

## 9 RESPONSE TO COMMENTS

The Montana Resources Amendment Draft EIS was released and the comment period for the EIS began on Friday, March 22, 2019. DEQ held a public meeting on April 10, 2019 at the Copper King Inn Convention Center in Butte, Montana. The comment period was originally set to end on Monday, April 22, 2019 but was extended to Thursday, May 2 after a request for an extension was received. Approximately 620 written comments were received from approximately 600 entities during the comment period. Some individuals submitted multiple comments or multiple copies of comment letters. The full text of the substantive comments received is provided here. Response are provided across from the comment text in a “side-by-side” format. Each entire letter is included to maintain the context of comments. Therefore, there may be some blank areas in the “Responses” column on the right side of the page where the commenter included background information, but no response is required.

DEQ has reviewed the comments received and responded to all substantive comments in this EIS. Some responses required changes or updates to be made in the EIS. These changes are noted in the responses to comments and the reader is directed to the section in this EIS where changes have been made.

A list of sources for all of the written and oral comments received is provided in the Appendix (ARM 17.4.619(2)).

### 9.1 PUBLIC MEETING TRANSCRIPT

The transcript from the April 10, 2019 public meeting is included at the end of this Chapter and responses to the comments made during the meeting are provided. The transcript is provided in its entirety.

### 9.2 FORM LETTERS

DEQ received multiple copies of letters that are identical or nearly identical in content. These letters were sorted based on content and categorized into groups of form letters. To reduce duplication, one representative example of each form letter received is provided in this Chapter, and the names of sources are listed in **Table 9.2-1**. A copy of each letter received is included in the Administrative Record.

<b>Table 9.2-1.</b>			
<b>List of sources for each of the 11 form letters received by DEQ. A representative example of each form letter is included in this chapter.</b>			
Form Letter	Names of Sources		
A	Dayne	Allen	Stephanie
	Mike	Antonioli	Mary Lou
	Skip	Arntson	Melissa
	Greg	Bahr	Sheri
	Hal	Bates	Bill
	Josh	Brenton	Dick
	David	Carson	Heather
			Janhunnen
			Jones
			Kissell
			Leary
			McGee
			Mcleod
			Merrick

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Form Letter	Names of Sources			
A	Joshua	Cook	Mark	Mihailovich
	Rose	Crawford	Jed	Munday
	Jack	Datres	Joel	Patton
	Jake	Doherty	Wayne	Perkins
	Jill	Dove	Brian	Ritts
	Kyle	Durrett	David	Seder
	Bobbie	Fleege	Frank	Sholey
	Ashlyn	Fortner	Kim	Steele
	Jeff	Gordon	Mark	Stratton
	Judy	Graham	Clint	Sundt
	Amanda	Griffith	Allen	Taylor
	Stephanie	Hassler	Brody	Verrall
	Dawson	Huff	Josh	Vincent
	Christopher	Hyle	Dale	Voss
			John	Vuicich
			Kelly	Walsh
B	Lance	Adams	Stephanie	Hekkel
	Nate	Allen	Alan	Jensen
	John	Babbitt	Josh	Juarez
	Scott	Barclay	Travis	Kahm
	Tom	Bazuin	Cassandra	LeProwse
	Carolyn	Blair	Mike J.	Maloughney
	Seth	Brown	Scott	McCue
	Dennis	Casagranda	Luke	McMahon
	John	Dale	Ryan	Moe
	Scott	Darling	Scott	Nielsen
	Michael	Delaney	Matt	Norton
	Jacqui	Dinius	Anthony	Orrino
	Aimee	Erickson	Helen	Paris
	William	Fitzpatrick	Jerry	Pollock
	Selena	Frye	Tim	Pool
	David	Gendrow	Ben	Raffety
	Brooker	Hadden	Randy	Sholey
	Pete	Hallquist	Edward	Stefalo
	Pete	Hallquist Jr	Shawn	Thiessen
	Vicky	Hanni	Bruce	Vincent
	Patrick	Hansen	Ronda	Wiggers

<b>Table 9.2-1. List of sources for each of the 11 form letters received by DEQ. A representative example of each form letter is included in this chapter.</b>					
Form Letter	Names of Sources				
	Danielle Annissa	Harvie Hastie	Robert	Chamberlin	
C	Ericka Cole Kayla Quinten Jeffrey Robert Toni Tanner Jeremy Fess Ed Courtney Erickson Dena Mike Karla Phillip Jean Deborah Rick Frank Missy Eric Eric Jim	Bartlett Bolster Christians Counts D'Arcy Eddleman Fairchild Fike Fleege Foster Freeman Greyn Haaland Hamry Harvie Howe Hurd Johnson Johnston Jordan Kieser Kissell LaPier Larsen Leary	AFFCO, Inc.	Charlotte Cassandra Logan Michael Ky Tom Angela Joe Joe Dave Jay Tiffany Andrea Dustin Stephanie Dave James Tyrel Joe Judy James Melody Amanda	Lombardi Martz McMahon McMahon Moffet Monforton Nicholls Nicholls Perry Pochervina Raymond Sanders Scheuering Schillinger Smith Solan Spaulding Spencer Stefalo Walsh Wassberg White Zemljak
D	Robert James Kevin Daniel Tom Ken Meghan	Adams Anderson Anderson Banghart Bazuin Blume Boyle		Carrie Nancy Braydin Lori Russell Richard Kyle	Keane Kenny Kissell Lagerquist LaTray Magoffin Martz

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D	Mary	Brandl	John	McDonald
	Tyler	Christians	Larry	Moritz
	David	Church	Brian	Mullaney
	Kim	Churchill	Brian	Neilson
	Don	Compton	Andrew	Olson
	Diana	Corbitt	Jery	Piazzola
	Vonnie	Dahlman	Steve	Redd
	Brad	Davey	Cody	Rembert
	Lucas	Davis	Hannah	Richards
	Jared	Driscoll	John	Richards
	Patrick	Dugan	Wade	Richards
	Kevin	Everett	Katie	Rogers
	Jim	Flink	Michele	Sanderson
	Melissa	Gentner	Gary	Shea
	Jaclyn	Giop	Catherine	Simon
	Jennifer	Haley	Tony	Smith
	Kelly	Hanni	Kelly	Stolp
	Jim and Nancy	Hill	Billy	Stone
	Nancy	Hoffman	Peggy	Trenk
	Mike	Hogan	Richard	Trumbo
	Susan	Hoskins	David	Williams
	Kyle	Isakson	Duane	Witt
	Kevin	Jones		
	John	Juras		
E	Danelle	Adams	Aaron	Norby
	L. Gail	Banks	Laura	O'Connor
	Zanae	Bates	David	Odt
	Fred	Bosch	Ed	O'Neil
	Joe	Campbell	Quinn	Peoples
	Ashley	Choquette	Kelly	Perusich
	Stephen	Coe	Carole	Piazzola
	Joey	Dahl	Sherman	Platts
	Tanner	Dorr	Roland	Rees
	Bryce	Fakler	Jayme	Robins
	Terry	Galle	Jenn	Schneider
	Tyke	Galle	Brett	Seitz

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E	John Gardner	Alan Gilda	Dorothy Gronvold	John Hughes	Bob Johnston	Brooke Keele	Brandi Lammi	Chris Lewis	Dale Malyevac	Mike Merrick	Mike Moodry	Cory Spehar	Eileen Steilman	Debra Stone	Quinn Sullivan	Patricia Vincent	Stephen Walsh	Dennis Weis	Robert Zobenica	Tyler Johnston	John Banks																													
F	Steven Adkins	Morgan Barnett	Eric Beardslee	Heidi Bennett	Katrina Berg	Travis Birkenbuel	Luke Bodle	Jock Bovington	Kendra Brown	Kyle Carter	Travis Chiotti	Scott Clark	Dave Cole	Bruce Cox	Bob Cromer	Tracy Cunningham	Elliot Cuthrell	Kelli Cuthrell	Jody D'Arcy	Lynda DeWitt	Tyler Dyk	Barbara Fitzpatrick	John Flinn	Greg Gannon	Rick Hamry	Tonya Kish	Ryan Kolman	Terri Kratz	Ryan Lynch	L McCarthy	Don McLean	Catherine Miller	Eli Nash	Chris Nelson	Michael Nicholls	William Osborne	Mark Pesa	Adam Raymond	Tammy Richards	James Robertson	Daniel Scheitlin	David Soennichsen	Pete Steilman	Brian Stepper	Doug Stiles	Dave Stratton	Corey Stromseth	Eric Talbott	Burt Thomas	Kevin Warner

<b>Table 9.2-1.</b>				
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Form Letter	Names of Sources			
F	Bryan Tyler Debbie Calvin	Hardy Harvie Jeffrey Johnson	Brad Ronald Julie and Jeff Jerry	Welsh White Wolf Zieg
G	Joe Drew Hal Leo Conley Gary Janet Tim Nathan Angela Kevin Larry Danny Jack Cheri Joseph Joe Taylor Jenna Gerald David Tyler Edwin Beau Koby Robert Dean Sue-Ann Martique	Allick Baker Bates Block Burgard Burt Carlson Cassidy Chutas Conlan Corbitt Cosens Cunningham Dahlman Delaney Dipietro Duhome Edden Epifanio Gagnon Galt Garrison Gesselle JR Haker Hanni Hanni Hansen Jacobson Kraus	Anthony Baylee Jan Jim Michelle Troy Scott Kenneth Dennis Robin Jamie Pamela Kevin Brian Mark Levi Si Tim Catherine Dan Jordan Larry and Paul Shawn David Julie David William Tod	Laslovich Lawrence Lien Loomis Malkovich Manselle Mendenhall Moe Morelock Noteboom Pearson Polachi Reed Ross Rule Sanders Sharma Shields Simon Smith Smith Smith Spencer Szumigala Walsh White Peterson Simon
H	Mary Anne	Antonioli	John	Keele

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H	David	Banks	Lonnie	Lattin
	Spencer	Beddes	Erickson	Lawrence
	Michael	Blom	Mike	Lee
	Tim	Boyle	Kellie	Lorengo
	Dave	Carpenter	Dick	Lyons
	Karen	Claude	Mike	Maack
	Paul	Conrad	Dennis	Marjamaa
	James	Cumbee	Rex	McLachlin
	Bill	Daly	Lisa	Miller
	Julie	Deshner	Phillip	Mulholland
	David	Dunmire	Kyle	Murphy E.I.T
	Jenna	Faroni	Tina	Nolevanko
	John	Franklin	Shane	Parrow
	Jerry	Frohreich	David	Pearson
	Chad	Galle	Trina	Peterson
	Merilee	Gessele	Frank	Reid
	Edie	Graham	Mark	Seitz
	Jerry	Hanley	Le Anne	Steilman
	Charlie	Harvie	Steve	Vaala
	Scott	Hedval	Owen	Voigt
	Thomas	Hickey	Angela	Voss
	Ken	Holkan	Jack	Walsh
	Shaun	Holm	Katelyn	Warren
	Shelly	Horsley	Cheri	Galle
	Kristin	Johnson	Bob	York
I	Derek	Allick	Ron	Hasquet
	Tim	Antonioli	Denim	Hellyer
	Robert	Ball	Ken	Hugulet
	Richard	Banghart	Lance	Hugulet
	Loretta	Bolyard	Michelle	Johnson
	Mark	Briggs	Helen	Joyce
	Andrew	Cameron	Colleen	Kahm
	Jeffrey	Carney	Madilon	Kulaski
	Allen	Corter	Jim	Leary
	Michelle	Davis	Jered	LeProwse
	William	Dobb	Thor	Loftgaard
	Mike	Duhome	Steven	McCullough

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I	Siobhan	Duhamé	Tyler	Motland
	Jim	Durkin	Jim	Olsen
	Glenda	Edgeworth	Nicholas	Roche
	Roger	Estabrook	Rob	Sanderson
	Michael	Fairchild	Janet	Shea
	Alexander	Gordon	Ed	Stamy
	Ethan	Green	Stephen	Swan
	Angela	Haaland	Debbie	Tauscher
	Roger	Hagan	Bob	Vince
	Russ	Hage	John	Walsh
	Abbey	Hanni	Eric	Williams
	Zach	Hanni		
	Jared	Haran		
J	Joe	Allick	Paula K.	Pacente
	Tim	Boyle	Scott	Parini
	Jaylynn	Chiotti	Corey	Pullman
	Nate	Colbert	Julie	Rees
	Tony	Cunneen	Melanie	Richards
	Shane	Cunningham	Ramesh	Sapru
	John	Downey	Nancy	Schlepp
	James	Ebisch	Derik	Shields
	Keanan	Fitzpatrick	Kramer	Smith
	Tyler	Gates	Larry and Paul	Smith
	Kaden	Hanni	Kelli	Sullivan
	Verla	Harvie	Jeff	Taylor
	Barry	Hedrich	Jacob	Urich
	Shelby	Hunter	Makayla	Wall
	Levi	McMahon	Corey	Warner
	Cindy	Merrick	Kerry	Weightman
	Chris	Miller	Kathy	Weldon
	Garrett	Miller	Kelly	White
	Tim	Miller	Troy	Wood
	Clint	Mortensen	Shawn	Zahn
	Ty	Murphy E.I.T		



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K	Bart	Bacon	Jonathan	Napier
	Brad	Bartlett	Lisa	Raymond
	Justin	Benson	Molissa	Rees
	Mckenzee	Churchill	Chris	Roos
	Lee	Clark	Casey	Schmitt
	Casey	Dee	Amber	Shields
	Shane	Durgin	Buck	Sullivan
	Joseph	Fuller	Sally	Tucker
	Douglas	Gronvold	Jake	Verlanic
	Rep. Steve	Gunderson	Tyler	VonBergen
	Conor	Kelly	Emma	Walker
	Ray	Lagerquist	Dannette	Zobenica
	Dennis	Marjamaa		
	Susan	McClernan		
	Dan	McDougall		

Image of comment letter	Responses to Numbered Comments
<p><b>Atlantic Richfield Company</b>      Patricia Gallery      Vice President</p> <p style="text-align: right;">201 Yukon, #2706      Houston, Texas 77019      Mobile: (832) 224-0288      E-Mail: patricia.gallery@arcc.com</p> <p style="text-align: center;">May 2, 2019</p> <p><b>Submitted Via Electronic Mail</b></p> <p>Mr. Craig Jones      Department of Environmental Quality      P.O. Box 200901      Helena, Montana 59601  <a href="mailto:DEQ.MTResourcesMELPA@MT.gov">DEQ.MTResourcesMELPA@MT.gov</a></p> <p><b>Subject:</b> Draft Environmental Impact Statement for the Proposed Amendment to Permits 00030 and 00030A for the Continental Mine: Expansion of the Yankee Doodle Tailings Impoundment and Associated Facilities (the "DEIS")  <b>Written Comments of Atlantic Richfield Company</b></p> <p>Dear Mr. Jones:</p> <p>Atlantic Richfield Company respectfully offers these comments on the DEIS.</p> <p><b>BACKGROUND</b></p> <p>The Montana Department of Environmental Quality ("DEQ") issued the DEIS for public comment on March 22, 2019. On April 19, 2019, DEQ extended the public comment period by 10 days to May 2. DEQ prepared the DEIS in response to a permit amendment application submitted by Montana Resources, LLC ("MR") to DEQ on October 6, 2017. The amended permit would allow MR to raise the western embankment of the existing Yankee Doodle Tailings Impoundment ("YDTI") to an elevation of 6,450 feet, extend the northern boundary of the impoundment, and add other facilities to support this impoundment project. The YDTI is a tailings storage facility regulated under the Montana Metal Mine Reclamation Act, M.C.A. § 82-4-301 et seq ("MMRA"). MR operates the YDTI to manage tailings generated from its mining operations at the Continental Mine, an open-pit copper-molybdenum mine adjacent to the city of Butte.</p> <p>Atlantic Richfield has a vested interest in the evaluation of environmental consequences and other impacts addressed in the DEIS. Atlantic Richfield and MR are settling defendants under a Consent Decree entered into with the United States and State of Montana in 2002, which requires response actions under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq. ("CERCLA"), at the Butte Mine Flooding Operable Unit ("BMFOU"). Under the BMFOU Consent Decree, Atlantic Richfield and MR are jointly and severally responsible for performing response actions to collect and treat water that drains from the YDTI, among other tasks. Facilities used in performing these response actions are located immediately downgradient of the YDTI and could be rendered inoperable if an embankment failure occurs. As acknowledged in the DEIS, actions at the Continental Mine must be consistent with the Consent Decree and other decision documents that direct management within the BMFOU. See DEIS at 1-10. Accordingly, DEQ</p> <p style="text-align: center;">4200001.1</p>	<p><b>Please Note:</b> Response are provided across from the comment text in the letters. Each entire letter is included to maintain the context of each comment. Therefore, there may be some blank areas in the "Responses" column where the commenter included background information, but no response is required.</p>

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Image of comment letter	Responses to Numbered Comments
<p>May 2, 2019 Page 2</p> <p>identified "implications for the BMFOU" as a primary issue of concern for the proposed action. <i>M.</i> at 1-15.</p> <p>Atlantic Richfield also encourages DEQ to carefully consider these comments in light of the mining industry's recently heightened focus on tailings storage facility safety risks and assessment following tragic tailings dam failures in Brazil and British Columbia. The industry, in concert with accountable regulatory authorities, is engaged in ongoing review of standards, guidelines, risk controls, and emergency preparedness efforts related to the prevention of and response to tailings storage facility failures throughout the world.<sup>1</sup> Atlantic Richfield's comments on the YDTI DEIS are offered with this emphasis in mind.</p> <p><b>TECHNICAL ENGINEERING SUPPORT</b></p> <p>To assist in evaluating prevailing conditions at the YDTI, Atlantic Richfield solicited input from highly experienced and trained geotechnical experts and engineers. Norbert Morgenstern, Ph.D., P.Eng., is an emeritus distinguished professor of civil engineering at the University of Alberta and an internationally recognized authority in the fields of geotechnical engineering and slope stability. Brian Hippley, Ph.D., P.E., is a geotechnical project manager with AECOM. Richard Davidson, P.E., is a senior principal and vice president of AECOM. Dr. Morgenstern, Dr. Hippley, and Mr. Davidson have decades of experience in the design, maintenance, operation, analysis, geotechnical modeling, and monitoring of tailings dams and tailings storage facilities. Dr. Morgenstern has performed stability investigations of tailings storage facilities throughout the world, including following several recent high-profile dam collapses. Atlantic Richfield requested that Dr. Morgenstern, Dr. Hippley, and Mr. Davidson each review MR's permit amendment application materials and other available information relating to the current and projected future (post-expansion) condition of the YDTI embankment. Based on that review, they provided recommendations on data collection, monitoring, and early warning practices that should be employed at the YDTI and which adhere to best practicable engineering practices and emerging standards-of-care in the hard-rock mining industry. Their recommendations are reflected in and provide support for Atlantic Richfield's technical comments below. Copies of Dr. Morgenstern's, Dr. Hippley's, and Mr. Davidson's professional resumes are enclosed with this letter for reference.</p> <p>The experts' evaluations necessarily depended on the type and quantity of the data available to them. MR has shared much of its geotechnical testing results and other information relating to the condition of YDTI with AR. However, collection and analysis of that information is ongoing. As new</p> <hr/> <p><sup>1</sup> According to a December 2016 report of the International Council on Mining and Metals ("ICMM"), mining companies and regulators must have a comprehensive understanding of the properties and behavior of the foundation and in-slope materials of tailings dams and storage facilities. Facilities should be assessed by a competent engineer, and design and mitigation measures should be developed to ensure that adequate stability is achieved over the full life of the facility. The ICMM report emphasizes that dam stability should be carefully reviewed before changes to the structure or construction method are implemented. See International Council on Mining and Metals (ICMM), <i>REVIEW OF TAILINGS MANAGEMENT GUIDELINES AND RECOMMENDATIONS FOR IMPROVEMENT</i> (Dec. 2016) (<a href="https://www.icmm.com/damassets/Management-Guidelines-and-Recommendations-for-Improvement.pdf">https://www.icmm.com/damassets/Management-Guidelines-and-Recommendations-for-Improvement.pdf</a>).</p>	

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<p>May 2, 2019 Page 3</p> <p>results are obtained, analyzed, and reported, the enhanced monitoring and risk reduction measures recommended in these comments may need to be adjusted.</p> <p><b>COMMENT 1.</b> <i>DEQ should require, as a stipulation in MR's amended operating permits for the YDTI, the design and implementation of a data collection, monitoring, and early warning program employing best practicable technologies to: (i) assure that the long-term stability and integrity of the YDTI tailings storage facility is maintained, (ii) verify that DEQ's determination of potential environmental consequences and cumulative impacts reported in the DEIS remain valid during the continued operation and future closure of the facility, and (iii) ensure that public health and the environment are adequately protected in the unlikely event of an embankment failure and uncontrolled release of impounded water and tailings.</i></p> <p><b>ARC-01</b></p> <p><u>Current Monitoring.</u> MR's current program to monitor the condition of the YDTI embankment and provide early warning of embankment slope movement is contained in or imposed through a combination of MR operating manuals, planning documents, and statutory provisions. The MMRRA requires that tailings storage facilities must be "designed, operated, <u>monitored</u>, and closed using the most applicable, appropriate, and current technologies and techniques practicable given site-specific conditions and concerns," M.C.A. § 82-4-376 (emphasis added). MR currently monitors embankment conditions based on the recommendations of its engineer of record ("EOR"), with input from the Independent Review Panel ("IRP"). MR's Tailings Operations, Maintenance and Surveillance (TOMS) Manual describes the steps MR would take in the event that monitoring of existing geotechnical instruments within the embankment (and other conditions) indicates that emergency response measures are warranted. Those steps are further detailed in MR's Emergency Action Plan for the facility. The EOR must notify the operator of a tailings storage facility when there is credible evidence indicating the facility is not performing as intended or that a tailings storage facility presents an imminent threat or a high potential for imminent threat to human health or the environment. M.C.A. § 82-4-375(3)(d),(e).</p> <p>Under this scheme, MR's monitoring program is not consolidated into its operating permit or another document that DEQ can easily administer or enforce. MR's operating permit does not identify or require specific methods, standards, and schedules for collecting and reporting the geotechnical data and embankment stability monitoring data needed to: (i) verify that the YDTI embankment is "performing as intended" (M.C.A. § 82-4-375(3)(d)), and (ii) enable the EOR to "immediately notify" (id.) MR and DEQ if conditions arise that present a threat to human health or the environment. Under this system, important monitoring data and information may not be reported to either the EOR or to DEQ (neither are present at the mine site) in time to allow them to consider or require corrective measures, if any are needed. Delays in reporting critical information may impair the ability of emergency responders to take timely and effective action if an emergency ever arises at the site. MR's request to expand the YDTI increases the need to collect and report this information in a timely manner to the EOR and DEQ.</p> <p><u>Permit Stipulation.</u> Under M.C.A. § 82-4-337(2)(b), permit stipulations may be imposed with or without the applicant's consent. For a stipulation imposed without the applicant's consent, DEQ must provide the reason for the stipulation, a citation to the statute or rule providing DEQ with the authority</p>	<p><b>Response to Comment ARC-01:</b></p> <p>Thank you for your comment. Montana Resources has complied with 82-4-375 through 82-4-377, Montana Code Annotated (MCA), for the design of the Yankee Doodle Tailings Impoundment (YDTI). Pursuant to 82-4-377(9), MCA states, "The panel [independent review panel] shall submit its review and any recommended modifications to the operator or permit applicant and DEQ. The panel's determination is conclusive." The independent review panel (IRP) and engineer of record's (EOR) review and modifications are conclusive and does not allow for DEQ to include additional stipulations on the Design Document. DEQ did forward the Atlantic Richfield's comments on to the IRP and EOR to review and respond to this comment. The IRP and EOR's responses are on file with DEQ and are incorporated into the EIS administrative record.</p> <p>Montana Resources maintains an extensive data collection and monitoring network for the YDTI that is reviewed by the EOR and the IRP on an ongoing basis. MR implemented a web-based remote monitoring system for the YDTI in 2018 that allows real-time access to the piezometric data and monitoring sites by MR and the EOR. The system also has built-in assigned trigger levels with automatic notification to MR and the EOR of changing conditions. The monitoring program for the YDTI is provided in the Tailings Operations Monitoring and Surveillance (TOMS) Manual as required by 82-4-379, MCA. The EOR is required to certify that the TOMS Manual is consistent with the facility's design, the inspections and monitoring included in the TOMS Manual are sufficient to ensure that the YDTI will perform as intended, will detect deviations if they occur, and describes measures to protect human health and the environment. A similar comment made by Atlantic Richfield has been documented in the IRP final report</p>

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	<p>where the EOR agreed with Atlantic Richfield that “more instrumentation sections and monitoring devices are warranted to adequately monitor the facility in the future”. As the EOR states, “The monitoring network will be progressively expanded as required to meet the monitoring and surveillance requirements as stipulated by the EOR with input from the IRP”. Additional monitoring sites are being added to the facility every year. The EOR performs annual inspections of the YDTI facility, as required by 82-4-379, MCA, to ensure that the integrity of the tailings facility is intact and that the operations for the YDTI remain consistent to the original design criteria. A Corrective Action Plan (CRP) is also required under 82-4-379, MCA, that is prepared by MR and reviewed by the EOR based on the monitoring and piezometric data that outlines any proposed recommendations for refinements to the operating practices, monitoring protocols, and a schedule for implementation. The EOR is also required to prepare an Annual Inspection Report (AIR) and a Data Analysis Report (DAR) that is combined with the CRP to summarize the performance, monitoring and instrumentation data for the YDTI that is reviewed by the IRP on an annual basis. The IRP has requested to receive continual updates of the monitoring information on an ongoing basis so that they can review the monitoring data and EOR recommendations and make adjustments to the recommendations if necessary.</p> <p>Please refer to Section 3-21, paragraph 5 and Section 4-5, paragraph 1 of the DEIS for discussion on the geotechnical stability of the tailings beach and North Rock Dump Site (RDS). As discussed in these sections, the geotechnical stability of the YDTI is maintained and/or improved by implementation of these features. As stated in Section 4-5 of the DEIS, the buttressing effects of the North RDS have been conservatively ignored in the stability analysis performed by the EOR, and thus will only serve to increase</p>

