partners. They are totally available to the public and answer questions posed to them with clarity and competence.

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2026 Butte Priority Soils Operable Unit Record of Decision Amendment

Comment Document ID Number	Date received by EPA	Type (email, written, public mtg)	Comment ID	Topic Category Heading	Detailed Comment
35	6/30/2026	Email	35.03	12	3. At least to my observation, Butte is a testament to the progress that can be made when all parties work together to achieve a common goal. The RMAP is a stellar example of this. Mr. Hassler and Ms. Crain of Butte Silver Bow have done a remarkable job in administering and executing this program and Superfund in general in Butte. Atlantic-Richfield has gone far beyond what could be required under the law both in terms of actual cleanup work and accessibility to the public. Much of what they have done they could not have been required to do .Contention has been replaced by cooperation with the result of substantial progress
35	6/30/2026	Email	35.04	11	Going forward with this cleanup, which will take years to accomplish, demands a robust community involvement and public education campaign. Over the past several years, EPA's public involvement and outreach has been commendable and sterling. To continue to do that outstanding job means that adequate resources must be committed to these endeavors--money, personnel, resources, etc. The RODA will demand more and more public engagement activities. As part of my public comments on the RODA, I would like to see greater stipulation of a strong, continuing commitment to the kind of public outreach that we have seen over the past few years. Good community involvement does not just happen. Good public education does not just happen. I will only continue to occur if EPA provides the means for it to occur.
36	6/30/2026	Email	36.01	12	Regarding EPA’s Proposed Plan to revise the action level and expand the boundary for action under the RMAP, I am supportive of the provisions therein. Despite my severe frustration that it has taken too long for EPA to bring the process to this point, the proposed changes are reasonable and should advance the objective to continue protecting human health in our community.
36	6/30/2026	Email	36.02	12	For starters, the reduced action level for soil lead, 456 ppm, is welcome and overdue. I remember writing comments on behalf of the local government in the mid-1990’s, opposing EPA’s decision to set the level at 1200 ppm, pleading with the agency to use the same 400 ppm level in Anaconda. I mean really, EPA hanging its hat on pig studies and a revisionist delusion that Butte did not have smelters, thus its residents were exposed to less bioavailability of lead in soil and other pathways. But I digress. No, 456 ppm is not 175 ppm, EPA’s last proposal which I never could figure out how EPA came up, and it is not the 400-ppm action level used in Anaconda (why not?). But in the big picture, using 456 ppm is a substantial improvement for the RMAP and will compel soil and attic dust removals at all properties that pose risk.
36	6/30/2026	Email	36.03	8	The silver lining of EPA’s preposterous decision to set 1200 ppm as the action level in Butte was the community standing up in protest, and motivated to develop our own innovative approach to childhood lead poisoning prevention in Butte. Hence the original Multi-Pathway Program, a nationally recognized method which focused first and foremost on public health outcomes (v. an arbitrary soil action level), and prioritized blood testing, monitoring, education, and SWAT-like actions to identify and abate ALL sources of lead that were threats to Butte’s small children, young mothers and other vulnerable residents. I mention that historical perspective as a segue to a comment on today’s Proposed Plan: To the maximum extent, I urge all parties – EPA, MDEQ, BP-AR and BSB – to preserve the principles of the multi-pathway approach. Commit adequate, long-term resources to keep blood- testing the children and our vulnerable residents; keep up with the biomonitoring for cumulative effects; stay committed to educating residents to help them avoid the risks posed by lead and understand their personal, ongoing responsibility to protect themselves from the ubiquitous presence of heavy metals in our mining town. These types of actions will continue to matter the most in terms of improving public health outcomes.
36	6/30/2026	Email	36.04	4	Regarding the soil removal actions outlined in the Proposed Plan, I appreciate the objective to step up the pace and abate 500+ yards per year. Getting things moving with 150 yards in Year 1 seems reasonable and should help BP/AR iron out the logistics for its contractors doing 500 yards per Years 2-15. My hope is that once the rough edges of the ramp up are smoothed out, the pace can pick up even faster.

Attachment 1. Master Tracking Spreadsheet of All Public Comments on the 2026 Proposed Plan

2026 Butte Priority Soils Operable Unit Record of Decision Amendment

Comment Document ID Number	Date received by EPA	Type (email, written, public mtg)	Comment ID	Topic Category Heading	Detailed Comment
36	6/30/2026	Email	36.05	6	At the same time, my experience with RMAP over three decades informs a reality that cannot be ignored: Getting access to sample/abate properties is a big lift, and it would be a mistake to think BP/AR can work through the access challenges alone. EPA cannot stand by idly; EPA must use its regulatory and enforcement powers, as necessary, to compel access, especially with rental properties where recalcitrant, distrusting owners have stymied abatement work for years. If a 500 yards/year program is going to be successful, property owners need to cooperate, and when they do not, EPA must step in.
36	6/30/2026	Email	36.06	4	I would also comment that EPA needs to let this Proposed Plan work. By that I mean EPA is the pivotal player to picking up the pace. Besides helping with access, EPA needs to commit more resources to implementation, e.g., re-establish a greater presence in Butte with more staff on site (not just traveling to and from Helena infrequently); perform workplan reviews with more urgency and stop letting their contractors question and comment on every detail (to churn billable hours) – like they actually know better how to dig up a yard and bring in replacement soil and sod/cover materials. EPA should trust the folks who built the RMAP from scratch 30 years ago. Absolutely, EPA needs to hold BP/AR and their contractors accountable for the work; in my opinion, however, EPA should spend less time tinkering with workplans on the front end, and invest more time on the back end, focusing on reviewing and approving completed work. I will also put in a plug for the local excavation contractors in Butte who have been the backbone of the yard abatement section of the RMAP for so many years. To do five hundred yards per year, I assume BP/AR will have to bring in a larger outfit with enough equipment, etc. At the same time, the local firms have valuable experience and knowledge that should not be overlooked. These local firms have personnel that have learned how to work with property owners and produce reasonable solutions (when it’s time to “tear up the backyard”).
36	6/30/2026	Email	36.07	5	I support the expansion of the BPSOU/RMAP area in the Proposed Plan to address additional neighborhoods. It is certainly justified.
36	6/30/2026	Email	36.08	5	One thing though: It appears to me that the expansion area boundary still excludes what should be a target area – what I’ll call the Margaret Leary Elementary School neighborhood, up against Timber Butte (west) to Harrison Avenue (East), Holmes Ave. (north) and Waterline Rd. (south). In my view, if the expanded area includes the Country Club neighborhoods in the southeast urban quadrant, it is an oversight to exclude the Margaret Leary area in the southwest quadrant.
36	6/30/2026	Email	36.09	4	My final, overarching comment is this: Decide and Move Forward. In the past six years, since the Priority Soils Consent Decree was lodged in federal court, it’s been my observation that EPA has failed to assign sufficient staff resources to the Priority Soils Site, and has been too slow, overly cautious and procrastinating in making decisions, second guessing itself and misreading to constructive dissent. That performance (or lack thereof) has generated doubt, uncertainty, and distrust in its wake for Butte citizens who are most keenly interested in results and progress. I urge EPA to up their game. Please, get this Proposed Plan through the process in a timely manner, make a final decision, and move to implementation of the changes so the Butte community can finally see more remedial ACTION on the ground.
37	6/30/2026	Email	37.01	1	I urge the EPA to retain the more protective cleanup threshold of 175 ppm proposed in 2024. I am particularly concerned that the proposed remediation threshold of 456 ppm appears inconsistent with the EPA's own published guidance on residential lead exposure.

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2026 Butte Priority Soils Operable Unit Record of Decision Amendment

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37	6/30/2026	Email	37.02	1	For decades, the EPA has identified 400 ppm as the upper benchmark for lead in areas where children live and play. More recently, EPA strengthened its guidance by recommending even lower screening levels: 200 ppm, or 100 ppm where communities face multiple sources of lead exposure. Those recommendations recognize that there is no safe level of lead exposure and that cleanup decisions should account for cumulative exposure. Given that Butte is a Superfund community with multiple potential sources of lead exposure, I do not understand the basis for adopting a remediation threshold of 456 ppm, which exceeds the long-standing 400 ppm benchmark and appears inconsistent with EPA's current guidance. I respectfully ask the EPA to maintain the more protective cleanup levels proposed in 2024 consistent with the agency's own published guidance and commitment to protecting our community's health. Thank you for your consideration.
38	6/30/2026	Email	38.01	8	I was in attendance for the public comment at the MT Tech auditorium. I had not been present for the public meetings on this topic in the past. Part of why I am reluctant to comment is that {REDACTED}. I have professional insight which also informs my personal perspectives. What are the current limitations to yard cleanup efforts? Interest in scheduling a sampling appt? Sampling appt availability? Drive time of crews between sampling locations? Customer availability at home at time of sampling? When they came and sampled my yard it took 10 minutes and in 2025 they were allotting 2 hours per sampling location. Thank you.

Attachment 2 of the 2026 Record of Decision Responsiveness Summary

This attachment to the 2026 RODA Responsiveness Summary (Appendix B to the 2026 RODA) includes the public comment received during the public comment period of June 1, 2026 through June 30, 2026. This attachment has redacted personally identifiable information.

From: [REDACTED]
Sent: Friday, June 5, 2026 10:14 AM
To: EPAButtePPcomments <EPAButtePPComments@epa.gov>
Cc: [REDACTED]

Subject: Lower Residential Lead Cleanup Level for Butte

You don't often get email from [REDACTED]. [Learn why this is important](#)

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

Most in Butte are well aware that the EPA and related federal health agencies agree there is no safe level of lead exposure. Because lead is highly toxic and accumulates in the body over time, exposure thresholds have been systematically lowered across all major environmental categories.

Dropping the cleanup level for lead in Butte to 456 ppm from 1200 ppm is a welcome improvement, but it remains below the established level in other communities, such as Anaconda.

While 200 would be preferred, I respectfully request that EPA lower the standard in Butte to 400. If cleanup will really take 15 years or more, we should try to reduce exposure to local children as much as possible as soon as possible. Lowering the levels may also prevent re-addressing levels in the future if the issue is revisited.

[REDACTED]

From: [REDACTED]
Sent: Monday, June 8, 2026 8:30 PM
To: EPAButtePPcomments <EPAButtePPcomments@epa.gov>
Subject: Comment: Lower Residential Lead Cleanup Level for Butte

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

I am a resident on E Mercury Street. I see no downside to reducing the "action level" for soil and dust levels requiring clean up. If there's funding available to help residents recover even better than they have so far from more than a century of pollution, why not?

Respectfully,

[REDACTED]

From: [REDACTED]
Sent: Monday, June 8, 2026 5:55 PM
To: EPAButtePPcomments <EPAButtePPComments@epa.gov>
Subject: Butte proposed cleanup

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

US Environmental Agency,
Butte Priority Soils Operable Unit

Responsible Party,

I am not in favor of your proposed cleanup of the Butte priority soils project. This has been going on since cleanup started in 1987. This project should have been completed years ago. Now you are proposing 15 more years to complete this project. I think 5 additional years should be sufficient for a proper cleanup.

The area of proposed cleanup should be expanded as proposed and the level of cleanup

should be reduced further and at least to the level proposed for Anaconda, Mt.

Let's get this project under way so that Butte, MT. can enjoy the environment that should have been completed years ago. I am a life long Butte citizen and I Would certainly like to see this cleanup completed.

Thanks also for holding an open house and public meeting at Montana Tech. I am sure it will be well attended as Butte people want to hear from you and get this proposal done.

Sincerely,
[REDACTED]

From: [REDACTED]
Sent: Monday, June 8, 2026 5:55 PM
To: EPAButtePPcomments <EPAButtePPComments@epa.gov>
Subject: Butte priority soils cleanup

[REDACTED]

Director
EPA Butte Priority Soils Project

Gentlemen,

The environmental cleanup in Butte, Montana started in 1987 and is still not finished. Your proposal for an additional 15 years is not within reason and unacceptable. This cleanup should be finished in no more than 5 years. Butte has been in this mode for nearly 40 years and would like to see some end to the cleanup.

The selected remedy for percent of residential soils and interior dust is still higher than acceptable. This contaminant level should not be any higher and perhaps lower than the level negated in Anaconda as the two cities reside in very similar circumstances.

It is far past time that this problem be solved. Butte and the area have gone on far too long without a proper cleanup. It is high time that the area be properly cleaned up for the citizens of Butte. I am a life long citizen of Butte and will certainly look forward to ridding the area of all the contaminants we can. Thanks for your help and assistance in making Butte America still the best place to live.

Sincerely,

[REDACTED]

From: [REDACTED]
Sent: Friday, June 12, 2026 11:12 AM
To: EPAButtePPcomments <EPAButtePPComments@epa.gov>
Subject: Public Comment on Prosed Changes for BPSOU

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

I am submitting my public comments on EPA's proposed changes to the BPSOU. I am a resident and property owner in the current BPSOU, and our daughter and grandchildren live in another property my husband and I own in the BPSOU. Our daughter's yard was tested and was below the current lead action level of 1,200 mg/kg but samples in the surface soil of her yard are above the proposed new action level of 456 mg/kg. Her children are ages 5, 8 and 10 and often play in the yard. With the advice from BSB expert Eric Hessler, we have fertilized and filled in the bare spots in the yard to minimize contact with the soil, but the coverage could be better.

1. I support the new, lower lead action level of 456 mg/kg. It is an acceptable compromise between an unachievable zero exposure and the higher 1,200 mg/kg action level.
2. I support the expansion of the BPSOU to include more homes with residents potentially at risk
3. Because remediation resources are not unlimited, I suggest the EPA and BSW take remedial action first on the KNOWN risks of already tested homes above the 456 mg/kg before expanding the testing area unless those actions can be conducted concurrently OR unless EPA and BSW have reason to believe the children in the proposed BPSOU expansion area are at higher risk.

Thank you for the opportunity to participate and comment.
Sincerely,

[REDACTED]

and [REDACTED] where our daughter lives with her children

From: [REDACTED]
Sent: Saturday, June 13, 2026 2:41 PM
To: EPAButtePPcomments <epabutteppcomments@epa.gov>
Subject: Comment on Proposed New Lead Level for Butte

[REDACTED]

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

EPA,

I am in favor of lowering the cleanup level for soils in Butte from the current 1,200 ppm to the proposed 456 ppm. I feel this will be much more protective of human health. I believe new information on the level of lead detrimental to human health has come out since the 1,200 ppm standard was set, and I live within the boundary of the BPSOU.

[REDACTED]

From: [REDACTED]
Sent: Sunday, June 14, 2026 11:55 AM
To: EPAButtePPcomments <EPAButtePPComments@epa.gov>
Subject: Support for Proposed Plan to Lower Lead Cleanup Levels in Butte

[REDACTED]

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

Dear U.S. Environmental Protection Agency Team,
We are writing to share our strong support for the proposed plan to lower lead cleanup levels for residential soils and interior dust from 1,200 ppm to 456 ppm in Butte, Montana.
We want to commend the EPA for your hard work on this proposed update for our city. Strengthening these health standards is a major step forward for the Silver Bow Creek/Butte Area Superfund site. It will truly improve community lives and keep Butte families safe.
Thank you for your dedication to protecting our health and creating a cleaner environment for our town.
Best regards,

[REDACTED]

From: [REDACTED]
Sent: Tuesday, June 16, 2026 11:03 AM
To: EPAButtePPcomments <EPAButtePPComments@epa.gov>
Cc: Meter, Mackenzie <Meter.Mackenzie@epa.gov>
Subject: Comment on 2026 Proposed Plan for Lead Directive Implementation.

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

I hesitate to participate in this process when the community's comments on a proposed lead plan more than a year ago were never given a response. I also cannot point to a time when public comment has meaningfully altered the path of remediation in Butte. I submit these comments, then, simply to place them on the record for posterity, and for my own peace of mind that I did not quietly accept what I see as the products of regulatory capture within the agency charged with protecting human health and the environment.

EPA says this proposal is science-based, but the plan does not adequately explain why a 5 µg/dL blood lead target was chosen when EPA itself acknowledges that there is no known safe level of lead in blood. This matters because lead is treated differently than many other contaminants in Superfund risk assessment. For most toxic substances, cleanup goals are tied to toxicity values and evidence-based estimates of cancer risk or non-cancer harm. For lead, however, EPA uses a modeled blood lead target as a regulatory trigger, not a true threshold of safety. If the 5 µg/dL target is meant to track the CDC blood lead reference value, then it is already out of date: CDC lowered its reference value from 5 to 3.5 µg/dL in 2021, after first establishing the 5 µg/dL reference value in 2012. Butte should not be asked to accept a cleanup standard built around yesterday's science, especially when children are the population most at risk. If the key parameter shaping the lead action level is not transparently justified, then this proposed plan is far from science-based.

The timeline is also deeply concerning, especially when the record shows that deadlines for the Butte cleanup have been missed repeatedly. EPA proposes eight years just to complete sampling and roughly fifteen years to finish required residential cleanups. That means a whole new generation of Butte children could grow up with preventable exposure while the work slowly proceeds. The plan also does not clearly explain how EPA will ensure participation from property owners who refuse access, including landlords whose tenants may be the people most at risk. A protective plan has to do more than set a number; it has to guarantee timely cleanup and protect children regardless of who owns the property.

[REDACTED]
Concerned Citizen

From: [REDACTED] >

Sent: Tuesday, June 16, 2026 2:06 PM

To: EPAButtePPcomments <EPAButtePPComments@epa.gov>

Subject: 15 Yr Timeline for lead cleanup is NOT acceptable. It's already been TOO LONG!!!

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

I've stated my comment in the subject line. I've lived in Butte 72 yr and watched this bogus procedure of EPA doing nothing productive.

From: Hassler, Eric [REDACTED]
Sent: Wednesday, June 17, 2026 9:03 AM
To: EPAButtePPcomments <EPAButtePPcomments@epa.gov>
Cc: Gallagher, J.P. <[REDACTED]>
Subject: BSB comments on the Proposed Plan.

[REDACTED]

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

Please find attached, Butte-Silver Bow's comments regarding the Environmental Protection Agency's Proposed Plan to Amend the Remedial Action for Butte Priority Soils Operable Unit (BPSOU Proposed Plan, June 2026). Butte-Silver Bow looks forward to reviewing the EPA's Responsive Summary to comments received by the EPA from the local government and the community.

Sincerely,

Eric Hassler
Butte-Silver Bow Department Of Reclamation
And Environmental Services

Messages and attachments sent to or from this email account pertaining to the City-County of Butte-Silver Bow business may be considered public or private records depending on the message content (Article II Section 9, Montana Constitution; 2-6 MCA).

MEMO

June 11, 2026

TO: Environmental Protection Agency (EPA)
US EPA, Region 8, 1595 Wynkoop Street, (80C-PAI), Denver, CO 80202

CC: Montana Department of Environmental Quality (DEQ), c/o Sonja Nowakowski
Montana Natural Resource Damage Program (NRDP), c/o Doug Martin [REDACTED]
[REDACTED]
Butte-Silver Bow County Attorney and Department of Reclamation and Environmental Services staff

FROM: JP Gallagher, Butte-Silver Bow Chief Executive

RE: Butte-Silver Bow Comments on EPA's Proposed Plan to Amend the Remedial Action for the Butte Priority Soils Operable Unit (BPSOU Proposed Plan, June 2026)

Butte-Silver Bow is submitting the following comments to the Environmental Protection Agency (Agency) regarding the *2026 Proposed Plan to Amend the Remedial Action for the Butte Priority Soils Operable Unit* (2026 Proposed Plan). This plan replaces the October 2024 Proposed Plan that was previously published by EPA.

Chief Executive Gallagher and Department of Reclamation staff have worked closely with the Agency to advocate for a lower lead action level that will be protective of the Butte community. Butte-Silver Bow staff (along with outside consultants) have reviewed the Agency's 2026 Proposed Plan and have compared it to the 2024 Proposed Plan to provide updated input and comments that will help facilitate efficient and effective implementation of the proposed remedy changes.

Butte-Silver Bow continues to support expanded remedy activities as described in this plan; and it offers the following specific comments to ensure the Proposed Plan is protective of local citizens and responsive to the public's concerns, interests, and desires pertaining to public health, the environment, and Butte-Silver Bow's municipal obligations related to BPSOU remedial work.

Changes between 2024 and 2026 Proposed Plans

The 2026 Proposed Plan is generally consistent in outline and approach to the 2024 Plan; however, there are some significant changes to which BSB has provided comments:

1) Residential Lead Cleanup Level

Butte-Silver Bow is appreciative of the reduction in the residential lead action level, which is significantly lower than the existing level of 1200 mg/kg. However, Butte-Silver Bow requests an explanation of the change in the proposed action levels in the 2024 and 2026 plans, and justification in the differences between the action levels in Butte versus Anaconda.

2) Proposed Expansion of Current BPSOU Boundary

The 2026 Proposed Plan includes the same BPSOU Boundary expansion as the 2024 Proposed Plan. Butte Silver Bow would like to resubmit its previous comment that although it supports the Agency's proposed BPSOU boundary expansion, it strongly proposes inclusion of the residential area (Census Tract 6) located immediately adjacent to the southwest of the proposed boundary expansion. This area includes a number of residential properties, the Margaret Leary Elementary School, and Jeremy Bullock Soccer Complex. Census Tract 6 has also been identified as "disadvantaged" according to EPA's Climate & Economic Justice Screening Tool; as a result, this area should be included in the expanded BPSOU boundary.

3) Additional Time for Cleanup

The 2026 Proposed Plan includes an 8-year timeframe for sampling activities and a 15-year timeframe for total remedy implementation from 2026. This timeframe is generally consistent with Butte-Silver Bow's previous comments to the Agency on the 2024 Proposed Plan, in which it requested the Agency to develop plans to complete at least 80% of the required remedial activities in 10 years or less and fully completed no later than 15 years. Butte-Silver Bow would add that it still believes there are opportunities to shorten the timeframe from 15-years. This would require concurrent sampling and remedy coordination, as well as full implementation of the following statement in the 2026 Proposed Plan: *"EPA will work closely with the RMAP to develop strategies to streamline fieldwork and find efficiencies in the actions take under RMAP."*

A shorter timeframe should not come at the cost of a quality cleanup. This timeframe reduction will require substantially more resources to be committed to the project by both the responsible parties and the Agencies. The current resource levels will not be acceptable to achieve this goal. If ARCO indicates that it cannot perform the remediation activities in a timeframe that is protective to the people of Butte, then the EPA should perform the cleanup and collect the costs as provided by CERCLA Sections 104, 106, and 107.

Additional Comments

In addition to the previous comments, Butte-Silver Bow submits the following additional comments, questions, and concerns related to the development and implementation of the Proposed Plan. Butte-Silver Bow also offers suggestions for Agency consideration to expedite implementation of the Plan. Additional clarification/details are necessary to help all parties understand the expected level of effort required to complete the additional work without impacting ongoing remedial activities.

