

# **East Helena Site (Former Asarco Smelter)**

## **EHECTIC Meeting**

### **April 25, 2012**



**US Environmental Protection Agency**  
**Montana Environmental Custodial Trust**



# **Resource Conservation and Recovery Act Corrective Action (RCRA CA) Overview**

- Goals and Operating Principles
- Program Steps
- RCRA CA for East Helena
- RCRA & Superfund/CERCLA – Similarities and Differences

# **RCRA Corrective Action Basic Goals**

- Protect human health and the environment
- Provide meaningful public involvement
- Make properties available for new use

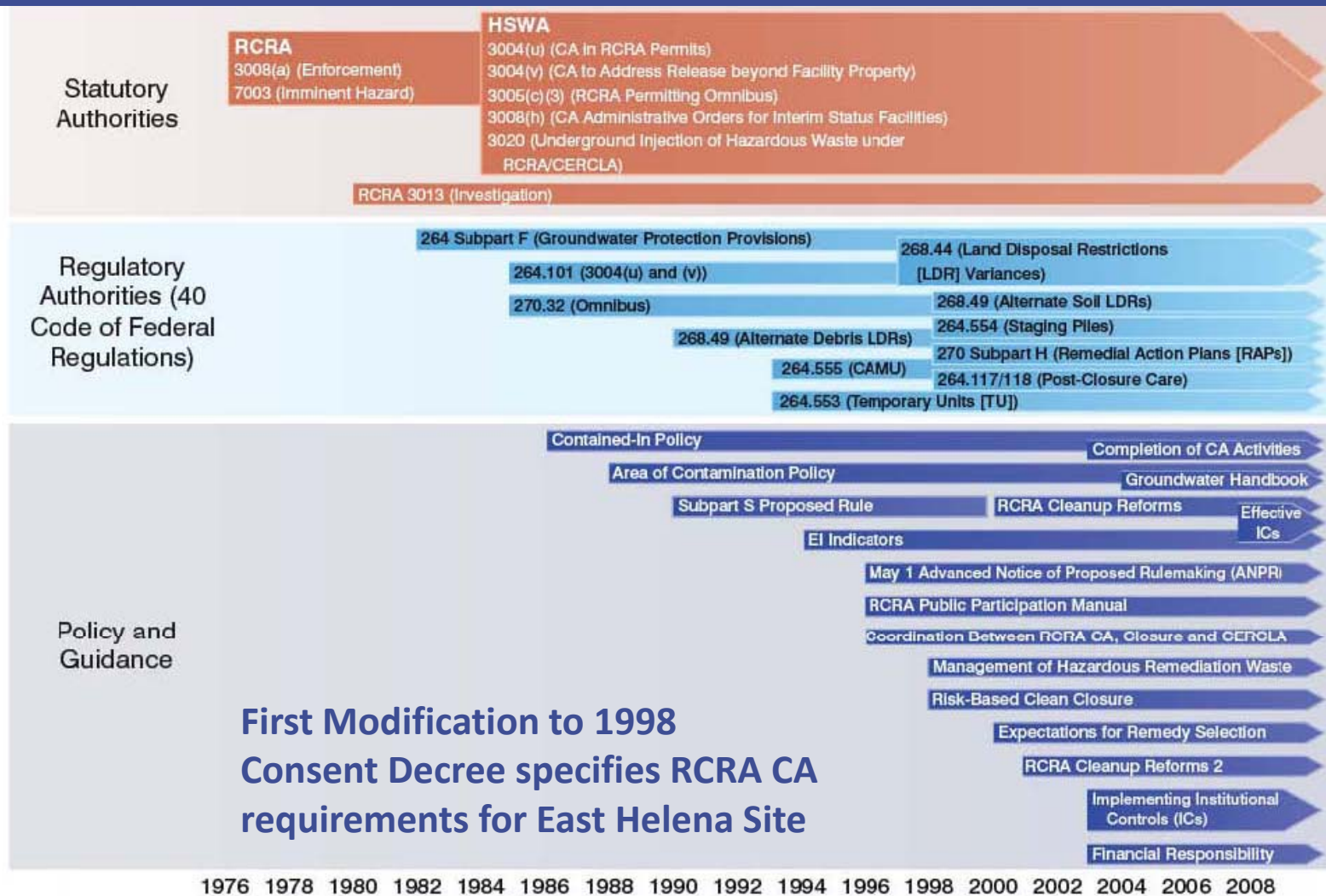
# RCRA CA Operating Principles

- Decisions should be **based on risk**
- Implementation should **focus on results**
- **Interim actions** and stabilization should be **used to reduce risks and prevent exposures**