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	<p>the factor of safety for the embankment which already meets the legislative regulatory criteria. The key change in the discharge system to the YDTI is to change the system from a single discharge to a multiple point discharge in 2017. This will develop large drained tailings beaches that will keep the supernatant pond well away from the upstream face of the embankments, reduce pore pressures in the tailings beach adjacent to the embankments, and increase stability. This point is explained further in Section 3-21 of the DEIS.</p> <p>The information submitted to the Montana DEQ by MR included the Dam Breach Risk Assessment report prepared by the EOR that complies with 82-4-376 (n), MCA. The DEIS can only consider the information presented in the permit application, which was deemed complete and compliant with 82-4-376, MCA. DEQ is aware that an inundation study was performed to accommodate emergency planning for the Butte-Silver Bow County Disaster and Emergency Services. However, this information was not deemed necessary for inclusion in the design and permit documents and was only a study of a hypothetical breach of the YDTI. As stated by the EOR, "The study does not include consideration of the stability of the facility and does not take into consideration the likelihood of it occurring, but rather is only an assessment of the potential consequences of a sudden water driven loss of containment." Because the likelihood of failure was evaluated to be low, the inclusion of the inundation study results would not have a reasonable impact on the preferred alternative.</p>

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<p>May 2, 2019 Page 4</p> <p>to impose the stipulation, and, for a stipulation imposed in the final permit that was not contained in the draft permit, the reason that the stipulation was not contained in the draft permit. <i>Id.</i> Atlantic Richfield has discussed with MR the need for and benefits of an enhanced data collection, monitoring, and early warning program for the YDTI embankment, as described further below. Atlantic Richfield strongly encourages DEQ to impose a stipulation in MR's final permit amendment requiring such a program.</p> <p>At a minimum, the permit stipulation should require analysis and enhanced monitoring of the YDTI tailings storage facility and embankment to identify and evaluate potential failure modes, including those associated with saturated zones that may create the potential for undrained conditions. See M.C.A. § 82-4-335(5)(k) (requiring hydrologic data sufficient to characterize the hydrologic regime of a facility); § 82-4-335(5)(l) (requiring a detailed monitoring plan sufficient to ensure that tailings impoundments are safe and stable). DEQ should require best practicable technologies applicable to data collection, operation, and maintenance of tailings storage facilities subject to continuous improvement to assure continual adherence with industry best practices. See M.C.A. § 82-4-301(2)(c). The permit should also require monitoring to inspect for, detect, monitor, and provide early warning of embankment slope movement and other indications of potential embankment failure. The permit requirements should be flexible enough to allow appropriate modifications to account for advancements in monitoring and early warning technologies. The permit should allow for the modification of monitoring tasks under a process of adaptive management if DEQ, in consultation with MR, the IRP, and the EOR, determines that changes are warranted based on the collected information. <i>See id.</i> And the monitoring program should continue to satisfy the concerns of, and requirements identified by, MR's EOR with input from the IRP. Atlantic Richfield attaches as Exhibit I to these comments a draft Permit Stipulation detailing these requirements, which DEQ may consider for placement in MR's operating permit(s) under M.C.A. § 82-4-337(2)(b).</p> <p><b>Stability Identified as a Primary Concern.</b> Requiring a data collection, monitoring, and early warning program for the YDTI embankment as a condition of MR's operating permit is appropriate given DEQ's identification of embankment stability as an issue of primary concern in the DEIS. See, e.g., DEIS at ES-vi, 1-15. DEQ acknowledges that the proposed actions and project alternatives "have the potential to affect geotechnical design and stability of YDTI." <i>Id.</i> at 3-12.</p> <p>DEQ's recommendations and findings in the DEIS rely on information in MR's application and supporting documents relating to the prevailing geotechnical and hydrologic conditions of the YDTI embankment. Such conditions are inherently dynamic and will change over time as the impoundment expands. The ongoing reliability of DEQ's evaluation of the environmental consequences and cumulative impacts of the expansion, operation, and final closure of the YDTI therefore depends to a large extent on the continued verification of that information. Ongoing data collection and monitoring of conditions within the embankment are necessary to ensure the assumptions underlying DEQ's evaluation were and remain technically sound and the environmental consequences and cumulative impacts of MR's operations have not been underestimated.</p> <p><b>Stability Evaluation and Assumptions.</b> In evaluating the affected environment and environmental consequences of MR's proposed embankment expansion, the DEIS refers to an assessment of the embankment's foundation and stability by MR's engineering contractor, Knight Piesold Ltd ("KPL").</p>	

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<p data-bbox="289 318 380 354">May 2, 2019 Page 5</p> <p data-bbox="289 391 978 524">DEIS at 3-21. The DEIS states that a "primary takeaway" of the KP stability evaluation was the need to "increase stability" by pushing the supernatant pond as far to the north away from the embankment ponds as possible. <i>Id.</i> The stability evaluation suggested that "the impacts from internal erosion and/or piping could be primarily mitigated through construction of a free-draining embankment." <i>Id.</i> at 3-23. The DEIS identifies the need for MR to "monitor pore pressures/water levels" within the embankment as a principal risk management design criterion for addressing stability-related failure modes for the proposed embankment. <i>Id.</i> at 3-22 - 23.</p> <p data-bbox="289 540 978 673">Similarly, the DEIS states that MR must phase out the practice of inundating the embankment's tailings beach with water to "achieve the geotechnical objectives for beach development, enhance embankment stability, and limit the potential for internal erosion." <i>Id.</i> at 2-13. DEQ concludes the stability of the embankment will remain above statutory design requirements after the proposed expansion because of the addition of a buttress to the North-South Embankment and management of the embankment slopes and top width. <i>Id.</i> at 4-5. But it is unclear whether, when, or how MR's operating permits will require that these corrective measures occur.</p> <p data-bbox="289 690 978 839">DEQ's environmental impacts evaluation thus rests on several key assumptions about the stability of the YDTI embankment, including that it is and continues to be "free-draining," that pore pressures and water levels are being monitored, that internal erosion is being controlled, and that future construction activities will not adversely affect the stability of the embankment. Requiring, as a condition of its permit, that MR conduct ongoing monitoring of the saturated conditions within and at the base of the embankment and of the failure modes identified in the DEIS using best practicable technologies is necessary to verify these assumptions remain correct and the stated risks continue to be mitigated.</p> <p data-bbox="289 855 978 1122"><u>Inundation Risk.</u> Finally, a program to inspect for, detect, monitor, and provide early warning of embankment slope movement and other indications of potential embankment failure should be required in MR's permit, given the potential cumulative impacts and secondary consequences that such a failure would have, including for persons living south of the mine concentrator and main entrance in Butte. While not addressed in the DEIS, MR's EOR recently completed a report titled "Fair Weather Dam Breach Inundation Study," dated January 9, 2019 (the "Inundation Study"). This report was prepared after DEQ accepted MR's permit amendment application as complete on August 21, 2018, and thus was not submitted with the permit application.<sup>2</sup> The Inundation Study states that it "investigated potential impacts of malfunctioning operational management plans related to improper beach development, resulting in a pond located adjacent to the embankment causing a piping dam failure." As discussed further in Comment 4 below, the report describes a more severe impact related to an embankment breach than presented in MR's permit application Dam Breach Risk Assessment. The EOR finds that, under certain conditions, inundation by materials from a hypothetical breach of the YDTI would extend beyond the mine's boundary and into the City of Butte, including some residential areas.</p> <p data-bbox="289 1166 978 1230"><sup>2</sup> MR provided a copy of the Inundation Study to EPA and DEQ for review in connection with the BMPCCU remedial action. It is a public record that is part of the EPA and DEQ environmental remediation files for the BMPCCU. It is also attached as Appendix B to MR's March 2019 Emergency Action Plan for the YDTI, which MR provided to the City/County of Butte Silver Butte Office of Emergency Management.</p>	



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<p>May 2, 2019 Page 6</p> <p>While the stated purpose of the Inundation Study was not to assess the geotechnical stability of the YDTI embankment or the likelihood of an embankment failure, it was intended to "to assess the propagation of a dam breach initiated flood wave, and determine the pathways and potential for the flood wave to leave the mine property boundaries." See Inundation Study at 1. Although the modeled failure scenarios are described as "hypothetical," the EOR recommends that "[f]uture mine planning activities during operations should consider opportunities to progressively reduce the potential consequences of a breach to that risk is as low as practical at closure." <i>Id.</i> at 23.</p> <p>One of the purposes of an environmental impact statement under MEPA is to inform the public and public officials of the potential impacts resulting from a permitting decision. M.C.A. § 75-1-102(1). The public, DEQ, and other public officials should be informed of the potential consequences of a decision to issue a permit to expand the YDTI, including the potential for an emergency condition to arise, the nature of that emergency, and the potential health, safety, and environmental impacts of that event. A further purpose of the environmental impact statement is to evaluate and allow the public to comment on options for mitigating those potential impacts. As explained elsewhere in these Comments, these include potential actions to prevent emergency conditions from arising on site, to contain waste on site if an emergency occurs, and to prevent harm to people, property, and the environment outside the mine site in an emergency that involves a release of materials from the YDTI into the city of Butte. The public and public officials should have an opportunity to review and comment on these risks and feasible mitigation options before a final permit decision is made.</p> <p>To better identify the potential for, and to mitigate the risks and consequences of, the type of dam failure situation assessed in the Inundation Study, DEQ should require that MR implement a monitoring program including, at a minimum, piezometers, movement monuments, and inclinometers of sufficient number and spacing to continuously monitor all segments of the embankment for indications of movement and potential failure. See M.C.A. § 82-4-335(3)(j). Because the EOR estimates that a dam breach has the potential to cause damage within the city of Butte, DEQ should further require that MR update and expand its emergency response plan, in coordination with local authorities, to include real-time monitoring, an early warning system for residents within the inundation area beyond the mine's boundary, and evacuation plans to protect people who might otherwise be in the inundation area during an emergency.</p> <p>These requirements should be imposed as conditions in MR's operating permits. DEQ should require planning, monitoring, and annual reporting of new information relevant to the assessment of hydrologic and other environmental conditions at the YDTI and associated with the proposed expansion of the embankment, so decision makers and interested stakeholders continue to be fully informed of the potential impacts and risks.</p> <p><b>COMMENT 2.</b> <i>DEQ should require diversion structures below the YDTI embankment that are designed to minimize off-site inundation and other potential adverse consequences of an embankment failure scenario by directing potential outflows toward and into the Berkeley Pit and Continental Pit to the maximum extent practicable.</i></p> <p>As stated in the DEIS, "DEQ reviews all amendment applications for completeness and compliance with 82-4-337 (amendments to a permit) and 82-4-336 (reclamation plan), M.C.A., and the</p>	<p><b>Response to Comment ARC-02:</b></p> <p>Thank you for your comment. Please see Response to Comment ARC-01 regarding additional permit stipulations. The EOR and the IRP concur that the likelihood of embankment failure and uncontrolled loss of tailings is low for all failure modes associated with the YDTI. Based on their analysis and as outlined in their response to Atlantic Richfield comments with regard to Appendix B, Section 9.0, Dam Breach Risk Assessment (Letter from Knight Piesold to Mark Thompson dated September 8, 2017, Response by the EOR to Comments Submitted by Atlantic Richfield Company), the Dam Breach Risk Assessment satisfies 82-4-376 (n), MCA. Further documentation of this review can be found in Section 11.6 of the November 20, 2017 Report of the IRP. DEQ did forward Atlantic Richfield's comments on to the IRP and EOR to review and respond to this comment. The IRP and EOR's responses are on file with DEQ and are incorporated into the EIS administrative record.</p> <p>As referenced by the EOR, "The EOR, in conjunction with MR, the IRP, and DEQ, will continue to consider appropriate risk mitigation measures for the YDTI. Dam breach modeling and assessment of practicable measures for routing outflows from hypothetical breach scenarios are options that have been and continue to be considered, but it is not yet clear if these will represent the most practicable and best technologies for ongoing risk mitigation at the site. The EOR and IRP have previously provided recommendations for managing the location and volume of the supernatant pond as being the most practicable and the best currently available option for risk mitigation. These pond management measures are in progress and will be further accelerated once impounded water in the YDTI is reduced as the Berkeley Pit Pilot Project is fully implemented" (EOR Response to the Written Comments of Atlantic Richfield Company Relating to the DEIS).</p>

ARC-02

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The regulation of tailings storage facilities “is not prescriptive in detail but allows for adaptive management using evolving best engineering practices based on the recommendations of qualified, experienced engineers.” <i>Id.</i> One of the enumerated purposes of the M.C.A. is to “mitigate or prevent undesirable offsite environmental impacts.”</p> <p>The EOR recommends in the above-referenced inundation study that further assessment of topographic conditions downgradient of the YDTI should be conducted to better determine the likely behavior of peak flows under a fair weather dam breach scenario. The EOR also suggests that placement of rockfill piles and shaping of dumps and haul roads in the projected flow path of a dam breach event, among other measures, may facilitate greater retention of breach flows on-site (within the two pits). Consistent with the EOR’s recommendations, and to satisfy the above-referenced requirements of the M.C.A. to protect human health and the environment and to prevent undesirable offsite impacts, DEQ should require as a component of MR’s operating permit that MR design and construct measures (i.e., diversion structures) to route potential embankment breach outflows towards the Berkeley Pit and Continental Pit. Doing so will reduce the likelihood and consequences of off-site inundation and provide the specific protections that DEQ is required by statute to impose.</p> <p><b>COMMENT 3.</b> <i>Both MR’s proposed action and DEQ’s preferred alternative will require management and treatment of water released from the YDTI under the BMFOU Consent Decree and CERCLA remedial action. Atlantic Richfield agrees with statements in the DEIS that DEQ lacks authority under the MMRA to impose such requirements.</i></p> <p>MR’s proposed alternative for closure of the YDTI includes dewatering of the impoundment via groundwater seepage to the West Embankment Drain (“WED”) and Horseshoe Bend. Under DEQ’s “WED Pumpback Elimination at Closure” alternative, impoundment seepage captured by the WED would be diverted to the Continental Pit for storage (where it would require treatment under the BMFOU remedy) or to the Horseshoe Bend Treatment Plant for treatment and discharge. As stated in the DEIS: “The monitoring and management of ground water in the BMFOU, including the Continental Mine site, and perpetual treatment of waters that leave the mine site (whether from the Berkeley or Continental pits or the Horseshoe Bend) are regulated by the USEPA under [CERCLA].” DEIS at 1-5. While DEQ’s preferred alternative is projected to achieve the target pond volume in the YDTI somewhat sooner than MR’s proposed alternative (by approximately 7 years), both alternatives will allow water to remain behind the YDTI embankment for an estimated 23 to 40 years after mining operations cease in 2031, requiring ongoing treatment under CERCLA.</p> <div data-bbox="218 902 348 951" style="border: 1px solid black; padding: 2px; width: fit-content;">ARC-03</div>	<p><b>Response to Comment ARC-03:</b></p> <p>Thank you for your comment. DEQ acknowledges the need for coordination among the agencies and parties to the 2002 BMFOU Consent Decree to realize the changes needed to implement the Elimination of the WED Pumpback at Closure Alternative, and to develop an effective schedule to meet mine expansion requirements. Within the Response Decision Deferral Document (2001), USEPA deferred its use of CERCLA authority within the Butte Active Mine Area Operable Unit (BAMAOU), deferring to “State mine permit actions for environmental cleanup of that area.” The analysis of reclamation and water management alternatives for the impoundment, and any associated permit requirements, are clearly under the authority of the DEQ Hard Rock Mining Bureau. However, DEQ also recognizes that it lacks the authority to unilaterally require Montana Resources, or any other party, to release hazardous substances from the YDTI as a condition of the mine permit, where the released material must be treated in the BMFOU remedial action. USEPA is the agency with authority to review, approve, and authorize changes to the current BMFOU remedy.</p> <p>Atlantic Richfield notes in this comment that there may be advantages to accelerating the removal of impounded water in the YDTI, as one method to diminish the risk of embankment saturation and instability over time. This comment also provides confirmation from Atlantic Richfield for their willingness to work with Montana Resources and the agencies to consider alternative YDTI water management and treatment strategies that will satisfy CERCLA and BMFOU Consent Decree requirements. Montana Resources provided similar confirmation to work with Atlantic Richfield and the agencies to consider water management activities that meet the requirements of MMRA and</p>

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<p data-bbox="289 315 380 350">May 2, 2019 Page 8</p> <p data-bbox="289 386 966 610">Atlantic Richfield recognizes there may be advantages to accelerating the removal of impounded water in the YDTI, which will diminish the risk of saturation within the YDTI embankment and the potential for undrained (and consequently unstable) conditions over time. However, the discharge and required treatment of water stored in the YDTI necessarily implicates CERCLA and the BMFOU remedy. Horseshoe Bend seepage and possibly other sources of affected groundwater will need to be managed and treated under CERCLA for the foreseeable future, regardless of which closure alternative is selected. Before final decisions can be made concerning the timing and methods for managing those sources of water, MR, Atlantic Richfield, DEQ, and EPA will need to consider the implications for the existing remedial actions occurring under the BMFOU Consent Decree and what, if any, changes may be required. There may also be consequences for the selection and implementation of response actions for the Butte Priority Soils Operable Unit ("BPSOU"), since water treated at the BMFOU may be released into Silver Bow Creek.</p> <p data-bbox="289 630 966 776">The DEQ Hard Rock Mining Bureau lacks authority to unilaterally permit (or require) MR to release hazardous substances from the YDTI as a condition of an approved closure/reclamation plan, where the released material must be treated in the BMFOU remedial action. EPA is the agency with authority to review, approve, and authorize any changes to the current remedy. See CERCLA Section 122(e)(6), 42 U.S.C. § 9621(e)(6). CERCLA and National Contingency Plan requirements for remedy selection (40 C.F.R. § 300.430) and the modification requirements in the BMFOU Consent Decree also will need to be considered. And, as a settling defendant under the BMFOU Consent Decree, Atlantic Richfield's participation and consent will be required. See, e.g., Consent Decree ¶ 115.</p> <p data-bbox="289 795 966 1036">Atlantic Richfield is open to working with MR and the Agencies to consider alternative YDTI water management and treatment strategies that will satisfy CERCLA's and the BMFOU Consent Decree's requirements and mitigate the potential risks of long-term water retention in the impoundment. To that end, Atlantic Richfield is developing plans to enhance the capacity of the water treatment systems operated under the Consent Decree and to increase storage capacity in the Berkeley Pit. Any such changes will need to consider hydrologic and geotechnical conditions within the Berkeley Pit, the predicted effects on pit slope stability, and the potential for subsidence in adjacent areas. Atlantic Richfield and MR also are about to commission a new treatment plant, the operation of which (under EPA and DEQ oversight) will help to reduce the volume of water stored in the YDTI supernatant pond. Final decisions on the timing and methods for managing the water in YDTI supernatant pond under a DEQ-approved closure alternative should be delayed until the CERCLA remedial evaluation is more advanced and the interplay between YDTI reclamation work and the BMFOU remedial action can be better understood.</p> <p data-bbox="289 1052 966 1162"><b>COMMENT 4.</b> <i>The DEIS fails to analyze and disclose the significance of impacts associated with the geotechnical stability of the YDTI embankment. The DEIS does not analyze or disclose the impacts of an embankment breach and the resulting release of the contents of the YDTI pond. The DEIS also underestimates the risk of geotechnical instability by assuming that current conditions in the YDTI meet risk management design criteria for overlapping and internal piping and erosion.</i></p> <div data-bbox="239 1084 373 1136" style="border: 1px solid black; padding: 2px; width: fit-content;">ARC-04</div>	<p data-bbox="1096 233 1894 295">the BMFOU remedy (MR Response to Atlantic Richfield Comments, 6/20/19).</p> <p data-bbox="1096 337 1894 795">Within Comment MR-01, Montana Resources acknowledged the post-closure advantages of the WED Pumpback Elimination at Closure Alternative. Montana Resources noted that the flow management alternative would likely have been proposed in the amendment application (i.e. the Proposed Action) if they had believed there was any reasonable likelihood of securing the agreement of BMFOU parties in a timely manner. MR would likely submit a future permit modification application to seek DEQ approval for implementing this alternative, in the future event that parties to the BMFOU Consent Decree could reach agreement to accept the WED seepage into the BMFOU remedial action. DEQ will consider these comments as part of the final determination, which will be provided in the Record of Decision.</p> <p data-bbox="1096 837 1894 1295">Atlantic Richfield also comments that they are developing plans to enhance the capacity of water treatment systems operated under the Consent Decree and to increase storage capacity in the Berkeley Pit. If these plans have the potential to effect: pit slope stability, subsidence in adjacent areas, the operational water balance, and/or other aspects of operations at the facility, then Atlantic Richfield must recognize the primary authority of the DEQ Hard Rock Mining Bureau regarding site management and reclamation in the BAMAOU. DEQ Hard Rock Mining Bureau requests direct communication from Atlantic Richfield regarding any current or future plans being developed that may directly or cumulatively affect the operations and/or reclamation within the BAMAOU.</p>

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<p>May 2, 2019 Page 9</p> <p>Again, the purpose of an EIS under MEPA is to "to inform the public and public officials of potential impacts resulting from decisions made by state agencies." M.C.A. § 75-1-102(b)(3)(a). "In order to implement [MEPA], the agency shall determine the significance of impacts associated with a proposed action." <i>Ravalli Cty. Fish &amp; Game Ass'n v. Mont. Dep't of State Lands</i>, 903 P.2d 1362, 1368 (1995) (quoting ARM § 26.2.644(1)) (emphasis in original). Here, the DEIS fails to adequately assess the significance of impacts from expansion of the YDTI because it lacks a thorough analysis of the potential consequences of current and future geotechnical conditions within and beneath the YDTI embankment. Specifically, it provides no analysis of the potential impacts of an embankment breach and the resulting release of the contents of the YDTI. Before making a final permitting decision, DEQ should perform and issue a supplemental DEIS that more thoroughly analyzes and discloses these significant impacts and potential measures to mitigate them. See generally <i>Ravalli Cty. Fish &amp; Game Ass'n v. Mont. Dep't of State Lands</i>, 903 P.2d 1362, 1368-9 (Mont. 1995); <i>Friends of the Wild Swan v. Dep't of Natural Res. &amp; Conservation</i>, 6 P.3d 972, 976-7 (Mont. 2000), holding modified by <i>Byrum v. Andren</i>, 159 P.3d 1062 (Mont. 2007).</p> <p>Regulations implementing MEPA require that a DEIS discuss "primary, secondary, and cumulative impacts." ARM § 17.4.617(4). "Secondary impacts" are those that are "a further impact to the human environment that may be stimulated or induced by or otherwise result from a direct impact of the action." ARM § 17.4.603(18). An embankment breach and the associated release of tailings resulting from expansion of the YDTI are secondary impacts that DEQ should have more thoroughly analyzed and disclosed in the DEIS. Further, even though DEQ may view an embankment failure as a remote possibility, the severe impacts of embankment failure require disclosure in the DEIS. Under MEPA and its implementing regulations, when assessing whether an impact is significant, agencies must consider "the probability that the impact will occur if the proposed action occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur." Mont. Admin. R. no. 17.4.608(1).</p> <p>The "Geotechnical Engineering" evaluation in the DEIS does not fully consider impacts from an embankment breach and the resulting release of impounded water and tailings. See DEIS § 3.4 at pages 3-16 - 3-29, and § 4.2.2 at pages 4-4 - 4-8. As noted in Comment 1, the EOR's January 9, 2019 Inundation Study, concludes that a hypothetical breach of the YDTI embankment and the resultant flood wave would cause inundation beyond the mine's boundary and within the city of Butte. It describes a dam breach scenario assuming a YDTI pond volume of 30,000 acre-feet (ac-ft), which is less than the pond volume reported by MR in June 2018 (33,447 ac-ft). According to the EOR, the environmental impacts of a breach at 30,000 ac-ft would be severe. Within the mine, released material would be deposited into the Beckeley Pit, potentially raising the pit lake elevation above the maximum water level allowed under the BMFOU Consent Decree (unless storage capacity is increased by lowering the pit water level, as described in Comment 3 above). This would cause potential contamination of the surrounding alluvial groundwater system and Silver Bow Creek. The Horseshoe Bend Water Treatment Plant would be inundated and rendered inoperable. Outside the mine, there could be further impacts to people and property in the inundation area. These are all significant impacts that should at least be disclosed in the DEIS along with preventative or mitigating alternatives.</p>	<p><b>Response to Comment ARC-04:</b> Please see the response to comments ARC-01 and ARC-02. <b>Table 3.4-1</b> of the DEIS incorrectly lists 15 feet as the design criteria for minimum freeboard, which was a preliminary Quantitative Performance Parameter. However, the existing WPP for design freeboard is at least 22 feet. <b>Table 3.4-1</b> and the associated text has been updated to correct this inconsistency.</p> <p>The filling of the YDTI and associated tailings discharge elevations are monitored as required in the TOMS Manual. The tailings discharge elevations are surveyed weekly and the tailings beach is surveyed annually to review progress of the tailings beach development. The EOR and IRP will be assessing the risk of geotechnical instability on an ongoing basis throughout the life of the YDTI to ensure the adequacy of the design and to ensure that mine operations are consistent with the original design criteria. Please refer to Section 3-23 of the DEIS for a summary of a discussion on potential for failure modes from internal erosion and piping and overtopping of the embankment. DEQ did forward the Atlantic Richfield's comments on to the IRP and EOR to review and respond to this comment. The IRP and EOR's responses are on file with DEQ and are incorporated into the EIS administrative record.</p>