1) Data and Assumptions:

Butte-Silver Bow would like to understand changes between the Agency's February 2024 Lead Guidance and the 2025 Lead Directive, some of which are significant. Specifically:

- a.) The 2026 plan (Page 12) discusses updates to the *Superfund Residential Lead Sites Handbook* and the *Integrated Science Assessment for Lead* (February 2024) in the *Residential Lead Directive for CERCLA Sites and RCRA Hazardous Waste Cleanup Program Facilities* (October 2025) "based on updated science". Please describe the updated science that prompted these changes.

- b.) Please discuss the change in blood lead level from 5 ug/dL to 3.5 ug/dL. Historically this was due to multiple sources of lead in Butte, which is acknowledged in the 2026 plan (2026 Plan, Page 15). This change affects the Lead action level significantly.
- c.) Please discuss how the background concentration was adjusted from 134 mg/kg to a range of 115 to 315 mg/kg.

2) Timeframe:

Please explain the factors used to develop the time frame for the cleanup of soils and what resource considerations were used. Specifically:

- a) Did the Agency consider the health risk to the public of leaving impacted properties for this proposed additional extended period of time? If so, what health risks were identified?
- b) How will the Agency prioritize high-risk demographic groups?
- c) Has a similar implementation timeframe been used at a comparable Superfund site and found to be protective, efficient, and effective? If so, where?

3) Programmatic Considerations/Implementation:

- a) A significant amount of environmental sampling data has been collected over almost three decades of investigation and remedial activities in Butte. Butte-Silver Bow suggests the use of this historic data to expedite the assessment and remedial implementation of previously assessed residential properties. Acceptance of this historic data will minimize repeat visits and sampling duration and expedite remedial decisions and cleanup of residential properties.
- b) Butte-Silver Bow expects continued support from the Agency to maintain operations of the RMAP, including the 2019 RMAP expansion. Continuation of the multi-pathway program approach, in addition to preservation of the biomonitoring program and 5-year health studies, will ensure that protection of human health remains the focus of program activities.
- c) The existing RMAP will require significant additional resources to complete the expected volume of remedial activities in a timely manner. An analysis of existing policies and procedures will also be necessary to streamline the review and approval of compliance documents and residential workplans to meet an expedited remedial action timeline.
- d) Butte-Silver Bow expects the continuance of the RMAP and remedial activities without financial impact to the taxpayers of Butte-Silver Bow.

4) Cleanup Criteria/Other Pathways:

- a) Will the proposed action level of 456 mg/kg be utilized throughout the expanded RMAP area (implemented in the 2020 Unilateral Administrative Order) or only within the proposed expanded boundary of the BPSOU?
- b) The Proposed Plan specifies that the changes only modify the residential soil and interior dust action levels. Does the Agency anticipate a change to the non-residential action level?
- c) The Proposed Plan mainly discusses the implementation of the soils remedy. Are interior dust remedial actions considered in the proposed remedial timeframe?
- d) Butte-Silver Bow requests an expedited revision to the existing sampling methodology and equipment utilized to obtain interior dust samples. The current approved sampling equipment is no longer available; as a result, meeting the sampling objectives in the 2026 plan is not possible.
- e) Butte-Silver Bow proposes modification of the attic pathway methodology to allow remedial action in all properties where action levels have been exceeded. The pathway methodology could be used to prioritize and schedule residential remedial actions.

5) Waste Disposal/Backfill

- a) The existing Mine Waste Repository has limited capacity and cannot accommodate the volume of materials expected to be removed under the Proposed Plan. Historically, the siting and approval for potential repository locations has been a lengthy process. Butte-Silver Bow strongly suggests that the Agency identify additional repository space to avoid impacting the remedial timeframe and abandon proposals to permanently place removed waste in residential areas.
- b) The current criteria used for clean backfill material allows for lead levels up to 100mg/kg. Will the proposed action level change require an update to this criterion?

6) Impacts on Local Government Services:

- a) The Agency should consider costs associated with the impacts to municipal infrastructure and services (i.e., roads, stormwater systems, etc.), including reduced infrastructure service life due to remedial activities. These costs should be considered in the Cost section of the Proposed Plan. Butte-Silver Bow taxpayers should not be burdened by cost impacts from remedy.
- b) The Agency should consider expected impacts to institutional controls (Excavation and Dirt Moving, stormwater controls, etc.) within the BPSOU versus outside the BPSOU.
- c) Butte-Silver Bow is experiencing increased economic development interest. Costs associated with remedial action should not hamper or be a burden to new economic development or existing redevelopment activities.
- d) Long-term operations and maintenance activities are not required as part of the RMAP for residential properties. What are the Agency's expectations for operations and maintenance obligations and costs associated with parks, schools, and playgrounds completed under the RMAP where remedial actions have been performed?
- e) What resource requirements were utilized to determine the annual capital, operations, and maintenance costs associated with implementation?
- f) What assumptions were utilized to determine the number of staff, crews, etc. needed to complete work in the proposed timeframe?
- g) What data was utilized to determine cost estimates and the percentage of properties potentially requiring remedial actions?

7) Property Access

- a) The inability to gain access to residential properties in the BPSOU will directly impact the implementation of remedial actions in the Proposed Plan. The Agency must develop a policy/procedure to address property owners who decline participation in program activities, especially rental properties where high-risk demographic groups may not have control over potential impacts to their properties. Butte-Silver Bow wants to maximize the number of residential properties cleaned up during the initial remedial efforts but ensure that all residential properties remain eligible for future remedial action as determined by sampling and analysis.

Summary

Butte-Silver Bow generally supports the BPSOU Proposed Plan with the addition of Census Tract 6 to the expanded BPSOU boundary and a timeline of 80% completion in 10 years or less with all remediation being completed within 15 years. Additionally, the costs of the proposed changes should not have a negative financial impact on the citizens of Butte-Silver Bow or the county. We recognize the existing process for

approving the 2026 Proposed Plan and determining the appropriate compliance mechanism to allow remedy to move forward. We urge the Agency to be expeditious in completing this process in order to continue the momentum of the existing RMAP program and other remedy requirements under the existing BPSOU Consent Decree so that the residents of Butte-Silver Bow can enjoy a fully remediated community. Butte-Silver Bow looks forward to collaborating with the Agency and all stakeholders in reviewing the Agency's Responsiveness Summary and implementation of the Proposed Plan in a timely manner.

From: [REDACTED]
Sent: Wednesday, June 17, 2026 10:03 AM
To: EPAButtePPcomments <EPAButtePPcomments@epa.gov>
Subject: Lead exposure

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

Hello, as a resident of Butte Silver Bow, and someone who has spent their lifetime living in proximity to the mine waste I am all in favor of lowering the parts per million to 175 but even 400 would be an acceptable action. Surrounding communities have lowered it to 400 as well.

Thank you for your time

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Thursday, June 18, 2026 5:29 AM
To: EPAButtePPcomments <EPAButtePPcomments@epa.gov>
Cc: [REDACTED]

Subject: Public Comments submitted pursuant to the issuance of the RODA for BPSOU Butte, Montana.
To be addressed in Responsiveness Summary.

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

The following are my public comments submitted during the public comment period on the RODA for BPSOU. Please address in Responsiveness Summary
I am also copying EPA personnel directly in case there are issues with the email address for comments. If for some reasons there are problems with the email address for comments EPA provided, please consider these my "official" comments under the thirty day comment period.

Public Comment—RODA for Butte Priority Soils OU—June 2026

Submitted by: [REDACTED]

CERCLA's purpose was and is to protect public health and the environment by cleaning up the nation's most contaminated, abandoned, or uncontrolled hazardous waste sites. Public health is a public good. A safe and clean environment is a human right which many states recognize in their state Constitutions.

However, in discussing specifically the RODA for the BPSOU in Butte, Montana, citizens as well as the agency are bound by the constraints, restraints, parameters and boundaries of Superfund law. Rules, regulations, rubrics and protocols permeate the process and decisions must comport with these. In short, Superfund law does not tell the agency: Go forth and make a site safe doing whatever you deem necessary.

Everyone plays by the same set of Superfund laws, rules, regulations and procedures. If it isn't defensible and if it can't be justified in terms of law,

rules and regulations it can't be done, no matter how efficacious it might seem to be.

Another set of constraints is occasioned by limitations in the ability to measure, quantify and accurately/empirically characterize threat and risk. Superfund has to come up with quantified performance and measurements based on "good science." For cleanup purposes, if it can't be measured and quantified, it is not particularly useful. Also, one must ask is the current technology up to the tasks demanded at a sight. It does not good to set a target that can't be implemented.

Superfund is an adversarial process where those who are named as PRPs have legal, enforceable rights. Superfund is litigious in nature which places constraints on what can be done. Anything EPA does must be defensible in court. Whatever the critics say, Butte has benefited in the last few years from a PRP, i.e. BP/Atlantic Richfield that has been cooperative and done far more than could be mandated by law. But there is a limit to such cooperation. Earlier Butte cleanup history can attest to what happens if the PRP is recalcitrant and litigious and contests virtually everything. Again, corporations have limits based on responsibilities to shareholders on what can be done.

Given the above parameters, I offer the following;

BPSOU RODA Envisioned Improvements over Past Activities and Approach

A. Significantly lowers action levels from the old level of 1200 ppm or mg/kg which de facto makes it more protective of human health.

B. The new action level is more defensible than 1200 mg/kg level, which is the current standard, or the proposed 120 level advanced earlier. Could be considered more defensible than the 120 mg/kg level. Could be considered more achievable. However, as will be discussed the EPA in the RODA raised the action level from the 2024 level of 150 mg/kg, which could also be construed as raising the action level. *The EPA must clearly justify why this was done given the goals of Superfund. Why was what was good in 2024 not acceptable in 2025? What was the "good science" behind this?*

C. Focuses on the important which is actual blood lead levels.

D. Expands the RMAP significantly in area and comprehensiveness and compliance.

E. Requires testing in the newly expanded RMAP and does not rely on citizens having to initiate the testing and would also therefore seem to obviate the recalcitrant landlord problem. In short, it has vigorous enforcement mechanisms.

F. Features aggressive public outreach and education. This a critical and must be fully funded by EPA. There will always be lead in Butte's environment even after Superfund. This fact necessitates public education and outreach regarding what citizens can do to protect themselves and their families. FULLY FUND SUCH EFFORTS. PROVIDE NECESSARY STAFF FOR THESE INCREASED RESPONSIBILITIES.

Also, the RODA is written and formatted in manner to make it accessible and understandable to the general public.

ISSUES THAT NEED TO BE ADDRESSED

1. Why does the RODA use a 5 ug/dl blood lead level and not the current minimum protective standard of 3.5 ug/dl. If 3.5 ug/dl is the new minimum acceptable blood lead level, why have 5 ug/dl as the target? I have been trying to further understand why the EPA in the RODA for BPSOU uses a target for blood lead levels in children to be 5 ug/dl. Given that this is higher than the CDC level of below 3.5 ug/dl and the fact that it is generally accepted that there are no safe levels of lead exposure, what allows EPA to claim that this 5 ug/dl is protective of human health? In this regard I realize the CDC level is not a remediation level and cannot automatically be translated by EPA to an action level. My understanding of the reasoning for this is the EPA complex modeling process that takes into account as mitigating factors background lead levels, naturally occurring lead and other sources of lead such as lead paint. EPA has consistently maintained that it will not attempt to regulate below background levels. EPA also takes into account exposure models and bioavailability models in determining action levels which would not pertain to the CDC process. Given that, I still have some concerns about possible inconsistencies in the EPA position or, at least, some questions that need to be addressed, fully, in the

Responsiveness Summary:

A. What action level would be needed for the BPSOU to achieve the 3.5 ug/dl target? Would such an action level have to be around 319 mg/kg? Would this necessitate dropping below background levels? Would this be cost effective? Would it be achievable?

B. In summary fashion, what assurances can EPA offer the public that the 5 ug/dl blood lead level is protective of human health. Or is it protective of human health only to the extent sanctioned by exposure models, bioavailability studies and not exceeding background levels? In other words, is it protective to a point but not totally? Is it protective to the extent allowed by EPA processes?

C. Did the CDC guideline of 3.5 ug/dl influence the EPA action level decision or acceptable blood level decisions? Is so, how? If not, why not? Why was it not used to determine the action level?

D. Over time CDC and the studies of others have influenced EPA to adopt more restrictive standards. This has happened in Butte. Given that the situational constraints such as back ground levels, exposure estimates and bioavailability models have remained constant, how can EPA logically accept the new levels? In other words, what allows EPA to not follow CDC recommendations now but do so in the future when the factors mentioned above remain static? Why not err on the side of safety now? These intervening variables remain constant, so what allows EPA to be propose more permissive action levels?

E. What are the reasons EPA does not automatically translate the blood lead levels proposed by the CDC into action levels?

Let me put this another way. Given that what is important are the blood lead levels in children in Butte which have indicated potential health problems for these children, the issue of whether the target lead levels for children should be 3.5 or 5 ug/dl is particularly important. The CDC has said that below 3.5 is the only acceptable blood lead level for children. Yet, EPA for purposes of the RODA for the BPSOU has selected 5 ug/dl. Is this justifiable? Is this level protective? How do we know? EPA selects the target blood lead level and then develops an action level for Butte of 456 mg/kg to achieve this target. But if the target for the acceptable blood lead level is 3.5 ug/dl couldn't that be achieved by, roughly, an action level of 319 mg/kg which is still higher than the 175 proposed in 2024. Why wasn't this action level of roughly 319 mg/kg or slightly lower not selected? Were there intervening variables that prevented this from happening? What were the regulatory or statutory constraints?

2. The fifteen-year timetable seems excessively long. Why so long if there is an active threat in Butte? The RODA press release speaks in some general terms of speeding up the testing and remediation so that implementation takes under 15 years but what specifics can be provided to indicate how this will be done and what will happen. Will the fifteen-year schedule be significantly lowered? If so, specifically, how? There are constant promises that EPA will speed up the timeframe, which we heard again at the public hearing on June 16, 2026 at Montana Tech, but what makes these recent promises any more believable than in the past?

3. Was the new action level of 456 ppl affected by the fact that Superfund in Butte can only address contamination directly due to the effects of past mining activity? Since lead in Butte emanates from multiple sources including past mining and smelting, lead paint in older homes, naturally occurring lead and other miscellaneous sources of contamination such as toys, lead work related to hobbies, etc., the task of only addressing that lead exposure which is the direct result of past mining activity becomes particularly onerous in that much of the lead exposure in Butte is NOT due to past mining activities. Is there a percentage breakdown as to how much of the lead in Butte is from: a. Mining, b. Smelting, c. Naturally Occurring, d. Lead Paint or e. other commercial sources of lead, d. Other Activities such as hobbies? Does the new action level of 456 ppl or mg/kg result from EPA's attempt to somehow come up with a defensible standard that would somehow and in some way focus on that lead contamination directly associated with past mining activity? EPA alluded to doing this in past recent statements referring to lead contamination in Butte and in the RODA itself. This was alluded to in the public meeting in Butte on June 16th. Are the new action levels the product of that concern by EPA? In other words is EPA arguing that the new action levels although not totally protective in an absolute sense are the best possible while still being consistent with the Superfund limitation that only that lead exposure directly related to mining is what Superfund is limited in addressing? Are the new action levels the products of EPA's compromise attempt to develop a defensible standard under Superfund that focuses on the results of past mining while still, within the legal limits of Superfund, addressing the threat of lead contamination? Is the reason for the new standard action level EPA attempting somehow to bracket out or control for lead not associated with past mining activity? This would seem to be almost impossible. But such efforts are also mandated under Superfund limitations.

4. What is the relationship between lead action levels and blood lead levels? What assurances are there that a more restrictive action level of 456 ppm will actually accrue a lessening of blood lead levels in Butte?

5. Would not the action level of 175 mg/kg announced in 1974 been more protective? Why was this level used in the RODA? Specifically, why not?

6. EPA still focuses on the issue of bioavailability of lead. Should the public still have confidence in the validity of EPA's approach to related lead exposure, bioavailability and whether or not there is a threat of adverse health effects? In the past EPA said in a previous responsiveness summary that lead is lead. Is it possible to only regulate that lead exposure that is the

direct result of past mining activity? Would this be technically feasible? Is it mandated?

7. Is Butte currently experiencing a public health problem related to the presence of lead in the residential areas of the community? Are Butte disease levels that could be associated with lead exposure particularly elevated in the community?

8. Why does Anaconda have a 400 ppm or mg/kg action level and Butte a higher level. Butte was exposed to smelter emissions just as was Anaconda.

9. Does EPA have the authority to regulate smelter dust emissions under CERCLA or has the regulation of smelter emissions been excluded from Superfund purview? What specifically gives EPA the statutory or regulatory authority to regulate smelter dust.

10. Of the 11 identified cases of children with high blood lead levels, what was the source of the lead contamination?

11. The RODA calls for new resources to meet the demands for expanded testing and remediation of residences in Butte. Where will the money be derived for this expansion? How many new people will need to be hired? How much new equipment will be needed?

12. Why wasn't the RMAP program for Butte part of the BPSOU Consent Decree?

13. If there is an unremediated threat from lead exposure that will not be fully addressed for another 15 years, what are people to do in the interim? What is EPA doing to address the threat of lead contamination now so as to protect human health?

14. How will arsenic cleanup in the future be interfaced with the current lead remediation activities? Once arsenic is being fully addressed could that result in the current cleanup of lead having to be redone again?

15. What if in the future acceptable blood exposure levels become more restrictive, will EPA have to do it all again?

16. In several sections of the RODA mention is made of the low-income population that disproportionately resides in Uptown Butte, i.e. the BPSOU. Under equal protection of the laws, what is being done to particularly address the needs of the low-income citizens in the BPSOU?

17. What new resources will be directed in order to implement the aggressive public outreach and education called for in the RODA? EPA must fully and completely fund public outreach and education activities in order to accomplish the aggressive public involvement goals of the RODA.

From: [REDACTED]
Sent: Thursday, June 18, 2026 8:53 AM
To: EPAButtePPcomments <EPAButtePPcomments@epa.gov>
Subject: Butte Lead Levels

[REDACTED]

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

EPA,

Please reconsider the new target blood lead levels that have been outlined from the prior 175ppm. Also, I encourage you to expand the testing & remediation area to encompass every structure, yard, & piece of property in city limits.

A vastly accelerated pace of cleanup is direly needed. Butte Americans have earned & deserved a healthy & clean environment.

[REDACTED]

From: [REDACTED]
Sent: Friday, June 19, 2026 2:58 PM
To: EPAButtePPcomments <EPAButtePPComments@epa.gov>
Cc: [REDACTED]
Subject: CTEC comment re: Lead Proposed Plan

[REDACTED]

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

EPA,

Attached are comments from CTEC agreed to at their 6/18/26 meeting.



CTEC Comments on EPA's Proposed Plan to lower the residential lead action level

This letter provides Citizens Technical Environmental Committee (CTEC) comments on EPA's June 1, 2026 Proposed Plan to Amend the Remedial Action for the Butte Priority Soils Operable Unit which we refer to here as the "Proposed Plan." The Proposed Plan seeks to lower the lead cleanup level for residential soils and interior dust. Residential soils include schools, parks, playgrounds, daycares, and vacant lots in residential areas because these are areas where young children can be exposed. The Proposed Plan also seeks to increase the area of residential soil and dust cleanup by significantly increasing the size of the Butte Priority Soils Operable Unit (BPSOU) to incorporate areas that have been identified to have mining impacts since the BPSOU was originally designated. The Proposed Plan would also extend the sampling and cleanup time frame to 8 years and 15 years respectively from 2026.

Comments

1. We support the plan to lower the residential lead action level from 1,200 parts per million (ppm) to 456 ppm, or a reappraised action level consistent with comment #10 below.

2. We support the expanded area of the BPSOU, but it should include all residential areas south of Holmes Ave where houses were constructed before 1980 (the year that smelting ended at Anaconda). The information provided in the Proposed Plan is clear that the extent of mining and smelting impacts to residential areas has become clearer as additional residences have been sampled since the properties outside of the BPSOU were allowed access to free RMAP sampling under the 2019 RMAP Expansion Area. We are unable to find adequate justification in the Proposed Plan or administrative record for why the 2026 proposed BPSOU boundary expansion ends near the south end of Stodden Park. Figures 3-6 of the accompanying report, Residential Metals Abatement Program (RMAP) Evaluation of the Extent of Contamination for the Butte Priority Soils Operable Unit, show that dust exceeds the proposed 456 ppm lead and 250 ppm arsenic residential action levels widely outside of the existing BPSOU boundary. The fact that it is dust that is predominantly impacted in this area is indicative of smelter fallout, which would occur throughout the airshed and not be limited to the proposed expansion boundary. These figures also show that to date, very limited property sampling has occurred south of the proposed boundary expansion. This means sampling data is not available to determine if this area does not have the same contaminated dust prevalence as farther north. Our understanding is there

are several neighborhoods older than 1980 in the area south of the proposed boundary expansion.

3. CTEC supports the expedited project implementation schedule in the Proposed Plan which would provide resources to accomplish sampling of all properties within the expanded BPSOU in 8 years and remediation within 15 years. To date, residential cleanup has been too slow to address the human health risk. This schedule would greatly increase the rate at which residences are addressed and risk is reduced.

4. EPA should identify legal mechanisms available to require RMAP access to rental properties where landlords deny access. It has been acknowledged that there are landlords within Butte who have denied RMAP access to rental properties that likely need remediation. EPA has indicated in the past they may have legal mechanisms to enforce cleanup of residential properties but to our knowledge that has not been pursued. Our understanding is one reason EPA has never enforced access is because there is always sufficient backlog of landowners who allow RMAP access. If legal mechanisms exist for EPA to enforce RMAP access to properties where landlords deny access, the Proposed Plan should provide for these and a schedule for implementing them.

5. CTEC expects continued EPA support under the Proposed Plan for RMAP's multi-pathway approach (residential yard soils, interior dust, interior and/or exterior lead-based paint, lead in drinking water from pipe solder, and non-living-space dust). We also expect continued support for the medical monitoring program, including blood lead testing and five year interval Medical Monitoring reports, but recommend that it is extended through the life of the RMAP program.

6. The RMAP program has been unable to meet indoor dust sampling requirements because EPA's development and approval of new sampling vacuums has been delayed. Our understanding is there have been an insufficient number of sample vacuums available for years. The Evaluation of the Extent of Contamination memo says, "less than 70 indoor dust samples have been collected at residential properties under RMAP since 2014" and Table 1 shows that since program inception only 565 properties have been sampled for indoor dust compared to 2,686 properties sampled for attic dust which does not require the sample vacuum. CDM's 1994 Baseline Risk Assessment for Lead states, "The strongest positive, significant correlation was between interior dust concentrations and blood lead levels ($r = 0.441$)."

This supports the importance of indoor dust sampling at BPSOU. EPA should give highest prioritization to completing development of new indoor dust sampling vacuums.