- **Activities** at corrective action facilities should be **phased**
- Provide for **meaningful inclusion** of all stakeholders
- Corrective Action obligations should be addressed **using the most appropriate tool** for any given Facility

# 1996 Objectives Acknowledge Changes Needed to Meet Goals

1. Create a **consistent, holistic** approach to cleanup
2. Establish **protective, practical** cleanup expectations
3. **Shift** more of the **responsibilities** for achieving cleanup goals to the **facilities**
4. Focus on opportunities to **streamline and reduce costs**
5. Enhance opportunities for **timely, meaningful public participation**

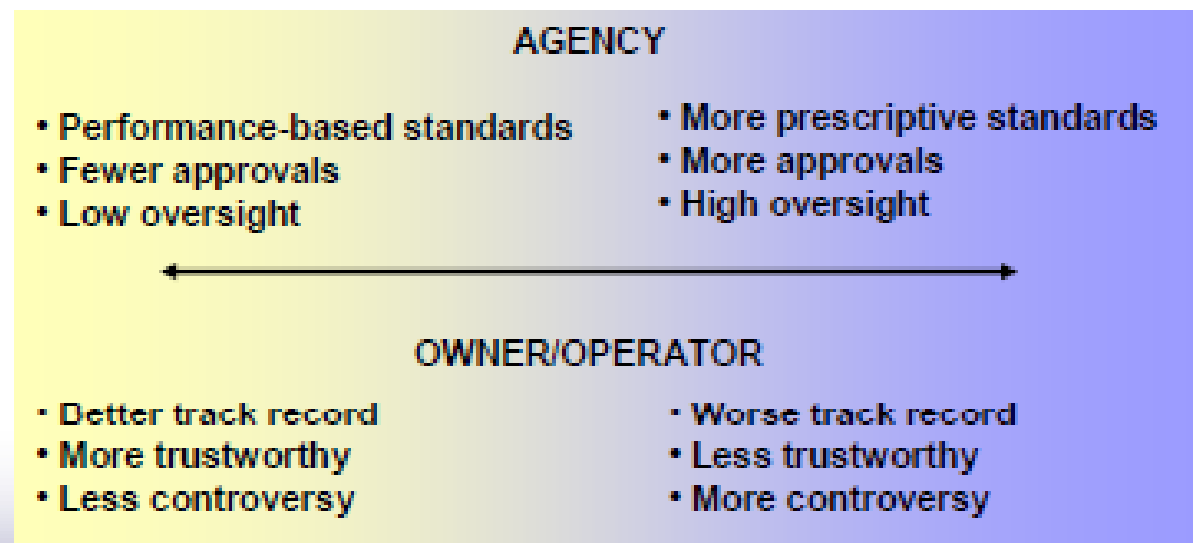
# More Policy & Guidance than Regulation