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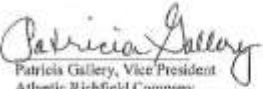


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<p>May 2, 2019 Page 10</p> <p>Lately, the DEIS also underestimates the risk of geotechnical instability by assuming (without verifying) that current conditions in the YDTI meet risk management design criteria for overtopping and internal piping and erosion. For example, the DEIS's conclusion that expansion of the YDTI will not impact stability assumes that expansion would occur "pursuant to the proposed embankment design criteria." DEIS at 3-21. These embankment design criteria direct that the YDTI operator should "[m]aintain <math>\geq 15</math> feet of elevational difference between tailings discharge and pond," among other requirements. <i>Id.</i> at 3-22, Table 3.4-1. However, the difference in pond and tailings discharge elevations currently is less than 15 feet at multiple locations. And during 2018, the distance between the pond and tailings discharge elevations was less than the required 15 feet for extended periods of time.<sup>3</sup> DEQ should revise its analysis of environmental consequences and secondary impacts to account for the fact that current conditions do not consistently meet the risk management design criteria. And as discussed in Comment 1 above, additional data collection, monitoring, and early warning practices should be required as a condition in MR's operating permit, so the information needed to assess the potential for unstable conditions to exist and the resulting impacts to occur is made available.</p> <p>DEQ's role under the NEPA is to disclose the existence of these risks and to evaluate the potential human health, safety, and environmental consequences of the proposed tailings dam expansion. Because the DEIS does not disclose the risk of an embankment failure or consider potential actions to mitigate the risk, it does not fully satisfy NEPA. The DEIS should be revised to better address the potential for and possible consequences of these conditions.</p> <p style="text-align: center;">* * * *</p> <p>Atlantic Richfield appreciates DEQ's careful consideration of these comments as it completes the DEIS and permitting process. Please contact the undersigned with questions about this letter.</p> <p style="text-align: center;">Sincerely,</p> <p style="text-align: center;">           Patricia Gallery, Vice President          Atlantic Richfield Company     </p> <p><sup>3</sup> This statement is based on Fig. 2.2 in the EOR's Q3 2018 Quarterly Water Data Summary report.</p>	

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<p data-bbox="296 329 401 347">April 18, 2019</p> <p data-bbox="296 386 548 477">Craig Jones Montana Resources Draft EIS Department of Environmental Quality P.O. Box 200901 Helena, MT 59620-0901</p> <p data-bbox="296 496 842 514"><b>RE: Montana Resources Draft EIS – Support for Proposed Action Alternative.</b></p> <p data-bbox="296 534 407 552">Dear Mr. Jones:</p> <p data-bbox="296 571 953 703">On behalf of the consolidated local government of Butte-Silver Bow City-County (BSB), we submit this letter in support of the Proposed Action Alternative in the Montana Resources (MR) Draft Environmental Impact Statement (EIS). BSB appreciates the due diligence and significant effort DEQ put into evaluating the alternatives and realize DEQ has identified the West Embankment Drain Pumpback (WED) Elimination at Closure Alternative as its "preferred alternative." Pursuant to the latter, BSB has significant concerns with the preferred alternative and respectfully requests that DEQ grant MR its permit amendment as submitted to implement the Proposed Action Alternative.</p> <p data-bbox="296 722 953 907">Montana Resources is a primary employer in Butte, supporting the households of 360 employees, not to mention dozens of contractors and businesses providing the mine goods and services. As a taxpayer in Butte-Silver Bow, MR provides an enormous impact to our community's current and future economic landscape. Further, the donations and generosity of the Dennis and Phyllis Washington Foundation in conjunction with MR – in the millions of the dollars – make possible staple events and programs like the Montana Folk Festival, Orphan Girl Theatre and YMCA, not to mention major capital projects like the improvements at Stodden Park and the new American Legion baseball complex, 3 Legends Stadium. We are truly lucky to have such a great employer and corporate citizen among our ranks here in Butte, and we want to continue our community's relationship with the mine for years to come.</p> <p data-bbox="296 927 953 1203">We are also very aware of the details of MR's permit amendment to expand Yankee Doodle Tailings Impoundment. MR was very forthright and proactive in meeting with BSB officials, community groups and the general public to provide information, answer questions and gather feedback on its expansion plans prior to submitting its permit amendment to DEQ in October of 2017. They have continued that trend over the course of the public comment period for the Draft EIS, meeting with BSB DES personnel, holding a technical presentation on its Proposed Action Alternative at the public archives and presenting and discussing the same with the BSB Council of Commissioners on April 17, 2019. The information presented at these events was thorough and professional and all of our questions were adequately answered. Additionally, the State of Montana's progressive regulations for mines with tailings storage facilities (like the Yankee Doodle) dictate that MR hire an "engineer of record" for designing such facilities and further, that an independent review panel of additional professional experts oversees the work of this engineer of record on an annual basis. The expertise of the engineers who designed the Yankee Doodle expansion, coupled with the safeguards of Montana law and MR's long-standing dedication to the highest safety standards for its employees and our community give BSB the confidence to fully support the Proposed Action Alternative.</p> <p data-bbox="212 764 285 782">BSB-01</p>	<p data-bbox="1098 269 1476 293"><b>Response to Comment BSB-01:</b></p> <p data-bbox="1098 306 1887 545">Thank you for your comment. The role of Montana Resources as an employer and information on their tax contributions is described in Chapter 3 of the EIS in Section 3.11 Socioeconomics. Information on Montana Resources' philanthropic support of the community is included in Section 3.11.2.3 of the EIS. The information on the IRP is provided in Section 2.2 of the EIS- Design Documents, Independent Review Process and Engineer of Record.</p>

Image of comment letter	Responses to Numbered Comments
<p data-bbox="226 370 302 391">BSB-02</p> <p data-bbox="331 326 932 540">While we are sure DEQ had the best intentions when selecting its preferred alternative in the Draft EIS (West Embankment Drain Pumpback (WED) Elimination at Closure Alternative), BSB has serious concerns about how this plan could affect MR's operations, as well as the management and treatment technology at the Berkeley Pit Superfund site. As a local government with extensive experience dealing with the complex challenges and timeframes of Superfund, BSB is not supportive of the preferred alternative. Simply put, tying an issue as important as the ongoing operations of MR to something as slow-moving and uncertain as Superfund is not preferable to this local government. Sending additional volumes of water from the Yankee Doodle to the Horseshoe Bend water treatment plant charged with the perpetual management of the Berkeley Pit may not be advisable. For the sake of timing alone, BSB again urges DEQ to approve MR's Proposed Action Alternative, as the viability and acceptance of the DEQ preferred alternative would take years to determine among the various agencies and settling defendants.</p> <p data-bbox="331 561 932 651">In conclusion, it is BSB's opinion that MR has done an exceptional job in demonstrating its commitment to and compliance with the State of Montana's environmental and other regulations and requirements over time, and the Proposed Action Alternative is no exception. We look forward to DEQ's approval of the Proposed Action Alternative and to having Montana Resources as an economic driver in our community far into the future.</p> <div data-bbox="302 667 785 776"> <p data-bbox="331 667 394 683">Sincerely,</p>  <p data-bbox="331 743 428 776">Dave Palmer, Chief Executive</p>  <p data-bbox="653 743 764 776">John Morgan, Council Chairman</p> </div>	<p data-bbox="1094 272 1478 293"><b>Response to Comment BSB-02:</b></p> <p data-bbox="1094 310 1892 581">DEQ has reviewed the alternatives for their potential effects on the human environment. DEQ has also been in consultation with the USEPA regarding the Preferred Alternative. DEQ acknowledges the need for coordination among the agencies and parties to the 2002 BMFOU Consent Decree to realize the changes needed to implement the Elimination of the WED Pumpback at Closure Alternative. The final determination will be provided in the Record of Decision.</p> <p data-bbox="1094 630 1892 1117">The amendment application, which described the Proposed Action, was found to be complete and compliant under the requirements of the MMRA. DEQ reviews all amendment applications for completeness and compliance with 82-4-337 (amendments to a permit) and 82-4-336 (reclamation plan), MCA, and the rules implementing that section and all information necessary to initiate processing. The MEPA review and analyses of potential environmental impacts evaluates whether there are ways to reduce environmental impacts while still meeting the purpose and need for the proposed action. The Preferred Alternative would not affect the sequence of mining nor the timeframe of active operations, but it would instead shorten the reclamation timeline and modify the management of impoundment water at closure.</p>

Chapter 9: Response to Comments




Image of comment letter	Responses to Numbered Comments
<p>April 9, 2019</p> <p>Craig Jones Montana Resources Draft EIS Department of Environmental Quality P.O. Box 200901 Helena, MT 59620-0901</p> <p><b>RE: Montana Resources Draft EIS – Support for Proposed Action Alternative.</b></p> <p>Dear Mr. Jones:</p> <p>On behalf of Anaconda-Deer Lodge County (ADLC) and its Council of Commissioners, please accept this letter in support of Montana Resources' <u>Proposed Action Alternative</u> for the expansion of the Yankee Doodle Tailings Impoundment. We understand that DEQ has identified its own preferred alternative in the Draft EIS (Elimination of the West Embankment Drain Pumpback (WED) at Closure Alternative); however, ADLC is confident in the action proposed by Montana Resources in its amendment application and urges the agency to support this action. We have had the opportunity to speak with Montana Resources and its representatives regarding its Proposed Action and the Draft EIS and are confident in our support for the Proposed Action Alternative.</p> <p>Montana Resources is a key economic contributor and employer in southwest Montana, which includes Anaconda. Out of the 360-plus Montana Resources employees, more than 60 of them are Anaconda-Deer Lodge residents. Additionally, there are a number of businesses and their families in our community who are supported by Montana Resources as contractors and goods and service providers to the mine, not to mention the donations and generosity of the Dennis and Phyllis Washington Foundation. We are lucky to count these benefits of having a good employer and corporate citizen among our ranks and want this to continue.</p> <p>Further, Montana is lucky to have the progressive laws it does to require expert oversight of mines with tailings storage facilities. Montana Resources has done an exceptional job in demonstrating its commitment to and compliance with these requirements over time. In conclusion, we feel strongly that too much is at stake to second-guess the experts – both those at Montana Resources, who know how to responsibly and efficiently operate the mine, and the professional engineers of record at Knight Piesold Consulting, who are world-renowned in the technical evaluation of tailings storage facilities.</p> <p>We look forward to DEQ's approval of the proposed action alternative and to having Montana Resources as an economic driver in our community far into the future.</p> <p>Sincerely,            Bill Everett,          Chief Executive</p> <p>           Terry Vermeire,          Commission Chairman</p>	<p><b>Response to Comment ADLC-01:</b> Thank you for your comment. Please see response to comment BSB-02, above.</p> <p><b>Response to Comment ADLC-02:</b> Thank you for your comment. Please see response to comment BSB-01 above.</p> <p><b>Response to Comment ADLC-03:</b> Thank you for your comment. The information on the IRP is provided in Section 2.2 of the EIS-Design Documents, Independent Review Process and Engineer of Record.</p>



Image of comment letter	Responses to Numbered Comments
 <p>1000 George Street-Butte, Montana 59701 (406) 733-3177  <a href="http://www.bccbutte.org">www.bccbutte.org</a></p> <p>October 12, 2018</p> <p>Craig Jones          Montana Department of Environmental Quality          Helena Montana 59601</p> <p>RE: Montana Resources Tailings Permit Amendment</p> <p>Dear Mr. Craig Jones,</p> <p><b>BCC-01</b> As the Executive Director of Butte's Chamber of Commerce I would like to express my support for the continued operation of Montana Resources (MR) Continental Mine which requires an amendment to its permit to increase tailings storage in the Yankee Doodle Tailings Impoundment.</p> <p><b>BCC-02</b> Butte's economy is significantly linked to the continued operation of MR. The 364 direct jobs at MR, gross proceed taxes, property taxes, Metal Mines taxes, and the numerous small businesses that rely on the continued operation of MR is vital to Butte's commerce and economic success.</p> <p><b>BCC-03</b> Additionally, MR's philanthropic contributions to our community have a profound impact that Butte desperately needs to continue. From the \$1.4 million in donations to the Montana Folk Festival over the last 11 years which has had an estimated economic impact of \$275 million in Montana to the recent \$5.5 million donation for the Stoddon Park Revitalization Project. The Washington Foundation in conjunction with MR donated \$80,000 in 2017 to local basic needs organizations such as the Rescue Mission, food banks and homeless shelters. Most recently as a Montana Tech Foundation Board Member I had the pleasure of meeting three first generation high school students who were given full ride scholarships to Montana Tech after receiving the Montana Resources Opportunity Scholarship.</p> <p><b>BCC-04</b> MR has been a responsible corporate neighbor for over 30 years and I encourage you not to underestimate the socioeconomic impact of MR on our community when performing your analysis of the permit amendment.</p> <p>Please perform a timely review of the permit action to allow for the continued operation of MR.</p> <p>Sincerely,          Stephanie Sorini          Executive Director          Butte Chamber of Commerce</p>	<p><b>Response to Comment BCC-01:</b>          Thank you for your comment.</p> <p><b>Response to Comment BCC-02:</b>          Thank you for comment. Please see response to comment BSB-01 above.</p> <p><b>Response to Comment BCC-03:</b>          Thank you for your comment. Information on Montana Resources' philanthropic support of the community is included in Section 3.11.2.3 of the EIS.</p> <p><b>Response to Comment BCC-04:</b>          Thank you for your comment. Please see response to comment BSB-01 above. DEQ is working within the one-year timeline imposed by the MMRA for the MEPA environmental review (82-4-337(h)(iv), MCA). The culmination of the MEPA process is the EIS and the Record of Decision, which would issue the draft permit amendment as final to Montana Resources.</p>

Chapter 9: Response to Comments

Image of comment letter	Responses to Numbered Comments
<div data-bbox="520 289 814 386" data-label="Image"> </div> <div data-bbox="352 412 464 477" data-label="Text"> <p>Joseph J Willauer Executive Director 65 E. Broadway Butte, MT 59701</p> </div> <div data-bbox="352 493 575 574" data-label="Text"> <p>Craig Jones Montana Resources Draft EIS Department of Environmental Quality P.O. Box 200901 Helena, MT 59620-0901</p> </div> <div data-bbox="352 591 422 607" data-label="Text"> <p>Mr. Jones,</p> </div> <div data-bbox="352 630 982 711" data-label="Text"> <p>Please accept this letter as the Butte Local Development Corporation's (BLDC) support of Montana Resources and their proposed permit amendment to raise the Yankee Doodle Tailings. The BLDC is Butte's lead economic development organization, and is tasked with ensuring that the economy of Butte, as well as Southwestern Montana, is strong for generations to come. We do this through a variety of methods, and working with our large employers, like Montana Resources, is a critical component to this important work.</p> </div> <div data-bbox="352 727 982 841" data-label="Text"> <p>The impact that Montana Resources and mining has on Butte and Southwestern Montana is no secret throughout our great state. Butte is a community with a rich mining legacy and a city that intends to have mining as a significant part of its future as well. Montana Resources employs over 350 residents of our community with high paying jobs that impact all segments of our economy. This totals for over \$200 million in economic impact, making Montana Resources one of the largest economic drivers of our region. Knowing that Montana Resources will be able to continue working and growing provides Butte the confidence that is needed to recruit new businesses to town and continue striving for economic growth.</p> </div> <div data-bbox="352 857 982 906" data-label="Text"> <p>We strongly encourage you to support Montana Resources and their proposed permit amendment. Butte and the region rely on Montana Resources and being able to expand makes a difference in our community. Should you have any questions about our support, please don't hesitate to reach out.</p> </div> <div data-bbox="352 922 533 1052" data-label="Text"> <p>Thanks,  Joe Willauer</p> </div> <div data-bbox="352 1192 982 1208" data-label="Text"> <p>65 E. Broadway, Thornton Building, 5th Floor   Butte, Montana 59701   406.793.4349   bldc.net</p> </div> <div data-bbox="338 1224 995 1263" data-label="Text"> <p>This is an Equal Opportunity program. Discrimination is prohibited by Federal Law. Complaints of discrimination may be filed with USDA, Director, Office of Civil Rights, Room 386-N, White House Bldg., 1400 Independence Ave. SW, Washington, DC 20250-9402</p> </div>	<div data-bbox="1094 233 1493 261" data-label="Section-Header"> <p><b>Response to Comment BLDC-01:</b></p> </div> <div data-bbox="1094 269 1850 334" data-label="Text"> <p>Thank you for your comment. Please see response to comment BSB-01 above.</p> </div>

BLDC-01

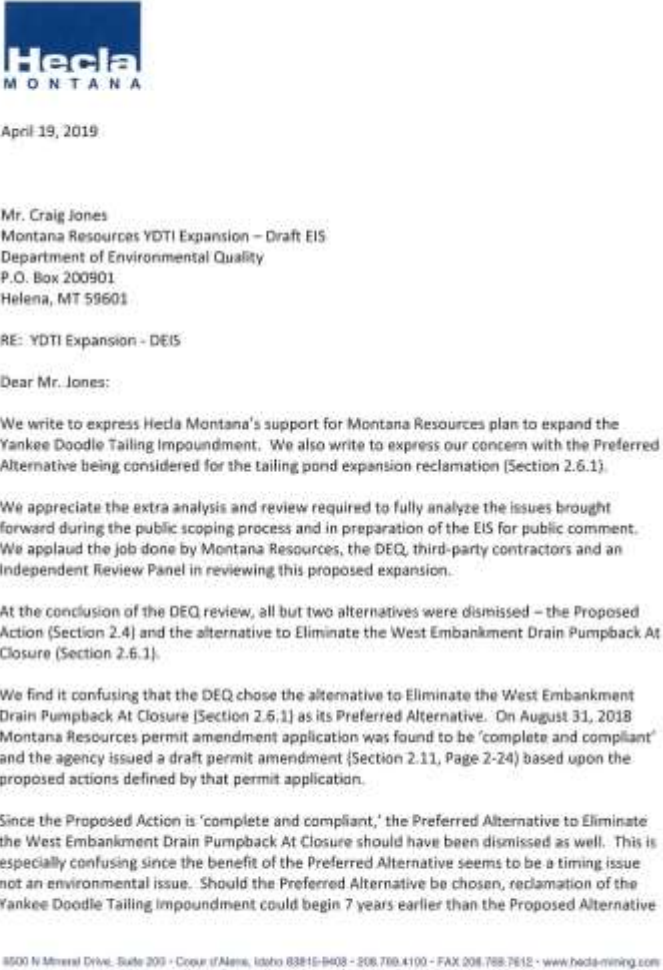
Image of comment letter	Responses to Numbered Comments
 <p data-bbox="233 1015 323 1062">HM-01</p>	<p data-bbox="1094 269 1472 297"><b>Response to Comment HM-01:</b></p> <p data-bbox="1094 305 1885 654">The amendment application, which described the Proposed Action, was found to be complete and compliant under the requirements of the MMRA. DEQ reviews all amendment applications for completeness and compliance with 82-4-337 (amendments to a permit) and 82-4-336 (reclamation plan), MCA, and the rules implementing that section and all information necessary to initiate processing. The MEPA review and analyses of potential environmental impacts evaluates whether there are ways to reduce environmental impacts while still meeting the purpose and need for the Proposed Action.</p>

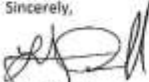
Image of comment letter	Responses to Numbered Comments
<p>(Section 2.6.5, Page 2-10). In real terms, this means reclamation beginning in the year 2055 rather than 2062 (Section 2.4.5.3, Page 2-20).</p> <p><b>HM-02</b> Further, the discussion of the Preferred Alternative (Section 2.11, Page 2-24) states that adoption of this alternative would require "Discussions and coordination with all parties in the 2002 BMFOU Consent Decree." That agreement is between multiple parties, including the USEPA, British Petroleum and other entities that are outside of this MEPA process.</p> <p>It is inappropriate that the 2002 Consent Decree is brought into question at all, especially since Section 1.3.3.3, Integration of the Proposed Amendments, states that "...any actions proposed at the Continental Mine must be consistent with the 2002 Consent Decree and any other decision documents that direct management within the BMFOU." The Proposed Action meets this requirement and the Preferred Alternative does not and therefore should have been dismissed.</p> <p><b>HM-03</b> Montana Resources' mine operations are an important economic contributor to both the Butte area and the state of Montana. Potentially compromising the mine operations by offering an alternative that requires multi-party coordination and a Consent Decree amendment does not make sense.</p> <p>In conclusion, the review process that this proposed impoundment lift has undergone is impressive and all entities involved should be applauded. The Proposed Alternative has been found to be complete and compliant and Hecla Montana strongly encourages Montana DEQ acceptance of this alternative in a timely manner.</p> <p>Sincerely,            Luke Russell          President          Hecla Montana</p>	<p><b>Response to Comment HM-02:</b>          DEQ acknowledges the need for coordination among the agencies and parties to the 2002 BMFOU Consent Decree to realize the changes needed to implement the Elimination of the WED Pumpback at Closure Alternative. DEQ has been in consultation with the USEPA regarding implementation of the Preferred Alternative. The final determination will be provided in the Record of Decision.</p> <p><b>Response to Comment HM-03:</b>          Thank you for your comment. Please see Responses to Comments HM-01 and HM-02.</p>

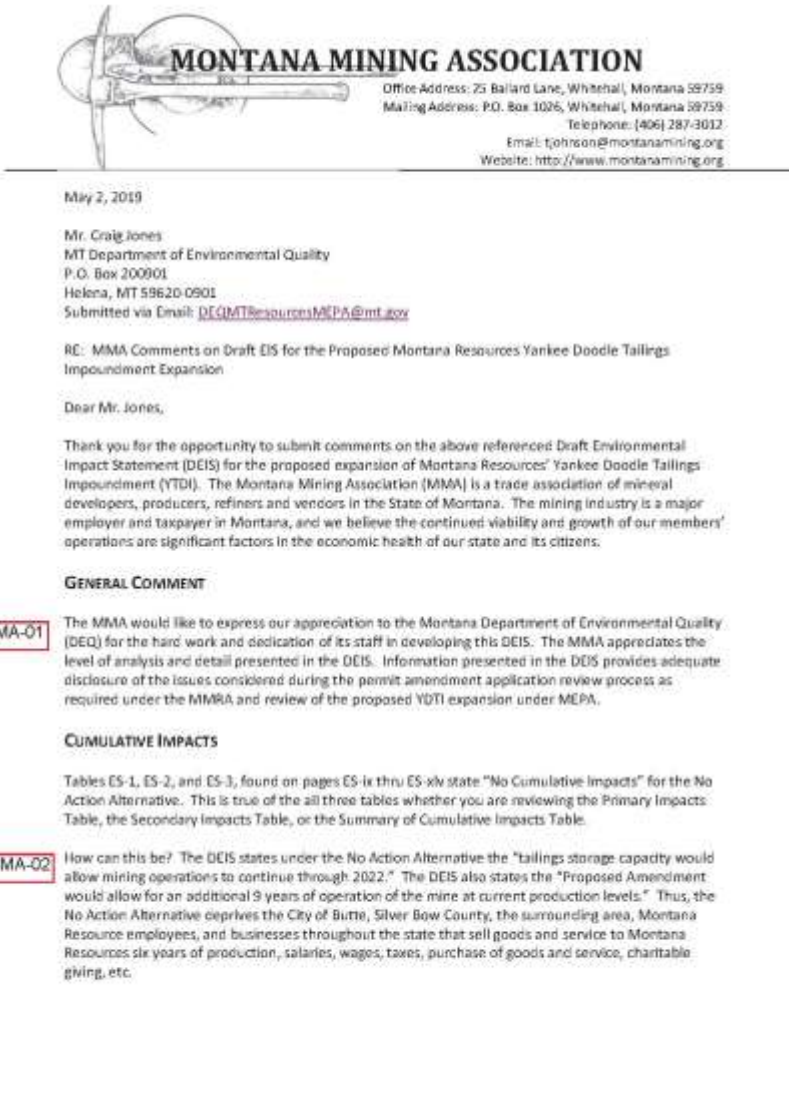
Image of comment letter	Responses to Numbered Comments
 <p><b>MONTANA MINING ASSOCIATION</b>  Office Address: 25 Ballard Lane, Whitehall, Montana 59759  Mailing Address: P.O. Box 1026, Whitehall, Montana 59759  Telephone: (406) 287-3012  Email: tjohnson@montanamin.org  Website: http://www.montanamin.org</p> <p>May 2, 2019</p> <p>Mr. Craig Jones  MT Department of Environmental Quality  P.O. Box 200901  Helena, MT 59620-0901  Submitted via Email: <a href="mailto:DEQMTResourcesMEPA@mt.gov">DEQMTResourcesMEPA@mt.gov</a></p> <p>RE: MMA Comments on Draft EIS for the Proposed Montana Resources Yankee Doodle Tailings Impoundment Expansion</p> <p>Dear Mr. Jones,</p> <p>Thank you for the opportunity to submit comments on the above referenced Draft Environmental Impact Statement (DEIS) for the proposed expansion of Montana Resources' Yankee Doodle Tailings Impoundment (YTDI). The Montana Mining Association (MMA) is a trade association of mineral developers, producers, refiners and vendors in the State of Montana. The mining industry is a major employer and taxpayer in Montana, and we believe the continued viability and growth of our members' operations are significant factors in the economic health of our state and its citizens.</p> <p><b>GENERAL COMMENT</b></p> <p><b>MMA-01</b> The MMA would like to express our appreciation to the Montana Department of Environmental Quality (DEQ) for the hard work and dedication of its staff in developing this DEIS. The MMA appreciates the level of analysis and detail presented in the DEIS. Information presented in the DEIS provides adequate disclosure of the issues considered during the permit amendment application review process as required under the MMRA and review of the proposed YTDI expansion under MEPA.</p> <p><b>CUMULATIVE IMPACTS</b></p> <p>Tables ES-1, ES-2, and ES-3, found on pages ES-ix thru ES-xiv state "No Cumulative Impacts" for the No Action Alternative. This is true of the all three tables whether you are reviewing the Primary Impacts Table, the Secondary Impacts Table, or the Summary of Cumulative Impacts Table.</p> <p><b>MMA-02</b> How can this be? The DEIS states under the No Action Alternative the "tailings storage capacity would allow mining operations to continue through 2022." The DEIS also states the "Proposed Amendment would allow for an additional 9 years of operation of the mine at current production levels." Thus, the No Action Alternative deprives the City of Butte, Silver Bow County, the surrounding area, Montana Resource employees, and businesses throughout the state that sell goods and service to Montana Resources six years of production, salaries, wages, taxes, purchase of goods and service, charitable giving, etc.</p>	<p><b>Response to Comment MMA-01:</b>  Thank you for your comment.</p> <p><b>Response to Comment MMA-02:</b>  The No Action Alternative is intended to disclose to the public and decision makers what would happen if the Proposed Action was not implemented and existing trends and conditions continued. MEPA requires that DEQ conduct a meaningful No Action Alternative analysis including the projected beneficial and adverse environmental, social, and economic impact of the project's noncompletion as part of the environmental review process (75-1-201(1)(iv)(C)(III)). The No Action Alternative and the existing conditions serve as baselines against which the impacts and benefits of the alternatives are compared. Montana Resources has approved permits that include operations through the current capacity of the YTDI. The No Action Alternative analysis discusses how events would continue under those permits. Additional information has been added to Sections 3.11.3, 4.2.9, 4.3.9, and 4.5.9. to expand upon the impacts if the project were not completed and the amendment was not approved.</p>