7. The "targeted neighborhood approach" briefly mentioned in the Proposed Plan should be described in more detail. What are the benefits of this approach and how would property owners who are unable to participate in the schedule or who purchase properties after the neighbor is targeted avoid being left out?

8. The Proposed Plan mentions in several locations "layers of protection" that may include a combination of institutional controls, medical monitoring, and community education and outreach, to supplement active remediation. The layers of protection mentioned seem similar to those already incorporated into the RMAP program. We recognize that layers of protection are a core part of EPA's national 2025 Residential Lead Directive. The community would benefit from further explanation of what layers of protection are proposed for RMAP and if they differ from those used today which have proven effective.

9. The Proposed Plan should apply the revised residential action level to vacant lots in residential areas. These areas are specifically included in the definition of residential areas in the 2025 Residential Lead Directive (footnote 2). The Proposed Plan recognizes that vacant lots in residential areas are included in the national guidance definition (bullets on pp 12) but does not seem to include vacant lots in the description of the Proposed Changes to the Selected Remedy on pp 14. The 2026 Final Insufficiently Reclaimed Sites Quality Assurance Project Plan (QAPP) only references the Recreational/Commercial or Industrial (Non-Residential) human health action level. The 2026 Final Unreclaimed Sites QAPP references the current 1,200 ppm residential action level "based on land use determination." The Proposed Plan should include provisions for updating the Insufficiently Reclaimed and Unreclaimed QAPPs to account for the revised residential action level based on land use determination that considers whether the site is accessible to the public and in a residential area. Previously sampled BRES/IR/UR sites should be reevaluated to determine if additional capping or other corrective action is needed to meet the residential lead action level.

10. The Evaluation of the Extent of Contamination Figures 3-7 show an area of uptown where very few residential properties have been sampled (roughly bounded by Quartz St to the north, Mercury St to the south, Montana St to the west, and Arizona St to the east). Why have residential properties in this area of uptown not been sampled and remediated?

11. EPA should evaluate whether using the Soil-to-Dust Correlation Coefficient from the 1994 Baseline Risk Assessment for Lead (RA) remains protective of human health. The Integrated Exposure Uptake Biokinetic (IEUBK) model used to derive the 456 ppm action level uses the correlation coefficient derived in the 1994 RA to estimate the concentration of lead in indoor dust that children are exposed to. That 1994 analysis relies on old data taken from limited areas of the Butte Hill (Areas A Butte/Walkerville, north of Copper Street

and G Second Street/Hebgin Park) and attic sampling was limited to a few opportunistic samples in that study. The soil samples used in developing the correlation coefficient only included the top 2 cm of soil (University of Cincinnati Department of Environmental Health 1992). The conceptual exposure model appears to be one where the only source of mining related lead is from track in of outdoor soils impacted by mining wastes.

Since 1994, it has become clear that smelter fallout is a significant source of contamination in residential dust. For instance, the Evaluation of the Extent of Contamination Figures 3&4 show lead exceedance frequency in soil and dust are similar on the Butte Hill whereas on the flats/southern Summit Valley, exceedances are much more prevalent in dust. This is likely related to smelter fallout being a predominant source of lead contamination in dust (i.e., the airshed was impacted with smelter fallout where the Butte Hill soils were also impacted by direct mining wastes).

There is significant newer data from the RMAP program to further assess the relationship between indoor dust and outdoor soil and to evaluate multiple sources of contamination including attic dust from smelter fallout. Given that the strongest correlation between blood lead level and contaminated media is from indoor dust, it is important that this portion of the exposure assessment use the best site specific data. The statistical data in Evaluation of the Extent of Contamination Table 1 which uses RMAP's newer data shows attic dust is much more likely to exceed the proposed 456 ppm action levels than soil is, especially outside of the existing BPSOU boundary.

Given the current understanding of exposure pathways, CTEC requests that the IEUBK analysis consider the following, 1) Is use of a Soil-to-Dust Correlation Coefficient appropriate when dust may be the predominant source of mining related lead in parts of the Summit Valley, 2) Can exposure pathways be better evaluated using a Multiple Source Analysis, 3) Is there site specific dust concentration data that can be used in the model, or used to check dust concentration derived using the Soil-to-Dust Correlation Coefficient?

PUBLIC MEETING ON
PROPOSED CHANGES TO CLEANUP OF THE
BUTTE PRIORITY SOILS OPERABLE UNIT (BPSOU)

TRANSCRIPT OF THE VERBAL PUBLIC COMMENT SESSION
FOR 2026 PROPOSED PLAN

Heard before the Environmental Protection Agency
at
Library Auditorium at Montana Tech
1300 West Park Street
Butte, Montana

June 16, 2026
Public Comment Session 6:24 P.M. - 6:56 P.M.
Mackenzie Meter, Facilitator

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1 WHEREUPON, the following proceedings were had:

2 (The meeting was opened at 6:00 p.m. with
3 introductions, an overview of the 2026 Proposed Plan by
4 Molly Roby, and remarks by Cyrus Western.)

5 MS. METER: So as we discussed, there will be a
6 three-minute time limit for providing public comment.
7 Your comments should be relevant to the Proposed Plan. I
8 would love to hear about other aspects of your life at any
9 time outside of this, but comments do have to be related
10 explicitly to the Proposed Plan this evening. And, of
11 course, verbal public comments provided tonight will be
12 part of the public record recorded by the stenographer, as
13 will written comments provided to our e-mail address.

14 So at this point, I'd like to invite Chief Executive
15 J.P. Gallagher up for public comment, and then we have our
16 list. I will be giving you this microphone and we'll just
17 hand off. And then we'll just call up everybody who
18 signed up and then anybody else who changes their mind and
19 wants to provide comment.

20 CHIEF EXECUTIVE GALLAGHER: Thank you, Mackenzie.
21 Thank you for the opportunity for comment.

22 Again, my name is J.P. Gallagher, chief executive of
23 Butte-Silver Bow. And I want to emphasize three key
24 points that our community believes are essential for a
25 productive and equitable cleanup.

1 First, the lead action level for Butte-Silver Bow must
2 not be higher than the Anaconda lead level that is set in
3 the Anaconda cleanup area. The 2026 Proposed Plan lowers
4 Butte's residential lead level, and we appreciate that.
5 The science behind the changes from the 2024 plan needs to
6 be clearly explained, especially why Butte's numbers
7 differ from Anaconda's when both communities face similar
8 legacy contamination. A higher screening level for Butte
9 is not acceptable. Our residents deserve the same level
10 of protection.

11 Second, we strongly support expanding the BPSOU
12 boundary, but it must include Census Tract 6, which
13 contains homes, a school, and the Jeremy Bullock Soccer
14 Complex. EPA's own climate and economic justice screening
15 tool identifies this area as a disadvantaged area.
16 Leaving it would leave a vulnerable family and
17 neighborhood behind.

18 Third, the cleanup timeline needs to be faster and
19 fully resourced. EPA proposes up to 15 years for full
20 implementation. Butte-Silver Bow believes that 80 percent
21 of the work should be completed within 10 years and all
22 the work within 15 years without sacrificing quality.
23 This will require more crews, more coordination, and more
24 commitment from the responsible parties.

25 Across all of this, we ask EPA to ensure that the

1 costs of remedy do not fall on Butte-Silver Bow taxpayers;
2 that the repository capacity is expanded; that interior
3 dust sampling methods are updated; and that the
4 RMAP program is continuous without interruptions.

5 In summary, match Butte's lead level with Anaconda,
6 include Census Tract 6, and accelerate the cleanup with
7 adequate resources. Our community has waited long enough
8 for a fully remediated and healthy environment. Thank you
9 for your time.

10 MS. METER: Thank you very much.

11 I would like to invite [REDACTED] up for public comment.

12 [REDACTED]: I just have a couple of points. 1983,
13 when Butte was declared a Superfund site, I was a
14 sophomore in high school. And this summer, I'm
15 celebrating my 40-year reunion. So 15 years, yeah, I
16 understand that's not a long time for the big picture, but
17 it's been a long time.

18 As far as the actionable levels, I just want to say
19 that we in the United States are famously unfamiliar with
20 the metric system: Parts per million, millimeters per
21 kilogram -- or milligrams per kilogram. But one kilogram,
22 correct me if I'm wrong, is like a Nalgene bottle. Yeah.
23 I mean, we've got a bottle here that's what,
24 one-and-a-half; right?

25 So anyway, it's not a lot of -- a kilogram isn't that

1 big. And a milliliter, think about a 200-milligram
2 ibuprofen tablet, and then think about 400, think about
3 1200; that's 6 of those. And obviously, that's a false
4 equivalent to what we're talking about because we're not
5 drinking dirt, except for my little brother when we were
6 younger, and that probably explains a lot.

7 But all I'm saying is please ask yourselves, everyone
8 who is not from Butte, knowing that there's no safe level
9 of mercury, would you prefer a lower level in your back
10 yard, for your kids, for your grandkids? That's all we're
11 asking. Put yourself in our shoes. And we thank you for
12 that.

13 MS. METER: Thank you, [REDACTED].

14 [REDACTED], I'd like to invite you up for public
15 comment. And I'm also happy to meet you at the podium if
16 you'd prefer at the podium.

17 [REDACTED]: [REDACTED]
18 [REDACTED]. Also a member of the Butte Watchdogs for Social
19 and Environmental Justice. And I want to just address
20 your process briefly. I hope that time doesn't run out.
21 I would expect to speak a little more than three minutes,
22 but if I can't, I would hope that you would circle back to
23 those of us and let us complete our comments.

24 As to the, as to the time frame, I moved here 47 years
25 ago. Superfund was passed 46 years ago by the Senate. I

1 happened to work for the Senate that helped vote that in.
2 So I've been involved in this for all 47 years of
3 Superfund. And now, of course, it was '83 and we're
4 43 years as a site. And now, of course, we know at least
5 20 of that has been active in the lead stuff, since 2006.

6 So it's multiple decades that we've had to live with
7 this situation and an awareness that we have lead in the
8 land, in the ground that is dangerous to all human beings,
9 especially children, and we've had to suffer through the
10 slow time frame of the EPA and ARCO. And by the way, we
11 recognize they're the responsible party, but you're
12 responsible for kicking them in the fanny and making sure
13 it gets done in a timely manner.

14 So as to the -- There's been a slight improvement on
15 timing. A couple years ago it was going to be, what was
16 it, 15 to what was it?

17 MS. METER: 25 years.

18 [REDACTED]: 25 years even. So now we're saying
19 in 15, and it's still too long. And if you look at EPA's
20 record in other communities around the nation, they have
21 been able to drive resources to the area and do it much
22 quicker. Volumes of testing of yards have been 1500 a
23 year, and as I read this, it was let's plan 100. Let's
24 not plan 100. How about we do a lot better than that? So
25 that's an objection that I certainly find in the thing, is

1 we're asking for way more time than is needed to be done.

2 As to the area covered, I couldn't be in more
3 agreement with Butte-Silver Bow that we need to take those
4 extra steps, like Census Tract 6. It seems pretty
5 arbitrary to have encircled certain other additional areas
6 and left that out. And so you should do that, follow the
7 request of Butte-Silver Bow for the additional acreage.

8 As to the level, the action level you're talking
9 about -- And recognizing that there is no safe level. You
10 know, we talk about the kids, but there's no safe level
11 for me either, although I'm more than a kid. The proposal
12 is 456 ppm. Well, sounds good. In fact, EPA is saying,
13 hey, we're lowering it; we're lowering it from 1200 to
14 456.

15 I look at it that they're raising it from 175 to 456.
16 Because you guys put out 175, we didn't make it up, and we
17 reacted to that. And by the way, you said that you will
18 respond to the offerings from the comments. You never
19 responded to the comments on the, on the 175. A bunch of
20 us wrote stuff in and never got any responses. No?

21 MS. METER: Oh, I was just going to say your
22 first three minutes are up. If you wouldn't mind coming
23 back up after --

24 [REDACTED]: It's perfect timing. We'll deal
25 with the level when I come back up. Thank you.

1 MS. METER: Excellent.

2 Okay. I would like to invite [REDACTED] up for
3 public comment.

4 [REDACTED]: My name is [REDACTED]. I live at
5 [REDACTED]. I am a lifelong resident of Butte.
6 I have three grandchildren in this town. That's why I'm
7 here; not for me, I'm here for my grandchildren.

8 I'm disappointed in the numbers. Did not go to the
9 175. I spoke with you guys beforehand. I was
10 disappointed in that not making it to 175. Why were we
11 here the last year and a half putting out our public
12 comments to go to 175, and I'll agree with [REDACTED] that we
13 ended up going up to 456?

14 I am not a scientist, by any stretch of the
15 imagination. I have a P.E. degree, but it sure the hell
16 isn't a professional engineer's degree. Okay? But I do
17 know certain things roll downhill. And we need to make
18 sure that our city is safe for our children, our
19 grandchildren, and into the future.

20 456, to me, is -- why were we here back in January and
21 talking about we wanted it to go to 175 and we are now
22 here talking about 456? To me, that is, and I mentioned
23 it, it's insulting to us. We are seeming that we -- we
24 come and talk at these public comments; doesn't seem like
25 our comments are taken in and are respected. We wanted

1 the 175; we're not getting there. I do not understand why
2 we can't get there, make a decision and go.

3 I mean, everybody is in agreement that any level of
4 lead is not safe. Then why the heck are we talking about
5 456 then? why shouldn't we be at 175? Anaconda, J.P.
6 talked about they're at 400. I think they're too high.
7 But we're here talking about Butte Priority Soils. I
8 would rather see us down at 175.

9 we have been talking about this stuff -- I have been
10 involved for about the last ten years only, and that's my
11 fault. But it's frustrating that I've lost two very good
12 friends in the last ten years that passed away, and they
13 used to talk at coffee about we are going to -- they are
14 going to outlast us, and they sure as hell have.

15 [REDACTED] and [REDACTED], two advocates of
16 Butte-Silver Bow, have gone. And as [REDACTED] used to say,
17 "I'll be out there south of Butte, you know, waving in
18 airplanes before anything is done," and, unfortunately --
19 I don't want to be out there with [REDACTED] waving in the
20 airplanes before something is done.

21 I would appreciate you to look stronger at going to
22 175, not at the 156. Thank you. Or 456, I'm sorry.

23 MS. METER: Thank you very much.

24 Do we have anybody online? okay.

25 Anybody else who would like to deliver public comments

1 in the room? I can come to you or you can come down here.

2 And if you wouldn't mind just stating your name for
3 the record.

4 [REDACTED]: My name is [REDACTED]. I'm a
5 mechanic at [REDACTED]. I'm not a scientist or a public
6 official, I'm a mechanic. I'm supposed to diagnose stuff
7 and fix it. I have to follow technical standards and make
8 sure the work I do is safe and reliable for the people in
9 the vehicle and everyone else.

10 Efficiency matters in my business. Customers want
11 their vehicles back quickly. I can make the repair
12 easily, faster, and cheaper by lowering safety standards
13 or technical standards. I have to make my work more
14 efficient to follow these standards. And I agree that you
15 did not lower it from 1200 to 456, you raised it from
16 175 to 456.

17 The practical effort of higher cleanup thresholds may
18 be that fewer contaminated properties are investigated or
19 remediated. That makes it faster, less expensive, but
20 you're leaving people out. It should not come at the
21 expense of the health of us in Butte.

22 I remember when the mine closed. I remember -- I was
23 here before the EPA, the Superfund. I remember having to
24 look at places in Helena when my parents thought we had to
25 move. We've delivered a third of the copper to this

1 country. We've done more than anything and we get the
2 shaft. If your yard was 456 in Sheridan, Wyoming, they'd
3 dig it up.

4 175 is what it should be. And there's no science base
5 that I can figure out -- I may not be a scientist or an
6 engineer, but I have to figure out what you guys do to fix
7 the problem, and what you've shown me does not show any
8 science to this, why it's 456. Thank you.

9 MS. METER: Thank you.

10 Other verbal comment?

11 If you don't mind stating your name for the record.

12 [REDACTED]: My name is [REDACTED]. I live
13 at [REDACTED]. And I just want to re-encapsulate
14 everything that everybody is saying. But the last slide
15 that was up there had three bullet points to it, we'll
16 say, and one was when our comment session ended, and then
17 the next two said the processes that would take place.
18 And there was no dateline on any of them. So that is an
19 open-ended question to you. What is the dateline even or
20 are we going to chew on this thing again for a long time?

21 MS. METER: Thank you.

22 Any other verbal comments?

23 State your name for the record, please.

24 [REDACTED]: Thank you. My name is [REDACTED]. I
25 live at [REDACTED], and I've been dealing with this

1 for a long time in both my career and the Legislature.
2 And I kind of agree with the chief executive on it. I
3 mean, I get it. We change administration, we get a new
4 deal, it isn't as good a deal as we had before. But we
5 certainly shouldn't be more than Anaconda.

6 So if you could take the 56 that you put on the
7 400 and kind of lower it down to 340, whatever that is,
8 and then we'd be 56 lower than Anaconda. That would make
9 Butte feel real good, if we could at least be a little bit
10 lower than Anaconda. That would help us out.

11 And the one part I think that the chief executive said
12 is the 15 years is too long. I mean, I'm 84. 10 years,
13 I'm 94. If we get to the 10 years, I might make that.
14 I'm not going to make the 15 years, though. So I'd like
15 to at least see that we at least get to 10 years and we
16 could do that.

17 So the other part is the expansion; we need to take
18 care of those other neighborhoods. And the chief
19 executive had it just right, except we still want to be a
20 little better than Anaconda on that number. So if we
21 could take that into consideration. Thank you.

22 MS. METER: Other verbal public comments?

23 [REDACTED], would you like to deliver the rest of
24 your remarks? I might have to limit you to three minutes
25 for this one as well, and then please submit the rest as

1 written.

2 And then we'll transition to one online comment.

3 [REDACTED]: Thank you. A continuation of the
4 previous comments. One of the things I was stumbling a
5 little bit with, when we first -- about a year and a half
6 ago, we had some signs made that said "Get the Lead Out,"
7 and then it said not -- I forget the numbering, but not
8 25 to 40 years. The sign said 40. You guys said 25 to
9 40, which you liked to talk about the 25. But the 40 was
10 pretty darn scary. And so now you've got one number, I
11 can handle that.

12 But instead of 15, it should be less. I would submit
13 that it could be done and should be done in 5 years. And
14 you can force ARCO to spend the money and get the
15 resources, get them here, manage them right. And you pay
16 attention to them, ARCO's role in it, and help
17 Butte-Silver Bow for the portion that they're going to be
18 doing. And if there's someone else going to be working on
19 it, fine. We don't particularly care if it's a public
20 employee or a private contractor. The job needs to get
21 done in a limited time, and my personal opinion is it
22 should be 5 years or less.

23 Obviously, it's a technical legal question about
24 mandatory testing and mandatory sampling, but it's really
25 not a particularly good situation that yards get sampled

1 and someone asks them to be sampled. And I understand the
2 freedom thing about I don't want to be tested, but kids in
3 the neighborhood that are playing in a yard that isn't
4 their own have a problem.

5 So I submit that you ought to approach your national
6 office and put your legal beagles to work on trying to
7 find a way to make sure that we don't have a whole bunch
8 of people who are getting exposure only out of neglect of
9 their neighbors or their own families. People are being
10 exposed to this. It's not right. And I know it's tough,
11 it's not easy to do this stuff because of all the legal
12 arguments. But the easiest thing to say is no, but it's
13 not the best for Butte to say no about that.

14 Now, as to the area covered, you know, the expanded
15 area, 7100 new houses and 3637 acres, I like the sounds of
16 that, as I mentioned before, and the Census Tract 6 and
17 the additional acreage are good. And so let's make sure
18 that gets done.

19 The level, the action level, and recognizing there's
20 no safe level, again, the proposal of 456, I'm, I'm sorry,
21 I'm going to beat EPA up every time I talk about this when
22 you choose to ignore your action in going to 175.

23 MS. METER: [REDACTED], I've got to cut you off. I'm
24 so sorry.

25 [REDACTED]: what?

1 MS. METER: It's been another three minutes. I'm
2 sorry. Do you have a lot more?

3 [REDACTED]: No.

4 MS. METER: If you have just another little bit,
5 I'm more than happy, as long as --

6 [REDACTED]: No. I don't have a lot more.

7 MS. METER: Okay with a little delay?
8 Okay. Great.

9 [REDACTED]: So in 2024, it was 175 and now it's
10 456, and that's raising the rate, not lowering it. So
11 don't expect us to be silent about that and silent about
12 the fact that we have unanswered comments for 2 years and
13 you haven't done your job well enough because that's
14 part -- your response is important. So let's change back
15 to 175. That's probably the main point of all of this
16 kind of stuff.

17 I want to take a look out here and address something
18 that as a citizen, I look at every one of you here and
19 say -- I think we'll get a petition and ask you to come
20 and sign it. If you don't feel comfortable coming up here
21 and you agree with what we're talking about, we need your
22 voice, even if your voice is in the form of a signature.

23 They will respond to the citizens. They will respond
24 to the people. They're not going to pay much attention to
25 your silence. And I appreciate how difficult it sometimes

1 is. So please find a way in the next two weeks to find a
2 petition you can sign and put your, your signature on this
3 thing in favor of the changes that will do things better
4 for Butte.

5 And finally, I must say that I second completely all
6 of the comments about Butte's comparison to Anaconda.
7 It's unforgivable that it's stayed still putting us on the
8 short side. So give us all a hand. Thank you.

9 MS. METER: Thank you, [REDACTED].

10 We're going to transition to it sounds like one
11 comment coming from online. [REDACTED]

12 Bear with us. We have to modify a couple sound inputs
13 so people in the room can hear what's being said online.

14 [REDACTED], if you can hear us.

15 [REDACTED] if you can hear us, you can start speaking.
16 We'll be able to tell if the audio is working in the room.

17 [REDACTED], it may be an issue with your laptop sound or
18 your computer sound. We may not be able to hear you. I
19 apologize. But if you wouldn't mind submitting your
20 comments in written form, that may be the best path
21 forward. We can circle back to you in a couple minutes
22 and see, but -- Oh. You're trying again?

23 Thank you, everybody in the room, for bearing with us.

24 All right. [REDACTED], unfortunately, I don't think the
25 technology is going to work with your computer. So please

1 submit your comments in written form, and thank you for
2 attending regardless.

3 Okay. Any other verbal comments in the room before we
4 transition to the next stage?

5 One more? Okay. Great. And please just state your
6 name for the record.

7 [REDACTED]: My name is [REDACTED], and I'm
8 coming to present a -- or just make a public comment on
9 behalf of a local organization, a recent nonprofit startup
10 in Butte to promote urban farming. It's very common for
11 our community to be overlooked, especially around
12 environmental cleanup, where there's not a compelling
13 reason for local food production.

14 And I want to make an important note in the record
15 that this nonprofit was conceived of in 2024, filed
16 nonprofit official status in 2025. We are a fully
17 functioning board with promising funding and a farm --
18 active farm site here in town.