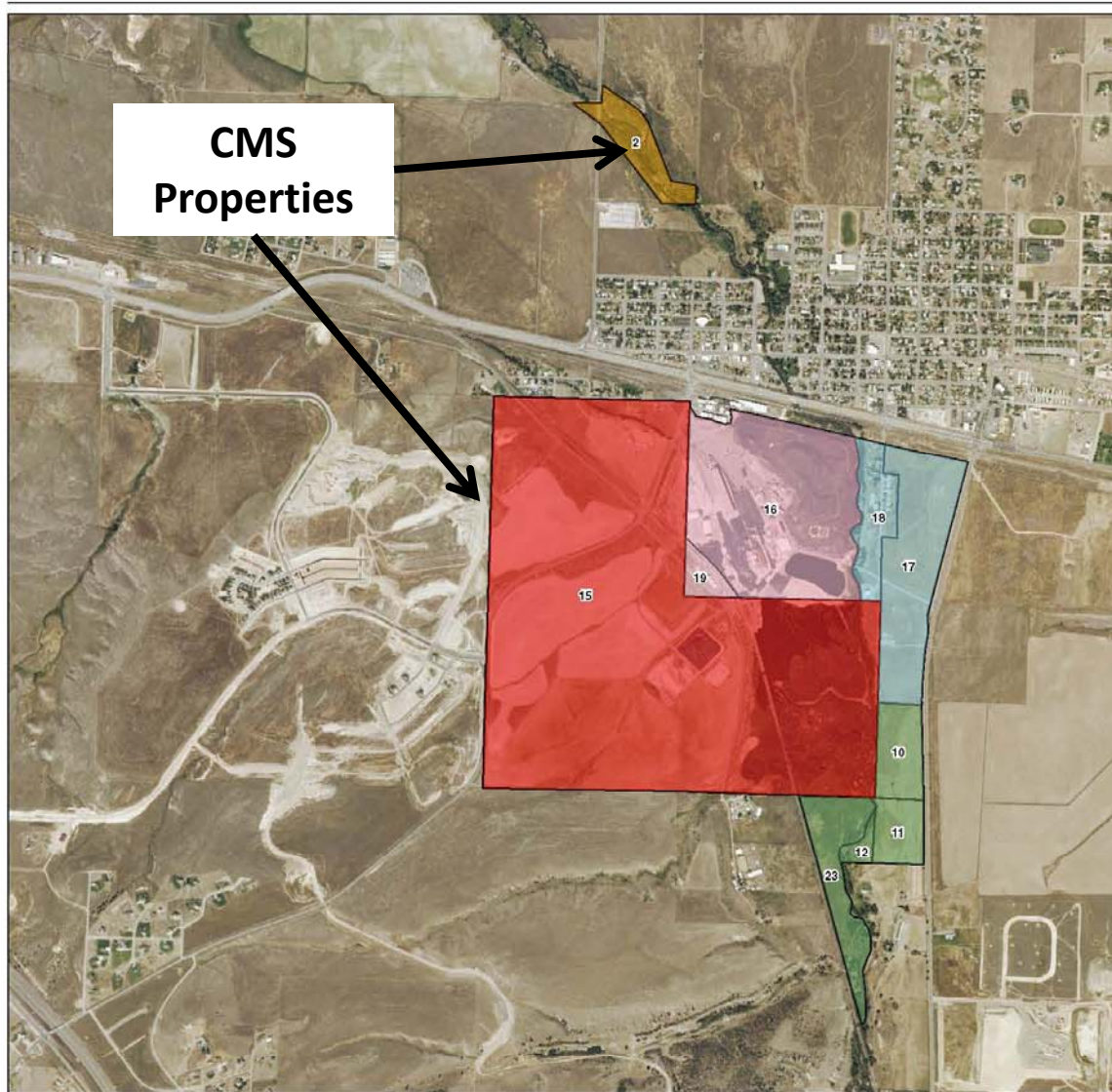


# RCRA Tailors Oversight and Enforcement



## Spectrum of Approaches





RCRA CA for East Helena will address these Custodial Trust parcels and other areas affected by contaminant migration in groundwater and surface water.