Image of comment letter	Responses to Numbered Comments
<p><b>MMA-03</b> Montana Mining Association has no doubt this is a substantial cumulative impact that must be acknowledged within the DEIS. Using crude calculations that don't account for increases, expansions, etc. yield a much different conclusion than No Cumulative Socioeconomic Impacts conclusion.</p> <p><b>MMA-04</b> Using Table 3.11-4 found on page 3-96, six years of lost taxes would deprive Butte Silver Bow County in excess of \$64 Million. Appendix A-5, Baseline Socioeconomics Survey submitted as part of the Montana Resources Application contains Table 6 found on Page 6 allows a quick calculation of a loss of almost \$137 Million in payroll. Businesses in Butte would be deprived of almost \$122 Million in the purchase of goods and services and likewise businesses located on main streets throughout Montana would be set over \$70 Million taken from their tills.</p> <p><b>MMA-05</b> Further, the "No Cumulative Socioeconomic Impacts" declaration also ignores the following found in the DEIS: "The Continental Pit, the site of active mine operations, is currently permitted to produce ore in excess of 20 years; however, ore reserves may exceed those reported in MR's Operation Plan (February 2018)" The contemplation of the loss of 20 years of economic activity from Montana Resources alarming.</p> <p><b>MMA-06</b> The Montana Mining Association requests the DEQ revise the socioeconomic cumulative impacts under the No Action Alternative throughout the document to reflect the true cost to the community and surrounding area.</p> <p><b>AGENCY PREFERRED ALTERNATIVE</b></p> <p><b>MMA-07</b> The Montana Mining Association cannot recall ever seeing a preferred alternative that neither the applicant nor the agency has the ability to implement or enforce on its own. DEQ admits as much, 1.3.3.3 Integration of the Proposed Amendments on Page 1-10 "In addition, the Superfund status of the BMFOU and DEQ's position as a party in the 2002 Consent Decree requires that any action as proposed at the Continental Mine must be consistent with the 2002 Consent Decree and other decision documents that direct management within the BMFOU." This statement alone precludes the DEQ from selecting the Agency Preferred Alternative as the final decision.</p> <p><b>MMA-08</b> If that section of the DEIS is not enough to dismiss the Agency Preferred Alternative, page ES-xvi, Preferred Alternative states: "The analysis contained in this Draft EIS does not change DEQ's determination that the proposal contained in the permit amendment application, which is the Proposed Action even though DEQ believes that there is environmental benefit to the WED Pumpback Elimination at Closure alternatives, the applicant and BMFOU parties could voluntarily agree to the alternative." The DEQ admits that it can't impose the alternative, cannot enforce the alternative, and can't control all the other parties that are not the applicant.</p> <p><b>MMA-09</b> The Executive Summary goes on to say "The WED Pumpback Elimination at Closure Alternative presents a different scenario for YDTI water management at closure, which necessitates recognition of USEPS's authority over long-term water management and treatment at the site under the BMFOU. Discussions and coordination with all parties in the 2002 BMFOU Consent Decree would be needed to review the options and feasibility for handling and treating this water, the potential use of existing or upgraded facilities and infrastructure (e.g. HSB Water Treatment Plant), and to amend the agreement accordingly." The above is directly contradicted by what is found on Page ES-vi, Additional Planning and Coordination: "DEQ's Hard Rock Mining Bureau consults and coordinates with EPA, but the MMRA operations do not address water management that falls under Superfund."</p> <p style="text-align: center;">MMA Comments on DEIS for Montana Resources YDTI Expansion Page 2 of 3</p>	<p><b>Response to Comment MMA-03:</b> DEQ respectfully suggests that the impacts the reader is referring to are those defined by MEPA as "secondary" rather than "cumulative". Secondary impacts to the human environment are indirectly related to the agency action, i.e., they are induced by a primary impact and occur at a later time or distance from the triggering action. Section 4.5.9.1 acknowledges that there would be adverse secondary impacts that would likely be substantive in the Region of Influence (ROI) because of the relatively high wages paid by Montana Resources and because Montana Resources has recently been the second highest taxpayer in Silver Bow County (<b>Table 3.11-4</b>).</p> <p>MEPA does require evaluation of the cumulative impacts of a proposed project, defined as, "the collective impacts on the human environment within the borders of Montana of the proposed action when considered in conjunction with other past, present, and future actions related to the proposed action by location or generic type" (75-1-200(4), MCA). However, related future actions may only be considered when these actions are under concurrent consideration by any agency through preimpact statement studies, separate impact statement evaluations, or permit processing procedures (ARM 17.4.603(7)). The EIS notes that for socioeconomic (Section 4.2.9.1), there are no related future actions, as defined by MEPA, that when combined with the primary or secondary socioeconomic effects of the No Action Alternative, would have a cumulative effect.</p> <p><b>Response to Comment MMA-04:</b> Using the information in Table 3.11-4 of the DEIS, the lost taxes to Butte Silver Bow County over six years would be \$9,744,078 per year (using the 2018/2019 tax/fiscal year numbers). That includes</p>

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	<p>the property tax revenue, gross proceeds tax, fees, and assessments, plus the total Metal Mines License Tax allocated to Butte-Silver Bow and School District #1, multiplied by six years for a total of \$58,464,468. A six-year time frame was referenced in the comment to evaluate lost taxes, but the Proposed Action would allow Montana Resources to operate for nine years beyond the permitted year 2022. DEQ has reformatted <b>Table 3.11-4</b> slightly in the FEIS to make clear that the Metal Mines tax paid is broken into three categories and that row 8 shows the total Metal Mines tax.</p> <p><b>Table 6</b> of Appendix A-5 of the Montana Resources amendment application, <i>Baseline Socioeconomics Survey</i>, is the “Economic Contributions of Montana Resources to Silver Bow County and State of Montana in 2015 and 2016” (similar information as that presented in Table 3.11-4 of the DEIS). It is not clear how the commenter calculated “a loss of almost \$137 Million in payroll” using the information in this table, nor the losses to Butte businesses and other businesses in Montana in purchases of goods and services. Nonetheless we acknowledge losses would occur due to employment and earnings multipliers (per Appendix A-5).</p> <p><b>Response to Comment MMA-05:</b> Thank you for your comment. The EIS includes additional information on the socioeconomic impacts in Sections 3.11.3, 4.2.9, 4.3.9, and 4.5.9.</p> <p><b>Response to Comment MMA-06:</b> Thank you for your comment.</p>

Image of comment letter	Responses to Numbered Comments
	<p><b>Response to Comment MMA-07:</b>                      DEQ acknowledges the need for coordination among the agencies and parties to the 2002 BMFOU Consent Decree to realize the changes needed to implement the Elimination of the WED Pumpback at Closure Alternative. DEQ has been in consultation with the USEPA regarding implementation of the Preferred Alternative. The final determination will be provided in the Record of Decision.</p> <p><b>Response to Comment MMA-08:</b>                      Please see response to Comment MMA-07 above and Section 1.3.3.3 of the DEIS where it is stated that actions that have the potential to affect conditions at facilities within the BMFOU such as the Horseshoe Bend area or the Berkeley Pit must be coordinated with USEPA and other parties to the 2002 BMFOU Consent Decree.</p> <p><b>Response to Comment MMA-09:</b>                      Please see response to Comments MMA-07 and MMA-08.</p>



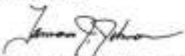
Image of comment letter	Responses to Numbered Comments
<p>Given the technological feasibility challenges, economic ramifications, and status of the Consent Decree under the BMFOU, it does not appear to the MMA to meet the reasonableness criteria under MEPA.</p> <p><b>MEPA MODEL RULES: II. DEFINITIONS 2(a)</b>                  (b) The agency is required to consider only alternatives that are realistic, technologically available, and that represent a course of action that bears a logical relationship to the proposal being evaluated.</p> <p><b>MMA-10</b> The Agency Preferred Alternative should have been considered but dismissed. It is not realistic to assume that a) That the applicant could possibly coordinate all parties in the 2002 BMFOU Consent Decree to agree within a timely manner; b) That the proposal to coordinate the parties and to open the consent decree would not lead to other items in the consent decree would not bubble to the surface causing contentious and protracted negotiations unrelated to the YDTI expansion; c) That the negotiations could require the consent of court, further delay and costing the applicant precious time that would result in not having an agreement before the expansion of its TSF is required resulting in a cessation of mining and the handing out of pink slips to employees.</p> <p><b>MEPA MODEL RULES: IX. PREPARATION AND CONTENTS OF DRAFT ENVIRONMENTAL IMPACT STATEMENTS, SECTIONS (8)</b>                  (8) an explanation of the tradeoffs among the reasonable alternatives;</p> <p><b>MMA-11</b> The Agency Preferred Alternative has undergone no analysis on the cost of implementation. Further, the DEQ has not explained the potential tradeoffs, including but not limited to, preferring an alternative that seeks to use the Continental Pit as a water storage facility which would prevent future mining in that pit. The Continental Pit contains ore reserves well beyond the life of the YDTI expansion project. The DEQ has also not explained how its preferred alternative could cause a temporary or permanent cessation of mining due to the inability to expand its impoundment prior to running out of storage space, could open up other portions of the consent decree that could be costly, take years to resolve, and could involve legal actions.</p> <p><b>MMA-12</b> While we may disagree with your Preferred Alternative, we are cognizant of the work that went into the draft. The Montana Mining Associations requests that the Agency Preferred Alternative be dismissed for all the valid reasons stated above and more. We further request that the Proposed Action be approved in the Record of Decision. MMA also requests that this decision be made in a timely fashion by the DEQ to allow Montana Resources to begin construction the YDTI expansion in sufficient time to assure a continued and smooth operating schedule.</p> <p>Thank you for the opportunity to provide comments.</p> <p>Best regards,                    Tamara J. Johnson, Executive Director</p> <p>MMA Comments on DEIS for Montana Resources YDTI Expansion                  Page 3 of 3</p>	<p><b>Response to Comment MMA-10:</b>                  The MEPA review and analyses of potential environmental impacts evaluates whether there are ways to reduce environmental impacts while still meeting the purpose and need for the Proposed Action. DEQ has reviewed the alternatives for their relative effects on the human environment. DEQ acknowledges the need for coordination among the agencies and parties to the 2002 BMFOU Consent Decree to realize the changes needed to implement the Elimination of the WED Pumpback at Closure Alternative if this alternative is selected.</p> <p><b>Response to Comment MMA-11:</b>                  DEQ has identified the West Embankment Drain (WED) Pumpback Elimination at Closure Alternative as the agency's preferred alternative. As governed by Section 75-1-201(I), MCA, "any alternative proposed must be reasonable, in that the alternative must be achievable under current technology and the alternative must be economically feasible as determined solely by the economic viability for similar projects having similar conditions and physical locations and determined without regard to the economic strength of the specific project sponsor." The preferred alternative meets these criteria. Costs have not been prepared to evaluate the Preferred Alternative; however, cost savings would likely occur if reclamation is completed sooner than under the Proposed Action.</p> <p>Implementation of the preferred alternative would not occur until mining has ceased at the site. Discussions and coordination with all parties in the 2002 BMFOU Consent Decree would still be needed.</p> <p><b>Response to Comment MMA-12:</b>                  Comment noted. Thank you.</p>

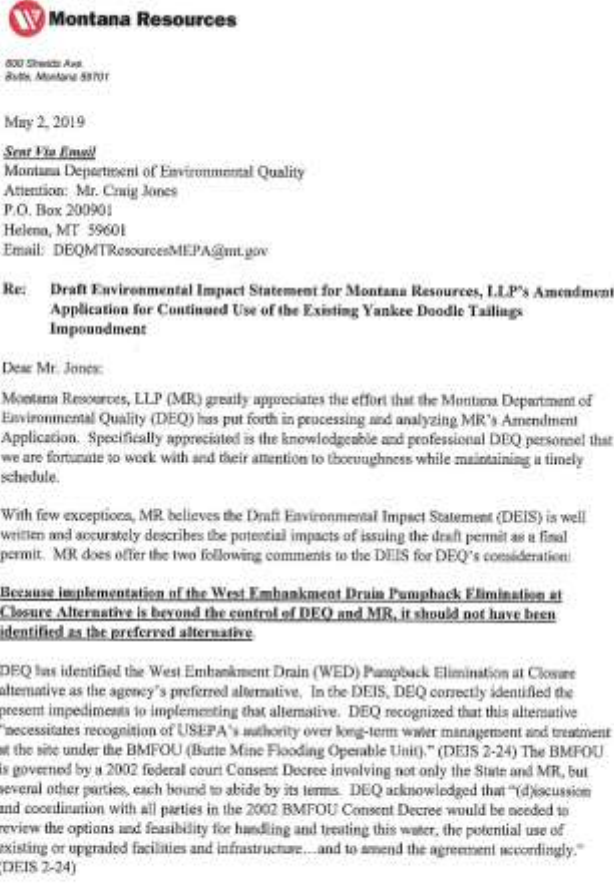
Image of comment letter	Responses to Numbered Comments
 <p data-bbox="235 873 319 901">MR-01</p>	<p data-bbox="1098 235 1470 263"><b>Response to Comment MR-01:</b></p> <p data-bbox="1098 269 1881 618">DEQ acknowledges the need for coordination among the agencies and parties to the 2002 BMFOU Consent Decree to realize the changes needed to implement the Elimination of the WED Pumpback at Closure Alternative and to develop an effective schedule to meet mine expansion requirements. However, this does not preclude the necessity for DEQ to review and analyze potential environmental impacts and if there are ways to reduce these impacts while still meeting the purpose and need for the Proposed Action. The final determination will be provided in the Record of Decision.</p> <p data-bbox="1098 625 1528 652">Please also see Response to ARC-03.</p>

Image of comment letter	Responses to Numbered Comments
<p data-bbox="346 284 630 332">Montana Department of Environmental Quality May 2, 2019 Page 2</p> <p data-bbox="346 349 961 511">MR agrees that the WED Pumpback Elimination alternative may constitute a "reasonable" alternative by the regulatory definition. However, as MR explained and highlighted during the application review process, and DEQ subsequently acknowledged in the DEIS, there are impediments to implementation. Quite simply, because of the constraints of the BMFOU CD, MR cannot take this action on its own. For this reason, MR believes that it should not have been selected as the preferred alternative and is concerned that concluding the MEPA process with a preferred alternative that the applicant lacks the authority to implement is inappropriate and may be potentially misleading to the public.</p> <p data-bbox="346 527 961 690">Even though MR believes that it is inappropriate as the preferred alternative, MR recognizes the post-closure operational advantages of the West Embankment Pumpback Elimination at Closure Alternative. If MR had believed that there was any reasonable likelihood of securing the agreement of the BMFOU Consent Decree parties in a timely manner consistent with MR's operational requirements, it would have proposed the alternative in the amendment application. If in the event that in the future the BMFOU Consent Decree parties could reach agreement to accept the WED water, MR would likely submit a future permit modification application to seek DEQ approval for implementation.</p> <p data-bbox="346 706 840 727"><b><u>The socioeconomic impacts of the No Action Alternative are understated.</u></b></p> <p data-bbox="235 727 323 764">MR-02</p> <p data-bbox="346 743 961 844">MR believes that the DEIS understates the socioeconomic impacts of the No Action Alternative. Section 3.11.3.1 (page 3-97) states: "Impacts to overall socioeconomic conditions in the area would be minimal and short term under the No Action Alternative." Table ES-1 (page ES-x) states "No Impacts" of the No Action Alternative on socioeconomics. Table 5.1-1 (page 5-4) likewise states "No Impacts" on socioeconomics of the No Action Alternative.</p> <p data-bbox="346 860 961 1153">The DEIS bases this impact assessment on a 2 percent reduction of overall county employment for the nine years between a shutdown in 2022 versus a closure in 2031. This assessment fails to recognize that direct job loss is only one component of socioeconomic impact. The Baseline Socioeconomics Survey (Appendix A-5 to the application) discusses the additional benefits of the Continental Mine. In addition to regular mine employees, the mine includes 20 contract and 30 intern personnel plus numerous consultants, contractors, and other support and service providers. At a minimum, the mine provides employment for an average of 400 people. Section 3.4 of Appendix A-5 discusses employment multipliers (a number showing how changes in one industry will transfer to other industries in a regional economy). The jobs multiplier for metal mining in Montana (Table 7 in Appendix A-5) is 1.38 which means that for every mine job an additional 1.38 jobs are created. This translates to nearly a thousand mine or mine-related jobs which would be about 6 percent of BSB employment. Although some jobs in reclamation and monitoring would remain after 2022, job loss from a mine shutdown is still substantial. Table 4 in Appendix A-5 identifies mining jobs as the highest paid in BSB and Table 5 shows mining jobs comprising the highest percent of total earnings in BSB.</p>	<p data-bbox="1094 235 1470 263"><b>Response to Comment MR-02:</b></p> <p data-bbox="1094 267 1827 438">Thank you for your comment. The EIS includes additional evaluation of the potential socioeconomic impacts of the No Action Alternative in Sections 3.11.3, 4.2.9, 4.3.9, and 4.5.9. Please also see Responses to BSB-01, MMA-02, MMA-03, and MMA-04.</p>

Chapter 9: Response to Comments


Image of comment letter	Responses to Numbered Comments
<p data-bbox="348 282 625 334">Montana Department of Environmental Quality May 2, 2019 Page 3</p> <p data-bbox="348 350 957 524">Jobs, however, are not the only socioeconomic loss associated with mine closure. Table 3.11-4 (page 3-96) of the DEIS identifies the millions of tax dollars contributed annually to BSB. These tax dollars would diminish for the period from 2022 to 2031 under the No Action Alternative and would likely affect BSB budgets, especially for the school district. Although Butte has shown to be resilient and adaptable to the loss of mining (and other) jobs in that past, it has come with socioeconomic impacts. The DEIS assessment of 9 years of mine closure with the No Action Alternative does not account for these impacts. All four of the people presenting oral comments at the DEIS meeting in Butte stressed the socioeconomic importance of continued operation of the Continental Mine.</p> <p data-bbox="348 545 957 581">If there are any questions or concerns regarding MR's comments to the DEIS, please feel free to contact me at (406) 496-3211.</p> <p data-bbox="348 602 604 711">Sincerely,  Mick Thompson Vice President of Environmental Affairs Montana Resources, LLP</p>	

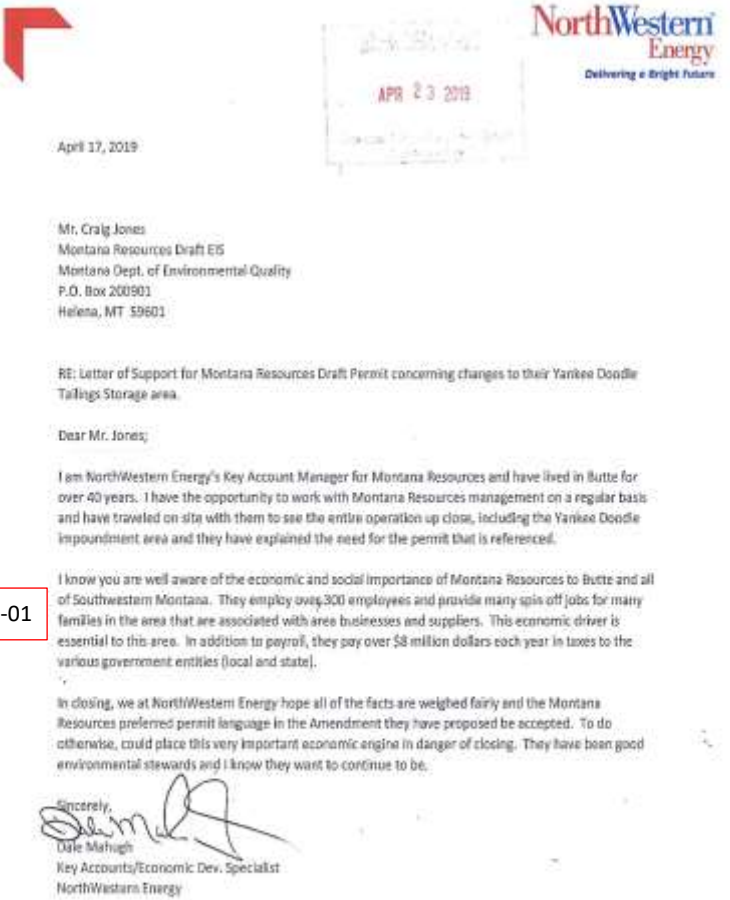
Image of comment letter	Responses to Numbered Comments
 <p>April 17, 2019</p> <p>Mr. Craig Jones Montana Resources Draft EIS Montana Dept. of Environmental Quality P.O. Box 200901 Helena, MT 59601</p> <p>RE: Letter of Support for Montana Resources Draft Permit concerning changes to their Yankee Doodle Tailings Storage area.</p> <p>Dear Mr. Jones:</p> <p>I am NorthWestern Energy's Key Account Manager for Montana Resources and have lived in Butte for over 40 years. I have the opportunity to work with Montana Resources management on a regular basis and have traveled on site with them to see the entire operation up close, including the Yankee Doodle impoundment area and they have explained the need for the permit that is referenced.</p> <p>I know you are well aware of the economic and social importance of Montana Resources to Butte and all of Southwestern Montana. They employ over 300 employees and provide many spin off jobs for many families in the area that are associated with area businesses and suppliers. This economic driver is essential to this area. In addition to payroll, they pay over \$8 million dollars each year in taxes to the various government entities (local and state).</p> <p>In closing, we at NorthWestern Energy hope all of the facts are weighed fairly and the Montana Resources preferred permit language in the Amendment they have proposed be accepted. To do otherwise, could place this very important economic engine in danger of closing. They have been good environmental stewards and I know they want to continue to be.</p> <p>Sincerely, <i>Dale Mahugh</i> Dale Mahugh Key Accounts/Economic Dev. Specialist NorthWestern Energy</p> <p>11 E Park Dr   Butte, MT 59701-1711 <a href="http://NorthWesternEnergy.com">NorthWesternEnergy.com</a></p>	<p><b>Response to Comment NWE-01:</b></p> <p>Thank you for your comment. The EIS includes additional evaluation of the potential socioeconomic impacts of the No Action Alternative in Sections 3.11.3, 4.2.9, 4.3.9, and 4.5.9. Please also see Responses to BSB-01, MMA-02, MMA-03, and MMA-04.</p>