19 The mission is to inspire a new generation of local
20 growers and small producers here in this area, and soil
21 quality continues to bubble up to the surface as a leading
22 concern among community residents as whether it is safe to
23 produce food here. I know at times EPA has made effort to
24 try to explain the real risk and communicate that to the
25 community. However, I think that there's plenty more work

1 to be done there given the very, very low level of trust
2 that people have to grow and use the soil in this
3 community, and you may very well argue that it is not
4 safe.

5 And therefore, this lead soil cleanup is imperative.
6 It must be protective of human health. So I do think it's
7 important to note that this will be an emerging trend and
8 an important issue in the community for our families and
9 residents.

10 I also wanted to just mention, and I don't know if
11 this issue has been looked at closely, however, when you
12 look at lead dust in residential environments, another
13 very common safety threshold is that of lead, of loading.
14 And it's above my pay grade. I've looked at it a little
15 bit. I don't know which is more protective or more
16 applicable.

17 However, even if you have very low concentration of
18 lead in the home and that is available and dispersed and
19 that the lead loading is higher than the measure of
20 concentration, is that, in fact, safe? I've not ever
21 heard this question. But we do manage lead-based paint on
22 this safety threshold. And so I would like to have that
23 comment lodged and some kind of response based on the risk
24 assessment and why the other unit is appropriate and
25 protective. Thank you.

1 MS. METER: Thank you very much.

2 Any other verbal comment from the room?

3 MS. SHEA: Thank you very much. Michele Shea,
4 District 2 member of Council of Commissioners. I won't
5 belabor the point that everybody else has made, but I do
6 want to add that the timeline is unacceptable, the level
7 is unacceptable, and the boundary is unacceptable. I
8 fully stand behind Chief Executive J.P.'s comments, and I
9 would like that to be reflected in the record on behalf of
10 myself and the members of District 2.

11 MS. METER: Okay. Thank you.

12 Anymore?

13 Anybody?

14 Okay. Well, with that, I think we can officially
15 conclude our verbal comment session. We're going to
16 transition back over to Molly for a couple words and then
17 over to Regional Administrator Cyrus Western once again
18 for a little Q-and-A for those who want to stick around.
19 But thank you all very much, everybody, for providing
20 public comment, taking time out of your evening. We
21 really appreciate you being here.

22 (The public comment session was closed at 6:56 p.m.)

23 * * * * *

24

25

COURT REPORTER'S CERTIFICATE

STATE OF MONTANA)
 ss.
COUNTY OF LEWIS AND CLARK)

I, CHERYL A. ROMSA, Court Reporter, residing in
Helena, Montana, do hereby certify:

That the foregoing proceedings were reported by
me in shorthand and later transcribed into typewriting;
and that the foregoing transcript of the proceedings
consisting of -20- pages of typewritten material
constitute a full, true, and accurate transcript of my
stenotype notes of the proceedings had and taken in the
above-entitled matter at the time and place hereinbefore
mentioned.

DATED this the 30th day of June, 2026.

/s/Cheryl A. Romsa
CHERYL A. ROMSA

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COUNTY OF LEWIS AND CLARK)

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above-entitled matter at the time and place hereinbefore
mentioned.

DATED this the 30th day of June, 2026.

/s/Cheryl A. Romsa
CHERYL A. ROMSA

From: [REDACTED]
Sent: Tuesday, June 23, 2026 5:27 AM
To: EPAButtePPcomments <epabutteppcomments@epa.gov>
Cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: ADDITIONAL PUBLIC COMMENT SUBMITTED DURING THE PUBLIC COMMENT PERIOD FOR THE RODA REGARDING THE BPSOU BUTTE MONTANA. COMMENT SUBMISSION # 2

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The following are ADDITIONAL public comments submitted during the public comment period on the RODA for BPSOU. Please address in Responsiveness Summary

I am also copying EPA personnel directly in case there are issues with the email address for comments. If for some reasons there are problems with the email address for comments EPA provided, please consider these my "official" comments under the thirty day comment period. I have also copied State of Montana officials given that since MDEQ is EPA's partner in Superfund, elements of Montana law apply to them if not to EPA.

[REDACTED]

[REDACTED]

**ADDITIONAL PUBLIC COMMENT SUBMITTED DURING THE PUBLIC COMMENT PERIOD
FOR THE RODA REGARDING THE BPSOU BUTTE MONTANA. COMMENT SUBMISSION #
2**

Equal Protection of the Laws, Equity, Disparate Impact and the BPSOU RODA: It is time to move from ideal and planning to enforcement and regulation. Will the RODA apply the 14th Amendment to the cleanup of Butte?

[REDACTED]

[REDACTED]

While environmental justice has recently been removed from EPA's national lexicon, EPA is still bound by the Fourteenth Amendment that guarantees equal protection of the laws. Equity is still part of U.S. law. U.S. law still recognizes the evils of disparate impact of seemingly neutral rules and regulations. This submission also argues that both the U.S. Constitution as well as the Constitution of the State of Montana recognize as a human right the right to a clean and healthful natural environment. Therefore, the RODA needs to be more explicit in its acknowledgment that:

1. There is a concentration of low-income citizens within the confines of the BPSOU.
2. This concentration is higher than the average of low-income citizens for the rest of Butte, Montana and the nation as a whole.
3. That these low-income citizens have a right to a clean up of the toxics and a lessening of the threats from these toxics in the BPSOU under Superfund.
4. In order to have this right protected, special consideration needs to be given to the health effects of the toxics on concern on the low-income citizens living within the BPSOU
 - A. The specific health situation of low-income citizens (poor diets, living in older housing, living in sub standard housing, lack of access to medical care, lack of affordable healthy foods such as vegetable, and personal habits, etc.) make them more susceptible to the health effects of exposure to the toxics of concern in the BPSOU
 - B. A one size fits all approach to protective action levels does not work.
 - C. The low-income citizens in the BPSOU have a disparate, greater toxic's burden to endure that the rest of Butte.
 - D. Low-income citizens need specialized public education, outreach and involvement activities specifically tailored to their unique situation.

The RODA must specifically address these above points more comprehensively.

Argument:

The following is a summary of the Medical Monitoring Meeting Phase 3 of June 17 2026 which directly bears on the RODA for BPSOU. It also relates directly to the focus of this submission.

In the timeframe 2018-2024, blood lead levels in children have levelled off compared to the substantial drop in blood lead levels between 2010 and 2018. Still higher than national average.

Findings of the Latest Medical Monitoring Study as Reported in June 2026:

1. Blood lead levels are more elevated in the 1-to-3-year range than the 4–6-year age range.
2. Higher elevated blood lead levels are found in older homes than newer homes. These older homes tend to be disproportionately in the BPSOU where there is a disproportionate number of low-income citizens compared to the rest of Butte, the rest of Montana and the nation as a whole.
3. Higher blood lead levels are found in uptown Butte, i.e. the original BPSOU, than the Flats. These elevated levels have persisted here.
4. Higher levels of lead and arsenic are found in uptown Butte.

Sources of Contamination

1. Soil and dust
2. Lead based paint which is the most identified source.
3. Other such as jewelry, toys, hobbies.

Also the BOSOU RODA acknowledges that low-income citizens are disproportionately living within the confines of the BPSOU in uptown Butte. These citizens by definition are experiencing a disproportionate toxic burden in that they are living within an area contaminated by lead which the Superfund program in Butte has stated needs remediation because it is unacceptable.

It is a clearly documented fact that:

1. Seemingly safe levels of exposure to the toxics of concern that may be “safe” for the non-poor are not safe for the poor.

2. This disparity is due to the fact that the poor who are disproportionately concentrated in the BPSOU have weakened immune systems, poorer diet, less access to medical care, greater exposure to toxics than do the non-poor in Butte.

3. Historically, action level determinations do not factor in the differential of poverty. On size does not fit all.

4. To meet its burden under U.S. Law, Common Law and its own rules and regulations as well as statutes, EPA must:

A. Clearly demonstrate how in the development of the new action levels for the BPSOU articulated in the RODA, the health effects disparities of exposure to the toxics of concern were taken into account. If this was not done, the action levels need to be redone. At the least, they need to be reevaluated.

B. Clearly articulate how the particular health needs of low-income citizens were considered in the development and proposed implementation of the new actions levels of 456 ppm. If this was not done, it needs to be done.

C. Clearly articulate what specifically tailored to the poor outreach, public involvement and public education are provided for in the RODA. If this was not done, it needs to be done.

These findings announced in the Medical Monitoring Meeting and stipulated in the RODA indicate the need for special attention to the Uptown Butte area that has the highest level of toxics exposure in Butte. It is also important to remember that the uptown part of Butte has a disproportionate number of poor people compared to the rest of Butte and the rest of Montana. Equal protection of the laws demands special attention to this area. Even if EPA national has difficulty with the term environmental justice, EPA still must adhere to the other parts of U.S. law that mandates equal protection of the laws and equity.

Since the term environmental justice encapsulates equal protection of the laws, I will continue to use it, as I have no problem advocating environmental justice. Remember though that when this term is used it encompasses the protections afforded by the U.S.

Constitution, Common Law, Federal Law and the provisions of the Constitution of the state of Montana.

As we know, EPA has defined environmental justice as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to development, implementation and enforcement of environmental laws, regulations, and policies. The goal of Environmental Justice is to provide an environment where all people

enjoy the same degree of protection from environmental and health hazards, and equal access to the decision-making process to maintain a healthy environment in which to live, learn, and work.

But for too long this has been a pious sentiment, a lofty goal, an unfulfilled promise. It is time now to fulfill this commitment to equality and equity for those disadvantaged by income, race or ethnic origin and to provide to them a clean and healthy natural environment. Even though EPA has problems nationally with the term environmental justice, EPA still must promote the fair and equitable treatment of all when it comes to its rules and regulations and its enforcement of its rules and regulations.

Because citizens have a right to health and a right to have an environment that is conducive to the protection of that right, citizens have a right and are entitled to live in a clean and healthy natural environment. To achieve this goal, extra help and consideration is needed for environmental justice communities. What may be adequate for a non-environmental justice community to live free from threats from exposure to environmental toxins may not be protective of environmental justice communities who are more susceptible to the ill effects of such exposure because of diet issues, lack of access to health care, substandard housing, greater pollution burden, etc. EPA has a particular obligation to give special consideration to the environmental health needs of low-income citizens as well as citizens of color and ethnic minorities. That obligation is encapsulated in the environmental justice movement.

Clearly, given the impediments that are inherent in belonging to an environmental justice community, failure to consider the differential impacts of exposure to environmental toxics would be a violation of the equal protection of the laws guarantee; would deny citizens Constitutionally protected rights and entitlements; would violate the provisions of equity; would produce an impermissible disparate impact on the poor, citizens of color and ethnic and cultural minorities and would prevent the achievement of the Constitutionally mandated “ordered liberty” in society. What may be “safe” for those who are not poor or minorities may well be harmful for the poor and members of an ethnic or racial or cultural minority.

Environmental justice, because it addresses this environmental imbalance in society, is clearly rooted in the fundamental principal of equal protection of the laws and is also based on the concept of equity, which is different from the concept of equality. Equality means that everyone is treated the same without regard to need or special circumstances. Equity means that people are treated differently based on need. Equity means giving people what they need or giving proportionate to their need or their own circumstances. Equity means leveling the playing field and equity is a means to equality.

Equity is a recognized principal and value under English common law. Equity is emphasized in U.S. social policy in education, health care, civil rights, criminal law, aid to the poor and many other areas. For example, disability accommodations are an instance of equity provisions in action. It is now time to operationalize equity in terms of the administration of our environmental policy. It is time to make environmental justice a part of our social and environmental policy actions. It is time to elevate environmental justice concerns to the level of environmental decision-making criteria. It is time to abandon deliberate indifference when it comes to environmental justice communities.

In order to enjoy a right guaranteed to all, equity considerations mandate that if the guaranteed right is to be more than an abstract right, equitable adjustments are necessary. For example, if all are afforded an equal opportunity to good vision, reading glasses may be necessary for the far sighted. This individual example translates to society at large. Because of poverty, race, ethnic identity or gender, some citizens have a disparate toxic burden placed upon them that precludes them from the equal enjoyment of their right to a clean environment.

My argument is that the right to environmental justice is a substantive right. It is a substantive right guaranteed both by the U.S. and the Montana State Constitutions. The protection of Constitutionally guaranteed rights is a fundamental and compelling mandate for government agencies such as EPA and the Montana Department of Environmental Quality.

My further and major argument is that unless environmental justice rights are enforced, such rights are meaningless. Environmental justice criteria must become a part and criteria of EPA and MDEQ decision making. Decisions must be evaluated in terms of whether or not they comport with environmental justice demands.

These rights and the mandate for active protection of these environmental rights exist independent of any statutory provisions or administrative policies, rules or regulations. These are Constitutional rights the protection and promotion of which should be the highest concern of government. Concern for promoting environmental justice cannot be just pious wishes but must be translated into action. Acta non verba.

Disparate Impact

Exposure levels to toxics that are deemed to be safe may not be safe for environmental justice communities. While applied equally to all, these standards may have a disparate impact on environmental justice communities. (If we were to switch from numeric standards of environmental exposure to toxics to narrative or interpretive standards, the problems would be exacerbated.)

What is the meaning of disparate impact?

Disparate impact occurs when policies, practices, rules or other systems that appear to be neutral result in a disproportionate, discriminatory impact on a protected group.

Disparate impact as an equity problem is well recognized by the courts. The Supreme Court in *Griggs v. Duke Power Co.* found that "practices, procedures, or tests neutral on their face, and even neutral in terms of intent, cannot be maintained if they operate to 'freeze' the status quo of prior discriminatory employment practices." Because of the nation's long history of providing inferior educational opportunities to African Americans in segregated schools, the company's requirements for hire or transfer did not offer equal opportunity. *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971). See also *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project, Inc.* which also recognized disparate impact as an equity issue.

In short, in terms of decisions affecting the public health, of which environmental pollution decisions are a subset, special consideration and attention must be afforded environmental justice communities in order to avoid disparate impact. Failure to consider the specific needs of an environmental justice community will result in disparate, detrimental result.

It may well be in the future that in developing numeric exposure/risk standards, special standards will need to be developed that take into account the specific needs of environmental justice communities regarding acceptable levels of exposure to toxics.

Clear Right to Environmental Justice in the Montana Constitution

In Montana, we are entitled and granted a right through the Montana Constitution to a clean and healthy natural environment. Montana citizens are also guaranteed equal protection of the laws. Unless these rights are enforced, they are meaningless rights. Every agency of Montana government and every agency of local government is charged with enforcing the provisions of the Montana Constitution. In order for all to enjoy these rights, environmental justice issues and concerns must be considered and enforced.

Substantive Right and Substantive Entitlement under Montana Law

Environmental justice encapsulates a substantive right and a substantive entitlement under Montana's Constitution. (This right also exists under the U.S. Constitution.) If you have a right to something you are entitled to it; you are entitled to its enjoyment. You are entitled to the conditions that allow for its enjoyment. We are entitled to a clean and healthy natural environment in Montana under the Montana Constitution.

Rights are entitlements (not) to perform certain actions, or (not) to be in certain states; or entitlements that others (not) perform certain actions or (not) be in certain states. Rights dominate modern understandings of what actions are permissible and which institutions are just. “Rights” in Stanford Encyclopedia of Philosophy

Given that Montana guarantees the right to a clean and healthy natural environment, all are entitled to environmental justice. If because of poverty, race,

ethnic background or gender, someone is denied this right, we have a violation of the protections of the Montana Constitution and redress is due to that person. .

(As I said earlier, interpretive or narrative environmental standards are ripe for discriminatory interpretation and disparate impact. Narrative standards are almost by nature arbitrary and capricious. Narrative standards would facilitate deliberate indifference. Before Montana switches to narrative or interpretive standards, the environmental justice impacts must be considered. This would also be true nation-wide. For all the problems with numeric standards they are less open to discriminatory practice than narrative/interpretive standards. They have more specific meaning than narrative standards. Numeric standards are less susceptible to misinterpretation or misrepresentation than are narrative standards.)

Right to Environmental Justice in the U.S. Constitution

The United States Constitution does not contain an explicit provision guaranteeing the right to a clean and healthy natural environment. Nevertheless, such a right can be inferred and is clearly implied under the U.S. Constitution. Therefore, there is also an implied or inferred constitutional right to environmental justice. A right to a clean and healthy natural environment requires attention to environmental justice if this right is not to be arbitrarily limited by income, race or ethnicity. Implied rights are just as enforceable as explicit rights.

There is a clearly implied U. S. Constitutional right to a clean environment for all.

Unenumerated constitutional rights are worthy of protection. (*Lochner V. New York*) Not all rights guaranteed under the Constitution are explicitly stated. These implied rights are worthy of the same degree of protection as explicitly stated rights. (*Shapiro v. Thompson* 394 U.S. 618 [1969] and *Reynolds v. Simms* 377 U.S. 533 [1964]. See also: *Crandall v. Nevada*; *United States v. Guest*; *Skinner v. Oklahoma*)

Of course, the Ninth Amendment to the U.S. Constitution clearly recognizes the existence of implied rights under the Constitution. In *Griswold v. Connecticut*, Mr. Justice Goldberg stated: The Ninth Amendment shows a belief of the Constitution's authors that

fundamental rights exist that are not expressly enumerated in the first eight amendments and an intent that the list of rights included there not be deemed exhaustive.

There are many implied rights in the U.S. Constitution that are guaranteed and protected:

1. Privacy (Roe v. Wade; Meyer v. Nebraska; Skinner v. Oklahoma; Griswold v. Connecticut. See also Poe dissent by Justice Harlan.)

2. Right to Vote

3. Right to Die

4. Right to be Presumed Innocent until Proven Guilty.

5. Right to Travel

6. Right to a Fair Trial

7. Judicial Review

8. Right to Marriage

9. Right to Procreate

10. Right to a Public Forum

11. Right of Association

In order to enjoy both implied and expressed rights, the conditions must be present for the enjoyment of such rights. Rights are meaningless if they cannot be actively enjoyed and exercised.

The exercise of our expressed and implied rights demands an environment in which we can act. The ability to speak, for example, requires the ability to breathe. One cannot act without ability to act. We must have a safe environment in order to exercise our explicit and implicit rights. A toxic environment is inimical to the exercise of our rights.

For example, the devastating effects of climate change would make our Constitutional rights meaningless. One cannot enjoy the exercise of one's Constitutional rights in an environment that is unhealthy, polluted, etc. Failure to consider environmental justice in environmental decision making would be similar to failing to consider climate change. Impediments to the exercise of rights that are grounding in income differentials, race, gender or ethnicity are particularly odious and without warrant or justification.

We have a natural and substantive and implied right to health under the U.S. Constitution. Being healthy is a requirement for the exercise of all of our other rights guaranteed under

the Constitution, which rights cannot be exercised or arbitrarily curtailed by a condition of sickness. “There are rights to which we are entitled, simply by virtue of our humanity. Human rights exist independent of our culture, religion, race, nationality, or economic status. Only by the free exercise of those rights can we enjoy a life of dignity. Among all the rights to which we are entitled, health care may be the most intersectional and crucial. The very frailty of our human lives demands that we protect this right as a public good. Without our health we—literally—do not live, let alone live with dignity.” (Mary Gerisch, Health Care as a Human Right, ABA, November 9, 2018.) It is clear health is a substantive right. As such, health should be enjoyed by all under the auspices of equity. As is obvious, health considerations inform and control a vast number of environmental decisions by EPA and MDEQ. Isn’t Superfund’s mission in large part to protect public health. A detailed discussion of health and health care as a Constitutional right is provided in the article: Health Care: Constitutional Rights and Legislative Powers by Kathleen S. Swendiman, Congressional Research Service, Legislative Attorney April 5, 2010. Abundant case law is cited in the article, which I have no need to repeat here.

Our national Constitution exists to protect our natural rights under “ordered liberty.” As Jefferson said, governments are created to secure our rights. The right to health, which demands the existence of a healthy environment, can only be guaranteed under society and the ordered liberty that government provides. This right cannot be limited on account of income, race or gender. There is an affirmative burden to provide equity in the exercise of the right to health.

The Constitutional guarantee of “ordered liberty” is impossible in a polluted, threatening environment.

Equity and Equality

Upon this point all speculative politicians will agree, that the happiness of society is the end of government, as all divine and moral philosophers will agree that the happiness of the individual is the end of man. John Adams

Equity is justice as fairness and focuses on what is fair in a particular situation or a particular case. Another way of looking at equity is as that which strikes the ordinary conscience and sense of justice as fair, right and equitable.

Equity consists in a tendency not to treat with excessive inequality beings forming part of the same essential category. (Perelman—The Idea of Justice and the Theory of Argument) The category of those possessing the right to a healthy environment is in conflict with the category of income status. Equity is the crutch of justice. Perelman, op.cit.

Anyone who blocks or impedes access of others to public goods acts wrongly. A clean environment is a public good which cannot be denied to someone on the basis of race, ethnic background or income.

Equity comes into play when to exert equality would significantly harm another. Certain distinctions, not anticipated by the rule, come into play.

No general law can cover all cases. Equity demands interpreting the general rule to avoid unjust consequences. Rules should not be applied mechanically but must take into consideration the specifics and the circumstances of the situation. For example, under Article 4 of the Napoleonic Code, a judge may not refuse a case by using the silence, obscurity or inadequacy of the law as an excuse.

Reasoning demands that we connect facts with principles in order to make judgments. When we do this, we may well find that a general rule needs to be modified to recognize the specifics of the situation. This is equity. Environmental standards are not equally protective of all groups. Environmental justice communities have specific needs and differences that a one size fits all approach does not recognize.

Equal and same are not synonyms. To be the same is to be identical. But to be equal is to have an equivalent degree of some specific quality or attribute. We can be equal in height although we are not the same as people. Equality means being endowed with capacities to pursue our individual and collective safety and happiness through politics—through the instrument of government. Protecting a right such as the right to happiness that we all share may necessitate differential treatment of others by removing that which may prevent them, through no fault of their own, from realizing a right.

Sometimes a friend is more depressed or ill or anxious than another and deserves extra consideration. Such special attention is equity in action. Or, it doesn't matter if the rules of the race are the same for everyone if one of the contestants can't run. This situation would be particularly problematic if the race revolves around securing a basic human right such as the right to health and a clean environment which are necessary for happiness. We have communities in this country who can't run because of income, race or ethnicity. We have communities in this country who need special attention; we have communities that need extra help when it comes to enjoying a clean environment. It is time to provide in deed more than word that special attention and extra ameliorative action.