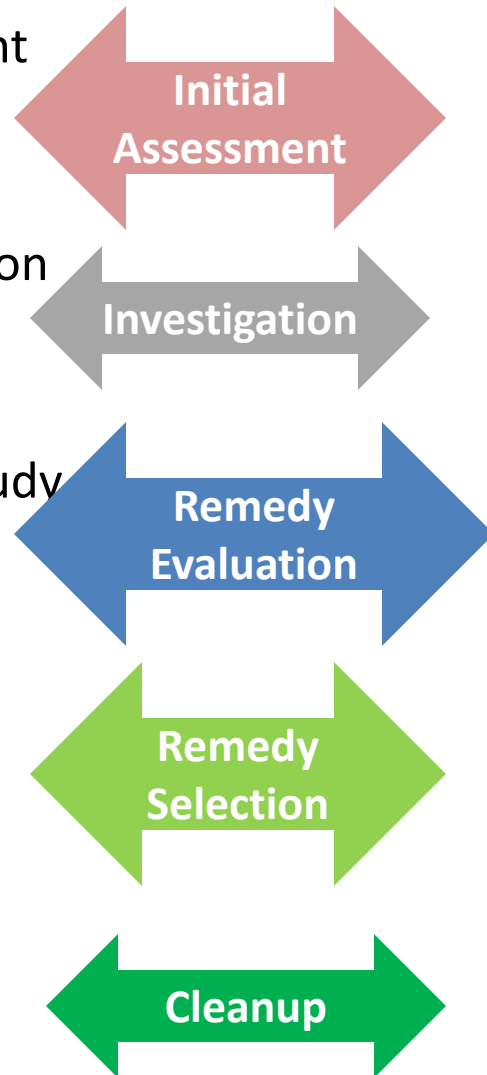
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# RCRA Cleanup Similar to CERCLA

## RCRA

- RCRA Facility Assessment (RFA)
- RCRA Facility Investigation (RFI)
- Corrective Measures Study (CMS)
- Statement of Basis
- Corrective Measures design and Implementation (CMI)



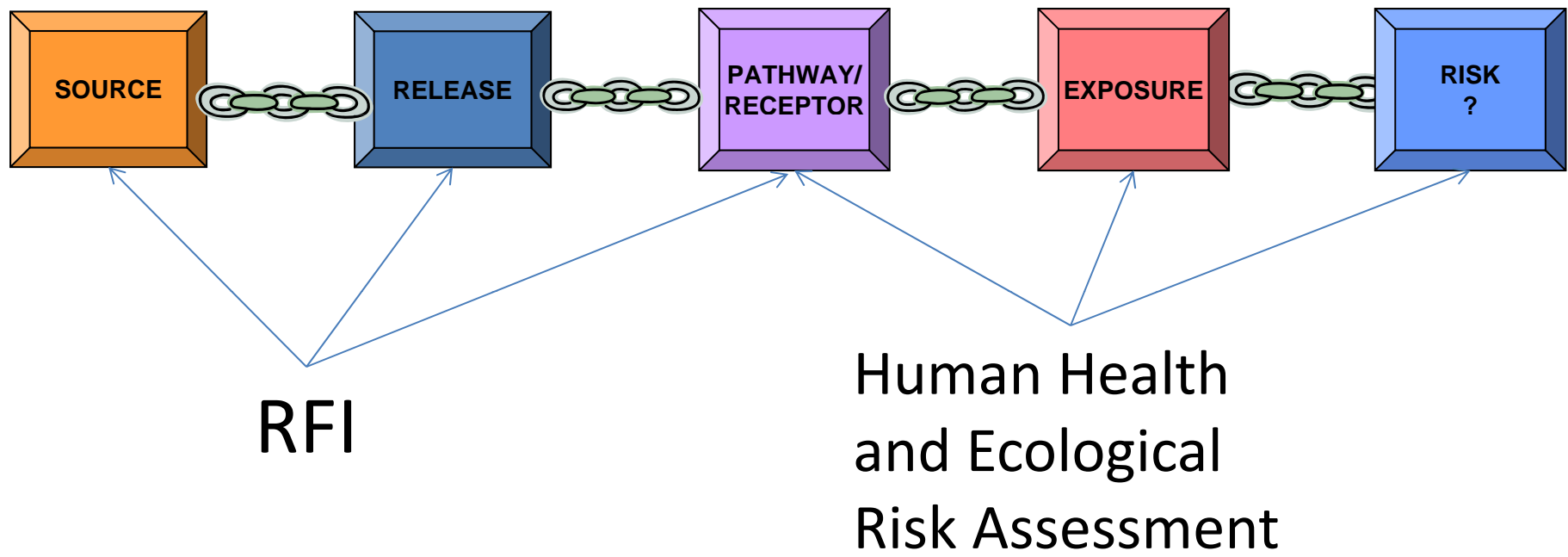
## Superfund/CERCLA

- Preliminary Assessment (PA)
- Remedial Investigation (RI)
- Feasibility Study (FS)
- Proposed Plan (PP), Record of Decision (ROD)
- Remedial Design Remedial Action (RD/RA)