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<p style="text-align: center;"><i>Greeley Neighborhood Community Development Corporation Inc.</i>                  600 2601 Grand Ave., Butte MT, 59701, Phone: 406 723 3736 e-mail <a href="mailto:greeleyneighborhoodbutte@gmail.com">greeleyneighborhoodbutte@gmail.com</a>  <i>Seeking common solutions to common concerns,                  thus making our neighborhood, our community a safer, healthier, happier, harmonious, and                  a more attractive place in which to live and work, by working with our local government.</i></p> <p>Attn: Craig Jones                  Montana Department of Environmental Quality                  P.O. Box 200901                  Helena, MT 59620-0901</p> <p><b>GNCD-01</b> Re: Montana Resources' Draft Environmental Impact Statement for Amendment to Permits 00030 and 00030A for the Continental Mine                  Sub: Public Comment</p> <p>The Greeley Neighborhood Community Development Corporation, Inc. is submitting these comments in response to the Draft EIS for the Permit amendments. We are pleased to see a considerable section in the report devoted to air quality. Within that context, similar to previous statements we have submitted, we are offering specific comments to sections in the Draft EIS:</p> <p><b>Executive Summary</b></p> <p><b>PREFERRED ALTERNATIVE</b>                  ARM 17.4.617(9) requires an agency to state a preferred alternative in the draft EIS, if one has been identified, and to give its reason for the preference. DEQ has identified the West Embankment Drain (WED) Pumpback Elimination at Closure Alternative as the agency's preferred alternative.                  Under the Proposed Action, the impoundment seepage captured by the WED would be pumped back into the impoundment after mining ceases (closure). It is estimated that this would occur for approximately 20 years, or until the tailings pond level decreases to the point that the West Embankment Drain no longer captures impoundment seepage.</p> <p><b>Our Comment:</b></p> <p><b>GNCD-02</b> The decision by MR not to adopt the preferred alternative and to prolong the reclamation period increases the potential for exposure of the Greeley Area to fugitive dust. As such, we must consider their decision <b>unacceptable</b>.</p> <p><b>Section 3.15.1</b>                  Ultimately, dust particles could contribute to water quality in conjunction with storm water erosion through depositional loading of sediment over the long-term.</p> <p><b>Our Comment:</b></p> <p><b>GNCD-03</b> It is our assertion that stormwater originating in the Greeley area that contributes contaminated sediment to the remedy in the BPSOU corridor is the direct result of fugitive dust from the MR operations that is deposited in the neighborhood as well as from historic mining activities. As part of the WSSOU RI/FS, the EPA will sample the Greeley and determine the source of the problem.</p> <p style="text-align: center;">1</p>	<p><b>Response to Comment GNCD-01:</b>                  Thank you for your comment.</p> <p><b>Response to Comment GNCD-02:</b>                  The activities are expected to meet ambient air quality standards and compliance with the air quality permit. Mitigations are in place as part of permit compliance to address PM emissions and opacity standards. As part of Butte's nonattainment area State Implementation Plan (SIP) and requirements of Montana Resource's Air Quality Permit, the mine must maintain a Dust Control Plan (DCP) to reduce fugitive dust emissions. Also, monitoring is in place to measure ambient air quality within Butte's nonattainment area.</p> <p>Beginning on March 1, 2019, DEQ implemented the Montana Resources Monitoring plan at DEQ's Greeley School monitoring station. The sampling plan will be followed for at least 1 year. Samples of PM<sub>10</sub> and total suspended particles (TSP) will be collected for mass and speciation analysis of specified elements and minerals. The speciation will include toxic metals known to be present in Butte soils and deposits including arsenic, lead, cadmium, and others. (C. Henrikson, Personal Email Communication, June 12, 2019). If impacts to ambient air quality are detected, DEQ could require additional monitoring and mitigation at sources.</p> <p><b>Response to Comment GNCD-03:</b>                  Comment noted. DEQ Waste Management and Remediation Division is working closely with USEPA with regard to the West Side Soils Operable Unit (WSSOU) investigation as well as other Superfund areas in and around Butte.</p>

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<p style="text-align: center;"><u>Greeley Neighborhood Community Development Corporation Inc.</u>                      000 2691 Grand Ave., Butte MT, 59701, Phone: 406 723 3736 e-mail <a href="mailto:greeleyneighborhoodbutte@gmail.com">greeleyneighborhoodbutte@gmail.com</a>  <i>Seeking common solutions to common concerns,                      thus making our neighborhood, our community a safer, healthier, happier, harmonious, and                      a more attractive place in which to live and work, by working with our local government.</i></p> <p><b>Section 3.15.1.1</b></p> <p>Air quality for the project area was described as part of the MACP #1749-12 and MR's proposed operating permit amendment application which incorporates regional climate and areas of concern, emission sources, types (fugitive or point source), quantities, and a projected ambient air quality analysis. According to the permit, Butte is a secondary nonattainment area for total suspended particles (TSP) and a Group 1 nonattainment area for PM10. (Nonattainment refers to areas that have not met National Air Quality Standards). Ongoing monitoring is performed at the Greeley School for TSP. Based on this, the spatial boundary is considered to be the regional air quality within and near the nonattainment area.</p> <p><b>Our Comment:</b></p> <p><b>GNCD-04</b> As we will repeatedly mention, simply monitoring for particulate is not adequate. Recent studies indicate that metals in the particulate may be subject to ingestion, causing human health concerns.</p> <p><b>Section 3.15.2.1</b></p> <p>Dispersion of air contaminants is highly dependent upon topography. The Continental Mine is located in Silver Bow County, Montana which is dissected by the Continental Divide, with the northern half of the project draining to the western side of the Divide and the southwestern and southeastern side of the project draining to the eastern side of the Divide.</p> <p><b>Our Comment:</b></p> <p><b>GNCD-05</b> The Continental Divide acts a barrier to diffusion of particulates. Thus, particulates remain in the valley and fill the non attainment area. The consequence of this is that metal deposition rates in the area, especially in the Greeley area, are significant.</p> <p><b>Section 3.15.2.2</b></p> <p>Compilation of hourly data from the KBTM weather station at the Butte Bert Mooney Airport from 1992 through 2002 indicated the primary prevailing wind direction to be from the south with a north wind occurring in late spring and summer [Western Regional Climate Center 2018]. Average wind speeds were compiled from data obtained from 2001 through 2011 at the same location. Data indicated that average wind speed at the airport ranged from 4.1 to 6.7 miles per hour with an average of 5.4 miles per hour. The highest average speeds were reported for March through June [Western Regional Climate Center 2018].</p> <p style="text-align: center;">2</p>	<p><b>Response to Comment GNCD-04:</b></p> <p>Activities are expected to meet ambient air quality standards and compliance with the air quality permit. Ambient air quality standards (MAAQs and NAAQS) are derived to set limits to protect public health as well as the environment. The PM<sub>2.5</sub> monitoring criteria (40 CFR 58, Appendix D, Section 4.7) requires chemical speciation at specified locations, and one such location is the Butte – Greeley School (30-093-0005) (DEQ, Air Quality Bureau, 2018). As part of the assessment of ambient particulates in Butte, Montana, PM<sub>10</sub> data from 1993 to 2012 at the Greeley School monitoring site along with PM<sub>2.5</sub> data from several satellite temporary monitoring sites were analyzed for five specific metals - arsenic, cadmium, copper, lead, and nickel - to understand the distribution of PM<sub>2.5</sub> in the Butte Valley. Metal content from the Greeley School site was compared to a background site located in Sieben Flats near Helena and results indicated no major differences” (Ganesan 2014).</p> <p><b>Response to Comment GNCD-05:</b></p> <p>According to An Assessment of Ambient Particulates in Butte, Montana, funded by the Air Quality Section of the Silver Bow County Health Department, the predominant wind direction influencing PM<sub>2.5</sub> concentrations at the Greeley School site was from the southeast and east, while [prevalent wind direction at] the other valley sites were different at each site (Ganesan 2014).</p> <p>Monitoring at the Greeley School site measures actual impacts to the ambient air quality standards within the Butte non-attainment area and includes chemical speciation of particulate matter.</p>

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<p style="text-align: center;"><u>Greeley Neighborhood Community Development Corporation Inc.</u>                  600 2601 Grand Ave., Butte MT, 59701, Phone: 406 723 3736 e-mail <a href="mailto:greeleyneighborhoodbutte@gmail.com">greeleyneighborhoodbutte@gmail.com</a>  <i>Seeking common solutions to common concerns,                  thus making our neighborhood, our community a safer, healthier, happier, harmonious, and                  a more attractive place in which to live and work, by working with our local government.</i></p> <p><b>Our Comment:</b></p> <p><b>GNCD-06</b> We question whether these data truly reflect the influence of wind speed on the distribution of particulates. Although the windrose shows a predominantly southerly direction, the average wind speed in that direction is likely considerably lower than the overall average. Downslope winds in the evening hours set the direction and quiescent conditions overnight create stagnant conditions. Greeley residents typically wake up to a gray dusting of particulates on vehicles left outside overnight.</p> <p><b>Section 3.15.2.3</b></p> <p>Butte is a secondary nonattainment area for Total Suspended Particulate and a Group 1 nonattainment area for PM10. The extent of the PM-10 nonattainment area is show on Figure 3.15-1 below. DEQ maintains an air monitoring station for particulate matter at the Greeley School located approximately 0.2 miles south of the permit area's southern perimeter. This monitoring site is show below on Figure 3.15-1 as the Greeley School Monitoring Station. The data collected is used to monitor compliance with the local nonattainment area and provide information for public health protection plans during periods of poor air quality and to monitor compliance with NAAQS. Historically, MR had conducted air monitoring in the area of the mine; however, as of March 5, 2002, <u>MR was no longer required to conduct this monitoring. DEQ has indicated that if conditions change, MR may be required to resume monitoring efforts and modify their appropriate control plans (DEQ 2004).</u></p> <p><b>Our comment:</b></p> <p><b>GNCD-07</b> DEQ should have required resumption of monitoring after MR resumed operations after the shutdown. Now, we can unequivocally assert that conditions have changed. Given evidence in the cited research references in the next comment, monitoring should become a part of the permit requirement as long as the operation continues. This monitoring should include measurement of TSP and PM10 masses, but also a chemical speciation determination of metals contained in the particulate. We applaud MR for their proactive initiation of the type of monitoring we requested at the Greeley School monitoring station. That station should continue to collect data for the duration of their operation and those data collected should be accessible to the public and to researchers. In addition to the 5 contaminants of concern: As, Cd, Cu, Pb, and Zn; Mn and Mo should be analyzed.</p> <p>DEQ concluded that the current air quality permitting action would not result in an increase in Montana Resources' ambient impact. <u>Further, they determined that the permitting action would not cause or contribute to a violation of the ambient standards.</u></p> <p style="text-align: center;">3</p>	<p>According to the wintertime saturation study completed for the 2008/2009 season by DEQ, it was determined that the Greeley School was the location for maximum PM<sub>2.5</sub> concentrations in Butte (DEQ 2019) . Please also see response to comments GNCD-02 and GNCD-04 above.</p> <p><b>Response to Comment GNCD-06:</b>                  Please see response to comments GNCD-05 above.</p> <p><b>Response to Comment GNCD-07:</b>                  Please see response to comments GNCD-02, GNCD-04, and GNCD-05 above. Ongoing monitoring at the Greeley site and emission source activity in the area are used by DEQ to determine if resumption is warranted based on monitoring in non-attainment area.</p>



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<p style="text-align: center;"><u>Greeley Neighborhood Community Development Corporation Inc.</u>                      000 2601 Grand Ave., Butte MT, 59701, Phone: 406 724 3736 e-mail <a href="mailto:greeleyneighborhoodbutte@outlook.com">greeleyneighborhoodbutte@outlook.com</a>  <i>Seeking common solutions to common concerns,                      thus making our neighborhood, our community a safer, healthier, happier, harmonious, and                      a more attractive place in which to live and work, by working with our local government.</i></p> <p><b>Our Comments:</b></p> <p><b>GNCD-08</b> While this statement may be true, it is our assertion that ambient air standards are inadequate measures of human health protection. Recent studies published in peer-reviewed journals suggest that metals in the particulate may be having human health effects.</p> <p>Davis, B., McDermott, S., McCarter, M. et al. <i>Environ Geochem Health</i> (2018) <a href="https://doi.org/10.1007/s10653-018-0175-z">https://doi.org/10.1007/s10653-018-0175-z</a></p> <p>Hailer, K.M. et al. <i>Environmental Toxicology and Pharmacology</i>, 54 (2017), 112-119</p> <p>As part of the Butte SIP for complying with the CAA, MR is required to prepare and implement an approved dust control plan (DCP) to reduced particulate matter emissions. The DCP is included as part of MR's mine permit. The DCP outlines procedures to control dust by interim dust control measures, interim reclamation, weather monitoring and forecasting to avoid planning activities during dry or windy periods (Montana Resources 2018a).</p> <p><b>Our Comments:</b></p> <p><b>GNCD-09</b> The existence of the DCP is acknowledged and appreciated, especially measures like spraying before/during blasting. The fact that it is part of the normal operating procedure at the mine gives hope that identified sources of fugitive dust that could be better controlled might be actually diminished in the future.</p> <p style="text-align: center;">4</p>	<p><b>Response to Comment GNCD-08:</b>                      Please see response to comments GNCD-04 above.</p> <p><b>Response to Comment GNCD-09:</b>                      Comment Noted. DEQ agrees that the DCP is an integral part of controlling dust from activities at the mine and has included it as part of Montana Resources' air quality permit and part of Butte's SIP compliance with the Clean Air Act.</p>

Image of comment letter	Responses to Numbered Comments																										
<p style="text-align: center;"><u>Greeley Neighborhood Community Development Corporation Inc.</u>                      600 2601 Grand Ave., Butte MT, 59701, Phone: 406 723 3736 e-mail <a href="mailto:greeleyneighborhoodbutte@gmail.com">greeleyneighborhoodbutte@gmail.com</a>  <i>Seeking common solutions to common concerns,                      thus making our neighborhood, our community a safer, healthier, happier, harmonious, and                      a more attractive place in which to live and work, by working with our local government.</i></p> <p>For 2017, MR's facility had reported emissions of 1,981 tons per year of particulate matter with 660 tons per year of the particulate matter as PM10. Of this total, material handling accounted for 11 percent of the PM10 emissions. Transport of material with haul trucks accounted for 39 percent and fugitive dust from disturbed areas accounted for 15 percent of the PM10 emissions. Of those disturbed areas, the dry tailings area in the impoundment accounted for 0.07 percent (0.475 tons per year) of the PM10 emissions.</p> <p><b>Our Comment:</b></p> <p><b>GNCD-10</b> Figure 1 below compares Figure 3.15.1, the PM10 non-attainment area, with the study area of Haller, et al (2017). Air monitors for PM10 and TSP were deployed in the Greeley Neighborhood and a TSP monitor was placed in a residential area 2 miles southeast of the first. Comparing the metals speciation of the two TSP monitors, the enrichment factor (ratio of metal in the dust at Greeley over the distant neighborhood) for dust collected in the Greeley Neighborhood is shown in table 1.</p> <p style="text-align: center;"><i>Table 1. Enrichment of metal content of dust collected in Greeley Area compared to residential area two miles south.</i></p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Metal</th> <th>Enrichment</th> </tr> </thead> <tbody> <tr> <td>Cu</td> <td>10</td> </tr> <tr> <td>Mo</td> <td>34</td> </tr> <tr> <td>Mn</td> <td>1</td> </tr> <tr> <td>Zn</td> <td>3</td> </tr> <tr> <td>As</td> <td>1</td> </tr> </tbody> </table> <p>There is 10X the Cu and 34 X the Mo that Greeley residents must contend with than residents further south. If we used MR's estimated data cited above, the fraction of dust-PM10 generated would tend to fall out closer to the source. If we subtract the PM10 (660 tons per year) from the total estimated dust generated (1981 tons per year), approximately 1321 tons per year would have a higher probability of falling in the Greeley Impacted Area, a region shown in our previous submitted comments that is approximately .755,282 meter<sup>2</sup> in area. If only 5% of that generated fraction actually fell into the Greeley Impacted Area, a deposition rate of <u>79 grams/meter<sup>2</sup>/year</u> of metal-containing dust would fall on the ground and be subject to disturbance and ingestion by residents.</p> <p>While the Greeley School monitoring is being conducted, BNCDC, Inc. Habitability-Mining Impact Task Force intends to start a Cumulative Areal Deposition Study in the summer of 2019. In conjunction with the Greeley monitoring, results from this study will yield a more correct picture of the true impact.</p> <p style="text-align: center;">5</p>	Metal	Enrichment	Cu	10	Mo	34	Mn	1	Zn	3	As	1	<p><b>Response to Comment GNCD-10:</b>                      Please see response to comments GNCD-05 above.                      As referenced in the DEIS, Chemical Mass Balance (CMB) modeling completed in 2012/2013 was used to apportion the sources of PM<sub>2.5</sub> at the Greeley School site. The model is supported by USEPA as a regulatory planning tool through its approval of SIPs and is ideal for localized nonattainment concerns such as PM in the Butte nonattainment area (EPA, 2016). Results of both the summer and winter studies indicated that a majority of the PM<sub>2.5</sub> was from outdoor biomass burning as well as local and regional controlled/wildfire forest fires events (72 percent) in the summer and residential wood combustion (51.8 percent) in the winter (Ward 2013, Ward 2014). Refer to <b>Tables 1 and 2</b> for source allocations for ambient PM<sub>2.5</sub> for summer and winter, respectfully.</p> <p><b>Table 1. Source of Ambient PM<sub>2.5</sub> at Greeley Monitoring Station, Summer, 2013,</b></p> <table border="1" style="width: 100%;"> <thead> <tr> <th>Contributor</th> <th>Percent</th> </tr> </thead> <tbody> <tr> <td>Wood Smoke</td> <td>72</td> </tr> <tr> <td>Street Sand/Road Dust</td> <td>11.1</td> </tr> <tr> <td>Secondary Sulfate</td> <td>7.8</td> </tr> <tr> <td>Ammonium Nitrate</td> <td>5.5</td> </tr> <tr> <td>Automobile Exhaust</td> <td>1.3</td> </tr> <tr> <td>Unexplained</td> <td>2.4</td> </tr> </tbody> </table> <p>Reference: (Ward 2013, Ward 2014)</p>	Contributor	Percent	Wood Smoke	72	Street Sand/Road Dust	11.1	Secondary Sulfate	7.8	Ammonium Nitrate	5.5	Automobile Exhaust	1.3	Unexplained	2.4
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<p data-bbox="352 280 1010 380"> <b>Greeley Neighborhood Community Development Corporation Inc.</b>                      c/o 2601 Grand Ave., Suite MT, 59701, Phone: 406 724 3736 e-mail <a href="mailto:greeleyneighborhoodturn@gmail.com">greeleyneighborhoodturn@gmail.com</a>  <i>Seeking common solutions to common concerns,                      thus making our neighborhood, our community a safer, healthier, happier, harmonious, and                      a more attractive place in which to live and work, by working with our local government.</i> </p>   <p data-bbox="443 1214 848 1279"> <i>Figure: PM10 monitoring area from the Dept EIS (top) and a figure from Hailer et al with the location of air monitors (green dots) (bottom). The map shows the location of the Greeley Air Area in the Greeley area, and the other map located 2 miles southwest of the first.</i> </p>	<p data-bbox="1108 233 1793 298"> <b>Table 2, Source of Ambient PM<sub>2.5</sub> at Greeley Monitoring Station, Winter 2012/2013</b> </p> <table border="1" data-bbox="1102 302 1892 597"> <thead> <tr> <th>Contributor</th> <th>Percent</th> </tr> </thead> <tbody> <tr> <td>Wood Smoke</td> <td>51.8</td> </tr> <tr> <td>Street Sand</td> <td>1</td> </tr> <tr> <td>Secondary Sulfate</td> <td>2.2</td> </tr> <tr> <td>Ammonium Nitrate</td> <td>10.7</td> </tr> <tr> <td>Automobiles</td> <td>15.3</td> </tr> <tr> <td>Diesel Exhaust</td> <td>12.4</td> </tr> <tr> <td>Unexplained</td> <td>7</td> </tr> </tbody> </table> <p data-bbox="1094 602 1383 634">Reference: (Ward 2013)</p> <p data-bbox="1094 672 1759 704">Please also see response to comments GNCD-02 above.</p>	Contributor	Percent	Wood Smoke	51.8	Street Sand	1	Secondary Sulfate	2.2	Ammonium Nitrate	10.7	Automobiles	15.3	Diesel Exhaust	12.4	Unexplained	7
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<p style="text-align: center;"><u><i>Greeley Neighborhood Community Development Corporation Inc.</i></u>                  600 2601 Grand Ave., Suite M1, 59701, Phone: 406 723 3736 e-mail <a href="mailto:greeleyneighborhood@msajournal.com">greeleyneighborhood@msajournal.com</a>  <i>Seeking common solutions to common concerns,                  thus making our neighborhood, our community a safer, healthier, happier, harmonious, and                  a more attractive place in which to live and work, by working with our local government.</i></p> <p><b>Conclusion</b></p> <p><b>GNCD-11</b> The GNCD, Inc. Habitability-Mining Impact Task Force <u>strenuously objects</u> to the approval of MRs permit amendment for two reasons:</p> <ol style="list-style-type: none"> <li>1. The decision by MR not to adopt the Preferred Alternative means that decades more exposure potential will exist for the Greeley Area residents;</li> <li>2. The permit does not specifically stipulate that air monitoring of TSP and PM10 with metal and arsenic speciation within the area identified as the Impacted Area in our previous comments should occur during the mine life</li> </ol> <p>Respectfully submitted for your consideration and action</p> <p>For and on Behalf of the                  Greeley Neighborhood Community Development Corporation Inc.                  Habitability - Mining Impact Task Force</p> <p>R. Edward Banderob      Steven McGrath      Larry Winstel                  R. Edward Banderob      Steven McGrath      Larry Winstel</p> <p style="text-align: center;">7</p>	<p><b>Response to Comment GNCD-11:</b>                  Please see response to comments GNCD-02 and GNCD-04 above.</p>

Image of comment letter	Responses to Numbered Comments
<p><b>From:</b> Elton Ringsak &lt;eltonringsak@aol.com&gt;  <b>Sent:</b> Wednesday, May 01, 2019 9:58 PM  <b>To:</b> DEQ MT Resources MEPA  <b>Subject:</b> Montana Resources Draft Environmental Impact Statement (EIS)  <b>Attachments:</b> EIS Letter Ringsak.5.1.19-1.odt</p> <p>The Honorable Craig Jones      Department of Environmental Quality      P.O. Box 200901 Helena, MT 59601</p> <p>Dear Mr. Jones,</p> <p><b>ER-01</b> Attached are my public comments to DEQ's draft Environmental Impact Statement for the proposed Montana Resources Impoundment expansion.?? I also want to restate what I said in my "Scoping Comments" response dated 10/11/2018 for your consideration and implore you to approve the MR proposal and allow them to proceed with its proposal as submitted.?? Your "Preferred Solution" would be an impediment and delay to the resolution of Butte's many superfund issues.</p> <p>Your Preferred Alternative will only complicate the Remediation and Restoration Issues that MR, Butte Silver Bow, BP, the State of Montana and EPA have been working on in the "Agreement in <b>ER-02</b> principle"?? that is the basis for finally getting the CD on Butte Area One completed.</p> <p><b>ER-03</b> You need to take note of MR's efforts to assist in resolving superfund issues such as starting pumping the pit 5 years sooner than required as well as other actions they have taken.?? The continued operation of the mine by MR is critical to Butte's future, and without it the City would see its economy implode. As I stated in my Scoping email, they have?? consistently worked?? with the County and with Jim Kambich and Myself, as the Governor's two Appointees to the?? UCFR Advisory Council from SilverBow, to accelerate our cleanup efforts in Butte Area One.</p> <p>I have addressed many of the issues mentioned above in my Formal response that is attached, but feel they cannot be stated often enough to insure DEQ understands the Community needs relative to actions, and how they would be negatively affected if DEQ insists on using their "Preferred Alternative" rather than to approve the MR plan as written.</p> <p>Sincerely,???? Elton W. Ringsak      Elton W. Ringsak      UCFR Advisory Council      3310 Hannibal      Butte, Montana      (please send me an electronic Copy of the EIS when released)  <a href="mailto:eltonringsak@aol.com">eltonringsak@aol.com</a></p> <p>the five things you should consider before speaking. Is what you????? want to say:      factual and true      helpful, or beneficial      spoken with kindness and good-will (that is, hoping for the best for all involved)</p> <p>1</p>	<p><b>Response to Comment ER-01:</b>          The amendment application, which described the Proposed Action, was found to be complete and compliant under the requirements of the MMRA. DEQ reviews all hard rock mine amendment applications for completeness and compliance with 82-4-337 (amendments to a permit) and 82-4-336 (reclamation plan), MCA, and the rules implementing that section and all information necessary to initiate processing. The MEPA review and analyses of potential environmental impacts discloses the potential for impacts to the human environment and evaluates whether there are ways to reduce those impacts while still meeting the purpose and need for the Proposed Action.</p> <p><b>Response to Comment ER-02:</b>          Thank you for your comment. Please see response to Comment ARC-01.</p> <p><b>Response to Comment ER-03:</b>          Superfund issues that are not related with the post-closure management of impoundment seepage are not in question in the EIS. The Preferred Alternative was selected because it has attributes that would allow reclamation to occur sooner, would eliminate the need to maintain pumpback systems for decades post-closure, and eliminate the need to lime the impoundment seepage captured by the WED to mitigate acidification of the tailings pond. Maintaining the WED as a drain would also keep a more robust groundwater divide between the tailings impoundment and groundwater resources to the west of the West Ridge (See Executive Summary-xv). The analysis in the EIS shows that the Preferred Alternative has the potential to accelerate reclamation by approximately seven years.</p>