Equity, though just, is not legal justice, but a rectification of legal justice. The reason for this is that law is always a general statement, yet there are cases which it is not possible to cover in a general statement. In matters, therefore, where, while it's necessary to speak in general terms, it is not possible to do so correctly, the law takes into consideration the

majority of cases, although it is not unaware of the error this involves. And this does not make it a wrong law; for the error is not in the law of the lawgiver, but in the nature of the case: the material of conduct is essentially irregular. When therefore the law lays down a general rule, and thereafter an exception arises which is an exception to the rule, it is then right, where the lawgiver's pronouncement, because of its absoluteness, is defective and erroneous, to rectify the defect by deciding as the lawgiver would himself decide if he were present on the occasion, and would have enacted, if he had been cognizant of the case in question. Aristotle—Nicomachean Ethics

The right to a clean and healthy natural environment is guaranteed by the U.S. Constitution. If citizens of color or low-income citizens are to enjoy fully this right, environmental justice must be a major factor in environmental regulation. If all are to enjoy this right, some equity provisions must inform agency decision making in order to level the toxic exposure playing field. Environmental justice criteria should augment the decision-making process and environmental regulatory process of both EPA and MDEQ. Environmental justice criteria must have regulatory efficacy. Clearly, environmental justice demands more than just affording opportunities for public comment or providing information to the public.

Environmental justice demands that its principles of equity and ordered liberty be a criterion of environmental decision making in the U.S.

Conclusion

To deny someone's right to a clean and healthy environment, which is guaranteed under both the Montana and U.S. Constitution, on the basis of income or race or gender or ethnic background would be a subversion of the equal protection of the laws guarantee and the right to equity.

1. There is a right to environmental justice under the U.S. and Montana Constitutions. This right must be enforced and must inform decisions made by EPA, the Montana Department of Environmental Quality and local governments.
2. Even though Montana does not have an explicit statute or rule mandating environmental justice, the right to environmental justice is an implied right under the Montana Constitution's guarantee of a clean and healthy natural environment for all Montana citizens as well as Article II, Section 4 of the Montana Constitution that guarantees equal protection of the laws.
3. There is a right to environmental justice under the United States Constitution. This right provides greater environmental justice protection than just an executive order and subsequent guidance by EPA.

4. Therefore, at a minimum, environmental justice considerations should be a part of and criteria of all rule making, permitting and regulatory decisions by EPA and MDEQ. By that I mean there should be specific consideration of environmental justice issues in agency decision making. Thus, environmental justice would no longer be a pious hope but would have decision making and enforcement teeth. Pious wishes will not enforce these rights. Noble plans and goals will not realize these rights. Only regulatory action will.

It is time to make environmental justice considerations fundamental to environmental decisions making. The harms of environmental pollution are not evenly distributed but accrue more to low-income citizens, citizens of color and citizens of different ethnic and cultural groups. It is past due time to redress that imbalance in d

The constitution of a free government ought always to be construed in favor of human rights. Robert Brown Elliot

Specifically, regarding the RODA for Butte

1. Was any environmental justice analysis performed?
2. What opportunities did the environmental justice community have in influencing the RODA formulation?
3. Was there procedural accountability to the environmental justice community?
4. Was disparate impact considered in the RODA?
5. Was any “deliberate indifference” manifested in the RODA?
6. What inferences can logically be drawn from the failure to consider environmental justice issues in the RODA?
7. What environmental justice or equal justice criteria were applied to the development of the RODA?

Transmittal Note to EPA

[REDACTED]

[REDACTED] I have been involved in Superfund in Butte, Montana for over thirty years. Recently, I have assisted EPA in the drafting of an environmental justice action plan for Butte and worked with the Montana Department of Environmental Quality in preparing an environmental justice action plan for the Montana Pole Plant Superfund site in Butte. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Wednesday, June 24, 2026 5:41 AM
To: EPAButtePPcomments <epabutteppcomments@epa.gov>
Cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: Additional Comments RPDA for the BPSOU submitted pursuant to the public comment period.

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DOES THE RODA FOR BPSOU ADEQUATELY TAKE INTO ACCOUNT THE AFFECTS CLIMATE CHANGE ON THE PROPOSED CHANGES IN THE REMEDY FOR BUTTE?

SUBMITTED BY: [REDACTED]

Climate change directly threatens the protectiveness of Superfund remedies in Butte. Warmer temperatures, severe droughts, and intense precipitation events in Montana complicate the management of toxic mine waste, potentially causing capped repositories and water treatment systems to fail. These effects can definitely lessen the impact of the proposed changes to the ROD for the BPSOU.

Specific climate threats to Butte's remedies include:

- **Extreme Precipitation & Flooding:** Intense, rapid rainfall events cause severe soil erosion, which can wash protective soil caps away and mobilize heavy metals—such as arsenic and lead—into Silver Bow Creek *and residential areas*. How would this impact the proposals in the ROD? Although EPA is still supposed to consider the effects of climate change on remedies, this does not appear to have been done in this case in Butte? Why not given EPA policy?

- **Drought & Wildfire:** Sustained droughts diminish the vigor of vegetation layers planted to prevent leaching into groundwater and the protectiveness of waste in place remedies such as we have in the BPSOU. Would the vegetative cover of the caps in uptown Butte be weakened or destroyed thus increasing the toxic load of lead and other contaminants of concern in uptown Butte? Do the new proposed action levels take this into account? Meanwhile, the increased risk of wildfires threatens to release toxins via smoke and ash. Could this increase the toxic load of lead and other contaminants of concern in uptown Butte thus necessitating a reevaluation of the action levels that are proposed?
- **Water Management (Berkeley Pit) and the RODA:** The Butte Mine Flooding Operable Unit (BMFOU) relies on keeping contaminated water from rising past a specific protective level. Prolonged drought or sudden, heavy storm surges disrupt the local equilibrium between surface waters and groundwater, challenging the delicate pumping and treatment systems at the Horseshoe Bend plant. Could problems with the Berkeley Pit remedy occasioned by climate change affect the overall protectiveness of the RODA in regard to soils and water in the BPSOU? After all the Superfund sites in Butte are interconnected and part of one system. Has this been considered? Should it have been considered?

The U.S. Environmental Protection Agency (EPA) actively mandates vulnerability screening of Superfund remedies to extreme weather and changing climate baselines. In Butte, the EPA frequently updates its cleanup guidelines and has lowered the action level for lead in residential soil and attic dust to 456 parts per million (ppm) Did the EPA do any vulnerability screening in developing these changes in the RODA? Are the proposed changes climate change resistant?

While the EPA factors climate resilience into Superfund remedies nationwide, **local stakeholders and advocacy groups have frequently criticized the Butte Priority Soils Operable Unit (BPSOU) plans for lacking specific consideration of climate change and extreme weather events.**

Because much of the mining waste in Butte is managed via "waste in place" (capped and left underground rather than hauled away), community advocates have actively raised concerns that future climate-driven flooding or extreme weather could compromise caps, mobilize heavy metals, and increase toxic runoff into local waterways like Silver Bow Creek. Is this the case? Has EPA considered the effects of climate change on mobilizing heavy metals? Increasing runoff? The protectiveness of the caps? These factors affect the

permanence of the proposed changes? Was there resilient remedial design vis a vis the proposed changes?

The EPA's June 2026 Proposed Plan for the site is focused primarily on residential soil and interior dust lead cleanup. Would the proposed changes in action levels, etc. be climate change resistant? Would they still be protective in the face of climate change?

EPA is supposed to consider climate data in evaluating the protectiveness of Superfund remedies. The EPA incorporates the effects of climate change when designing and implementing cleanups at Superfund sites, particularly by ensuring long-term remedy resilience against extreme weather, sea-level rise, flooding, and wildfires.

Specific ways the EPA factors climate risks into the Superfund process include:

- **Vulnerability Assessments:** The EPA routinely conducts site-specific **climate vulnerability assessments** to evaluate exposure and sensitivity to hazards (e.g., assessing if soil subsidence or heavy precipitation threatens a cleanup remedy). [
- **Resilient Remedial Design:** Action levels and site remedies (such as containment systems or groundwater pump-and-treat facilities) are adapted to withstand projected climate impacts. This includes building structural redundancies and elevating facilities located in 100-year or 500-year floodplains.
- **Guidance and Policies:** Through internal directives like the **Consideration of Climate Resilience in the Superfund Cleanup Process** memo, the EPA directs regions to integrate the best available climate science into site-level decision-making. Was this done in terms of the RODA? If not, why not?

Has all of the above been done in regard to the RODA for the BPSOU? The RODA seems silent on the climate change affect question. Should more attention have been paid in the RODA to the effects of climate change on the proposed changes?

My concern is that climate change considerations were not a specific focus or part of the proposed ROD Amendment for the Butte Priority Soils Operable Unit (BPSOU) released by the EPA in June 2026. Yet, they should have been. For the reasons given above, the protectiveness of the new action levels could be significantly reduced as the results of climate change become more pronounced in Butte.

Instead, the **2026 Proposed Plan RODA** was strictly drafted to modify the residential soil and interior dust cleanup standards following new national blood lead level guidance. These are pertinent today in Butte. They will not necessarily be effective as the effects of climate change become more pronounced in Butte.

The protectiveness of these new action levels can very definitely be affected by climate change for the reasons cited above which can be exacerbated by the 15-year timeframe of remediation given in the RODA. Yet, the RODA is silent on climate changes impact on the protectiveness of the proposed changes in the action levels for Butte.

I would argue that the RODA needs to be modified to specifically address the potential effects of climate change on the proposed changes.

From: [REDACTED]
Sent: Monday, June 29, 2026 4:56 AM
To: EPAButtePPcomments <epabutteppcomments@epa.gov>
Cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: More Public Comment on the BPSOU RODA pursuant to the public comment period. (# 6)

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The RODA stipulated and anticipated time frames for remediation under the new actions levels for the BPSOU. Are they realistic? Are they achievable? Will they sacrifice quality of cleanup for speed? Questions and Issues the Responsiveness Summary Needs to Address.

Submitted by: [REDACTED]

At the public meeting to discuss the RODA for the BPSOU held at Montana Tech in June, the Region 8 Administrator indicated that the 15-year timeframe for completing the multi-pathway lead abatement under the RMAP for the BPSOU—old and new--was the longest it would take. He stated that he thought that it could be done in ten years. He also told the *Montana Standard* that no new additional resources would be needed to accomplish this timeframe.

Is this reduced timeframe realistic? Is it realistic considering the expansion of the BPSOU in size and the lowering of the action level for lead in the BPSOU that will bring more homes, by definition, under the purview of the BPSOU. Can it be done with no additional resources?

The Region 8 administrator gave no evidence to warrant this conclusion that an expedited timeframe could be accomplished with no additional resources. He also did not indicate how the expedited time frame would be accomplished. These questions need answers in the responsiveness summary for the RODA for the BPSOU. Expediency is good but not at the expense of quality.

Also, in terms of required mandatory access and cleanup in the BPSOU, what mechanisms will be used to enforce compliance if people do not voluntarily comply? If there is no compliance mechanism, if there is not penalty attached for noncompliance, compliance will be iffy and spotty. What enforcement mechanisms are in place now? Will they be continued?

What is the Region 8 Administrator's basis for the above assertions? How could the public be certain that such a rush to get it done in a hurry will not compromise the quality and the protectiveness of the cleanup? EPA is under pressure under the Superfund Solutions Initiative to expedite cleanups. But what assurances does the public have that this rush will not come at the expense of quality and protectiveness of the cleanup? It does no good to rush a solution that is not protective.

In addition, consider the following:

The following represents my effort to discuss what seems to be the main complaint/issue/concern regarding the proposed new lead action levels for Butte—*Is the implementation time for the new lead levels excessively long and should it be expedited?* Some have asked the question: Why wait so long? Is 15 years too long to wait? Of course, the other questions as to whether it is too short also need to be considered.

In the remainder of this public comment paper I do the following:

1. Discuss in detail the complexity of the current RMAP remediation process in Butte coming to the conclusion that under the present remediation components, procedures and protocols, the 15-year estimate that remediation activities will take pursuant to the new

action levels for lead is reasonable. If anything, I think that it underestimates the time it will take for remediation unless significant new resources are committed to the activity. (These procedures are largely mandated under existing decision documents for the Superfund cleanup in Butte.)

2. Explore the question as to whether or not an expedited remediation implementation effort in Butte is warranted. Other than cleanup fatigue, what mandates an expedited cleanup, particularly if it sacrifices quality?

I have raised questions in other submissions during the public comment period regarding the proposed lead action levels. This submission focuses on the time frame question.

The Current Focus of Discussion Regarding the Proposed Lead Action Levels

I want to focus on what seems to be the main point of contention regarding the implementation of the proposed actions levels: The amount of additional time cleanup will require—an additional 15 years. Is this too long? It is too short? Can it be expedited and accomplished more quickly? Is there justification for accelerating the pace of cleanup under the new lead action levels?

Obviously, in a perfect situation and a situation not constrained by law, rules, regulations, cost, technology, the faster the new action levels could be implemented the better as long as quality, validity, and thoroughness were maintained in the implementation process. Quality must not be sacrificed to speed. Also, decision making under Superfund is affected and constrained, as I said, by existing law, policy, decision documents etc. Finally, good cleanups take time.

The issue is: Can and should the time frame for implementing the new lead action levels be shortened while still preserving the quality of the implementation?

In order to answer that question we must first consider what is involved currently under the RMAP in identifying, sampling and remediating a property. The following summarizes what is involved in this process.

Sampling Residential Property

- a. 2 to 3 hours per property—mapping, collecting and note taking while on premises. Prior to this RMAP must obtain property information such as obtaining access agreement, scheduling, etc.
- b. Results of the samples take six to eight weeks. Does not include time for necessary data validation.

Remediating Residential Property

- a. Indoor remediation—one week per property. (Currently, RMAP has two in-house remediation crews.)
- b. Soil remediation—One week but of course will vary based on size of the lot, topographical characteristic and other surface features.
- c. Additional time to develop work plans, completing property access agreements, etc.

Seasonal Remediation Numbers

- a. 100 per year indoor
- b. 60 per year outdoor soil
- c. The remediation season in Butte is from 5 to 7 months for both indoor and outdoor of course depending on weather.

Source: Eric Hassler, BSB Department of Reclamation and Environmental Services, Director—Email of January 18, 2025.

Data Quality Control is also mandated by the RMAP which requires additional resources and time. (One ancillary question could be how long does it take to hire, train and equip a remediation crew? Are they available? What does it cost to train a crew? What about benefits? What about wages? Etc.)

Estimated Additional Remediations that would be Required as the New Action Levels are Implemented

It is estimated by EPA that 60% of the newly added properties will require remediation. 50% of properties in the historic/uptown BPSOU will have to be resampled. We could also use the 60% figure here or as I discuss later a slightly lower percentage. (The discussion below is an estimate for purposes of discussion. The exact figures could be slightly different.)

Under the new lead action levels an additional 7100 additional properties will need to be sampled. If there is a 60% remediation rate, that would be 4260 homes needing remediation. Assuming that because of their location and the age of the structures that the 60% rate for newly added properties outside of the historic BPSOU is too high, although it would not be in the Greeley Neighborhood, the required remediation rate will actually be lower, i.e. fewer homes would need remediation. But there is also the question of attic dust contamination from past smelter activities and whether it is more prevalent in the new property additions compared to those in the original BPSOU. Anyway, let us assume 40% of newly added homes outside of the existing BPSOU need remediation. A lower remediation rate of 40% would still mean that approximately 2800 properties would need remediation in the new added properties. If we assume the 60% rate would apply for the properties that are resampled in the existing BPSOU boundary, that would be an additional 2820 properties needing remediation in the old BPSOU.

The result of adding together old and new properties would be a total (old plus new), using the lower percentage rate of 40% for newly added properties, 5720 additional remediations, approximately. If the 60 % rate is used for newly added properties as well as properties in the historic BPSOU that would be resampled that would be an additional 7172 remediations, approximately—ball park. The inference from all of the above information is that the old-time frame of 25 additional years for remediation to be accomplished using the existing staff, equipment and procedures is realistic. I don't know how given all the RODA additions the EPA expects to get all this done in 15 years. I didn't do all the math but this point should be obvious is you look at the time involved in cleaning up a property.

Cost

(This cost analysis assumes the cleanup schedule articulated in *the Proposed Plan for the ROD Amendment to BPSOU* and, more importantly *the actual RODA for the BPSOU*.)

Taken from: Proposed Plan to Amend the Remedial Action for the Butte Priority Soils Operable Unit #MTD980502777 October 2024—U.S. EPA

RODA—June 2026—BPSOU

Press Release for the RODA

EPA personnel comments at the public meeting in June.

Cost

The proposed expansion of the BPSOU boundary will increase the number of residential properties to be sampled to over 7,000 properties. The proposed lower cleanup level of 456 ppm is expected to greatly increase the number of additional residential properties that may require cleanup and, therefore, the cost associated with those activities. This includes costs to sample residential properties in the proposed BPSOU boundary expansion and reevaluate residential properties previously sampled. Properties that were previously remediated will also be reevaluated to ensure that the remedy in place remains protective. Estimated Annual Capital Costs: \$13 million Estimated Annual Operation and Maintenance Costs: \$50,000 Estimated Total Cost (Present Value): \$134 million—at a very minimum.

The numbers of additional properties to sample and remediate can only be estimated at this time using broad assumptions. The EPA estimates the annual capital costs to include direct and indirect costs of residential sampling (i.e., residential soils and interior dust), data management, remedial design activities, construction (remedial action) activities, project management, and construction management. The annual capital costs are estimated to be approximately \$13 million. The EPA estimated that 640 properties will be sampled each year for 15 years. The EPA estimated that half (50%) of the properties in the current BPSOU boundary will require re-sampling based on historic sample data. The EPA broadly estimates that 60% of properties to be sampled within the proposed BPSOU

boundary (approximately 5,000) will require cleanup over a period of 25 years, where 230 properties would be cleaned up each year.

While Operation and Maintenance costs are not included for residential properties in the 2006 ROD, costs associated with institutional controls and the EPA Five-Year Review have been assumed to be broadly \$50,000 per year. The total costs representing the present value of sampling for a duration of 15 years and a present value of cleanup activities for 15 years are approximately \$134 million. The present value calculation includes a discount rate of 7% consistent with EPA policy. There is a significant difference, increase in cost, between the Existing Remedy, presented as approximately \$30 million in the 2006 ROD, and the proposed changes.

The point is somewhat obvious: unless significant new moneys are allocated to RMAP, above and beyond what is contained in the RODA provisions and cost estimates, the timeframe for full implementation of the new lead action levels cannot be significantly accelerated. If you want expedited cleanup, stipulate how this will be accomplished. The Region 8 Administrator seems to be engaged in “magical thinking” on this one. It is counterproductive to promise something to the public and then fail to deliver.

The question now becomes: Is there sufficient warrant that would justify EPA requiring more money, above and beyond that mandated in the proposed plan, from Atlantic Richfield for expedited remediation under the new lead action levels? If there is this needs to be specified in greater detail than has been done to this point. Also, how does EPA calculate cleanup fatigue in its calculation?

Make no mistake an expedited implementation of the new lead action levels would require additional funding, the amount of which would depend on how expedited did decision makers want the implementation to be achieved. In any event, a significant expediting of the implementation would have a substantial cost associated with it. *Could such a cost increase be justified? Would the PRPs be willing to pay such an additional cost? What does the cost/benefit analysis show?*

I participated in the Blood Lead Levels Screening studies and didn't see any evidence of an emergency situation that would warrant a time critical or expedited response action. In short, I am not aware of any data that would at this time mandate an expedited response under EPA rules and regulations used to determine whether or not an expedited response

is warranted. Is there existing data that has been missed or that has been overlooked? If there isn't such a situation, what is EPA's justification? Will it stand if challenged?

On the other hand, using the new blood lead level action levels as a guide, it is obvious that a significant number of properties within the original BPSOU and in the expanded remediation area under the proposed plan, have lead levels that are higher than the action levels. In the proposed plan, the EPA says: *The EPA anticipates that the proposed lower lead cleanup level of 456 mg/kg will significantly increase the number of residential properties that will be identified for cleanup.* By definition, these areas pose a threat to public health from lead exposure and should be remediated. Fifteen years before remediation is complete is a long time to wait and a long time to allow this threat to remain in place. The Precautionary Principle, which is a part of Superfund's justification, would seem to demand a more expedited cleanup as well. But can the fifteen timeframe be reasonably shortened as the Region 8 Administrator said?

EPA takes pride in its ability to identify and quantify health threats under Superfund. EPA has identified a significant unremediated health threat that must be addressed by the newly proposed, more protective lead action levels. Assuming this threat exists, and EPA says it does, is it justifiable to wait 15 years for this threat to be fully addressed? That is what the public is asking. EPA needs to provide greater explanation and justification with regard to the timeframes that are at play here. Why will it take 15 years? Can it be done realistically in a shorter time period?

One question then becomes, under Superfund, how long can a threat remain in place when it is technically feasible to move faster if the necessary resources are committed? How does EPA determine the length of time a threat may remain in place versus the cost of removal? Is the threat posed by lead under the new action levels sufficient to warrant an expedited or emergency cleanup? What can help the public understand the tradeoff between threat and cost? EPA should explain how they go about answering these questions and how EPA has answered them with regard to Butte.

(There are those who maintain that cost should not matter. The PRPs should bear the cost no matter how much because they are responsible for the problem and have an obligation legal and moral to pay this cost. While moral culpability might be interesting to explore, it is

generally irrelevant to the implementation of Superfund, which depends of what the law says. Whatever actions EPA orders must be defensible, ultimately in court if needed. The EPA cannot be arbitrary and/or capricious in its decision making. It is also important to remember that the RMAP program goes far beyond anything EPA could order under Superfund. Finally, retroactive liability, as defined in law, is part of the Superfund process and has been used and is being used in Butte. I would also reiterate my view that much progress in terms of Superfund has been achieved in the last few years because of cooperation between EPA, MDEQ, BSB and Atlantic-Richfield. That cooperation needs to be recognized. That cooperation has accelerated the progress in Butte. We do not want to lose that spirit and reality of cooperation.)

The RMAP program, which is a nationally recognized success, goes far beyond what could be mandated under Superfund and addresses contaminants that are not directly linked to past mining operations. How, if at all, does this fact limit or shape EPA's regulatory authority? What would EPA have to do to demonstrate a warrant for a significantly expedited the cleanup?

If the threat of lead exposure is being realized, why have we not seen evidence of lead associated disease in Butte or significantly elevated blood lead levels compared to the rest of the nation, even in areas of previous mining? Is it bioavailability, poor past studies, asking the wrong questions or what? Could it be that the problem of lead is being remediated and the threat lessened? Could we be seeing programmatic success?

Are the average blood lead levels in children in Butte higher than the average at other mining communities such as Butte?

Are the average blood lead levels in children in Butte higher than other communities with a higher percentage of older homes with lead paint, which we see in the BPSOU?