# RCRA Facility Investigation (RFI)

- Purpose –
  - Evaluate nature and extent of contamination
  - Gather necessary data to support CMS and/or IMs
- Often phased
- ASARCO - Phase I from 2001-2005
- Custodial Trust – Phase II in 2010-2011

# Potential Risk Considered At Each Step



Remedy evaluations focus on “breaking the chain”

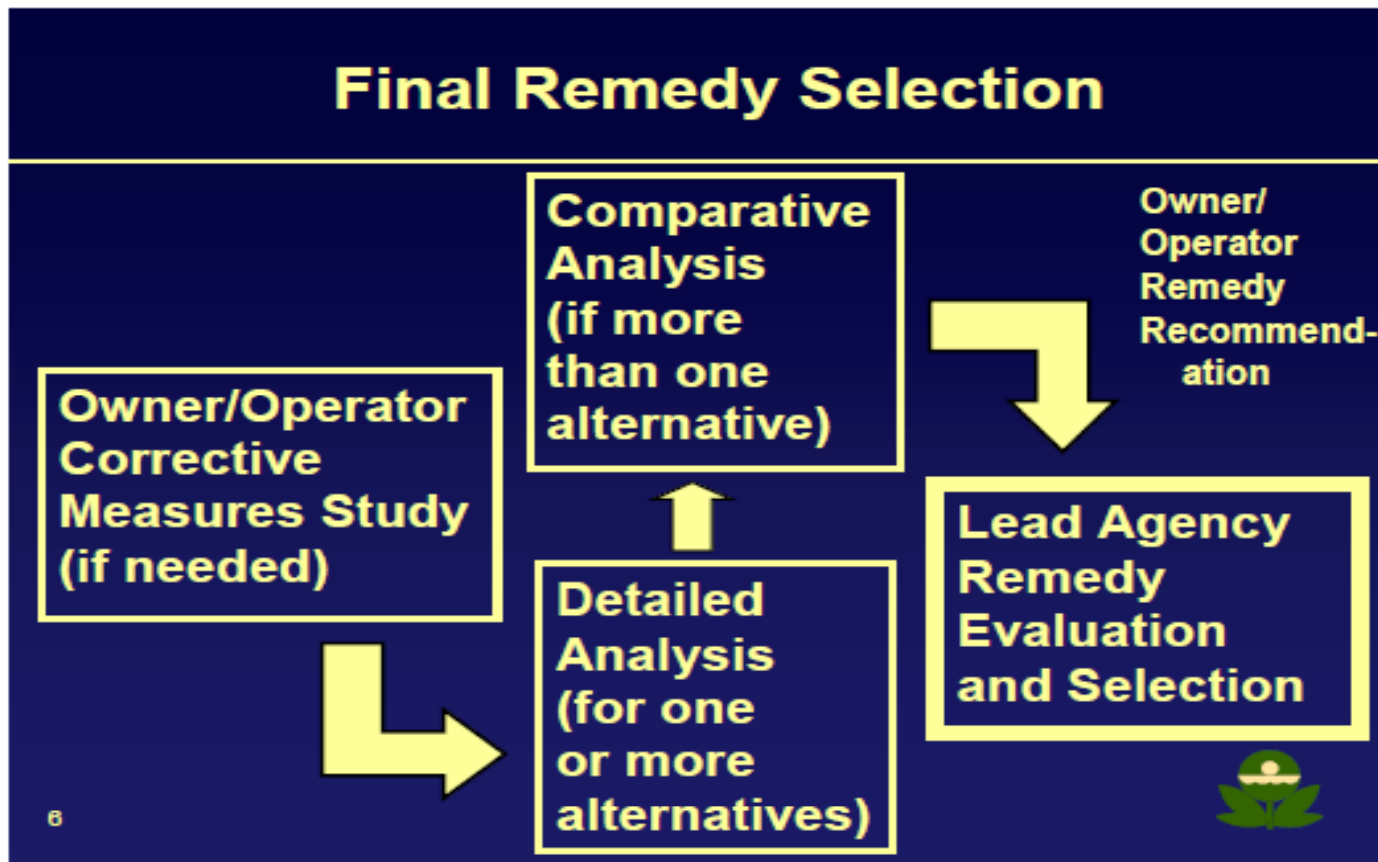
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# Corrective Measures Study (CMS)