Image of comment letter	Responses to Numbered Comments
<p>The Montana Department of Environmental Quality  ATTN: Craig Jones  1520 E. 8th Avenue  Helena, MT 59601</p> <p>Subject: Montana Resources Draft Environmental Impact Statement (EIS)</p> <p>Dear Craig,</p> <p><b>ER-04</b> Please accept this letter as my respectful request for the DEQ to reconsider its Preferred Alternative for the Montana Resources Draft EIS. Montana Resources (MR) submitted a thoroughly compliant and complete proposal for its operating permit amendments and I urge you allow them to proceed with its proposal as submitted.</p> <p><b>ER-05</b> As a former small business owner in Butte (Millers Boots &amp; Shoes) and a past Regional Administrator in Region VIII for the U.S. Small Business Administration in Denver, I cannot stress enough the impact of MRI's operations to Southwest Montana's economy. Aside from the millions of dollars in salaries and benefits it pays its 360-plus employees, taxes it pays to the state and local governments and the millions of dollars it spends with local goods and service providers, MRI also contributes significantly to philanthropic causes and community projects and events.</p> <p><b>ER-06</b> Also, as a current member of the UCFRB Advisory Council since 2010, I have been very impressed with the environmental responsibility and cooperation MR has exhibited in remediation and restoration projects in the Butte headwaters region on several occasions. Please refer to the letter I submitted to you previously in October 2018 regarding the EIS Scoping, which provided many details of MRI's strong economic and environmental track record. As I stated similarly in my comments at that time, it is absolutely imperative that the DEQ complete your review and allow MR to proceed with its Proposed Alternative as expeditiously as possible! The DEQ's Preferred Alternative is simply not acceptable in meeting the deadlines necessary for MR to continue its operations.</p> <p><b>ER-07</b> I can understand DEQ wanting to shorten the time needed to remediate the tailings impoundment by 7 years through selection of its Preferred Alternative. Unfortunately, seven years is not significant over the period of time the remediation is planned. More importantly, the costs and uncertainty of directly involving MR's operations and reclamation plans with federal Superfund will do more harm than likely consuming most if not all of the 7 years DEQ hopes to be gained by selecting its own alternative!</p> <p><b>ER-08</b> By statute, DEQ is required to have the EIS process by August 31, 2019 (1 year from September 1, 2018). The complexity of engaging with Superfund and the other parties included in the Butte Mine Flooding Consent Decree – which includes a federal judge – provides no reasonable chance for DEQ to meet this deadline with its Preferred Alternative. If MR does not get its permit granted in the fall of 2019, the mine will be out of tailings storage capacity and at least a temporary shutdown of mining operations will</p>	<p><b>Response to Comment ER-04:</b> Thank you for your comment. Please see response to comment ER-01 and ER-03.</p> <p><b>Response to Comment ER-05:</b> Thank you for your comment. Please also see Responses to BSB-01, MMA-02, MMA-03, and MMA-04.</p> <p><b>Response to Comment ER-06:</b> Please see response to comment ER-03. DEQ is working within the one-year timeline imposed by the MMRA for the MEPA environmental review (82-4-337(h)(iv), MCA). The culmination of the MEPA process is the EIS and the Record of Decision, which would issue the draft permit amendment as final to Montana Resources. The purpose of requiring an environmental review under MEPA is to assist the legislature in determining whether laws are adequate to address impacts to Montana's environment and to inform the public and public officials of potential impacts resulting from decisions made by state agencies (75-1-102(1), MCA).</p> <p><b>Response to Comment ER-07:</b> Thank you for your comment. DEQ is working within the one-year timeline imposed by the MMRA for the MEPA environmental review (82-4-337(h)(iv), MCA). As explained in the No Action Alternative, the currently permitted tailings storage capacity "would allow mining operations to continue through 2022" (Executive Summary-iv), so a temporary shutdown in 2019</p>

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<p>be required. This would impose a severe hardship on the Community and its residents, one which would be difficult to recover from. Please consider the consequences of the Preferred Alternative as unacceptable for Butte, and rightfully grant MR the ability to proceed with its Proposed Alternative.</p> <p>Sincerely, <b>Elton W. Ringsak</b> Elton W. Ringsak UCFR Advisory Council 3310 Hannibal Butte, Montana <a href="mailto:eltonringsak@aol.com">eltonringsak@aol.com</a> Cell (406) 310 1707</p>	<p>is not anticipated.</p> <p>Please see response to comment ER-03 regarding the management of post-closure impoundment seepage. During reclamation, any reduction in time that water remains in the YDTI is considered advantageous.</p> <p><b>Response to Comment ER-08:</b> Please see response to comment ER-06 regarding the timeline for the EIS and the Record of Decision.</p>

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<div style="text-align: center;"> <p><b>AL BEAVIS</b>            — EXPERT WITNESS —            OVER 40 YEARS EXPERIENCE IN            ALL ASPECTS OF OPEN PIT AND UNDERGROUND MINING,            SAFETY, MINE METHODS, SUPERVISORY, MANAGEMENT</p> </div> <div style="text-align: right; margin-top: 10px;">  <p>REPLY TO:            1632 N. MAIN            BUTTE, MONTANA 59701            (406) 782-4811</p> </div> <p>To Mr. Craig Jones            From Al Beavis            Subject Comments on Tailings Pond</p> <p>After attending a meeting held by Montana Resource in the Archives building in Butte on Tues. 4/9/19 to discuss the 10' lift they propose for the dam, I have with some additional comments.</p> <p>I asked what the height of the dam would be at it's face. There was some confusion and difference of opinions. I stated that I thought that the toe was around 5500' elevation. Being the elevation of the crest after the 10' lift would be at 6450' is simple math putting the dam at 950' ? I live in Walkerville which is North of Butte, the elevation at the corner stone on Daly and Main street is 6172' elevation, the top of the dam will be 278' above Walkerville. The lift really does not bother me but some other matters do!</p> <p>AB-01 1) The extent of material that was excavated off of the area to be filled over seemed a vast amount other than the removal of top soil which is mandatory by law. I have some feelings about this but do not wish to express them.</p> <p>AB-02 2) There are old under ground workings along the West side that is be filled over. Some tied into the Badger, Lexington, Alice and Anselmo that are interconnected with each other</p> <p>AB-03 3) I never realized that the dam was going to be raised also on the East side of it! Raising this side will make it once again 10' higher than the west side. There is no need for this that I can see! Maybe they should get there act together and let one know why this is called for?</p> <p>AB-04 4) I met Mr. Piesold a consultant hired by MR,I guess to consult on this project ,on what I have yet to find out? A large chart showing a group of very professional individuals all with Phd's in every field necessary to solve problems with tailings dams. There was no information that they were actually involved in the project! More like an advisory board of famous names to lean on.</p> <p>AB-05 5) I asked questions on Seismic readings but there was none available. This should be done on a regular bases, especially when close to a open pit detonating large loads of explosives in blast holes!</p> <p>AB-06 6) I asked if there were any leaks detected lately or in the past. The answer was a no. I found this some what hard to believe being familiar with slurry. Water makes up about 70% of the of the tailings and has to be removed to make it some what</p>	<p><b>Response to Comment AB-01:</b>            DEQ respectfully thanks you for your comments, but notes that the content references a meeting held by Montana Resources outside of DEQ's EIS process. DEQ staff were not present at the meeting, nor did DEQ prepare the meeting materials, so we are unable to respond to questions related to that content.</p> <p>You may be able to submit your letter directly to Montana Resources to obtain answers to your questions.</p> <p><b>Response to Comment AB-02:</b>            Please see response to comment AB-01</p> <p><b>Response to Comment AB-03:</b>            Please see response to comment AB-01</p> <p><b>Response to Comment AB-04:</b>            Please see response to comment AB-01</p> <p><b>Response to Comment AB-05:</b>            Please see response to comment AB-01</p> <p><b>Response to Comment AB-06:</b>            Please see response to comment AB-01</p>



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Image of comment letter	Responses to Numbered Comments
<p>compacted. It will always contain a certain amount of water unless it has a route to escape As you know water does not run uphill. The slime looking material off of Tails contains a certain amount of metals, chemicals and acids left in the processing system. This slime will make it's way through a knot hole and enlarge it if possible!</p> <p>7) The comments here in are mine and do not reflect on any other persons!</p> <p>There are so many questions regarding tailing dams that it would take volumes . I don't mean to sound disheartening but I think the comments have merit and you should give them some thought. Being involved in mining for over 40 plus years I have learned to take Mining Companies like a grain of salt. It is all about money with them and nothing else. A prime example is Butte, Mt. and the battle they have faced since 1983 when the Super Fund came to town! Good luck in your coming to an agreement that will satisfy all !</p> <p>Regards;  Al Beavis</p>	


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 <p>The image shows a scanned letter on white paper. At the top right, there is a red date stamp 'APR 26 2019' and a business card for Colleen Elliott at 1231 W Quartz Street, Butte, MT 59701, with phone number 406-533-8311. The letter is dated April 18, 2019. The recipient is Craig Jones at the Department of Environmental Quality, P.O. Box 200901, Helena, MT 59601. The letter discusses concerns about the MCE estimate for the YDTL project, specifically questioning the use of historical seismicity data (100 years) and the inclusion of faults that haven't ruptured in that period. It references the 1959 Hebgen Lake earthquake and the 1983 Borah Peak earthquake. The letter concludes by stating that the consultants should have collected more data on fault connections and movement histories.</p>	<p><b>Response to Comment CE-01:</b>          Thank you for your comment. Please refer to Appendix B of the Knight Piesold Site Characterization Report, some of that information is provided below. The method used to estimate the proposed magnitude (M) 6.5 maximum credible earthquake (MCE) on the Continental Fault and faults connected to it was determined by the EOR in accordance with 82-4-376, MCA and reviewed by the IRP in accordance with 82-4-377, MCA. As stated in Section 1.4.3.2 of the Draft EIS, “The IRP reviewed these documents and assessed the completeness and scientific rigor of aspects including, but not limited to, the geotechnical investigations of the site, any models used to evaluate the designs, demonstration that the expansion of the facility meets the minimum requirements for a new tailings facility (82-4-376(2)(i), MCA) or that it does not reduce the tailings storage facility’s original design factors of safety and seismic event design criteria, and several analyses of the site’s performance under flooding and site stressors.” Please also refer to Sections 2.2 and 3.4.1.3 of the EIS for further discussion of the roles and responsibilities of the EOR and IRP. Similar concerns were brought up previously through comments by Atlantic Richfield in their review of the original design documents. The EOR responded to these comments as outlined in Appendix A of the response by the EOR to comments submitted by Atlantic Richfield Company, dated September 8, 2017, specifically comments 2-13 and 6-1 through 6-5. Section 3.3 of the November 20, 2017 Report of the IRP Design Document for Expansion of Yankee Doodle Tailings Impoundment provides the IRP’s decision regarding the development of the proposed M 6.5 MCE.</p> <p>The design information for development of the M 6.5 MCE can be found in Appendix B of the EOR’s Site Characterization Report. DEQ did forward the Atlantic Richfield’s comments on to the IRP</p>

Image of comment letter	Responses to Numbered Comments
	<p>and EOR to review and respond to this comment. The IRP and EOR’s response are on file with DEQ and are incorporated into the EIS administrative record.</p> <p>Dr. Linda Al Atik and Dr. Nick Gregor were retained by Knight Piesold to perform the updated Seismic Hazard Assessment (SHA) to support the Permit Amendment Application. The seismicity-based background model used for the SHA was based on the model previously developed by Petersen et al. (2014) as part of the 2014 update to the National Seismic Hazard Maps (NSHMs). Updates to the NSHMs source model were made to incorporate fault sources from Wong et al. (2005) located within 50 km of the YDTI which includes the Continental and Rocker faults. The seismic source model consists of both a seismicity-based and a fault-based source model. It is important to note that the maximum magnitude (Mmax) values used in the 2014 update of the NSHMs are larger than those used in previous studies.</p> <p>The source parameters of the Continental and Rocker faults used in the SHA are primarily based on Wong et al. (2005). The magnitude recurrence was modeled with the Youngs and Coppersmith (1985) composite model and the maximum magnitudes were estimated based on the Wells and Coppersmith (1994) relationships. The EOR performed a review of recent publications on the fault that led to an assigned dip angle of 70 degrees for the Continental fault. This new information provided nearly the same results as the information provided by Wong et al. (2005).</p> <p>Because of the location of the Continental and Rocker faults relative to the YDTI site and their inclusion as active sources in past studies led to their inclusion in the seismic source model for</p>

Image of comment letter	Responses to Numbered Comments
	<p>the updated study even though there is no conclusive evidence that these faults are active.</p> <p>The SHA included both a probabilistic and deterministic seismic hazard analyses for the YDTI. After analysis of both the Continental and Rocker faults, it was determined that the Continental fault was the more significant contributor to seismic risk at the YDTI. The deterministic MCE values exceeded those for the probabilistic 1-in-10,000-year event. Thus, the MCE selected as the design earthquake is a magnitude 6.5 event with a rupture distance (<math>R_{rup}</math>) of 0.1 km. The resulting peak ground acceleration (PGA) from the deterministic probabilistic safety assessment (PSA) was much more conservative than the deterministic PSA, resulting in a PGA of 0.37 for the 1-10,000-year event for the probabilistic PSA and PGA values of 0.45 for the median and 0.84 for the 84<sup>th</sup> percentile deterministic PSA. Several historic earthquake records, that were determined to be representative of the above design events, were selected for time history records include earthquakes with magnitudes of 6.0 to 6.6 in Helena, Montana; San Fernando, California; Imperial Valley, California; Niigata, Japan; and L’Aquila, Italy.</p> <p><b>Response to Comment CE-02:</b> Thank you for your comment. Please see the response to Comment CE-01.</p> <p><b>Response to Comment CE-03:</b> Thank you for your comment. Please see the response to Comment CE-01.</p>


Image of comment letter	Responses to Numbered Comments
<p>recent studies of the faults in question. For a structure as large as the YDTL, a thorough investigation should include LIDAR surveys, surface mapping, and fault trenching to look for evidence of past earthquakes. Radiometric dating of trench sediments can reveal when and how often the faults moved.</p> <p>Sincerely,</p>  <p>Colleen G. Elliott, PhD, P.G.</p> <p>*The most recent geologic data referenced in the Draft EIS and associated documents is "MBMG, 2009", which I presume refers to "Elliott, C.G., and McDonald, C., 2009, Geologic map and geohazard assessment of Silver Bow County, Montana: Montana Bureau of Mines and Geology Open-File Report 585, 88 p., 3 sheets, scale 1:50,000."</p> <p>Here are some other relevant scientific publications:</p> <p>Fernandez Arés, A., and Fatahi, A., 2013, Development of probabilistic seismic hazard analysis for international sites, challenges and guidelines: Nuclear Engineering and Design, v. 239, p. 222-229, doi:10.1016/j.nucengdes.2013.01.024.</p> <p>Mulargia, F., Stark, P.B., and Geller, R.J., 2017, Why is Probabilistic Seismic Hazard Analysis (PSHA) still used? Physics of the Earth and Planetary Interiors, v. 264, p. 63-75, doi:10.1016/j.pepi.2016.12.002.</p> <p>Waag, Z., 2011, Seismic hazard assessment: Issues and alternatives: Pure and Applied Geophysics, v. 168, p. 11-25, doi:10.1007/s00024-010-0148-3.</p> <p style="text-align: center;">2</p>	<p><b>Response to Comment CE-04:</b> Thank you for your comment. Please see the response to Comment CE-01.</p> <p><b>Response to Comment CE-05:</b> Thank you for your comment. Please see the response to Comment CE-01.</p> <p><b>Response to Comment CE-06:</b> Thank you for your comment. Please see the response to Comment CE-01.</p>

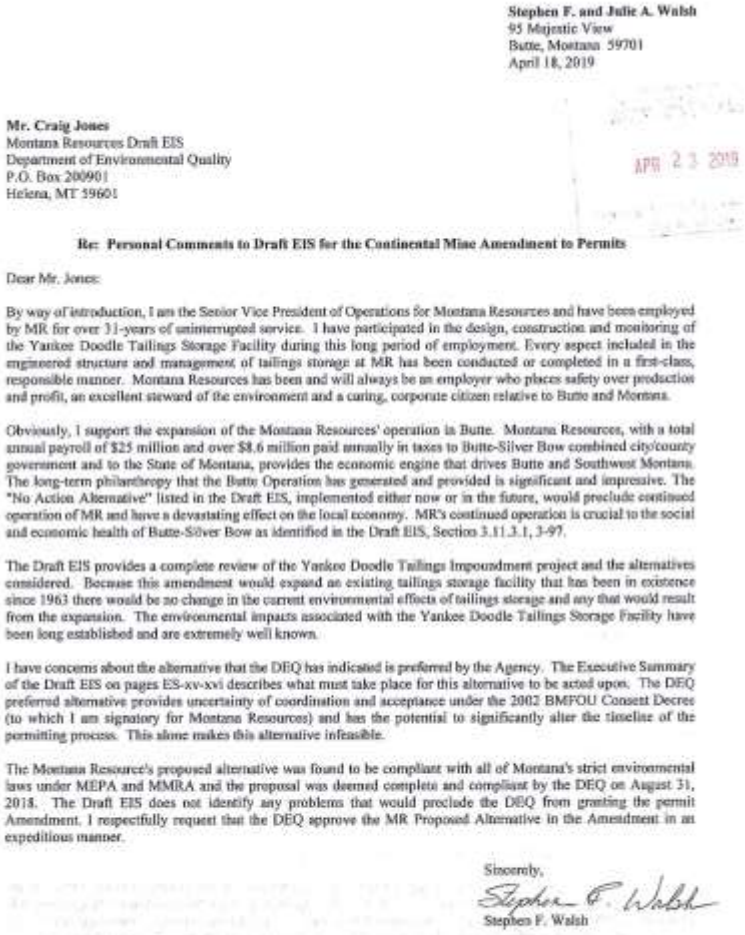
Image of comment letter	Responses to Numbered Comments
 <p style="text-align: right;">Stephen F. and Julie A. Walsh 95 Majestic View Butte, Montana 59701 April 18, 2019</p> <p>Mr. Craig Jones Montana Resources Draft EIS Department of Environmental Quality P.O. Box 200901 Helena, MT 59601</p> <p style="text-align: center;"><b>Re: Personal Comments to Draft EIS for the Continental Mine Amendment to Permits</b></p> <p>Dear Mr. Jones:</p> <p>By way of introduction, I am the Senior Vice President of Operations for Montana Resources and have been employed by MR for over 31-years of uninterrupted service. I have participated in the design, construction and monitoring of the Yankee Doodle Tailings Storage Facility during this long period of employment. Every aspect included in the engineered structure and management of tailings storage at MR has been conducted or completed in a first-class, responsible manner. Montana Resources has been and will always be an employer who places safety over production and profit, an excellent steward of the environment and a caring, corporate citizen relative to Butte and Montana.</p> <p>Obviously, I support the expansion of the Montana Resources' operation in Butte. Montana Resources, with a total annual payroll of \$25 million and over \$8.6 million paid annually in taxes to Butte-Silver Bow combined city/county government and to the State of Montana, provides the economic engine that drives Butte and Southwest Montana. The long-term philanthropy that the Butte Operation has generated and provided is significant and impressive. The "No Action Alternative" listed in the Draft EIS, implemented either now or in the future, would preclude continued operation of MR and have a devastating effect on the local economy. MR's continued operation is crucial to the social and economic health of Butte-Silver Bow as identified in the Draft EIS, Section 3.11.3.1, 3-97.</p> <p>The Draft EIS provides a complete review of the Yankee Doodle Tailings Impoundment project and the alternatives considered. Because this amendment would expand an existing tailings storage facility that has been in existence since 1963 there would be no change in the current environmental effects of tailings storage and any that would result from the expansion. The environmental impacts associated with the Yankee Doodle Tailings Storage Facility have been long established and are extremely well known.</p> <p>I have concerns about the alternative that the DEQ has indicated is preferred by the Agency. The Executive Summary of the Draft EIS on pages ES-xv-xvi describes what must take place for this alternative to be acted upon. The DEQ preferred alternative provides uncertainty of coordination and acceptance under the 2002 BMFOU Consent Decree (to which I am signatory for Montana Resources) and has the potential to significantly alter the timeline of the permitting process. This alone makes this alternative infeasible.</p> <p>The Montana Resource's proposed alternative was found to be compliant with all of Montana's strict environmental laws under MEPA and MMRA and the proposal was deemed complete and compliant by the DEQ on August 31, 2018. The Draft EIS does not identify any problems that would preclude the DEQ from granting the permit Amendment. I respectfully request that the DEQ approve the MR Proposed Alternative in the Amendment in an expeditious manner.</p> <p style="text-align: right;">Sincerely, <i>Stephen F. Walsh</i> Stephen F. Walsh</p>	<p><b>Response to Comment SW-01:</b> Thank you for your comment. Please also see Responses to BSB-01, MMA-02, MMA-03, and MMA-04.</p> <p><b>Response to Comment SW-02:</b> The EIS examined the impact from increasing the height of the West Embankment to accommodate additional tailings and any environmental consequences resulting from the expansion proposed in the amendment application. Although the environmental impacts associated with the current YDTI facility have been evaluated in prior analyses, the MMRA requires DEQ to conduct an environmental review under MEPA to analyze the potential for impacts to the human environment from the proposed expansion and associated activities described in the amendment application before a final permit can be issued.</p> <p><b>Response to Comment SW-03:</b> DEQ notes that Montana Resources' acceptance of the Preferred Alternative is voluntary (DEIS pg. ES-xv). DEQ also acknowledges the need for coordination among the agencies and parties to the 2002 BMFOU Consent Decree to realize the changes needed to implement the Elimination of the WED Pumpback at Closure Alternative. Please also see response to comment ER-01 related to the relationship between the MMRA permit amendment application review and the MEPA review.</p>

Image of Comment Letter	Responses to Numbered Comments
<p>Dayne Allen 164 parrot castle rd Whitehall, MT 59759 206-498-1435 Dayne95.da@gmail.com</p> <p>April 22, 2019</p> <p>Montana Department of Environmental Quality P.O. Box 200901 Helena, MT 59601 Attention: Mr. Craig Jones</p> <p>Dear Mr. Jones:</p> <p>Please record my comment on the Draft EIS for the Yankee Doodle Tailings Impoundment expansion project.</p> <p><b>DA-01</b> Section 3.11 of the DEIS does a good job of outlining the socioeconomic condition of the area. It clearly shows that Montana Resources is an important economic engine for the Silver Bow County region with 364 employees involved in the industry sector that earns nearly double the average wage of other area jobs (Table 3.11-2).</p> <p><b>DA-02</b> The DEIS also states that under the No Action Alternative the mine would cease operations in 2022 (Section 3.11.3.1). Table ES-1, however, indicates that there would be 'No Impacts' to the area's socioeconomics if this alternative was chosen. Is this a mistake? Cessation of mining in 2022 would mean the loss of at least 364 jobs, the loss of over \$25 million per year in direct payroll, the loss of \$10 million per year in goods and services purchased from Montana businesses, the loss of over \$10 million per year of tax revenue (Table 3.11-4) and possibly the loss of millions per year in philanthropic contributions attributed to the Dennis and Phyllis Washington Foundation (Section 3.11.2.3, Page 3-95).</p> <p><b>DA-03</b> The Proposed Action Alternative was submitted and found to be complete and compliant on August 31, 2018 (Section 2.11, Page 2-24). Under the Proposed Action, the DEIS states that "There would be no changes to personnel during operations, which would be extended through 2031" (Table 2.8-1) That means that under the Proposed Action the Butte-Silver Bow area would continue to benefit from the economic engine of the mine's operations.</p> <p><b>DA-04</b> Table ES-1 states that under the Preferred Alternative the socioeconomic impacts would be identical to the Proposed Action. I question that finding since the discussion of the Preferred Alternative flatly states that adoption of this alternative would require "Discussions and coordination with all parties in the 2002 BMFOU Consent Decree." (Section 2.11, Page 2-24) That agreement may not be quickly or easily amended since the parties include the USEPA and the discussion would need to include 'options and feasibility for handling and treating this water, the potential use of existing or upgraded facilities and infrastructure (e.g. H&amp;B Water Treatment Plant), and to amend the agreement accordingly.' (Section 2.11, Page 2-24) This sounds like a time-consuming task that could generate months or years of delay and could mean that the mine operations and the</p>	<p><b>Form Letter A:</b></p> <p><b>Response to Comment DA-01:</b> Thank you for your comment. Please also see Responses to BSB-01, MMA-02, MMA-03, and MMA-04.</p> <p><b>Response to Comment DA-02:</b> The EIS has been revised to more fully describe the potential for impacts to the economic conditions under the No Action Alternative.</p> <p><b>Response to Comment DA-03:</b> Thank you for your comment.</p> <p><b>Response to Comment DA-04:</b> Please see response to comment ARC-03. DEQ acknowledges the need for coordination among the agencies and parties to the 2002 BMFOU Consent Decree to realize the changes needed to implement the Elimination of the WED Pumpback at Closure Alternative. Please also see response to comment ER-01 related to the relationship between the MMRA permit amendment application review and the MEPA review.</p>

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<p>economic benefits of those operations could be interrupted while the Consent Decree amendment is ironed out.</p> <p><b>DA-05</b> Since the Proposed Action has been reviewed and found to be complete and compliant by the DEQ, I support this action and ask the DEQ to move as quickly as possible in its approval.</p> <p>Sincerely, Dayne Allen</p>	<p><b>Response to Comment DA-05:</b> Please see response to comment ER-01.</p> <p>Additional Sources of Form Letter A are listed in <b>Table 9.2-1.</b></p>