There are questions as to the validity of previous studies. There is doubt as to what is actually occurring with regard to the health effects of exposure to lead but these doubts have yet to be documented or quantified. But again, under Superfund policy, cleanups cannot be mandated by what may be discovered when existing studies show no or little evidence. The existing studies show that blood lead levels in Butte children remain higher than the national average. Why? What part do background levels of lead in Butte

play? How do background levels relate to residential soils? EPA has a policy of not trying to remediate below background levels of a contaminant. Also, those past health studies are defended particularly by those who participated in them? Are they wrong? If so, why and how? There are still a lot of unanswered and perplexing problems and questions. Maybe this responsiveness questions can answer them.

Certainly, new and revised studies using different valid methodologies may be warranted. Existing studies need to be critically scrutinized. Do they adequately assess the effects of lead exposure in Butte? Are they missing something?

EPA needs to provide answers to these quandaries and questions. *I would urge EPA to explain with clarity and comprehensives this complex cost benefit analays of the benefit from an expedited implementation of the new lead action levels versus the cost.*

What effect will the newly announced EPA national policy not to calculate health effects as part of its cost calculations affect the issue of costs associated with the RODA?

Again, I would like to reiterate the role of cost in Superfund decision making. It should not be to find the cheapest remedy. It should be: find the best remedy and then seek to determine the most cost-effective way to achieve that best remedy. I fear that the current push by the national office of EPA to expedite cleanups, which we all want, will come at the expense of quality which we all do not want to occur. If it takes longer than 15 years to achieve a good cleanup, quality must not be sacrificed for speed.

There needs to be more attention given to the issue of whether expanded resources are needed to accomplish an expedited cleanup. The Administrator's comments that resources are currently sufficient needs to be fleshed out, explained and defended. I hope this is done in terms of the responsiveness summary.

Is the threat of exposure posed by residential lead above the proposed action levels serious enough to demand an expedited remediation effort faster than that proposed in the RODA?

To do or not to do. That is the question.

Additional Sources:

Residential Metals Abatement Program: Construction Completion Report—Spring 2024

Second Butte RMAP Medical Monitoring Study (Phase 2) Report—2020

Record of Decision Amendment for BPSOU of Silver Bow Creek/Butte Area—February 2020

Final Multi-Pathway Residential Metals Abatement Program Plan—BSB and Atlantic-Richfield—February 2, 2010

From: [REDACTED]
Sent: Sunday, June 28, 2026 7:40 PM
To: EPAButtePPcomments <EPAButtePPComments@epa.gov>
Subject: Lead levels proposed for Butte, Montana

?

You don't often get email from [REDACTED]. [Learn why this is important](#)

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My name is [REDACTED], and I appreciate the opportunity to comment.

I am not a scientist or a public official. I'm a mechanic. My job is to diagnose problems and fix them. I have to follow technical standards and make sure the work I do is safe and reliable for the people in the vehicle and everyone else on the road.

In my profession, efficiency matters. Customers want their vehicles back quickly, and every shop wants to work more efficiently. But I cannot make a repair easier, faster, or cheaper by lowering safety or technical standards. If brakes, steering, or suspension components require a certain level of inspection and repair, I don't get to skip steps because they are expensive or inconvenient. My responsibility is to learn how to do quality work more efficiently, not to redefine quality so the job becomes easier.

That is why I am concerned about both this current proposal and EPA's 2025 Lead Directive, which appears to be the basis for increasing the proposed action level from 175 ppm after the thorough public process in 2024 to 456 ppm today.

From what I have read, EPA continues to recognize the serious health and environmental risks of lead exposure, especially for children. Yet at the same time, the directive appears to prioritize implementation concerns to "streamline" the process across different sites. I understand those concerns. Cleanup should be efficient, and resources should be used wisely.

However, it is not clear to me that increasing the action level to 456 ppm actually solves anything with respect to implementation. It complicates the process by creating confusion

and concern due to what it disregards. From the record available, it is not clear what scientific evidence supports that change.

The practical effect of higher cleanup thresholds may be that fewer contaminated properties are investigated or remediated. That may make cleanup easier, faster, or less expensive, but the agency should be able to adequately explain how it evaluated the resulting health impacts and how those impacts were weighed against any implementation benefits.

Efficiency should not come at the expense of health and environmental protection. The plan for Butte should not be based on this faulty directive. Other places can make their own choices. This process is for us.

If EPA is changing its approach to lead cleanup, the public deserves a clear explanation supported by science. What new scientific evidence since the 2024 process justifies the higher screening and cleanup thresholds? What analyses demonstrate that this change will provide the same level of protection for children, families, communities, and our local environment? How many properties that would have qualified for further action under the 2024 proposal will no longer qualify under this new proposal based on the 2025 directive?

As a mechanic, I know that when a job is difficult, the answer is not to lower the standard. The answer is to improve the way the work is done while still meeting the standard. When the issue is lead contamination that affects human health, especially children's health, as well as our environment, we should be looking for better ways to achieve protective cleanup goals, not accepting greater risk because those goals are challenging to meet.

I respectfully ask EPA to place adequate scientific basis for this current proposal and the 2025 policy change in the public record. It should fully explain how the new approach protects human health and the environment while increasing the screening level and reducing the area that is cleaned up. Because that doesn't add up.

After paying attention to the 2024 public process and the record generated during that time, I don't think the EPA can justify this policy change that seems to prioritize streamlining over the quality of cleanup. For Butte, the EPA should cease relying on the 2025 policy focused directive and place emphasis on the best available up to date information and research. We can find efficiencies in other ways.

Thank you.

From: [REDACTED]
Sent: Monday, June 29, 2026 4:45 AM
To: EPAButtePPcomments <epabutteppcomments@epa.gov>
Cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: Additional Public Comment (# 5) for the RODA for BPSOU--RODA Action Levels, Remediation Levels, Responsiveness Summaries



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More Public Comment on Action Levels, Screening Levels, Remediation Levels, Responsiveness Summaries and the Protectiveness of the Action Levels Proposed in the RODA for the BPSOU.

Submitted by [REDACTED]

Make no mistake, the proposed Record of Decision (ROD) amendment for the Butte Priority Soils Operable Unit (BPSOU) is a significant improvement over the previous cleanup plan. The RODA expands protections by aggressively lowering lead thresholds, though environmental watchdogs argue the cleanup timeline remains too slow.

The updated proposal includes three major upgrades:

- **Lower Cleanup Levels:** The EPA proposes slashing the residential soil and interior dust cleanup action level for lead from 1,200 parts per million (ppm) to **456 ppm**.
- **Expanded Boundary:** The cleanup boundary is expanded by roughly 3,637 acres, adding about **7,100 additional households** for sampling and potential remediation.
- **Quicker Timelines:** The EPA set a 15-year timeline to fully sample, evaluate, and clean up the newly added and existing homes.

While it is broadly seen as a massive upgrade, some local advocates and critics are disappointed the EPA settled on 15 years instead of a faster timeline, and that it is higher than the 400-ppm standard used in neighboring Anaconda.

However does it represent the best that can and should be done under Superfund?

The EPA's Record of Decision (ROD) amendment for the Butte Priority Soils Operable Unit (BPSOU) faces primary criticisms regarding cleanup thresholds, the extent of waste left in place, and the adequacy of public comment consideration.

The EPA's proposed plan for the BPSOU details several main areas of contention:

- **Cleanup Action Levels:** The EPA set the lead cleanup threshold at 456 parts per million (ppm). Critics, residents, and local officials argue this level is insufficient and have historically called for a stricter limit of 175 ppm. They also point out that the proposed level is higher than the 400-ppm used at the neighboring Anaconda Superfund site. In the Responsiveness Summary I would like for EPA to provide ample justification for this change. In earlier public comments I have already submitted, I have in great detail gone into this issue.
- **"Waste in Place" Strategy:** Environmental advocates and residents strongly criticize the reliance on leaving massive volumes of heavy metal-contaminated mine tailings and waste rock in place. They argue that this approach leaves Butte environmentally vulnerable, particularly in the event of extreme weather or climate impact. As I mentioned in another lengthy submission, I do not think that the RODA has sufficiently addressed the impact of climate change on the remedy as altered by the RODA.
- **Public Input and Responsiveness:** Members of the Butte community have expressed frustration that their feedback during previous comment periods has been dismissed. Critics claim that the federal government is prioritizing the minimization of cleanup costs for responsible parties over genuine ecological restoration. It is my sincere hope that EPA provides comprehensive responses to the very detailed input that has been received from some citizens. I know I spent a great deal of time preparing my public comments.

- **Expansion of Cleanup Areas:** While the EPA is expanding the boundaries of the Superfund site to include thousands of additional homes, residents remain skeptical that the agency will have the resources or the intent to fully remediate these newly covered properties adequately.

WHAT MAKES A GOOD EPA RESPONSIVENESS SUMMARY

An effective EPA responsiveness summary clearly demonstrates that public input was taken into account by the agency. To achieve this, it must be written in plain language (typically targeting an eighth-grade reading level), explicitly explain how comments influenced the final decision, and logically organize the agency's positions.

In preparing the Responsiveness Summary it is my ardent wish that EPA produces

a high-quality summary that meets specific regulatory and communication requirements. Given the competency, commitment and expertise of EPA personnel in the Montana Office this should be no problem.

- **Clear Organization:** Comments and responses are grouped by topic rather than published as a chronological list, making it easy to see the main areas of public concern.
- **Transparent Justifications:** The document explicitly details whether a proposed action was modified in response to a comment, or logically explains why a recommendation was rejected. If public comments had no impact on the proposed RODA, then why was the public asked to comment?
- **Plain Language:** Technical jargon is translated into lay terms, ensuring the public can easily understand the agency's reasoning.
- **Mass Campaign Handling:** For large-scale public comment campaigns, the summary synthesizes recurring themes, concerns, and proposed alternatives rather than responding to hundreds of identical form letters individually. I doubt this RODA will occasion a large-scale public comment campaign but those comments received should be carefully considered as I am sure they will be.
- **Significant Comment Focus:** The EPA addresses all "significant comments"—those that raise relevant environmental, scientific, or procedural concerns that directly impact the scope of the decision. I

hope the responses display some specificity directly related to the content of the comments received. There are nuances to public input that must be recognized. Simply saying that several people were concerned about the protectiveness of the action levels and the EPA give a standard reply will simple not do.

- **Administrative Record Integration:** It cites the supporting data, science, and public outreach that informed the EPA's response. Citizens want to know why something was done.

VARYING ACTION LEVELS FOR SOILS ACROSS THE UNITED STATES

The U.S. Environmental Protection Agency (EPA) generally establishes **national screening and removal management levels** for lead in residential soil, rather than fixed, state-by-state cleanup limits. However, the exact soil lead levels that prompt action can vary from site to site based on regional decisions, local conditions, and state laws.

Key factors causing variation in soil lead actions include:

- **National Baseline Guidelines:** The EPA has a standard residential soil screening level of **200 parts per million (ppm)**. In areas where children face multiple sources of lead exposure (such as old lead-based paint), regional EPA teams may drop this screening threshold to **100 ppm**. The EPA's regional removal management level for soil is **600 ppm**.
- **Site-Specific Decisions:** Screening levels are not automatic cleanup standards. Local EPA site teams make decisions based on specific risk factors, community input, and natural background levels of lead in the soil, leading to varying responses depending on the location.
- **State Regulations:** While the EPA sets national guidance, individual states are permitted to implement their own stricter guidelines. For instance, California utilizes much more stringent screening values, such as **80 ppm** for residential soils

What role did these factors play in setting the RODA lead action and screening levels? Please explain and justify.

Federal Action Levels (U.S. EPA)

- **Screening Level:** The U.S. Environmental Protection Agency recommends a residential soil screening level of **200 ppm** (parts per million or mg/kg). In Butte it is 456. Why?
- **Multiple Sources:** If a home has additional sources of lead, such as leaded water lines or deteriorating lead paint, the screening level drops to **100 ppm**. As I read the RODA, this is not being done for rescreening and for new properties added to the BPSOU. There are multiple sources of lead exposure in Butte that need to be recognized and incorporated into screening level decisions.
- **Removal Management Level:** The EPA's trigger for immediate soil removal at Superfund and hazardous waste sites is **600 ppm**.

Current Proposed Plan for Butte

Under the EPA's proposed ROD amendment for the **Butte Priority Soils Operable Unit (BPSOU)**, the current removal level for lead is 456 parts per million (ppm). At the same time, the EPA's standardized national screening level for lead is 200 ppm. This means screening is triggered earlier (at 200 ppm) to identify at-risk properties, while physical soil removal and remediation are triggered if lead concentrations exceed 456 ppm.

Why isn't the screening level for Butte 200 ppm as it is in the rest of the country? Why isn't it really 100 ppm given that Butte has extensive multiple sources of lead contamination.

My assumption is that a high screening level does not necessarily trigger a removal action level, but indicates that further remedial investigation is needed? Is this assumption correct? If so, what additional investigation activities are proposed or have already been accomplished in Butte?

In the proposed EPA Record of Decision (ROD) amendment for the Butte Priority Soils Operable Unit (BPSOU), the numerical values for lead depend on whether they are being used for initial investigation screening or actual yard remediation.

- **Cleanup/Action Level:** The EPA proposes to lower the cleanup threshold for lead in residential soils and interior dust from 1,200 mg/kg (parts per million) to **456 mg/kg**.

- **Standard Screening Level:** In line with national guidance, the EPA's standardized initial screening level for lead in residential soil is **200 mg/kg**.

The 456 mg/kg standard is the site-specific cleanup level derived for the Butte area, while the 200 mg/kg value serves as the trigger level across sites for initiating soil investigations and evaluations to see if cleanup is required.

So, as properties are added to the BPSOU under the ROD Amendment, will they be screened using the 200 mg/kg level? If not, why not? Or more appropriately, at the 100-ppm level. If not, why wasn't this done?

In Butte, homes within the Priority Soils Operable Unit (BPSOU) are not screened for cleanup at 100 ppm. While 100 ppm is sometimes used by the EPA as a screening level in residential properties with multiple sources of lead exposure, Butte's Superfund cleanup thresholds and action levels are site-specific. GIVEN THAT IT IS ADMITTED THAT HOMES WITHIN THE BPSOU HAVE MULTIPLE SOURCES OF LEAD, WHY ARE BUTTE PROPERTIES IN THE BPSOU NOT SCREENED USING THE 100 PPM ACTION LEVEL?

The regulatory standards and active screening processes for lead in Butte include:

- **Current Status:** The longstanding cleanup action level was historically set at 1,200 ppm.
- **Proposed Update:** The RODA proposes lowering the cleanup action level for residential soils and interior dust to 456 ppm. This proposal includes expanding the site boundaries to test and evaluate approximately 7,100 additional households. WHAT SCREENING LEVELS WILL APPLY TO THESE NEW PROPERTIES?
- **Local Guidelines:** The Residential Metals Abatement Program (RMAP) conducts environmental assessments, including yard and interior dust sampling, to reduce exposure. The program prioritizes vulnerable populations (e.g., homes with children aged six and under or pregnant and nursing mothers) for testing and evaluation.

Action levels and screening levels are the result of complex decision making. I believe the public has a right to know how they were derived and what is the justification for the levels selected.

Is the reason the screening level for lead in Butte not 100 ppm the following:

The U.S. Environmental Protection Agency (EPA) did not set the Butte, MT lead screening level at 100 ppm because, while national screening levels are 100–200 ppm, site-specific cleanup standards are based on local risk factors, historical contamination levels, and bioavailability (how easily the body absorbs the lead).

Under the EPA Proposed Plan for Butte, the action level is set at **456 parts per million (ppm)**, balancing national health guidance with what is deemed realistically achievable for the Butte Superfund site's specific geology.

Key Factors Influencing the Decision

- **National Guidance vs. Site Actions:** The EPA's general guidance sets a screening level of 100 ppm for residential properties with multiple sources of lead exposure. However, EPA explicitly notes that screening levels are *not* cleanup standards; actual cleanup decisions use site-specific risk factors.
- **Historical vs. Proposed Levels:** The previous cleanup standard for Butte was unconscionably high at 1,200 ppm. The EPA's proposed amendment drops this by over 60% to 456 ppm.
- **Bioavailability Arguments:** The EPA has historically justified higher action levels in Butte by arguing that the legacy lead contamination is less bioavailable than in other regions (such as the nearby Anaconda smelter site), though local public health officials have heavily disputed this.
- **Community Controversy:** The decision to land on 456 ppm is a compromise, but it has faced local pushback. Local officials and Superfund watchdogs advocate for a level matching Anaconda's 400 ppm or lower, noting the CDC's stance that no level of lead is safe for children. As I have said before this controversy needs a through answer in the Responsiveness Summary.

I would also argue that the mandatory soil sampling boundary should be expanded further to encompass additional locations, such as Census Tract

6, the Margaret Leary School, and the Jeremy Bullock Memorial Soccer Complex. Excluding these areas is not environmental or from a public health perspective defensible. The RODA should be amended to include this mandatory soil sampling boundary at a screening level of 100 ppm.

Summary

My point of all the above is to ask EPA to thoroughly justify that newly proposed action levels for Butte so that the public can be assured that these action levels will fulfill the EPA mission of protecting human health and the environment.

From: [REDACTED]
Sent: Monday, June 29, 2026 4:56 AM
To: EPAButtePPcomments <epabutteppcomments@epa.gov>
Cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: More Public Comment on the BPSOU RODA pursuant to the public comment period. (# 6)

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The RODA stipulated and anticipated time frames for remediation under the new actions levels for the BPSOU. Are they realistic? Are they achievable? Will they sacrifice quality of cleanup for speed? Questions and Issues the Responsiveness Summary Needs to Address.

Submitted by: [REDACTED]

At the public meeting to discuss the RODA for the BPSOU held at Montana Tech in June, the Region 8 Administrator indicated that the 15-year timeframe for completing the multi-pathway lead abatement under the RMAP for the BPSOU—old and new--was the longest it would take. He stated that he thought that it could be done in ten years. He also told the *Montana Standard* that no new additional resources would be needed to accomplish this timeframe.

Is this reduced timeframe realistic? Is it realistic considering the expansion of the BPSOU in size and the lowering of the action level for lead in the BPSOU that will bring more homes, by definition, under the purview of the BPSOU. Can it be done with no additional resources?

The Region 8 administrator gave no evidence to warrant this conclusion that an expedited timeframe could be accomplished with no additional resources. He also did not indicate how the expedited time frame would be accomplished. These questions need answers in the responsiveness summary for the RODA for the BPSOU. Expediency is good but not at the expense of quality.

Also, in terms of required mandatory access and cleanup in the BPSOU, what mechanisms will be used to enforce compliance if people do not voluntarily comply? If there is no compliance mechanism, if there is not penalty attached for noncompliance, compliance will be iffy and spotty. What enforcement mechanisms are in place now? Will they be continued?

What is the Region 8 Administrator's basis for the above assertions? How could the public be certain that such a rush to get it done in a hurry will not compromise the quality and the protectiveness of the cleanup? EPA is under pressure under the Superfund Solutions Initiative to expedite cleanups. But what assurances does the public have that this rush will not come at the expense of quality and protectiveness of the cleanup? It does no good to rush a solution that is not protective.

In addition, consider the following:

The following represents my effort to discuss what seems to be the main complaint/issue/concern regarding the proposed new lead action levels for Butte—*Is the implementation time for the new lead levels excessively long and should it be expedited?* Some have asked the question: Why wait so long? Is 15 years too long to wait? Of course, the other questions as to whether it is too short also need to be considered.

In the remainder of this public comment paper I do the following:

1. Discuss in detail the complexity of the current RMAP remediation process in Butte coming to the conclusion that under the present remediation components, procedures and protocols, the 15-year estimate that remediation activities will take pursuant to the new

action levels for lead is reasonable. If anything, I think that it underestimates the time it will take for remediation unless significant new resources are committed to the activity. (These procedures are largely mandated under existing decision documents for the Superfund cleanup in Butte.)

2. Explore the question as to whether or not an expedited remediation implementation effort in Butte is warranted. Other than cleanup fatigue, what mandates an expedited cleanup, particularly if it sacrifices quality?

I have raised questions in other submissions during the public comment period regarding the proposed lead action levels. This submission focuses on the time frame question.

The Current Focus of Discussion Regarding the Proposed Lead Action Levels

I want to focus on what seems to be the main point of contention regarding the implementation of the proposed actions levels: The amount of additional time cleanup will require—an additional 15 years. Is this too long? It is too short? Can it be expedited and accomplished more quickly? Is there justification for accelerating the pace of cleanup under the new lead action levels?

Obviously, in a perfect situation and a situation not constrained by law, rules, regulations, cost, technology, the faster the new action levels could be implemented the better as long as quality, validity, and thoroughness were maintained in the implementation process. Quality must not be sacrificed to speed. Also, decision making under Superfund is affected and constrained, as I said, by existing law, policy, decision documents etc. Finally, good cleanups take time.

The issue is: Can and should the time frame for implementing the new lead action levels be shortened while still preserving the quality of the implementation?

In order to answer that question we must first consider what is involved currently under the RMAP in identifying, sampling and remediating a property. The following summarizes what is involved in this process.

Sampling Residential Property

- a. 2 to 3 hours per property—mapping, collecting and note taking while on premises. Prior to this RMAP must obtain property information such as obtaining access agreement, scheduling, etc.
- b. Results of the samples take six to eight weeks. Does not include time for necessary data validation.

Remediating Residential Property

- a. Indoor remediation—one week per property. (Currently, RMAP has two in-house remediation crews.)
- b. Soil remediation—One week but of course will vary based on size of the lot, topographical characteristic and other surface features.
- c. Additional time to develop work plans, completing property access agreements, etc.

Seasonal Remediation Numbers

- a. 100 per year indoor
- b. 60 per year outdoor soil
- c. The remediation season in Butte is from 5 to 7 months for both indoor and outdoor of course depending on weather.

Source: Eric Hassler, BSB Department of Reclamation and Environmental Services, Director—Email of January 18, 2025.

Data Quality Control is also mandated by the RMAP which requires additional resources and time. (One ancillary question could be how long does it take to hire, train and equip a remediation crew? Are they available? What does it cost to train a crew? What about benefits? What about wages? Etc.)

Estimated Additional Remediations that would be Required as the New Action Levels are Implemented

It is estimated by EPA that 60% of the newly added properties will require remediation. 50% of properties in the historic/uptown BPSOU will have to be resampled. We could also use the 60% figure here or as I discuss later a slightly lower percentage. (The discussion below is an estimate for purposes of discussion. The exact figures could be slightly different.)

Under the new lead action levels an additional 7100 additional properties will need to be sampled. If there is a 60% remediation rate, that would be 4260 homes needing remediation. Assuming that because of their location and the age of the structures that the 60% rate for newly added properties outside of the historic BPSOU is too high, although it would not be in the Greeley Neighborhood, the required remediation rate will actually be lower, i.e. fewer homes would need remediation. But there is also the question of attic dust contamination from past smelter activities and whether it is more prevalent in the new property additions compared to those in the original BPSOU. Anyway, let us assume 40% of newly added homes outside of the existing BPSOU need remediation. A lower remediation rate of 40% would still mean that approximately 2800 properties would need remediation in the new added properties. If we assume the 60% rate would apply for the properties that are resampled in the existing BPSOU boundary, that would be an additional 2820 properties needing remediation in the old BPSOU.