- Purpose
  - Develop and evaluate corrective measures alternative(s)
  - Recommend the final corrective measure(s)
- Draft CMS Work Plan
  - Submitted to Beneficiaries in December 2011
  - Currently incorporating comments

## Expectations for Remedy Evaluation (CMS or Equivalent)

- Evaluate only appropriate, implementable approaches, consistent with expected future land uses
  - Scope and substance of CMS tailored to the extent, nature, and complexity of problems
- Overlap with site characterization
- Limited agency oversight, as appropriate, if releases and performance measures are well defined
- Evaluation of multiple alternatives not required if single alternative meets performance standard



- Remedy proposed by facility, selected by EPA
- EPA issues draft Statement of Basis
- Formal Public Review and Comment
- Final Statement of Basis

# Corrective Measures Implementation (CMI)

- Design and construction of final remedy(ies)
- Operation and maintenance
  - Treatment systems
  - Engineered controls (fencing, covers, etc)
  - Institutional controls
- Performance Monitoring
- Reporting

# RCRA & Superfund/CERCLA

## Same Goals, Different Circumstances

### **Comprehensive Environmental Response, Compensation and Liability Act**

- Cleanup focus
- Inactive or abandoned sites
- EPA directs work
- Tax dollar or PRP funded

### **Resource Conservation and Recovery Act**

- Prevention through proper waste management
- Conserve energy and natural resources
- Reduce waste generation
- Active or inactive facilities
- Owner/operators responsible
- Agency provides oversight
- Funded by facility

# Additional Information Needed to Manage CERCLA Projects

## Comprehensive Environmental Response, Compensation and Liability Act

- Cleanup focus
- Inactive or abandoned sites
  - Poor operating history
  - Need to identify responsible parties
- EPA directs work
  - Prescriptive requirements to direct work
- Tax dollar or PRP funded
  - Justify spending
  - Support litigation
  - Apportion costs



# RCRA Can Tailor Administrative Process and Focus on Environmental Results

## Resource Conservation and Recovery Act

- Prevention through proper waste management
- Conserve energy and natural resources
- Reduce waste generation
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Investigations consider site knowledge

Ensuring work meets all applicable requirements

Specificity based on owner and consultant compliance history, experience, and competency

