



May 2023 Superfund Update

Recent and Upcoming Activities

Soil cleanup standards and risk assessments

The question of whether soil cleanup standards, also called action levels, are low enough continues to be a public concern. The fact that Butte's Residential Metals Abatement Program uses a residential standard of 1,200 parts per million (PPM) and Anaconda uses 400 PPM is often cited as needing to be reevaluated. Both Butte and Anaconda's standards are based on risk assessments that were performed several decades ago in the earlier phase of Superfund cleanup.

EPA indicated in a recent meeting that their leadership has heard these concerns and EPA is actively researching these risk assessments and standards. EPA plans to provide additional information on this important topic at the next Medical Monitoring Working Group meeting, the group that oversees the five-year health studies. EPA is also evaluating whether arsenic should be covered in future health studies.

There is also interest in involving the Agency for Toxic Substances and Disease Registry (ATSDR) in the health studies. The ATSDR is separate from EPA and is under the U.S. Department of Health and Human Services. It focuses on minimizing human health risks associated with exposure to hazardous substances as an advisory, nonregulatory agency. ATSDR's involvement will require both EPA and public support.

Grey area material

Grey area material is a name used for onsite soil at the project sites that has lower metals than the waste criteria in the Consent Decree and is therefore not waste but has higher metals than the imported backfill criteria. The material is referred to as "grey-area material" because of the lack of clarity, not the color. The lack of clarity stems from the fact that the Consent Decree allows reuse of this material but does not provide concrete directions on how the material should be reused.

EPA and State of Montana DEQ and NRDP continue to discuss the legal limitations in the Consent Decree and how plans for reuse of grey area material should be handled in Superfund remedial design. CTEC's technical consultant informed the agencies and Atlantic Richfield design team that CTEC does not have an official position on reusing this material and CTEC member opinions vary widely on whether the material should be reused.

Mine Waste Repository and Butte Priority Soils ROD

Atlantic Richfield's Mine Waste Repository Siting Study and public involvement of the Repository Siting Study Committee are delayed as EPA works through legal issues with the Record of Decision (ROD). Atlantic Richfield and Montana Resources had preliminary discussions regarding disposing of mine waste excavated from Consent Decree projects within the Continental Mine permit area as one of the options for the repository. The 2020 ROD Amendment specifically intended for mine waste to be disposed of at the Butte Mine Waste Repository below the Granite Mountain Memorial or at a new repository located at Timber Butte near the Copper Mountain Recreation Complex. Constructing a new repository at Timber Butte has been off the table due to public concern.

Upcoming Superfund Remedial Design Schedule

The Diggings East 60% project design is planned to be released around the end of May. This is the next step in the design process since the 30% design was released in December 2020.

The Blacktail Creek Hydraulic Control 30% design is planned to be released in July. This will include a description of the Sitewide Groundwater Model being developed by Stantec.

The Butte Reduction Works 60% design is planned to be released in August. This will include a description of planned hydraulic barriers to prevent drawing off-site contaminated groundwater towards hydraulic controls or the restored Silver Bow Creek.

CTEC plans to review these design documents as they are released.