Image of Comment Letter	Responses to Numbered Comments
<p>Carolyn Blair 120 Milky Way Butt, MT 59701 406-360-5151 4cblair@gmail.com</p> <p>April 10, 2019</p> <p>Montana Department of Environmental Quality P.O. Box 200901 Helena, MT 59601 Attention: Mr. Craig Jones</p> <p><b>CB-01</b> Dear Mr. Jones:</p> <p>I support the continued mining and expansion of the Montana Resources' operation in Butte. With an average annual pay of \$84,878, total annual payroll of around \$25 million, and some \$8.6 million paid annually in taxes, its operations are critical to the social and economic health of Silver Bow County. Without this expansion, 364 of the 460 natural resource jobs in the county would be lost (Section 3.11.3.1, 3-97).</p> <p><b>CB-02</b> The EIS provides a complete review of the Yankee Doodle Tailings Impoundment project and because this amendment would expand an existing mine facility, it seems that there would be very little change between the current environmental effects and any that would result from the expansion.</p> <p><b>CB-03</b> It is very fitting to see the company that was a leading force behind the revamping of our tailings impoundment standards is also leading the way through the new self-imposed standards. From what I understand about the new requirements, they are the strictest found anywhere, I, for one, am glad to see Montana found a balance that ensures safe impoundment designs without making them cost prohibitive to build. Bravo, Montana Resources.</p> <p><b>CB-04</b> I have concerns, however, about the alternative that the DEQ has indicated is preferred by the Agency. The Executive Summary, pages ES-xv-xvi describes what must take place for this alternative to be acted upon. To me, it underscores possible uncertainty of coordination and acceptance under the Consent Decree and this alone should make this alternative infeasible. Shouldn't this alternative be included in the "Alternatives Considered But Dismissed From Further Analysis" section of the EIS?</p> <p><b>CB-05</b> The Montana Resource's proposed alternative was found to be compliant with all of Montana's strict environmental laws and I support and request the DEQ approve the MR Proposed Alternative as quickly as possible.</p> <p>Regards, Carolyn Blair</p>	<p><b>Form Letter B:</b></p> <p><b>Response to Comment CB-01:</b> Thank you for your comment. Please also see Responses to BSB-01, MMA-02, MMA-03, and MMA-04.</p> <p><b>Response to Comment CB-02:</b> The MMRA requires a MEPA analysis for major mine permit amendments (ARM 17.24.119(2)). As the administrative agency, DEQ determines the level of MEPA analysis appropriate to an action. The EIS focuses on the ways in which elements of the Proposed Action and alternatives, such as raising the West Embankment, would affect the human environment. Since the proposed amendment would extend the life of the mine and change some of the operational attributes, the EIS evaluates potential effects including, but not limited to, extending the presence of the mine, extracting additional materials, changing the elevation of the YDTI and its capacity, raising the water level of the YDTI pond, and delaying the reclamation of the area.</p> <p><b>Response to Comment CB-03:</b> Thank you for your comment</p> <p><b>Response to Comment CB-04:</b> DEQ has reviewed the alternatives for their relative effects on the human environment. DEQ has also been in consultation with the USEPA. Please see response to comments ER-03 and SW-03.</p> <p><b>Response to Comment CB-05:</b> Thank you for your comment. Please see response to comment ER-01.</p> <p>Additional Sources of Form Letter B are listed in <b>Table 9.2-1</b>.</p>

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Image of Comment Letter	Responses to Numbered Comments
<p>Fess Foster 21 PAUL GULCH RD WHITEHALL, MT 59759</p> <p>fessfoster@earthlink.net</p> <p>April 22, 2019</p> <p>Montana Department of Environmental Quality P.O. Box 200901 Helena, MT 59601 Attention: Mr. Craig Jones</p> <p>Mr. Jones:</p> <p>I appreciate the completion of the Draft EIS and the comprehensive review of the various aspects of the Yankee Doodle Tailings Impoundment expansion project.</p> <p>Continuing operations within the footprint of the existing mine will allow Montana Resources to remain a significant economic engine in Silver Bow County. Silver Bow County already has 15.5% of its population base living in poverty - a number that is 20% higher than either Montana's or the nation's rates (Table 3.11-1, page 3-93). Failure to move forward on this proposed expansion in a timely manner puts 364 of the county's 460 natural resource jobs at risk. (Table 3.11-2). The family-wage jobs at risk are also among the highest paying in the area (Table 3.11-2).</p> <p><b>FF-01</b> Montana Resources was extremely supportive of the passage of the most stringent regulations on tailings impoundments. Their commitment to proper impoundment designs with third party review to protect the publics' safety and liability is commendable.</p> <p><b>FF-02</b> Therefore, the expansion to this tailings impoundment should be a very easy decision for DEQ to make. The design of the YDTI expansion that has met with the approval of an independent review panel fulfills all the new standards that Montana put in place.</p> <p><b>FF-03</b> Since the Proposed Action, as reviewed and found to be complete and compliant by the DEQ, meets all standards and guidelines of Montana's Metal Mine Reclamation Act (ES-xvi), I support this action and ask the DEQ to move expeditiously in their approval process. Again, thank you for producing a complete and thorough Environmental Impact Study.</p> <p><b>FF-04</b></p> <p>Regards, Fess Foster</p>	<p><b>Form Letter C:</b></p> <p><b>Response to Comment FF-01:</b> Thank you for your comment. Please also see Responses to BSB-01, MMA-02, MMA-03, and MMA-04.</p> <p><b>Response to Comment FF-02:</b> Thank you for your comment.</p> <p><b>Response to Comment FF-03:</b> Thank you for your comment.</p> <p><b>Response to Comment FF-04:</b> Thank you for your comment. Please see response to comment ER-01.</p> <p>Additional sources of Form Letter C are listed in <b>Table 9.2-1</b>.</p>

Image of Comment Letter	Responses to Numbered Comments
<p>Robert Adams 1128 Maryland ave Butte, MT 59701 4065650835 Dalefreak76.ra@gmail.com</p> <p>April 15, 2019</p> <p>Montana Department of Environmental Quality P.O. Box 200901 Helena, MT 59601 Attention: Mr. Craig Jones</p> <p>Dear Mr. Jones:</p> <p>Please enter my comment in the public record in support of the plans for Montana Resources Yankee Doodle Tailings Impoundment (YDTI) expansion.</p> <p>I am pleased that Montana Resources has offered a Proposed Amendment (Section 2.4) that the DEQ determined was complete and in compliance with Montana's strict Metal Mine Reclamation Act (Section ES-i and ii) on August 31, 2018. I am pleased that the DEQ issued a Draft Permit based upon that finding and that the extensive and thorough review of the proposal has been offered to the public for comment.</p> <p>Their submission marks an important milestone in modern mining in Montana. It is not lost on me that the entity making this expansion application, Montana Resources, has displayed leadership in assuring that the state has some of the strictest tailings impoundment design requirements in the world.</p> <p>Under the new rules for designing the YDTI expansion, Section 2.2 explains that "In accordance with 82-4-377, MCA, an IRP is contracted with the operator or permit applicant to review 1) the design document, 2) the underlying analysis, 3) assumptions for consistency, and 4) assess the practicable application of current technology in the proposed design of a mine tailings storage facility. The panel submits its review and any recommended modifications to the operator or permit applicant and DEQ. The panel's determination is conclusive."</p> <p>After the panel's review is completed another level of review of those findings is completed as addressed in Section 2.2, page 2-2, which states that "An application for a permit or a permit amendment for a new tailings storage facility or expansion of an existing tailings storage facility must include the designation of an EOR and contact information." As described in 82-4-375, MCA, the responsibilities of the EOR include the following:</p> <ol style="list-style-type: none"> <li>1) Review the design and other documents pertaining to the tailings storage facility;</li> <li>2) Certify and seal designs or other documents pertaining to the tailings storage facility submitted to DEQ;</li> <li>3) Complete an annual inspection of the tailings storage facility;</li> </ol>	<p><b>Form Letter D:</b></p> <p><b>Response to Comment RA-01</b></p> <p>Thank you for your comment. The information on the IRP is provided in Section 2.2 of the EIS- Design Documents, Independent Review Process and Engineer of Record.</p>

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<p>4) Notify the operator when credible evidence indicates the tailings storage facility is not performing as intended; and</p> <p>5) Immediately notify the operator and DEQ when credible evidence indicates that the tailings storage facility presents an imminent threat or a high potential for imminent threat to human health or the environment.</p> <p>The rigor with which analysis of planning is completed on tailings impoundments is unparalleled anywhere else in the world. This is good news for Montanans who want to be assured that modern mining is providing the public with world-class designs that protect both humans and the environment.</p> <p><b>RA-01</b> It is this background of analysis and review that gives me the necessary confidence to encourage the DEQ to issue an approval of the YDTI Expansion Plan Proposed Action.</p> <p>Very Truly Yours, Robert Adams</p>	<p>Additional Sources of Form Letter D are listed in <b>Table 9.2-1</b>.</p>

Image of Comment Letter	Responses to Numbered Comments
<p>L. Gail Banks            Box 398            Twin bridges, MT 59754            4065966050            Dagabanks@hotmail.com</p> <p>April 5, 2019</p> <p>Montana Department of Environmental Quality            P.O. Box 200901            Helena, MT 59601            Attention: Mr. Craig Jones</p> <p>Dear Mr. Jones:</p> <p>I am writing to express my concern with the various alternatives being considered for the tailing pond expansion reclamation (Sections 2.3 to 2.11). I appreciate all of the extra analysis and review that has went into the expansion of this tailing impoundment.</p> <p>The DEQ rightfully dismissed all but two alternatives - the Proposed Action (Section 2.4) and the alternative to Eliminate the West Embankment Drain Pumpback At Closure (Section 2.6.1).</p> <p>The DEQ states that on August 31, 2018 Montana Resources permit amendment application was found to be 'complete and compliant' and the agency issued a draft permit amendment (Section 2.11, Page 2-24). Montana Resources deserves applause for not only advocating for stricter tailing impoundment design standards in our state capitol, but also being the first to comply with them once they were adopted.</p> <p><b>LGB-01</b> Since the Proposed Action is 'complete and compliant,' the alternative to Eliminate the West Embankment Drain Pumpback At Closure should have been dismissed as well. The DEQ states that this is the Preferred Action - but it relies on the groups associated with the Superfund program in Butte to review the alternative and modify the 2002 Butte Mine Flooding Operable Unit agreement (Section 2.11, page 24). So, there isn't an agreement in place to allow this option to go forward, the possible costs associated with this option have not been identified, the possible time it will take to achieve the multi-party agreement is not studied or revealed - and this is the alternative that is Preferred? I disagree with the conclusion that this alternative should be considered as an option.</p> <p>In conclusion, the review process that this impoundment lift has undergone is quite impressive. Nowhere else in the world are tailings facilities given this much scrutiny in the design and risk assessment phases. Hats off to Montana Resources for its commitment to modern engineering practices.</p> <p>I hope that DEQ will process this amendment as rapidly as possible so there is no interruption in operations.</p> <p>Regards,            L. Gail Banks</p>	<p><b>Form Letter E:</b></p> <p><b>Response to Comment LGB-01</b></p> <p>Thank you for your comment. DEQ acknowledges the need for coordination among the agencies and parties to the 2002 BMFOU Consent Decree to realize the changes needed to implement the Elimination of the WED Pumpback at Closure Alternative. DEQ has also been in consultation with the USEPA regarding the Preferred Alternative. Please also see responses to comments ER-01 and ER-03 (above) and EB-01 and EB-02 (below).</p> <p>Additional Sources of Form Letter E are listed in <b>Table 9.2-1</b>.</p>

Image of Comment Letter	Responses to Numbered Comments
<p>Eric Beardslee 1928 Aberdeen Butte, MT 59701 4064751238 eric_beardslee@gmail.com</p> <p>April 18, 2019</p> <p>Montana Department of Environmental Quality P.O. Box 200901 Helena, MT 59601 Attention: Mr. Craig Jones</p> <p>Mr. Jones:</p> <p>I appreciate receiving the DEIS and the complete review of the various aspects of the Yankee Doodle Tailings Impoundment expansion project.</p> <p>The review process that this impoundment lift has undergone is quite impressive. Nowhere else in the world are tailings dams given this much scrutiny in the design and risk assessment phases. Hats off to Montana Resources for its commitment to modern engineering practices.</p> <p><b>EB-01</b> I support the Proposed Action as outlined in the Executive Summary, Pages iv and v. The draft of the Proposed Action was reviewed by the DEQ, as required by the Montana Environmental Policy Act, and it was determined that the proposal is complete and in compliance with Montana's strict Metal Mine Reclamation Act (Section ES-i and ii).</p> <p><b>EB-02</b> I do not support the preferred alternative (Elimination of the West Embankment Drain (WED) Pumpback at Closure). This alternative would require discussions and agreements that Montana Resources couldn't guarantee. How realistic is this option? Is there an estimate for what it would cost to impose this alternative, assuming agreements were reached? Would the cost of this alternative make it feasible?</p> <p><b>EB-03</b> I am concerned that the life of the mine along with the jobs it provides may be at risk by the your support of an alternative that requires so many moving parts that may be impossible to put together. I fully support the project and look forward to a speedy authorization of the Proposed Action.</p> <p>Regards, Eric Beardslee</p>	<p><b>Form Letter F:</b></p> <p><b>Response to Comment EB-01:</b> The amendment application, which described the Proposed Action, was found to be complete and compliant under the requirements of the MMRA. DEQ reviews all amendment applications for completeness and compliance with 82-4-337 (amendments to a permit) and 82-4-336 (reclamation plan), MCA, and the rules implementing that section and all information necessary to initiate processing. The MEPA review and analyses of potential environmental impacts evaluates whether there are ways to reduce environmental impacts while still meeting the purpose and need for the Proposed Action.</p> <p><b>Response to Comment EB-02:</b> DEQ acknowledges the need for coordination among the agencies and parties to the 2002 BMFOU Consent Decree to realize the changes needed to implement the Elimination of the WED Pumpback at Closure Alternative. Costs have not been prepared to evaluate the Preferred Alternative; however, cost savings would likely occur if reclamation is completed sooner than under the Proposed Action. MEPA requires that alternatives considered, "must be reasonable, in that the alternative must be achievable under current technology and the alternative must be economically feasible as determined solely by the economic viability for similar projects having similar conditions and physical locations and determined without regard to the economic strength of the specific project sponsor (75-1-201(I), MCA).</p> <p><b>Response to Comment EB-03:</b> The Preferred Alternative would not affect the sequence of mining nor the timeframe of active operations, but it would instead shorten the reclamation timeline and modify the management of impoundment water at closure. DEQ has been in consultation with</p>

Image of Comment Letter	<b>Responses to Numbered Comments</b>
	<p data-bbox="1094 233 1822 297">the USEPA regarding alternatives evaluated and the selected Preferred Alternative.</p> <p data-bbox="1094 1052 1822 1083">Additional Sources of Form Letter E are listed in <b>Table 9.2-1.</b></p>

Chapter 9: Response to Comments

Image of Comment Letter	Responses to Numbered Comments
<p>Drew Baker po box 531 philipsburg, MT 59858 406 212 4981 drewb1990@gmail.com</p> <p>April 11, 2019</p> <p>Montana Department of Environmental Quality P.O. Box 200901 Helena, MT 59601 Attention: Mr. Craig Jones</p> <p>Dear Mr. Jones:</p> <p>Thank you for allowing my comment for the record on the Yankee Doodle Tailings Impoundment expansion project.</p> <p><b>DB-01</b> I support the Proposed Action as outlined in the Executive Summary, Pages iv and v. The draft of the Proposed Action was reviewed by the DEQ, as required by the Montana Environmental Policy Act, and it was determined that the proposal is complete and in compliance with Montana's strict Metal Mine Reclamation Act (Section ES-i and ii).</p> <p><b>DB-02</b> Even though the Proposed Action was determined to be complete and compliant, the DEQ has offered a preferred alternative (Elimination of the West Embankment Drain (WED) Pumpback at Closure) that "presents a different scenario for YDTI water management at closure..." (Section 2.11, Page 2-24)</p> <p><b>DB-03</b> The Preferred Alternative seems to fly in the face of Section 1.3.3.3, Integration of the Proposed Amendments, which states that "...any actions proposed at the Continental Mine must be consistent with the 2002 Consent Decree and any other decision documents that direct management within the BMFOU." The fact that the Preferred Alternative would require amending the 2002 Consent Decree (Section 2.11, Page 2-24) means that it is not 'consistent' with that agreement and should have been dismissed.</p> <p><b>DB-04</b> Montana Resources mine operations are an important economic contributor to the Butte area. Potentially compromising the mine operations by offering an alternative that requires multi-party coordination and a Consent Decree amendment does not make sense.</p> <p>I strongly encourage the DEQ to dismiss its Preferred Alternative and approve the Proposed Action.</p> <p>Very Truly Yours, Drew Baker</p>	<p><b>Form Letter G:</b></p> <p><b>Response to Comment DB-01:</b> Thank you for your comment. Please see response to comment ER-01.</p> <p><b>Response to Comment DB-02:</b> Thank you for your comment. Please see response to comments ER-01 and ER-03.</p> <p><b>Response to Comment DB-03:</b> Thank you for your comment. Please see response to Comment HM-02.</p> <p><b>Response to Comment DB-04:</b> Thank you for your comment.</p> <p>Additional Sources of Form Letter G are listed in <b>Table 9.2-1</b>.</p>



Image of Comment Letter	Responses to Numbered Comments
<p>Tim Boyle 1806 Garfield Butte, MT 59701</p> <p>Jeffery.boyle@hotmail.com</p> <p>April 19, 2019</p> <p>Montana Department of Environmental Quality P.O. Box 200901 Helena, MT 59601 Attention: Mr. Craig Jones</p> <p>Dear Mr. Jones:</p> <p><b>TB-01</b> Thank you for accepting my comment in support of the plans for expansion of the Montana Resources' operation in Butte. Those operations are central to continuing the rich tradition of mining that has served as an economic foundation for the area for over a century.</p> <p>History is important in the discussion of the future of the mine. This is recognized in Section 1.3.3.3, Integration of the Proposed Amendment, which states that "The background information on the history and current regulatory context is necessary for evaluation of the proposed amendment and any alternatives or stipulations." That same section states clearly that "In addition, the Superfund status of the BMFOU and DEQ's position as a party in the 2002 Consent Decree requires that any actions proposed at the Continental Mine must be consistent with the 2002 Consent Decree and other decision documents that direct management within the BMFOU."</p> <p>The applicant in this proposal, Montana Resources, completed their Proposed Amendment and presented it to the DEQ for review as required by the Montana Environmental Policy Act. The DEQ determined that the proposal was complete and in compliance with Montana's strict Metal Mine Reclamation Act (Section ES-i and ii) on August 31, 2018 and issued a Draft Permit.</p> <p><b>TB-02</b> The Proposed Action (Section 2.4) is consistent with the 2002 Consent Decree as required. Why, then, did the DEQ decide to offer, as outlined in Section 2.4 and as selected by the agency as the Preferred Alternative, "ELIMINATION OF WEST EMBANKMENT DRAIN PUMPBACK AT CLOSURE ALTERNATIVE"? In the discussions of alternatives Table 2.8-1 it states that "Upgrades to water treatment facilities managed under Superfund may need to be considered. Locations for discharge of treated water may need to be coordinated with other parties in the 2002 BMFOU CD and amendments to their agreement may be needed." This tells me that the Preferred Alternative is not consistent with the 2002 Consent Decree as required and the alternative should have been reviewed but dismissed.</p> <p><b>TB-03</b> I applaud the work done by the DEQ in reviewing this application. I do not believe that the agency reached the right conclusion after the review, however, and the Proposed Action should have been identified as Preferred. I strongly encourage the DEQ to approve of the Proposed Action as soon as possible.</p>	<p><b>Form Letter H:</b></p> <p><b>Response to Comment TB-01:</b> The amendment application, which described the Proposed Action, was found to be complete and compliant under the requirements of the MMRA. DEQ reviews all amendment applications for completeness and compliance with 82-4-337 (amendments to a permit) and 82-4-336 (reclamation plan), MCA, and the rules implementing that section and all information necessary to initiate processing. Please see response to Comment HM-02.</p> <p><b>Response to Comment TB-02:</b> The MEPA review and analyses of potential environmental impacts evaluates whether there are ways to reduce environmental impacts while still meeting the purpose and need for the Proposed Action. DEQ also acknowledges the need for coordination among the agencies and parties to the 2002 BMFOU Consent Decree to realize the changes needed to implement the Elimination of the WED Pumpback at Closure Alternative.</p> <p><b>Response to Comment TB-03:</b> Thank you for your comment.</p> <p>Additional Sources of Form Letter H are listed in <b>Table 9.2-1</b>.</p>

Image of Comment Letter	Responses to Numbered Comments
<p>Robert Ball 1708 Tammany Anaconda, MT 59711 406-498-9731 dogtownrob@msn.Com</p> <p>April 19, 2019</p> <p>Montana Department of Environmental Quality P.O. Box 200901 Helena, MT 59601 Attention: Mr. Craig Jones</p> <p>Dear Mr. Jones:</p> <p>I am writing to express my support for Montana Resources' plan to expand the Yankee Doodle Tailing Impoundment, keeping Butte operations going for the foreseeable future.</p> <p>The importance of this expansion cannot be overstated. Section 3.11.3.2, Page 3-97, states that with DEQ approval of the Proposed Action the mine will be able to operate until 2031. The 364 employees that currently have family wage jobs that pay higher than any other economic sector in Silver Bow County (Table 3.11-2) are not the only people who benefit from this mine. Schools and government services also benefit by the more than \$10 million in taxes paid each year by Montana Resources (Table 3.11-4).</p> <p><b>RB-01</b> I have looked at both the draft EIS and Montana Resources' application and I am confused. The DEQ states that the Proposed Alternative reviewed by the DEQ and was complete and complied with the MMRA and the DEQ issued a draft permit amendment (Section ES-xvi).</p> <p>If Montana Resources' application is in compliance with Montana's rules and regulations why would the state of Montana decide another plan is better, particularly when the newly proposed alternative "necessitates" recognition of USEPA's authority over long-term water management and treatment at the site under the BMFOU" and "Discussions and coordination with all parties in the 2002 BMFOU Consent Decree would be needed." (Section ES-xvi). I do not think that adding another level of complexity that requires multiple entities to agree is needed when the Proposed Action meets all required regulations. The coordination required in the Preferred Alternative may threaten the livelihoods of 364 families.</p> <p><b>RB-02</b> I am pleased to see that the design of the expansion to the tailing pond has been reviewed by experts. I think this review gives a great deal of confidence in the stability of the tailings and the closure.</p> <p>I look forward to seeing a positive decision on Montana Resources' Proposed Action by the DEQ in support of this project moving forward in the coming weeks.</p> <p>Very truly yours, Robert Ball</p>	<p><b>Form Letter I:</b></p> <p><b>Response to Comment RB-01:</b> Thank you for your comment.</p> <p><b>Response to Comment RB-02:</b> Thank you for your comment.</p> <p>Additional Sources of Form Letter I are listed in <b>Table 9.2-1</b>.</p>

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<p>Jaylynn Chiotti 100 Cedar Lake Ct Butte, MT 59701</p> <p>Jaylynn@hotmail.com</p> <p>April 15, 2019</p> <p>Montana Department of Environmental Quality P.O. Box 200901 Helena, MT 59601 Attention: Mr. Craig Jones</p> <p>Dear Mr. Jones:</p> <p><b>JC-01</b> I am fully in favor of Montana Resource's plan to expand the Yankee Doodle Tailings Impoundment and to continue with mining operations at the Continental Pit.</p> <p>I believe this 50 foot lift of the impoundment is a great example of how even existing tailings impoundments can be expanded safely. Under Montana's new design standards, technical review panelists have thoroughly analyzed this impoundment making the DEQ's role in this very straightforward.</p> <p>The proposed changes to the tailings impoundment are supported by an approved certified design document in accordance with statutory requirements. An Independent Review Panel (IRP) was convened as required and all members, possessing vast expertise and credentials, have signed off on design, construction, operation, and maintenance of the expansion of the tailings impoundment as proposed by Montana Resources.</p> <p>The operating permit boundary would increase by 4% for the proposed action, and there should be no change in impacts beyond those that have already been created by the tailings impoundment and other mine facilities.</p> <p>The footprint of the Continental Mine Pit will not change under this amendment as ore reserves within the currently permitted footprint of the Pit are scheduled to last for many, many years.</p> <p>In short, the Proposed Action would not authorize the disturbance of any additional land beyond what is permitted within Operating Permit 00030 (Section ES-iv). No impacts to ground water will occur due to natural conditions and engineered mitigation measures (Table ES-1).</p> <p><b>JC-02</b> The Preferred Alternative is different than what Montana Resources is proposing to do and, due to the uncertainty of the required 'coordination' with superfund partners (Section ES-xvi), this alternative lends an uncertainty to the ability of MR to proceed with the proposed expansion in a timely manner that does not threaten 364 direct employee jobs. If the Proposed Action meets the stringent rules and regulations required by law (Section ES-xvi) why in the world would the DEQ suggest this alternative, when Montana Resources, the project applicant, can't accept the alternative or comply with the alternative on its own?</p>	<p><b>Form Letter J:</b></p> <p><b>Response to Comment JC-01:</b> Thank you for your comment.</p> <p><b>Response to Comment JC-02:</b> The amendment application, which described the Proposed Action, was found to be complete and compliant under the requirements of the MMRA. DEQ reviews all amendment applications for completeness and compliance with 82-4-337 (amendments to a permit) and 82-4-336 (reclamation plan), MCA, and the rules implementing that section and all information necessary to initiate processing. The MEPA review and analyses of potential environmental impacts evaluates whether there are ways to reduce environmental impacts while still meeting the purpose and need for the Proposed Action.</p> <p>The design documents for the YDTI were prepared by a team of engineers and specialists, certified by the engineer of record (EOR), and submitted to DEQ as part of the application review process. The Independent Review Panel (IRP) consists of three engineers or specialists, as required by 82-4-377, MCA, who are tasked with reviewing the design documents for the YDTI including the proposed changes to the West Embankment and increased operating capacity. See Section 2.2 in the DEIS for further details on the role of the EOR and IRP in the amendment application process. Please also see response to comments ARC-01.</p> <p>Additional Sources of Form Letter J are listed in <b>Table 9.2-1</b>.</p>

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<p>Again, Montana's new design standards have required that a technical review panel thoroughly analyze this impoundment and the proposed expansion, and this should make the DEQ's role in this very straightforward: approve the Proposed Action and make sure that operations important to Silver Bow County families continue.</p> <p>Please expedite the process of granting a permit for the project.</p> <p>Very truly yours,</p> <p>Jaylynn Chiotti</p>	