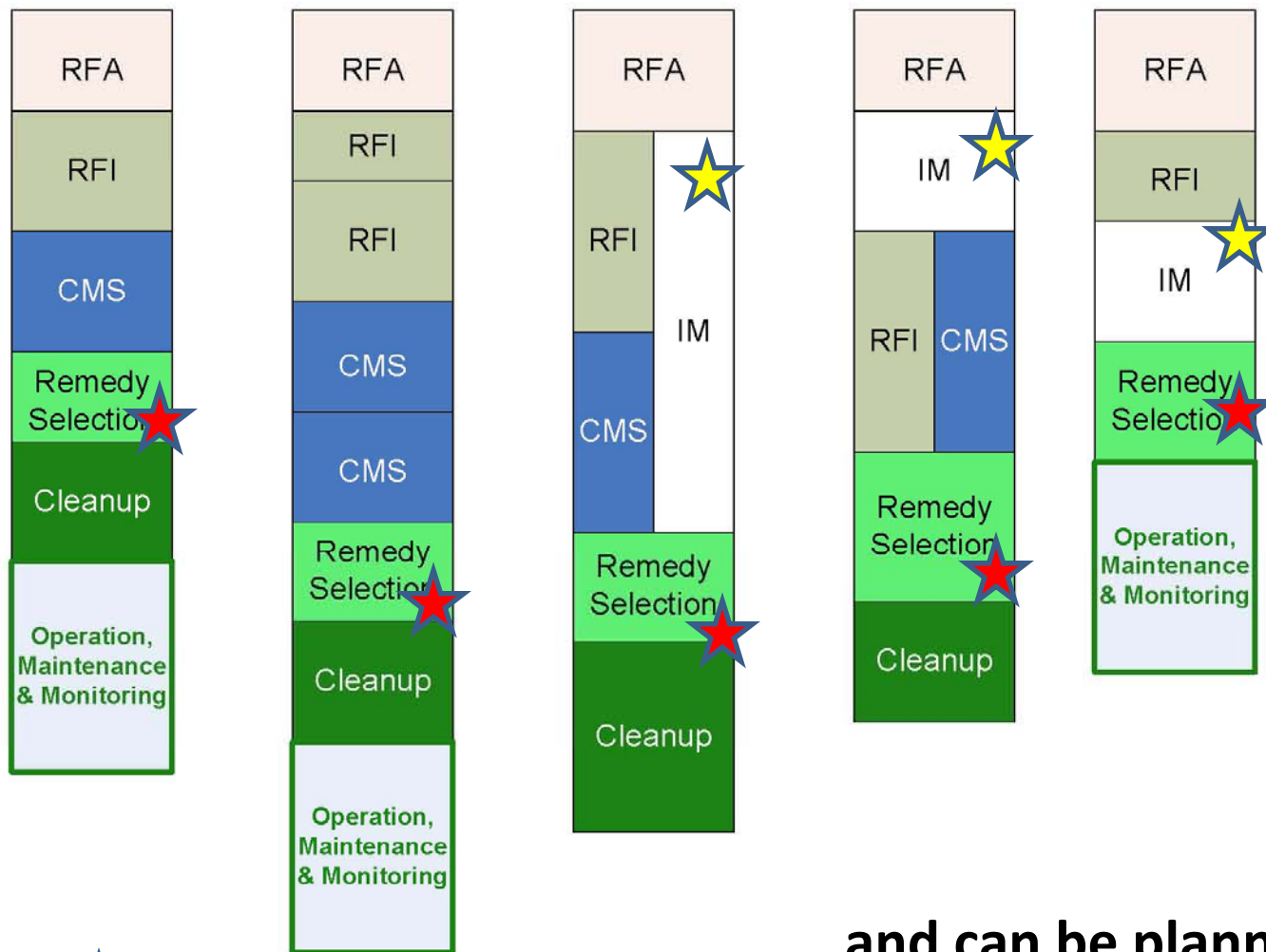
# A Few Key Differences Under RCRA

- Permitting
  - CERCLA can meet substantive requirements
  - RCRA needs permits
- Use of interim measures (IMs)
- Program flexibility

# Interim Measures (IMs)

- Primary purpose – achieve goal of stabilization
  - Control or abate threats to human health and/or the environment
  - Prevent or minimize spread of contamination
- Implement obvious remedies
- “Field pilot” cleanup technologies
- Consistent with/part of final remedy(ies)
- ASARCO - IMs in 1999
- Custodial Trust IMs
  - IM Work Plan 2012 just drafted
  - Start implementation later this year
  - Most work planned for 2013-2014