The result of adding together old and new properties would be a total (old plus new), using the lower percentage rate of 40% for newly added properties, 5720 additional remediations, approximately. If the 60 % rate is used for newly added properties as well as properties in the historic BPSOU that would be resampled that would be an additional 7172 remediations, approximately—ball park. The inference from all of the above information is that the old-time frame of 25 additional years for remediation to be accomplished using the existing staff, equipment and procedures is realistic. I don't know how given all the RODA additions the EPA expects to get all this done in 15 years. I didn't do all the math but this point should be obvious is you look at the time involved in cleaning up a property.

Cost

(This cost analysis assumes the cleanup schedule articulated in *the Proposed Plan for the ROD Amendment to BPSOU* and, more importantly *the actual RODA for the BPSOU*.)

Taken from: Proposed Plan to Amend the Remedial Action for the Butte Priority Soils Operable Unit #MTD980502777 October 2024—U.S. EPA

RODA—June 2026—BPSOU

Press Release for the RODA

EPA personnel comments at the public meeting in June.

Cost

The proposed expansion of the BPSOU boundary will increase the number of residential properties to be sampled to over 7,000 properties. The proposed lower cleanup level of 456 ppm is expected to greatly increase the number of additional residential properties that may require cleanup and, therefore, the cost associated with those activities. This includes costs to sample residential properties in the proposed BPSOU boundary expansion and reevaluate residential properties previously sampled. Properties that were previously remediated will also be reevaluated to ensure that the remedy in place remains protective. Estimated Annual Capital Costs: \$13 million Estimated Annual Operation and Maintenance Costs: \$50,000 Estimated Total Cost (Present Value): \$134 million—at a very minimum.

The numbers of additional properties to sample and remediate can only be estimated at this time using broad assumptions. The EPA estimates the annual capital costs to include direct and indirect costs of residential sampling (i.e., residential soils and interior dust), data management, remedial design activities, construction (remedial action) activities, project management, and construction management. The annual capital costs are estimated to be approximately \$13 million. The EPA estimated that 640 properties will be sampled each year for 15 years. The EPA estimated that half (50%) of the properties in the current BPSOU boundary will require re-sampling based on historic sample data. The EPA broadly estimates that 60% of properties to be sampled within the proposed BPSOU

boundary (approximately 5,000) will require cleanup over a period of 25 years, where 230 properties would be cleaned up each year.

While Operation and Maintenance costs are not included for residential properties in the 2006 ROD, costs associated with institutional controls and the EPA Five-Year Review have been assumed to be broadly \$50,000 per year. The total costs representing the present value of sampling for a duration of 15 years and a present value of cleanup activities for 15 years are approximately \$134 million. The present value calculation includes a discount rate of 7% consistent with EPA policy. There is a significant difference, increase in cost, between the Existing Remedy, presented as approximately \$30 million in the 2006 ROD, and the proposed changes.

The point is somewhat obvious: unless significant new moneys are allocated to RMAP, above and beyond what is contained in the RODA provisions and cost estimates, the timeframe for full implementation of the new lead action levels cannot be significantly accelerated. If you want expedited cleanup, stipulate how this will be accomplished. The Region 8 Administrator seems to be engaged in “magical thinking” on this one. It is counterproductive to promise something to the public and then fail to deliver.

The question now becomes: Is there sufficient warrant that would justify EPA requiring more money, above and beyond that mandated in the proposed plan, from Atlantic Richfield for expedited remediation under the new lead action levels? If there is this needs to be specified in greater detail than has been done to this point. Also, how does EPA calculate cleanup fatigue in its calculation?

Make no mistake an expedited implementation of the new lead action levels would require additional funding, the amount of which would depend on how expedited did decision makers want the implementation to be achieved. In any event, a significant expediting of the implementation would have a substantial cost associated with it. *Could such a cost increase be justified? Would the PRPs be willing to pay such an additional cost? What does the cost/benefit analysis show?*

I participated in the Blood Lead Levels Screening studies and didn't see any evidence of an emergency situation that would warrant a time critical or expedited response action. In short, I am not aware of any data that would at this time mandate an expedited response under EPA rules and regulations used to determine whether or not an expedited response

is warranted. Is there existing data that has been missed or that has been overlooked? If there isn't such a situation, what is EPA's justification? Will it stand if challenged?

On the other hand, using the new blood lead level action levels as a guide, it is obvious that a significant number of properties within the original BPSOU and in the expanded remediation area under the proposed plan, have lead levels that are higher than the action levels. In the proposed plan, the EPA says: *The EPA anticipates that the proposed lower lead cleanup level of 456 mg/kg will significantly increase the number of residential properties that will be identified for cleanup.* By definition, these areas pose a threat to public health from lead exposure and should be remediated. Fifteen years before remediation is complete is a long time to wait and a long time to allow this threat to remain in place. The Precautionary Principle, which is a part of Superfund's justification, would seem to demand a more expedited cleanup as well. But can the fifteen timeframe be reasonably shortened as the Region 8 Administrator said?

EPA takes pride in its ability to identify and quantify health threats under Superfund. EPA has identified a significant unremediated health threat that must be addressed by the newly proposed, more protective lead action levels. Assuming this threat exists, and EPA says it does, is it justifiable to wait 15 years for this threat to be fully addressed? That is what the public is asking. EPA needs to provide greater explanation and justification with regard to the timeframes that are at play here. Why will it take 15 years? Can it be done realistically in a shorter time period?

One question then becomes, under Superfund, how long can a threat remain in place when it is technically feasible to move faster if the necessary resources are committed? How does EPA determine the length of time a threat may remain in place versus the cost of removal? Is the threat posed by lead under the new action levels sufficient to warrant an expedited or emergency cleanup? What can help the public understand the tradeoff between threat and cost? EPA should explain how they go about answering these questions and how EPA has answered them with regard to Butte.

(There are those who maintain that cost should not matter. The PRPs should bear the cost no matter how much because they are responsible for the problem and have an obligation legal and moral to pay this cost. While moral culpability might be interesting to explore, it is

generally irrelevant to the implementation of Superfund, which depends of what the law says. Whatever actions EPA orders must be defensible, ultimately in court if needed. The EPA cannot be arbitrary and/or capricious in its decision making. It is also important to remember that the RMAP program goes far beyond anything EPA could order under Superfund. Finally, retroactive liability, as defined in law, is part of the Superfund process and has been used and is being used in Butte. I would also reiterate my view that much progress in terms of Superfund has been achieved in the last few years because of cooperation between EPA, MDEQ, BSB and Atlantic-Richfield. That cooperation needs to be recognized. That cooperation has accelerated the progress in Butte. We do not want to lose that spirit and reality of cooperation.)

The RMAP program, which is a nationally recognized success, goes far beyond what could be mandated under Superfund and addresses contaminants that are not directly linked to past mining operations. How, if at all, does this fact limit or shape EPA's regulatory authority? What would EPA have to do to demonstrate a warrant for a significantly expedited the cleanup?

If the threat of lead exposure is being realized, why have we not seen evidence of lead associated disease in Butte or significantly elevated blood lead levels compared to the rest of the nation, even in areas of previous mining? Is it bioavailability, poor past studies, asking the wrong questions or what? Could it be that the problem of lead is being remediated and the threat lessened? Could we be seeing programmatic success?

Are the average blood lead levels in children in Butte higher than the average at other mining communities such as Butte?

Are the average blood lead levels in children in Butte higher than other communities with a higher percentage of older homes with lead paint, which we see in the BPSOU?

There are questions as to the validity of previous studies. There is doubt as to what is actually occurring with regard to the health effects of exposure to lead but these doubts have yet to be documented or quantified. But again, under Superfund policy, cleanups cannot be mandated by what may be discovered when existing studies show no or little evidence. The existing studies show that blood lead levels in Butte children remain higher than the national average. Why? What part do background levels of lead in Butte

play? How do background levels relate to residential soils? EPA has a policy of not trying to remediate below background levels of a contaminant. Also, those past health studies are defended particularly by those who participated in them? Are they wrong? If so, why and how? There are still a lot of unanswered and perplexing problems and questions. Maybe this responsiveness questions can answer them.

Certainly, new and revised studies using different valid methodologies may be warranted. Existing studies need to be critically scrutinized. Do they adequately assess the effects of lead exposure in Butte? Are they missing something?

EPA needs to provide answers to these quandaries and questions. *I would urge EPA to explain with clarity and comprehensives this complex cost benefit analays of the benefit from an expedited implementation of the new lead action levels versus the cost.*

What effect will the newly announced EPA national policy not to calculate health effects as part of its cost calculations affect the issue of costs associated with the RODA?

Again, I would like to reiterate the role of cost in Superfund decision making. It should not be to find the cheapest remedy. It should be: find the best remedy and then seek to determine the most cost-effective way to achieve that best remedy. I fear that the current push by the national office of EPA to expedite cleanups, which we all want, will come at the expense of quality which we all do not want to occur. If it takes longer than 15 years to achieve a good cleanup, quality must not be sacrificed for speed.

There needs to be more attention given to the issue of whether expanded resources are needed to accomplish an expedited cleanup. The Administrator's comments that resources are currently sufficient needs to be fleshed out, explained and defended. I hope this is done in terms of the responsiveness summary.

Is the threat of exposure posed by residential lead above the proposed action levels serious enough to demand an expedited remediation effort faster than that proposed in the RODA?

To do or not to do. That is the question.

Additional Sources:

Residential Metals Abatement Program: Construction Completion Report—Spring 2024

Second Butte RMAP Medical Monitoring Study (Phase 2) Report—2020

Record of Decision Amendment for BPSOU of Silver Bow Creek/Butte Area—February 2020

Final Multi-Pathway Residential Metals Abatement Program Plan—BSB and Atlantic-Richfield—February 2, 2010

From: [REDACTED]
Sent: Monday, June 29, 2026 9:18 PM
To: EPAButtePPcomments <EPAButtePPComments@epa.gov>
Subject: Butte, Montana

You don't often get email from [REDACTED]. [Learn why this is important](#)

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

Please reject the new suggested standards for lead cleanup in Butte, Montana. The suggested standard of 456mg/kg, cutting earlier targets in less than half, is inadequate for human health and the health of the Butte environment.

Butte supplied copper to electrify the nation and to win two world wars. Butte deserves a strong reasonable cleanup target! 456mg/kg is too low a target!

Thank you

[REDACTED]

From: [REDACTED]
Sent: Monday, June 29, 2026 9:23 PM
To: EPAButtePPcomments <EPAButtePPcomments@epa.gov>
Subject: Comment on proposed lower lead level clean up levels for Butte Mt

You don't often get email from [REDACTED]. [Learn why this is important](#)

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

Dear EPA-

Thank you for giving us an opportunity to express our thoughts concerning the lead level clean up in Butte. Listed below are several points we would like to make:

- Locally, it is widely accepted that over time smelter emissions from the Anaconda Smelter
- were deposited in the homes and soils of Butte/ Silver Bow. To protect the health of the residents of Butte/Silver Bow at the same level as the residents of Anaconda, it only makes sense that the lead clean up level in Butte should be the same as the clean
- up level in Anaconda.
-
-
-
- EPA representatives have suggested that the “speed “ of the cleanup is dependent on how
- quickly the residents sign up for the program. It is imperative that the EPA establishes and oversees an aggressive outreach program in Butte/Silver Bow.

This outreach program should contact every property owner to explain not only the clean up opportunities

- but also the potential value added to their property. Included in the outreach documents should be an access agreement that allows EPA to test and remediate the property. This proactive approach would jump start the program to allow for a more efficient completion.
-
- It is widely held by health experts that there is no safe blood lead level, especially
- in children. Therefore the EPA should set the blood lead level at zero in Butte Silver Bow. This should not be constrained by budget issues. The EPA should compel ARCO to fully fund the cleanup so that the level is zero.
-
-
-
- In regards to clean up, the EPA should require that clean up of properties be started
- immediately after testing of the individual property. This will require additional crews. All sampling should be completed by 2032 and clean up should be completed by 2037.

Sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Tuesday, June 30, 2026 12:39 PM
To: EPAButtePPcomments <EPAButtePPcomments@epa.gov>
Subject: Re: Comments on Proposed Residential Soil Lead Cleanup Level Butte Priority Soils Operable Unit

You don't often get email from [REDACTED]. [Learn why this is important](#)

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

Hi Mackenzie,

Thanks for acknowledging receipt of my comments. I noticed some strange spacing and a missing word. I pasted the corrected version of my comment below.

Thanks,

[REDACTED]

Comments on Proposed Residential Soil Lead Cleanup Level

Butte Priority Soils Operable Unit

Submitted by: [REDACTED]

I appreciate the opportunity to comment on EPA's proposed residential soil lead cleanup level for the Butte Priority Soils Operable Unit.

As a Butte resident, I reviewed the proposal and the supporting documents to better understand the basis for the proposed cleanup level. During this review, I found several areas where I could not determine the scientific basis for EPA's proposal. My comments

focus on those questions and on the information I believe should be included in the administrative record before EPA issues a final decision.

First, in reviewing the 2025 Residential Lead Directive, I could not determine why EPA selected a target blood lead level of 5 µg/dL instead of the current CDC blood lead reference value of 3.5 µg/dL. If EPA concluded that 5 µg/dL remains the appropriate target for decision-making, I believe the scientific analyses supporting that conclusion should be included in the administrative record and available for public review.

Second, site-specific lead bioavailability was used to develop the original residential cleanup level for the Butte Priority Soils Operable Unit. EPA recognized that lead mineralogy within the Butte mining district differs from many other sites and incorporated site-specific bioavailability data into its risk assessment. However, it appears that the site-specific bioavailability studies supporting the original Butte cleanup level were conducted many years ago and there may be updated approaches to this type of study. Based on the current documents in the record, I could not determine whether EPA evaluated the need for updated bioavailability testing before proposing a revised cleanup level. The EPA should demonstrate whether the original bioavailability studies remain representative of current site conditions given that more recent studies suggest the need to take another look. Was updated site-specific bioavailability testing performed? Because bioavailability directly affects predicted blood lead concentrations, EPA should clearly explain whether the original Butte studies remain the best available science or whether updated, independent information is needed before changing the residential cleanup level.

Third, during my review, I was unable to identify the studies EPA used to establish background soil lead concentrations for the Priority Soils Operable Unit. I could not find updated site-specific background sampling. EPA should identify the studies used to establish background soil lead concentrations and explain whether updated site-specific sampling was considered to establish background soil lead concentrations and explain how uncertainty in background conditions was addressed. Because background concentrations influence both exposure estimates and cleanup implementation, the supporting analyses should be site specific and available for public review.

Finally, I am still seeking clarification regarding the 2025 Residential Lead Directive. Earlier in June, 2026, I emailed EPA requesting the technical support documents, scientific analyses, and other materials relied upon in developing the 2025 Residential Lead Directive, particularly regarding the selection of the target blood lead level and the scientific basis for the revised approach. As of the date I am submitting these comments, I have not received a response.

Because the public comment period closes before I have received the requested information, I am submitting these comments based on the documents that are currently available to me.

The Directive identifies accelerating cleanup decisions and streamlining response actions as important objectives. I understand the value of improving the efficiency of the cleanup. However, because the Directive also results in a revised approach for developing residential cleanup levels, I believe EPA should clearly demonstrate that those changes are supported by current scientific evidence.

Based on the information currently available, I cannot determine how much of the proposed cleanup level results from updated science and how much results from policy or administrative decisions. If the proposed cleanup level of 456 ppm would reduce the number of residential properties requiring remediation relative to the number that would be remediated if the level is 175 ppm, EPA should explain how that outcome was evaluated and demonstrate that the proposed cleanup level remains protective of children's health.

The public should be able to independently evaluate whether the proposed cleanup level reflects the best available science and understand how EPA evaluated any effect that the revised approach may have on the overall scope of cleanup.

Before issuing a final decision, I respectfully request that EPA make available additional technical support documents and analyses underlying the proposed residential soil cleanup level. This should include: the scientific rationale for selecting a target blood lead level of 5 µg/dL rather than 3.5 µg/dL; any updated site-specific lead bioavailability analyses; site-specific studies supporting background soil lead concentrations; analyses showing how alternative assumptions affect predicted blood lead levels and cleanup thresholds; and documentation showing how the proposed cleanup level remains protective of children's health while meeting EPA's stated objective of accelerating cleanup decisions.

Essentially, I am requesting that EPA clearly identify the scientific analyses, assumptions, and supporting documentation used to develop the 2025 Directive and to support the 2026 proposal of an action level of 456 ppm over the 2024 proposal of an action level of 175 ppm which was supported by an administrative record that the public had an opportunity to review. This represents a substantial change. I was unable to identify the technical analyses explaining this change in the materials available for public review. Providing those analyses would allow the public to meaningfully evaluate the scientific basis for EPA's proposal before it is finalized.

Thank you for considering these comments.



From: [REDACTED]
Sent: Tuesday, June 30, 2026 4:45 PM
To: EPAButtePPcomments <epabutteppcomments@epa.gov>
Cc: [REDACTED]
Subject: 2026 BPSOU Proposed Plan - Comments of Atlantic Richfield Company

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To the Butte Superfund Site Team:

On behalf of Patricia Gallery, President, please accept these Written Comments of Atlantic Richfield Company on the 2026 Proposed Plan to Amend the Remedial Action for the Butte Priority Soils Operable Unit, issued by EPA on June 1, 2026. A pdf version of the Comments is attached to this email. As noted in my previous email, this version replaces the version submitted earlier today.

Please contact me with any questions and/or if you have issues accessing the document. Thank you.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Atlantic Richfield Company

Patricia Gallery
President

201 Helios Way
Houston, TX 77079

June 30, 2026

U.S. Environmental Protection Agency
ATTN: Butte Superfund Site Team
10 West 15th Street, Suite 3200
Helena, MT 59626
EPAButtePPcomments@epa.gov

Subject: Atlantic Richfield Company's Comments on the 2026 Proposed Plan to Amend the Remedial Action for the Butte Priority Soils Operable Unit

Butte Superfund Site Team Representatives:

Atlantic Richfield Company (AR) appreciates the opportunity to comment on the 2026 Proposed Plan for the Butte Priority Soils Operable Unit. AR supports the overall direction of the plan and remains committed to working collaboratively with EPA, the State of Montana, and Butte-Silver Bow County to accelerate cleanup efforts.

While AR has provided technical comments on certain aspects of the Proposed Plan, we agree that it is appropriate to adopt a residential lead cleanup level generally consistent with the residential lead cleanup level in the site-wide Consent Decree for the neighboring milling and smelting site in Anaconda, Montana. Our shared objective remains clear: to deliver a protective, implementable, and durable cleanup for the Butte community.

Sincerely,



Patricia Gallery, President
Atlantic Richfield Company

ATTACHMENT A: Atlantic Richfield Company's Comments on the 2026 Proposed Plan

ATTACHMENT A

Butte Priority Soils Operable Unit Silver Bow Creek/Butte Area Superfund Site Atlantic Richfield Company's Comments on the 2026 Proposed Plan

INTRODUCTION

Atlantic Richfield Company ("AR") submits the following Comments on the 2026 Proposed Plan to Amend the Remedial Action for the Butte Priority Soils Operable Unit ("2026 Proposed Plan"), which presents the U.S. Environmental Protection Agency's ("EPA") proposed changes to the remedy selected in the 2006 Record of Decision ("2006 ROD")—as modified by the 2011 Explanation of Significant Differences ("2011 ESD") and 2020 Record of Decision Amendment ("2020 RODA") (collectively, "BPSOU ROD")¹—for the Butte Priority Soils Operable Unit ("BPSOU") of the Silver Bow Creek/Butte Area Superfund Site ("Site").

The 2026 Proposed Plan entirely replaced a previously issued Proposed Plan dated October 16, 2024 ("2024 Proposed Plan"). AR submitted comments on the 2024 Proposed Plan on February 14, 2025 ("AR Comments on the 2024 Proposed Plan," Administrative Record Doc. ID No. 100019723). Where appropriate, AR has referenced and incorporated herein relevant portions of those comments. AR requests that these Comments on the 2026 Proposed Plan, AR's Comments on the 2024 Proposed Plan, and all documents cited herein be added to the administrative records of both this 2026 Proposed Plan (EPA ID: MTD980502777; Collection ID: 68247), and the Administrative Record of EPA's 2020 RODA for the BPSOU (EPA ID: MTD980502777; Collection ID: 64614)

AR generally supports the 2026 Proposed Plan and the direction of EPA's proposed modifications to the Butte Area remedy for residential soils and interior dust, including EPA's proposal to adopt a 456 mg/kg lead cleanup level and to expand the geographic area addressed by the Residential Metals Abatement Program ("RMAP"). The proposed cleanup level is similar to the 400 mg/kg residential lead cleanup level selected for the neighboring Anaconda Smelter Site in its amended Record of Decision and Explanation of Significant Differences (2020).² AR believes that both communities benefit from generally consistent residential lead cleanup

¹ The BPSOU ROD, including a combined 2026 ROD, 2011 ESD, and 2020 RODA, is available at: https://www.co.silverbow.mt.us/DocumentCenter/View/17486/Appendix-A-to-the-BPSOU-CD_2020-RODA-2011-ESD-2006-ROD_FINAL-to-BSB-County_02_10_2020-1.

² Anaconda Smelter NPL Site - Community Soils Operable Unit - Explanation of Significant Differences (US EPA 2020), available at: <https://semspub.epa.gov/src/document/08/100007996>.

levels for homes, yards, schools and parks, and that the 2026 Proposed Plan provides a consistent and robust remedy for thousands of residents in Butte-Silver Bow County.

COMMENTS ON THE 2026 PROPOSED PLAN

IEUBK Model Inputs.

AR supports the 456 ppm lead cleanup level that EPA proposed for residential soil and interior dust at this site in its 2026 Plan, while reserving its right to ask EPA to reevaluate and update the IEUBK model inputs used to derive residential soils action levels in any further or future agency reevaluation of residential lead risks at this site, or at other CERCLA sites.

AR believes that EPA used certain IEUBK model inputs that are outdated and inconsistent with those used by other EPA programs. These issues are discussed in detail in AR's comments on the 2024 Proposed Plan, which AR incorporates herein by reference. For example, the 2026 Proposed Plan continues to use 20- to 30-year-old data that overestimates exposure to lead in the US food supply, resulting in a proposed cleanup level that is significantly lower than needed to achieve the target blood lead level of 5.0 ug/dL today. While EPA's conservative approach provides a significant margin of safety to Butte residents, it is inconsistent with EPA's goal of using the best available data to support its analyses. In any further evaluation of lead exposure in Butte, AR suggests that EPA should consider updating the following inputs:

- The site-specific mass soil-to-dust transfer factor MSD calculated in the 2020 Evaluation of Mining, Smelting, Refining Sites (Tu et al. 2020)³ is the best available data and should be used in any further analysis. EPA has acknowledged this is currently under evaluation;
- The recent dietary intakes calculated by the U.S. Food and Drug Administration (FDA) (Spungen 2019⁴; Hoffman-Pennesi *et al.* 2024⁵) are the most current, best

³ Tu, J. W., Fuller, W., Feldpausch, A. M., Van Landingham, C., and Schoof, R. A., *Objective ranges of soil-to-dust transfer coefficients for lead-impacted sites*, Environmental Research, 184, 109349 (2020), available at: <https://doi.org/10.1016/j.envres.2020.109349>.

