

Silver Bow Creek / Butte Area

2011 Unilateral Administrative Order (UAO)

&

Work Plan

August 10, 2011

Bulletin #14



Hard copies of the UAO, including the Work Plan can be viewed at:

EPA- Butte Office
400 North Main Street
Mon. - Fri., 9 am - 4 pm

CTEC - Citizens' Technical
Environmental Committee
27 West Park Street
Mon. - Thu., 10 am - 3 pm

Montana Tech Library
1300 West Park Street
Mon.-Fri., 7:30 am- 4 pm

UAO issuance to six PRPs:

1. Atlantic Richfield Co.
2. Butte Silver Bow County
3. RARUS Railroad Co.
4. Inland Properties Inc.
5. BNSF Railway Co.
6. Union Pacific Railroad Co.

What is a UAO and what is its role?

A Unilateral Administrative Order (UAO) is an enforcement tool that compels Potentially Responsible Parties (PRPs) to design and carry out cleanup actions. An objective of Superfund enforcement is to place ultimate responsibility for the costs of cleaning up Superfund sites on those who are considered responsible. If PRPs do not comply with a UAO, the Environmental Protection Agency (EPA) has the flexibility to determine whether to perform a fund-financed cleanup and seek to recover those costs from the PRPs. PRPs have a strong incentive to comply with UAOs, since the Superfund law authorizes a court to award penalties for non-compliance.

Issuance of the 2011 UAO for the Butte Priority Soils Operable Unit (BPSOU) / Butte Site

On July 21, 2011 a UAO was issued for Partial Remedial Design, Remedial Action, and certain Operation and Maintenance activities. The 2011 UAO has been issued to six PRPs. The Effective Date of the 2011 UAO is September 6, 2011. The 2011 UAO requires the PRPs for BPSOU to implement parts of the 2006 BPSOU Record of Decision (ROD), so cleanup work can move forward.

Linking the UAO to Consent Degree (CD) negotiations

A Consent Decree is a legal document, approved by a judge, that formalizes an agreement reached between EPA and PRPs for cleanup actions. Consent Degree negotiations have been ongoing for several years in Butte because of many factors including the complexities of surface water and ground water cleanup at the BPSOU. EPA will continue CD negotiations with the Department of Environmental Quality (DEQ) and PRPs through further study, design, review, and discussion. EPA issued the 2011 UAO to ensure that necessary and appropriate cleanup work in Butte continues in a timely manner, even though a final Consent Degree has not been completed. The 2011 UAO does not address the final cleanup plan for surface water and groundwater at the BPSOU. The 2011 UAO does address work for residential cleanup, cap protection, and storm water controls that are needed at this time. The Partial Remedy Implementation Work Plan (PRI Work Plan) attached to the UAO is summarized on the back of this bulletin.

Partial Remedy Implementation Work Plan (PRI Work Plan)



The PRI Work Plan is not a comprehensive or final work plan for implementation of the 2006 BPSOU ROD. The PRI Work Plan describes:

1. The status of remedial design and remedial implementation efforts for the 2006 BPSOU ROD
2. Remedial design, remedial action, and operations and maintenance activities that are required for the 2011 and 2012 time period and other final remedial design plans.

Summary of requirements in the PRI Work Plan

- For residential cleanup; Implementation of the Residential Metals Abatement Plan (RMAP-April 2010) is required. The RMAP requires all yards within the BPSOU to be sampled and assessed within 10 years. If action levels are exceeded, those yards must be remediated within 20 years (2011 ESD). Additional requirements include addressing: non-mining lead sources, attic dust, community outreach, and medical monitoring.
- For storm water controls; Installation of devices within the Butte storm water system that will reduce contamination levels before storm water enters Silver Bow Creek (SBC). Additional requirements include installation of new catch basins, hydrodynamic devices (sediment catch), curb and gutter, and the implementation of storm water system clean-out plans.
- For capping improvements; All capped waste sites in Butte will be evaluated. All capped waste sites not in compliance will be corrected to meet current capping and vegetation standards.
- For the Metro Storm Drain System (MSD) and Lower Area One Treatment Lagoon System (LAO); Improvements to the LAO Treatment Lagoons and the MSD interception and pumping system, are required based on detailed engineering studies.
- For surface water protection; Removal of contaminated areas around SBC near Montana Street, and the continuation of the bank and sediment removal plans for cleanup of contaminated mine-waste in and near the creek.

See a more detailed description of the UAO and PRI Work Plan at the locations on the front of this bulletin.

Do you Need More Information?



- **U.S. Environmental Protection Agency:** Sara Sparks, Remedial Project Manager, 782-7415 or Nikia Greene, Community Involvement Coordinator, 406-457-5019
- **Montana Department of Environmental Quality:** Joe Griffin, Project Officer, 560-6060
- **Citizens Technical Environmental Committee:** Janice Hogan, TAG Administrator, 723-6247