

May 4, 2020

The Honorable Andrew Wheeler
Administrator, U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20004

Dear Administrator Wheeler,

Since assuming office, this Administration has taken steps to restore the Environmental Protection Agency (EPA) back to its original mission of protecting clean air, water, and the environment for people, regulating from within statutes Congress provides and in cooperation with states. Nowhere is EPA's core mission more crystallized than in the Superfund program. I am grateful the Administration prioritized clean-up of many Superfund sites that have languished on the National Priorities List for decades. Your efforts to reach agreement on the Consent Decree for Butte Priority Soils Operable Unit (BPSOU) and move forward with this historic agreement represents the beginning of the end of final clean-up for the Butte Superfund site.

However, the Butte community still seeks clarification regarding the future of the Silver Bow Creek's upper corridor. Over 3,500 Butte residents have expressed their desire for a re-developed Silver Bow Creek, which is an important component of overall clean-up efforts and ecological restoration downstream. In addition to the proposed Consent Decree, I am interested to know how proposed remedial actions will still aid in this final goal. Given the importance of this final component, please respond expeditiously to the following:

- The EPA-funded Compatibility Review of BPSOU Remedial Plans and Upper Silver Bow Creek Restoration Plan completed last December determined that a lined creek corridor was "compatible with the proposed remedial plan" and "design/construction considerations do not preclude the future construction of a lined creek corridor." Does the EPA agree with those assessments?
- The study determined that "considerable cost savings may be realized if the project can be coordinated with planned restoration efforts for the Parrot Tailings Waste Removal and proposed remedial design elements planned for the creek corridor." Do you foresee any technical challenges in pursuing the redevelopment of Silver Bow Creek *concurrent* with proposed remedial actions?
- What provisions within the Consent Decree set the stage for Silver Bow Creek reconstruction in the future?

STEVE DAINES
MONTANA

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I am appreciative of the significant and historical progress made by the Consent Decree as Butte looks forward to the final delisting of this Superfund site. I look forward to working with you on identifying a path forward for this final component.

Sincerely,



STEVE DAINES
United States Senator