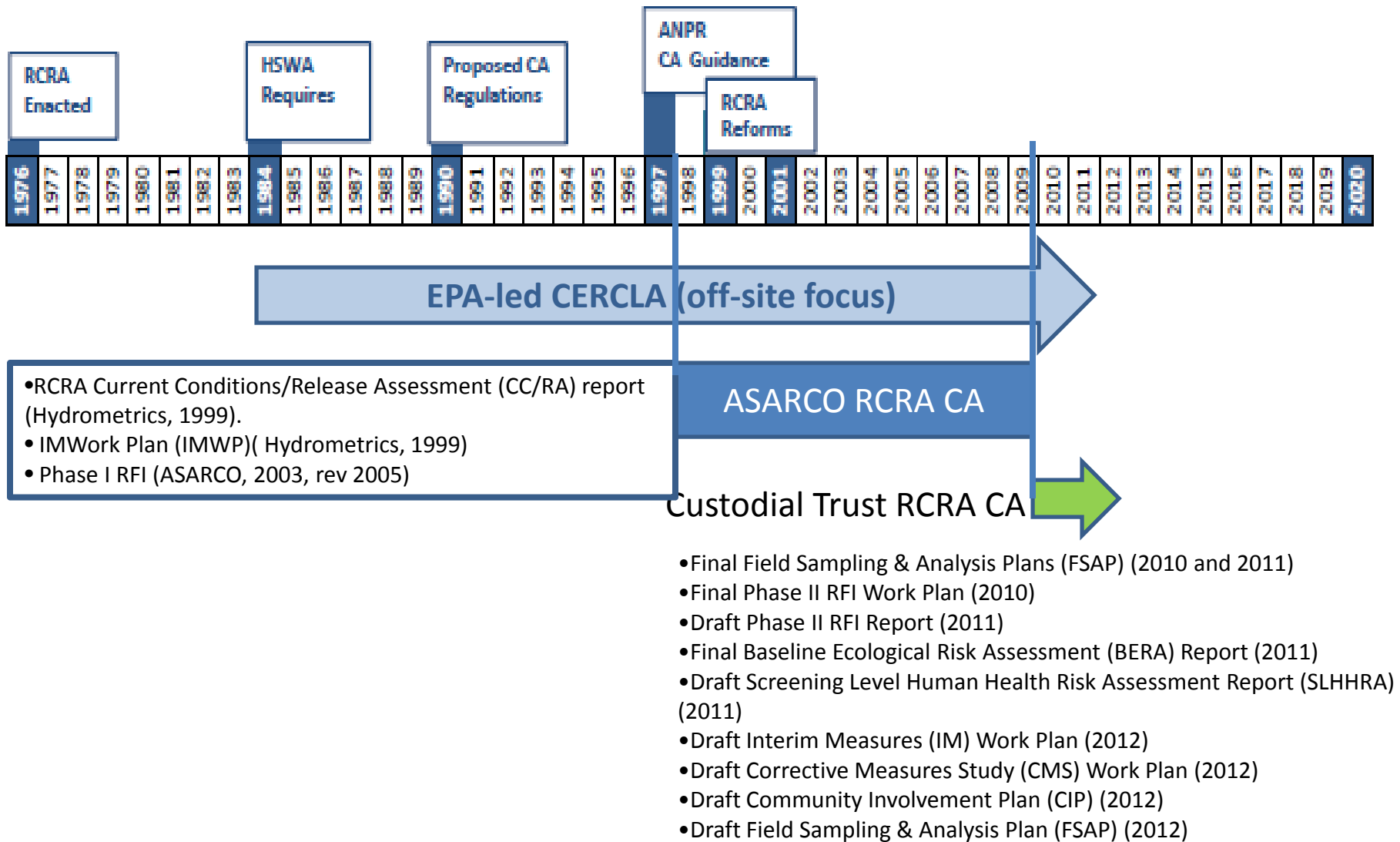
# RCRA CA Program Step Sequence is Flexible



 Formal Public Review

**...and can be planned to meet site-specific situations and objectives.**

# Cleanup at E. Helena is Evolving



# RCRA CA at E. Helena is Being Coordinated with Other Activities

- Completing CERCLA work
  - Previous remedy decisions
  - Institutional controls
  - Public information and involvement
- IM and final remedy planning will consider:
  - Effects on surrounding area (i.e. PPC flood control)
  - Potential future use of properties
  - Natural resource and habitat quality
- Custodial Trust's mission includes Site redevelopment

# Questions?