⁴ Spungen, J. H., *Children's exposures to lead and cadmium: FDA total diet study 2014-16. Food Additives & Contaminants: Part A*, 36(6), 893–903 (2019), available at: <https://doi.org/10.1080/19440049.2019.1595170>.

⁵ Hoffman-Pennesi D, Winfield S, Gavelek A, Santillana Farakos SM, Spungen J., *Infants' and young children's dietary exposures to lead and cadmium: FDA total diet study 2018-2020* (Nov. 2024).

science-based estimates of intakes that should be used to derive a residential soil lead PRGs⁶;

- EPA should use the default Geometric Standard Deviation; and
- The soil ingestion rate should be updated to more recent estimates developed by EPA scientists (Zartarian et al. 2017⁷; Zartarian et al. 2023⁸).

EPA's Updated Background Analyses.

The 2026 Proposed Plan contains an updated analysis of background sources of lead that cannot be remediated under CERCLA, including lead found in naturally occurring minerals on Butte Hill, lead paint in older homes, and lead in water pipes. EPA expanded its estimate to include a wider range of anthropogenic lead sources (115ppm to 315 ppm) but retained its older estimate of 15-20 ppm of naturally occurring lead in the BPSOU, even in the mining district, where surface soil lead concentrations were consistently higher (32-330 mg/kg).⁹

AR urges EPA to more closely follow its own guidance on background determinations in any further or future evaluations of residential lead risks at this Site and at other CERCLA sites. See U.S. EPA, *Role of Background in the CERCLA Cleanup Program* (2002); U.S. EPA, *Superfund Residential Lead Sites Handbook* (2024); U.S. EPA, *ProUCL Technical Guide* (2022). AR is concerned that EPA's updated background analyses underestimate the contribution of naturally occurring minerals, anthropogenic sources of lead and lead based paint in BPSOU.

If EPA seeks to further reduce the residential or other lead cleanup levels in the Butte Area in the future, AR reserves its right to object to all background lead calculations that use inadequate data sets or inappropriate statistical methods to estimate naturally occurring and

⁶ A memorandum from the Technical Review Workgroup Lead Committee included in the Administrative Record (Document ID: 100019675) suggests that Hoffman-Pennesi "does not provide the level of detail needed for age-specific dietary Pb intakes in the IEUBK model." Although Hoffman-Pennesi evaluates dietary exposures in larger age group bins, this should not preclude the study from being used. Differences in the dietary intakes reported in Hoffman are negligible across the OLEM-recommended age range for IEUBK analysis. Any uncertainty associated with using the Hoffman-Pennesi age bins is unlikely to meaningfully affect the derivation of cleanup levels.

⁷ Zartarian, V., Xue, J., Tornero-Velez, R., and Brown, J., *Children's Lead Exposure: A Multimedia Modeling Analysis to Guide Public Health Decision-Making*, Environmental Health Perspectives, 125(9), 097009 (2017), available at: <https://doi.org/10.1289/EHP1605>.

⁸ Zartarian, V. G., Xue, J., Gibb-Snyder, E., Frank, J. J., Tornero-Velez, R., and Stanek, L. W., *Children's lead exposure in the U.S.: Application of a national-scale, probabilistic aggregate model with a focus on residential soil and dust lead (Pb) scenarios*, Science of The Total Environment, 905, 167132 (2023), available at: <https://doi.org/10.1016/j.scitotenv.2023.167132>.

⁹ Butte Priority Soils Operable Unit – Summary of Naturally Occurring Background Soil Lead Concentrations (US EPA, Oct. 9, 2024).

anthropogenic lead concentrations, resulting in artificially low background lead estimates as outlined in detail in AR Comments on the 2024 Proposed Plan.

Proposed Updated Timeline for RMAP Implementation.

AR supports EPA's 2026 proposal to implement RMAP at a faster pace, in a shorter period of time (15 years), while prioritizing assessment and remediation for those most at risk in the community. However, achieving EPA's proposed 15-year remedial timeframe depends on many factors outside of EPA's or AR's control. First and foremost, receiving timely access for sampling and remediation. If access is denied or granted at a slower pace, EPA may need to extend the remedy schedule and/or use its enforcement authority to compel access. Other factors that impact the achievability of EPA's timeframe include, but are not limited to:

- A potential increase in the number of properties that require remediation based on sampling results.
- Butte's climate already limits work to approximately 5 months and weather conditions (extended winter temperatures below freezing, late season snow, occasional flash flooding, etc.) can further delay residential soil sampling and remediation work.
- Butte's topography and narrow streets may limit the number of remediation crews that can work safely in a given area.
- The seasonality and short construction season can make hiring and retaining competent workers difficult.
- Logistical challenges with other BPSOU superfund construction activities including traffic and safe truck access to the mine waste repository.

Implementation of the revised BPSOU residential soils remedy will require additional work crews to sample and remove lead, significant amounts of EPA-approved clean fill, additional truck traffic to haul excavated soil and clean fill, and careful construction management, among other factors. AR therefore requests that the ROD Amendment include realistic implementation expectations and appropriate flexibility to modify the remedy schedule when work is delayed by seasonal weather conditions or property access, remedy sequencing, disposal capacity, fill availability, and other practical implementation constraints that AR does not control.

Proposed BPSOU Boundary Expansion.

While AR supports the geographic expansion of the RMAP's coverage into the area identified as the proposed "BPSOU Boundary Expansion Area" on the map in EPA's 2026 Proposed Plan, AR opposes the expansion of the BPSOU Boundary for two reasons:

First, the BPSOU boundary should not be expanded or modified to remediate land that is not in residential use, since the 2026 Proposed Plan did not provide the data or analysis that CERCLA and NCP require to extend the BPSOU boundary to industrial, commercial, agricultural, and other non-residential properties in this area. In fact, the 2026 Proposed Plan only provides the data and analysis needed to address contamination of "residential" properties. Before selecting or modifying a remedial action under CERCLA, the NCP requires a Remedial Investigation ("RI") sufficient to collect the data necessary to characterize the site, evaluate remedial alternatives, assess risks to human health and the environment, and support the selected response action. See 40 C.F.R. § 300.430(d)(1), (d)(2), (d)(4). The existing BPSOU RI was designed to characterize conditions within the BPSOU as then and as currently defined; the RI did not characterize the areas and neighborhoods EPA now proposes to add to the BPSOU, nor did it provide the background, source-characterization, exposure-pathway, or risk-assessment information needed to support a broad expansion of the BPSOU boundary for all purposes.

Second, EPA's prior BPSOU decision documents confirm a boundary modification and expansion is not required to accomplish EPA's proposed RMAP changes and stated objectives. In the 2011 ESD, EPA expanded the RMAP attic-dust program to areas south and west of the BPSOU boundary without expanding the BPSOU itself. In the 2020 RODA, EPA likewise expanded the geographic area eligible for RMAP sampling and cleanup to the 2019 RMAP Expansion Area without redefining or enlarging the BPSOU boundary. EPA should follow that same approach here—expand the area to which the RMAP applies and make sampling and cleanup mandatory within that area—and leave the BPSOU boundary unchanged.

Removal of Routine Mercury Monitoring Under RMAP.

EPA should remove mercury as a required routine analyte for future RMAP sampling of soil, dirt, and dust, and should instead retain targeted mercury analysis only where site-specific historic uses warrant. This requested change is supported by and documented in the comprehensive *Draft Final Butte Area Mercury Data Review (1986–2025)*, which was submitted by AR to EPA on December 17, 2025 ("*Mercury Data Review*"). The *Mercury Data Review* compiles and analyzes nearly four decades of mercury sampling data across the RMAP area, including the RMAP expansions under the 2011 ESD and 2020 RODA. The *Mercury Data Review* demonstrates that routine mercury monitoring imposes analytical costs and programmatic burdens without a commensurate benefit to protectiveness, because mercury exceedances are

exceedingly rare, geographically concentrated in a small area, and overwhelmingly co-located with lead-driven remediation.

The *Mercury Data Review* compiled 23,637 soil, dirt, and dust samples collected throughout the expanded RMAP area from 1986 through 2025. Only 36 of 23,637 samples (0.15%) exceeded the mercury action level of 147 mg/kg and almost all were located in Walkerville or the West Side Soils Operable Unit (“WSSOU”) and associated with historical mercury amalgamation activities at specific mills (e.g., Alice, Moulton, and Lexington facilities). Further, all but four had a co-located lead exceedance, allowing the residential lead remedy to address rare mercury exceedances. Among recent validated RMAP data, only two of 7,149 samples from residential parcels, schools, daycares, parks, and playgrounds exceeded the action level (0.03%). And only one exceedance sample was from a location without any lead exceedance—and that single sample was from a historical program with limited scope and no other samples collected at the location. The human health risk assessments summarized in the *Mercury Data Review* conclude that mercury generally does not present a risk at detected soil levels.

CONCLUSION

AR appreciates EPA’s thorough consideration of these Comments as it completes the Proposed Plan and ROD Amendment process. For the reasons discussed above, AR supports many aspects of the 2026 Proposed Plan, including the 456ppm cleanup level, but at the same time requests that certain changes be made to modify the remedy in the ROD Amendment to:

- Expand the area covered by the residential soil and interior dust remedy, without expanding the BPSOU boundary for non-residential remedies;
- Build more flexibility into the remedy schedule to manage events and delays that are beyond the control of EPA and liable parties; and
- Limit mercury testing and remediation to the relatively small area where mercury was used in the past to produce silver and where the rare mercury exceedances have been found.

AR is committed to working collaboratively with EPA in the implementation of the modified remedy ultimately selected in the ROD Amendment, and it respectfully requests that EPA consider AR’s Comments as a whole when the Agency considers modifying CERCLA remedies in the future at this Site or other sites.

From: [REDACTED]
Sent: Tuesday, June 30, 2026 1:53 PM
To: EPAButtePPcomments <EPAButtePPcomments@epa.gov>
Subject: Opposed to the new standards as inadequate to protect health

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I oppose the proposed changes to the residential metals abatement program because the clean-up standards are inadequate. The acceptable level of hazardous metals should be lowered. The programs should provide for more testing and more cleanup. I am particularly concerned with lead blood level. A targeted blood lead level of 5 micrograms per deciliter is too high. I would prefer a target of zero. There is no reason to accept that children in Butte should have a higher level of lead in their blood than the national average.

I also think the public notices are legally insufficient. The written material explaining the changes gives a lay reader the erroneous impression that the clean up is consistent with national standards. An average person without a scientific background who reads the notice is not informed of the true impact of the proposed clean-up standards and is not informed that the EPA is accepting low clean up standards for the Butte area. This was only made clear by public testimony at the hearing, not by the published notices. At a minimum, the proposal should be re-noticed to make it clear how the proposed cleanup for the Butte areas compares to acceptable levels in other areas. The EPA's conclusions about bioavailability and urban background concentrations should also be explained and clarified in a re-notice. If the EPA is accepting a lower standard of clean up for the Butte area, the science it is relying on should be clearly stated in its public notice.

[REDACTED]
[REDACTED]

Butte, MT

From: [REDACTED]

Sent: Tuesday, June 30, 2026 5:51 AM

To: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: Public Comment on RODA--Regarding Commendable Job being done by EPA staff in Butte and Helena, MDEQ, and Butte Silver Bow. BP's cooperation and accessibility. Need to provide additional resources for robust community involvement

?

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Submitted by: [REDACTED]

I want to submit a few final public comments on the RODA for Butte Priority Soils:

1. As I mentioned in an earlier submission, it does offer a great improvement in the approach to lead cleanup in Butte.
2. There are significant unanswered questions and issue clusters that I have also addressed in earlier submissions. I hope that these are comprehensively addressed in the responsiveness summary.

I want to make a few observations:

1. The Montana Office of EPA is staffed by exceedingly competent and committed people. The staff in Helena and Butte exemplify what dedicated, devoted and able public officials should be and do. They are all guided by a deep commitment to providing a clean and healthy environment for all citizens. I want to specifically mention by name [REDACTED]. I also want to mention [REDACTED], who seems to live in Butte given the time spent in Butte, for also displaying the highest standards of a government official: expertise, caring and accessibility. These are the people I have worked with and I can personally attest to their ability and accessibility.

2. MDEQ has also been an extremely capable partner to EPA. [REDACTED] and [REDACTED] are great partners. They are totally available to the public and answer questions posed to them with clarity and competence.

3. At least to my observation, Butte is a testament to the progress that can be made when all parties work together to achieve a common goal. The RMAP is a stellar example of this. Mr. Hassler and Ms. Crain of Butte Silver Bow have done a remarkable job in administering and executing this program and Superfund in general in Butte. Atlantic-Richfield has gone far beyond what could be required under the law both in terms of actual cleanup work and accessibility to the public. Much of what they have done they could not have been required to do. Contention has been replaced by cooperation with the result of substantial progress

One more point: Going forward with this cleanup, which will take years to accomplish, demands a robust community involvement and public education campaign. Over the past several years, EPA's public involvement and outreach has been commendable and sterling. To continue to do that outstanding job means that adequate resources must be committed to these endeavors--money, personnel, resources, etc. The RODA will demand more and more public engagement activities. As part of my public comments on the RODA, I would like to see greater stipulation of a strong, continuing commitment to the kind of public outreach that we have seen over the past few years. Good community involvement does not just happen. Good public education does not just happen. I will only continue to occur if EPA provides the means for it to occur.

From: [REDACTED]
Sent: Tuesday, June 30, 2026 1:53 PM
To: EPAButtePPcomments <EPAButtePPcomments@epa.gov>

Cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: Comments on EPA Proposed Plan in Butte June 2026

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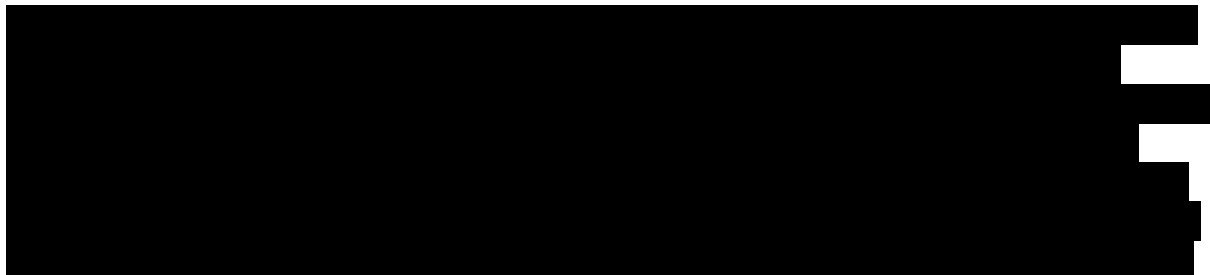
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EPA Regional Administrator Cyrus Western:

Attached are my comments to EPA's Proposed Plan to lower the soil and dust action level in Butte and expand the BPSOU boundary to cover more properties under the Residential Metals Abatement Program.

Thanks, [REDACTED]

**Comments on EPA's Proposed Plan
Residential Metals Abatement Program (RMAP)
Reduce Action Level and Expand Boundary
June 2026**



Support the Proposed Change on Action Level

Regarding EPA's Proposed Plan to revise the action level and expand the boundary for action under the RMAP, I am supportive of the provisions therein. Despite my severe frustration that it has taken too long for EPA to bring the process to this point, the proposed changes are reasonable and should advance the objective to continue protecting human health in our community.

For starters, the reduced action level for soil lead, 456 ppm, is welcome and overdue. I remember writing comments on behalf of the local government in the mid-1990's, opposing EPA's decision to set the level at 1200 ppm, pleading with the agency to use the same 400 ppm level in Anaconda. I mean really, EPA hanging its hat on pig studies and a revisionist delusion that Butte did not have smelters, thus its residents were exposed to less bioavailability of lead in soil and other pathways. But I digress. No, 456 ppm is not 175 ppm, EPA's last proposal which I never could figure out how EPA came up, and it is not the 400-ppm action level used in Anaconda (why not?). But in the big picture, using 456 ppm is a substantial improvement for the RMAP and will compel soil and attic dust removals at all properties that pose risk.

Preserve Multi-Pathway Approach

The silver lining of EPA's preposterous decision to set 1200 ppm as the action level in Butte was the community standing up in protest, and motivated to develop our own innovative approach to childhood lead poisoning prevention in Butte. Hence the original Multi-Pathway Program, a nationally recognized method which focused first and foremost on public health outcomes (v. an arbitrary soil action level), and prioritized blood testing, monitoring, education, and SWAT-like actions to identify and abate ALL sources of lead that were threats to Butte's small children, young mothers and other vulnerable residents.

I mention that historical perspective as a segue to a comment on today's Proposed Plan: To the maximum extent, I urge all parties – EPA, MDEQ, BP-AR and BSB – to preserve the

principles of the multi-pathway approach. Commit adequate, long-term resources to keep blood- testing the children and our vulnerable residents; keep up with the biomonitoring for cumulative effects; stay committed to educating residents to help them avoid the risks posed by lead and understand their personal, ongoing responsibility to protect themselves from the ubiquitous presence of heavy metals in our mining town. These types of actions will continue to matter the most in terms of improving public health outcomes.

More Yards per Year, Step up the Pace, Everyone Contributes

Regarding the soil removal actions outlined in the Proposed Plan, I appreciate the objective to step up the pace and abate 500+ yards per year. Getting things moving with 150 yards in Year 1 seems reasonable and should help BP/AR iron out the logistics for its contractors doing 500 yards per Years 2-15. My hope is that once the rough edges of the ramp up are smoothed out, the pace can pick up even faster.

At the same time, my experience with RMAP over three decades informs a reality that cannot be ignored: Getting access to sample/abate properties is a big lift, and it would be a mistake to think BP/AR can work through the access challenges alone. EPA cannot stand by idly; EPA must use its regulatory and enforcement powers, as necessary, to compel access, especially with rental properties where recalcitrant, distrusting owners have stymied abatement work for years. If a 500 yards/year program is going to be successful, property owners need to cooperate, and when they do not, EPA must step in.

I would also comment that EPA needs to let this Proposed Plan work. By that I mean EPA is the pivotal player to picking up the pace. Besides helping with access, EPA needs to commit more resources to implementation, e.g., re-establish a greater presence in Butte with more staff on site (not just traveling to and from Helena infrequently); perform workplan reviews with more urgency and stop letting their contractors question and comment on every detail (to churn billable hours) – like they actually know better how to dig up a yard and bring in replacement soil and sod/cover materials. EPA should trust the folks who built the RMAP from scratch 30 years ago. Absolutely, EPA needs to hold BP/AR and their contractors accountable for the work; in my opinion, however, EPA should spend less time tinkering with workplans on the front end, and invest more time on the back end, focusing on reviewing and approving completed work.

I will also put in a plug for the local excavation contractors in Butte who have been the backbone of the yard abatement section of the RMAP for so many years. To do five hundred yards per year, I assume BP/AR will have to bring in a larger outfit with enough equipment, etc. At the same time, the local firms have valuable experience and knowledge that should not be overlooked. These local firms have personnel that have learned how to work with property owners and produce reasonable solutions (when it's time to "tear up the backyard").

Expanded Boundary to Address More Properties

I support the expansion of the BPSOU/RMAP area in the Proposed Plan to address additional neighborhoods. It is certainly justified. One thing though: It appears to me that the expansion area boundary still excludes what should be a target area – what I'll call the Margaret Leary Elementary School neighborhood, up against Timber Butte (west) to Harrison Avenue (East), Holmes Ave. (north) and Waterline Rd. (south). In my view, if the expanded area includes the Country Club neighborhoods in the southeast urban quadrant, it is an oversight to exclude the Margaret Leary area in the southwest quadrant.

EPA Steps Up, Expedites Decision Making

My final, overarching comment is this: **Decide and Move Forward.** In the past six years, since the Priority Soils Consent Decree was lodged in federal court, it's been my observation that EPA has failed to assign sufficient staff resources to the Priority Soils Site, and has been too slow, overly cautious and procrastinating in making decisions, second guessing itself and misreading to constructive dissent. That performance (or lack thereof) has generated doubt, uncertainty, and distrust in its wake for Butte citizens who are most keenly interested in results and progress. I urge EPA to up their game.

Please, get this Proposed Plan through the process in a timely manner, make a final decision, and move to implementation of the changes so the Butte community can finally see more remedial ACTION on the ground.

Thank you for this opportunity to provide comments.

[REDACTED]

From: [REDACTED]
Sent: Tuesday, June 30, 2026 7:39 PM
To: EPAButtePPcomments <EPAButtePPcomments@epa.gov>
Subject: Comments on BPSOU Cleanup Level

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Dear EPA Butte Superfund Site Team,

I am writing to comment on the proposed residential soil lead cleanup level for the Butte Priority Soils Operable Unit.

I urge the EPA to retain the more protective cleanup threshold of 175 ppm proposed in 2024. I am particularly concerned that the proposed remediation threshold of 456 ppm appears inconsistent with the EPA's own published guidance on residential lead exposure.

For decades, the EPA has identified 400 ppm as the upper benchmark for lead in areas where children live and play. More recently, EPA strengthened its guidance by recommending even lower screening levels: 200 ppm, or 100 ppm where communities face multiple sources of lead exposure. Those recommendations recognize that there is no safe level of lead exposure and that cleanup decisions should account for cumulative exposure. Given that Butte is a Superfund community with multiple potential sources of lead exposure, I do not understand the basis for adopting a remediation threshold of 456 ppm, which exceeds the long-standing 400 ppm benchmark and appears inconsistent with EPA's current guidance.

I respectfully ask the EPA to maintain the more protective cleanup levels proposed in 2024 consistent with the agency's own published guidance and commitment to protecting our community's health.

Thank you for your consideration.

Sincerely,

[REDACTED]

From: [REDACTED]
Sent: Tuesday, June 30, 2026 11:59 PM
To: EPAButtePPcomments <EPAButtePPComments@epa.gov>
Subject: Reluctant comments from public servant in Butte

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Hello EPA team.

I was in attendance for the public comment at the MT Tech auditorium. I had not been present for the public meetings on this topic in the past. Part of why I am reluctant to comment is that [REDACTED]. I have professional insight which also informs my personal perspectives.

What are the current limitations to yard cleanup efforts? Interest in scheduling a sampling appt? Sampling appt availability? Drive time of crews between sampling locations? Customer availability at home at time of sampling? When they came and sampled my yard it took 10 minutes and in 2025 they were allotting 2 hours per sampling location.

Thank you,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]