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<p>Joseph Fuller 220 West Pennsylvania Anaconda, MT 59711 4065602009 joe fuller5@gmail.com</p> <p>April 15, 2019</p> <p>Montana Department of Environmental Quality P.O. Box 200901 Helena, MT 59601 Attention: Mr. Craig Jones</p> <p>Dear Mr. Jones:</p> <p>Please include in the public record my support for Montana Resources plan to expand the Yankee Doodle Tailings Impoundment.</p> <p><b>JF-01</b> I applaud the job done by Montana Resources, the DEQ, third-party contractors and an Independent Review Panel in reviewing this proposed expansion. The proposed action has undergone an incredible amount of scrutiny through our state's new impoundment design requirements (Section 2.2) to assure that the expansion being proposed meets these new, world-class, standards for design safety.</p> <p><b>JF-02</b> Under the Proposed Action, this expansion will allow the mine to continue operating uninterrupted until 2031 (Section 3.11.3.2, Page 3-97). This is good news for the Silver-Bow area as is the discussion found in Section 1.3, page 1-2 which states "The Continental Pit, the site of active mining operations, is currently permitted to produce ore for in excess of 20 years and ore reserves may exceed those reported in Montana Resources Operations Plan (February 2018)."</p> <p><b>JF-03</b> For those 350 to 400 direct employees and contractors engaged in mining at Montana Resources (Section 2.3.4, Page 2-10) and those that benefit from over \$10 million in taxes that support schools and other government functions (Table 3.11-4) that is good news.</p> <p><b>JF-04</b> Importantly, these jobs can be maintained while implementing a modern mining amendment that, when implemented, "will fall within the existing permit boundary" (Section 2.4.2, Page 2-14).</p> <p><b>JF-05</b> Finally, since the Proposed Action was found to be complete and compliant by the DEQ in August of 2018, there is no reason to consider other alternatives, such as the Preferred Alternative, especially when the alternative would require amending the 2002 Consent Decree (Section 2.11, Page 2-24) and could threaten the timeliness of moving forward with operations.</p> <p>I ask that a positive decision on Montana Resources's Proposed Action be announced by the DEQ soon after public comment is concluded.</p> <p>Very truly yours,</p>	<p><b>Form Letter K:</b></p> <p><b>Response to Comment JF-01:</b> Thank you for your comment.</p> <p><b>Response to Comment JF-02:</b> Thank you for your comment.</p> <p><b>Response to Comment JF-03:</b> Comment noted. Regarding tax revenue, please see response to Comment MMA-04.</p> <p><b>Response to Comment JF-04:</b> Thank you for your comment.</p> <p><b>Response to Comment JF-05:</b> Thank you for your comment.</p> <p>Additional Sources of Form Letter K are listed in <b>Table 9.2-1.</b></p>

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<hr/> <p><b>From:</b> Bob Anderson &lt;RANDERSON@hydrometrics.com&gt;  <b>Sent:</b> Monday, April 22, 2019 4:20 PM  <b>To:</b> DEQ MT Resources MEPA  <b>Subject:</b> Montana Resources DEIS</p> <p>I am writing to document my support for Montana Resources' proposed permit amendment to raise the Continental Mine Yankee Doodle Tailings Impoundment west embankment from 6405 feet to 6450 to match the currently permitted height of the remainder of the embankment. Montana Resources has conducted an enormous amount of work in planning and design of the embankment and completed numerous extensive studies to ensure the proposed amendment will be protective of human health and the environment. Approval of the proposed amendment will allow the Continental Mine to continue operations into the future, providing a critical resource for the United States and several hundred high paying jobs for Montana over the next several years. I hope this successful mining operation is allowed to continue well into the future.</p> <p><b>BA-01</b></p> <p>Thank you for the opportunity to comment.</p> <p>Bob Anderson, P.G.  Hydrometrics, Inc.  3020 Bozeman Ave  Helena, MT 59601  O (406) 443-4150 ext.145  C (406) 431-0238</p> <p style="text-align: center;">1</p>	<p><b>Comment BA-01:</b> Thank you for your comment. Please also see Responses to BSB-01, MMA-02, MMA-03, and MMA-04 regarding Montana Resources' economic contribution to the area.</p>

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<p>Donald M. Blackketter                      1300 West Park Street                      Butte, MT 59701                      406-496-4129                      dblackketter@mtech.edu</p> <p>May 2, 2019</p> <p>Montana Department of Environmental Quality                      P.O. Box 200901                      Helena, MT 59601                      Attention: Mr. Craig Jones</p> <p>RE: Montana Resources Draft EIS – Support for Proposed Action Alternative.</p> <p>Dear Mr. Jones:</p> <p>Please accept this letter as my strong support for the Proposed Alternative in the Draft EIS as submitted by Montana Resources (MR) in its permit amendment application. While I appreciate the DEQ’s best intent in selecting its own Preferred Alternative, I have serious concern with its potential effects on MR’s operations, if selected. After having served in my capacity as Chancellor at Montana Tech for the past eight years, I have developed a relationship with MR that gives me complete confidence in the adequacy and technical merits of their operations. The Butte community and Montana is fortunate to have a homegrown mining company among its ranks that respects and supports its own, while also providing technical, safety and environmental leadership on a much greater, industry-wide basis.</p> <p>I’m sure you’ve received plenty of comments speaking to MR’s economic importance for the community, and Montana Tech is part of that community. The Orediggers enjoy much support from MR and its conjunction with the Dennis &amp; Phyllis Washington Foundation in the form of scholarships, donations and support of on-campus events, like the Southwest Montana Regional Science Fair for our area’s youth, among others. But it is the professional opportunities for our students and the mutual benefits that both the university and the mine enjoy through working together that are as important if not more so for Montana Tech.</p> <p>Students and graduates in our Environmental, Mining, Metallurgical and other engineering programs, as well as OSHA, Industrial Hygiene, Chemistry, Biology and Business programs have learned valuable lessons through internships and found career employment and advancement at MR, respectively. Top-notch professionals from MR serve on our boards and committees, teach classes and lectures and come to our many events. Montana Tech’s world-class STEM faculty and Bureau of Mines and Geology staff provide expertise to and support MR in its commitments to leading Montana’s mining, safety and environmental industry. These relationships are what underscore my confidence that the Proposed Alternative is the best alternative for allowing MR to continue its thriving operations and for our invaluable relationship to continue without interruption or cause for concern.</p> <p>The world’s demand for copper will continue to increase with advances in renewable</p>	<p><b>Comment DMB-01:</b> Thank you for your comment. Additional information on Montana Resources’ economic contributions and philanthropic activities is included in Chapter 3 under Socioeconomics. Please also see responses to BSB-01, MMA-02, MMA-03, and MMA-04.</p>

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<p>energy technology, development of electric transportation and other societal improvements. Responsible development of our natural resources will ensure this demand is met sustainably. Montana Resources will continue to be a leader and play its part, while Montana Technological University looks forward to our continued support in helping them fulfill that role. Please support this advancement as well with DEQ's selection of the Proposed Alternative.</p> <p>Sincerely,</p> <p>Donald M. Blackketter</p>	



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<p>James Eddleman            PO Box 386            Wright, WY 82732            307-464-0299            westernc@collinscom.net</p> <p>April 8, 2019</p> <p>Montana Department of Environmental Quality            P.O. Box 200901            Helena, MT 59601            Attention: Mr. Craig Jones</p> <p>Western Cable LLC.</p> <p style="text-align: center;">PO Box 386            104 Commercial Drive            Wright WY, 82732            307-464-0299            Fax 307-464-0774            westernc@collinscom.net</p> <p>To whom it may concern,</p> <p><b>JE-01</b>            Montana Resources has been a customer of Western Cable LLC for over 20 years. They have been an incredible company to work with. This will not only affect Montana Resources, but also Western Cable LLC, as a whole. We hope that you take into consideration of all the companies this will affect and choose to grant Montana Resources this permit.</p> <p>Sincerely,</p> <p>James Eddleman</p> <p>James Eddleman</p>	<p><b>Comment JE-01:</b> Thank you for your comment. Please also see response to comment BSB-01.</p>

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<p>Casey Erickson            48 Canyon View            Red Lodge, MT 59068            4063288590            cerickson@sibanyestillwater.com</p> <p>April 12, 2019</p> <p>Montana Department of Environmental Quality            P.O. Box 200901            Helena, MT 59601            Attention: Mr. Craig Jones</p> <p>Dear Mr. Jones:</p> <p>I am fully in favor of Montana Resource's plan to expand the Yankee Doodle Tailings Impoundment and to continue with mining operations at the Continental Pit.</p> <p>Please approve the Proposed Action and make sure that operations important to Silver Bow County families continue.</p> <p>CE-01            Please expedite the process of granting a permit for the project.</p> <p>Very truly yours,            Casey Erickson</p>	<p><b>Comment CE-01:</b> Thank you for your comment. DEQ is working within the one-year timeline imposed by the MMRA for the MEPA environmental review (82-4-337(h)(iv), MCA). The culmination of the MEPA process is the EIS and the Record of Decision, which would issue the draft permit amendment as final to Montana Resources.</p>

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<hr/> <p><b>From:</b> KD Feedback &lt;kdfeedback@gmail.com&gt; <b>Sent:</b> Monday, April 22, 2019 7:01 AM <b>To:</b> DEQ MT Resources MEPA <b>Subject:</b> Montana Resources</p> <p>Dear Mr. Jones:</p> <p><b>KDF-01</b> The Department has completed a thorough and properly detailed environmental analysis of the proposed MRI amendment allowing expansion of the existing Yankee Doodle tailings impoundment. This important modification as set forth in the preferred alternative should be implemented.</p> <p>Regards, KD Feedback</p> <p>TOOLE &amp; FERRELL, PLLC 702 Main Street P.O. Box 907 Lincoln, Montana 59639 Phone: (406) 362-4025 Fax: (406) 362-4090 <a href="mailto:kdfeedback@gmail.com">kdfeedback@gmail.com</a></p> <p>This e-mail is confidential and may be privileged. Use or disclosure of it by anyone other than a designated addressee is unauthorized. If you are not an intended recipient, please delete this e-mail from the computer on which you received it.</p>	<p><b>Comment KDF-01:</b> Thank you for your comment. The final determination will be provided in the Record of Decision.</p>

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<p>Julie Gress 512 West 6th St Anaconda, MT 59711</p> <p>juliegress@hotmail.com</p> <p>April 22, 2019</p> <p>Montana Department of Environmental Quality P.O. Box 200901 Helena, MT 59601 Attention: Mr. Craig Jones</p> <p>Dear Mr. Jones:</p> <p>I write this letter in support of the Yankee Doodle Tailings Impoundment expansion. I am currently an employee of Montana Resources and this permit decision will affect my life tremendously. Not only will this decision affect my family and I but also the Butte community and surrounding communities.</p> <p><b>JG-01</b> Montana Resources has a significant impact on the economics in Silver Bow County. Stopping the existing mining would have a negative impact on the community. It is extremely hard to find good employment, especially a natural resource job. I am one of the 364 people whose job is at risk. I have been extremely fortunate to have had one of the highest paying jobs in this area for over 20 years. I try not to think of what I would do if I no longer had this job. As a single mother of four I don't know how I would provide for my family.</p> <p>Montana Resources has always committed to regulations and to safety. I have trust in my employer to continue to abide by regulations. I trust my employer will protect my safety and protect the public's safety. Montana Resources has a very respectable safety record and safety is educated continually. I believe this core value of safety has been shown in the company's commitment to proper impoundment designs.</p> <p>Montana Resources permit application meets all the requirements for the Metal Mine Reclamation Act. The design of the expansion fulfills all the new standards that Montana put in place.</p> <p>I support this action and ask the DEQ to move expeditiously in their approval process.</p> <p>Regards,</p> <p>Julie Gress</p>	<p><b>Comment JG-01:</b> Thank you for your comment. Please also see Responses to BSB-01, MMA-02, MMA-03, and MMA-04.</p>

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<p>EA Andy Johnson 3470 Quincy BUTTE, MT 59701 406-498-8628 eandy007@gmail.com</p> <p>April 22, 2019</p> <p>Montana Department of Environmental Quality P.O. Box 200901 Helena, MT 59601 Attention: Mr. Craig Jones</p> <p>Dear Mr. Jones:</p> <p>I support Montana Resources' plan to expand the Yankee Doodle Tailing Impoundment, as designed by MR engineers. It is needed for continuing MR's Butte operations.</p> <p>This operation is critical to continued prosperity of Butte and over 300 MR employees. This operation also supports local schools and government services via more than \$10 million in taxes paid each year by Montana Resources</p> <p><b>EA-01</b> DEQ seems conflicted. If Montana Resources' application is in compliance with Montana's rules and regulations, why would DEQ decide another plan is better. DEQ's proposed alternative adds an unnecessary level of complexity that requires multiple entities to concur on picky points when the Proposed Action already meets all required regulations. In my view, this seems unwarranted.</p> <p>MR's design of the expansion to the tailing pond has been reviewed by outside experts. This renders greater confidence in the stability of the tailings and the closure.</p> <p>I hope we will see a positive decision on Montana Resources' Proposed Action by the DEQ in support of this project moving forward in the near future.</p> <p>Very truly yours,</p> <p>EA Andy Johnson</p>	<p><b>Comment EA-01:</b> Thank you for your comments. The amendment application, which described the Proposed Action, was found to be complete and compliant under the requirements of the MMRA. DEQ reviews all hard rock mine amendment applications for completeness and compliance with 82-4-337 (amendments to a permit) and 82-4-336 (reclamation plan), MCA, and the rules implementing that section and all information necessary to initiate processing. The MEPA review and analyses of potential environmental impacts discloses the potential for impacts to the human environment and evaluates whether there are ways to reduce those impacts while still meeting the purpose and need for the Proposed Action. The Preferred Alternative identified ways to reduce environmental impacts and shorten the reclamation timeline. Please also see Response to comment ER-03.</p>

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<p>Bill Krippachne 1001 South Main Street, Suite 550 Kalispell, MT 59901 406.407.0070 bill@pac-imd.com</p> <p>April 19, 2019</p> <p>Montana Department of Environmental Quality P.O. Box 200901 Helena, MT 59601 Attention: Mr. Craig Jones</p> <p>Dear Mr. Jones:</p> <p>I am writing in support of the Preferred Alternative plans for Montana Resources Yankee Doodle Tailings Impoundment (YDTI) expansion, as contained in the March 2019 DEIS for proposed Amendments to Permits 00030 and 00030A for the Continental Mine which raise the West Embankment elevation to match the East-West and North-South embankments to facilitate further tailings deposition and extend mining operations Butte, MT.</p> <p>I am comforted that the DEQ determined that the Proposed Amendment was complete and in compliance with Montana's strict Metal Mine Reclamation Act (Section ES-i and ii) and issued a Draft Permit based upon that finding.</p> <p>Over the years, Montana Resources, has displayed remarkable environmental stewardship and leadership in assuring that the world's most modern mining practices are followed in their operations.</p> <p>The new tailings design rules for the YDTI expansion state that the operator or permit applicant must contract with an IRP to review: (1) the design document, (2) the underlying analysis, (3) assumptions for consistency, and (4) assess the practicable application of current technology in the proposed design of a mine tailings storage facility; and, this review is submitted to the DEQ and it's determination is conclusive.</p> <p>After the panel's review is completed another level of review of those findings is completed as addressed in Section 2.</p> <p>I am confident in the analysis and review process, as well as MR's dedication to do things the "right way," that I encourage the DEQ to issue an approval of the YDTI Expansion Plan Proposed Action.</p> <p>Very Truly Yours, Bill Krippachne</p>	<p><b>Comment BK-01:</b> Thank you for your comments.</p>

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<p>Karen Maloughney, BSN, RN                  2504 Miles Crossing                  Ramsay, MT 59748                  406-782-4485                  karenmaloughney@gmail.com</p> <p>April 22, 2019</p> <p>Montana Department of Environmental Quality                  P.O. Box 200901                  Helena, MT 59601                  Attention: Mr. Craig Jones</p> <p>Dear Mr. Jones:</p> <p>I am writing to express my support for Montana Resources' plan to expand the Yankee Doodle Tailing Impoundment, keeping Butte operations going for the foreseeable future.</p> <p><b>KM-01</b>                  The importance of this expansion cannot be overstated! With DEQ approval of the Proposed Action the mine will be able to operate until 2031. There are 365 employees that currently have family wage jobs that pay higher than any other economic sector in Silver Bow County.</p> <p>Butte is a mining community and is known as "The Mining City" and "The Richest Hill on Earth." It's been that way for over a century. I have lived in Butte-Silver Bow my entire life. My family history has generations of miners on both sides of my family. My husband is a 6th generation miner himself. We are raising our daughter here and we are proud to do so. I have lived through an era when the mines were shut down. Butte failed to thrive and all hope was lost. It was a challenging time, to say the least.</p> <p>I know how important Montana Resources is to our local economy. Tax payments from Montana Resources account for roughly twenty percent of Butte-Silver Bow's tax base at nearly \$10 million per year. Because they are good neighbors in our community, they invest in our community. A portion of their profits go to their philanthropic efforts and they support countless small businesses throughout our community with annual spending over \$22 million on goods and services.</p> <p>I am also a Registered Nurse and the health of Butte-Silver Bow is very important to me. They are responsible community partners that care about the health and well-being of their employees and the community they work, live and recreate in.</p> <p>Because Montana Resources' application is in compliance with Montana's rules and regulations and the Proposed Action meets all required regulations, I'm against adding another level of complexity that requires multiple entities to agree and the coordination required in the Preferred Alternative could very well threaten the livelihoods of 365 families. This would be a devastating blow to our community and the ripple effects unimaginable.</p> <p>I am extremely pleased to see that this detailed plan was evaluated and approved by an independent group of world-class tailings dam experts and was also found to be "complete</p>	<p><b>Comment KM-01:</b> Thank you for your comment. Information on Montana Resources' philanthropic support of the community has been added to Section 3.11.2.3 of the EIS. Please also see Responses to BSB-01, MMA-02, MMA-03, and MMA-04.</p>

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<p>and compliant" with applicable Montana laws.</p> <p>I look forward to seeing a positive decision on Montana Resources' Proposed Action by the DEQ in support of this project moving forward in the coming weeks.</p> <p>Very truly yours,</p> <p>Karen Maloughney, BSN, RN</p>	
<hr/> <p><b>From:</b> Cindy Reynolds &lt;lucindaw1224@gmail.com&gt;  <b>Sent:</b> Saturday, April 06, 2019 6:36 AM  <b>To:</b> DEQ MT Resources MEPA  <b>Subject:</b> Mining and areas affected</p> <p><b>CR-01</b>  I own a house on Farrell street in Butte and is this going to affect me? Thanks!  Sent from my iPhone</p>	<p><b>Comment CR-01:</b> Thank you for your comment. The EIS discloses the potential for impacts to the human environment in the vicinity of the proposed mine expansion in Chapter 3 of the EIS. The proposed amendment would not directly impact individual residences. The EIS describes the proposed changes to the mine permit area expansion in Section 2.4.</p>



Image of comment letter	Responses to Numbered Comments
<p>Mike McGivern 600 Shields Ave Butte, MT 59701 406-496-3207 mmcgivern@montanaresources.com</p> <p>April 3, 2019</p> <p>Montana Department of Environmental Quality P.O. Box 200901 Helena, MT 59601 Attention: Mr. Craig Jones</p> <p>Dear Mr. Jones:</p> <p>Please enter my comment in the public record in support of the plans for Montana Resources Yankee Doodle Tailings Impoundment (YDTI) expansion.</p> <p><b>MM-01</b> As stated in the socioeconomic section, the Washington Foundation with its philanthropic support of Butte and the direct/indirect jobs provided by MR as well as the tax base are incredible economic drivers for Butte's economy.</p> <p>While providing jobs, taxes and donations are important, more importantly is the engineering design of the Impoundment and it being structurally sound. Being this is the first Tailings Impoundment to fall under Montana's Tailings Impoundment law which may arguably be the most stringent in the world, it was interesting to see the process move forward under this law. Under 82-4-377, the IRP and the EOR under 82-4-375 both found that the design document addresses all required MCA documents.</p> <p>This should give the DEQ and the public peace of mind that some of the best Tailings Impoundment experts in the world have signed off on the design of the permit application.</p> <p>Very Truly Yours, Mike McGivern</p>	<p><b>Comment MM-01:</b> Thank you for your comment. Information on Montana Resources' philanthropic support of the community has been added to Section 3.11.2.3 of the EIS. Please see responses to comments ARC-01 through ARC-04 for more information on the IRP.</p>

Image of comment letter	Responses to Numbered Comments
<p>Amelinda Olson                      1859 Phillips Ave                      Butte, MT 59701                      4064989635                      amelindaanne77@hotmail.com</p> <p>April 20, 2019</p> <p>Montana Department of Environmental Quality                      P.O. Box 200901                      Helena, MT 59601                      Attention: Mr. Craig Jones</p> <p>Dear Mr. Jones:</p> <p>Thank you for accepting my comment in support of the plans for expansion of the Montana Resources' operation in Butte. Those operations are central to continuing the rich tradition of mining that has served as an economic foundation for the area for over a century.</p> <p><b>AO-01</b> Montana Resources provides 360 high paying jobs, pays 30% of the Butte Silver Bow Tax base and responsibly mines the Continental Pit. The Yankee Doodle Tailing Dam expansion will allow MR to continue mining.</p> <p>The Superfund partnership that is between ARCO and MR is another project that does not rely on the Dam permit. However, I am proud to learn that this project will be cleaning the waters of the Berkeley Pit. This is a first important step to responsibly clean up the Superfund site. The work benefits Silver Bow county greatly.</p> <p>In closing please consider the permit to raise the dam so that work can continue at MR.</p> <p>Sincerely,</p> <p>Amelinda Olson</p> <p>Amelinda Olson</p>	<p><b>Comment AO-01:</b> Information on Montana Resources' philanthropic support of the community and their tax contributions has been added to Section 3.11.2.3 of the EIS.</p> <p>The Purpose and Need for this EIS are addressed in Section 1.2 of the EIS. As identified in the EIS, there are other activities in the vicinity of the proposed amendment which are occurring to address features that are not part of this amendment (e.g. water treatment under the Superfund remedy).</p>


Image of comment letter	Responses to Numbered Comments
<p data-bbox="247 305 436 435">                        Brady Selle                      235 Hummingbird Ln                      Troy, MT 59935                      4062931027                      brady.selle@gmail.com                 </p> <p data-bbox="247 467 365 488">April 18, 2019</p> <p data-bbox="247 521 615 621">                     Montana Department of Environmental Quality                      P.O. Box 200901                      Helena, MT 59601                      Attention: Mr. Craig Jones                 </p> <p data-bbox="247 654 373 675">Dear Mr. Jones:</p> <p data-bbox="247 708 932 834">                     I spent many years in butte and I am happy to see that mining is still going on in Butte. I have scanned through the draft and everything seems to be done thoroughly. It seems as we almost go overboard in assuring that there are not future problems from mining today. We can learn from our past mistakes and I think this project does that. I support the continued mining in Butte and this draft Environmental Statement.                 </p> <p data-bbox="205 846 254 867"><b>BS-01</b></p> <p data-bbox="247 894 869 938">                     I hope that DEQ will process this amendment as rapidly as possible so there is no interruption in operations.                 </p> <p data-bbox="247 971 359 1044">                     Regards,                      Brady Selle                      Troy Montana                 </p> <p data-bbox="247 1076 338 1097">Brady Selle</p>	<p data-bbox="1115 305 1902 402"> <b>Comment BS-01:</b> Thank you for your comment. Please see response to comment ER-06 regarding the timeline for the EIS and the Record of Decision.                 </p>

Image of comment letter	Responses to Numbered Comments
<p>Stephanie Sorini            1000 George Street            Butte, MT 59701            406-723-3177            marketing@buttechamber.org</p> <p>May 1, 2019</p> <p>Montana Department of Environmental Quality            P.O. Box 200901            Helena, MT 59601            Attention: Mr. Craig Jones</p> <p>Dear Mr. Jones:</p> <p>This letter is to give my support to Montana Resources Draft EIS for their continued operations as proposed in their recent permit amendment. I am the Executive Director of the Butte Chamber of Commerce. Montana Resources (MR) is an important member of our Chamber and a vital contributor to Butte and Southwest Montana's economy. They employ over 360 people with some of the highest paying jobs in our area and additionally, spend tens of millions of dollars each year in goods and services provided by our local businesses. Through their affiliation with the Dennis and Phyllis Washington Foundation, MR also supports many of our community's major festivals and programs to the tune of hundreds of thousands of dollars, not to mention multi-million-dollar investments in our quality of life with projects like Stodden Park and the Three Legends Stadium. Our community is not just lucky to have them, we don't know what we'd do without them!</p> <p><b>SS-01</b> MR also supports many of our community's major festivals and programs to the tune of hundreds of thousands of dollars, not to mention multi-million-dollar investments in our quality of life with projects like Stodden Park and the Three Legends Stadium. Our community is not just lucky to have them, we don't know what we'd do without them!</p> <p><b>SS-02</b> Regarding the EIS, please consider supporting the alternative proposed by MR in its permit amendment application. I do not doubt your department has put a lot of effort and thought into its preferred alternative, but my understanding is that there is not enough certainty if selected, that MR would be able to continue its operations in a timely manner. Any alternative that does not provide 100% certainty in MR's ability to operate is not viable, in my opinion, and should be reconsidered. Furthermore, I have the fullest confidence in MR's knowledge of its own site and the ability of its engineers and consultants to design an acceptable alternative.</p> <p>I look forward to your approval of allowing MR to proceed with its proposed alternative and therefore, its vital operations for Butte and Southwest Montana.</p> <p>Sincerely,</p> <p>Stephanie Sorini</p>	<p><b>Comment SS-01:</b> Thank you for your comment. Information on Montana Resources' philanthropic support of the community and their indirect effects on the economy has been added to Section 3.11.2.3 of the EIS.</p> <p><b>Comment SS-02:</b> Please see response to comment ER-06 regarding the timeline for the EIS and the Record of Decision.</p>

Chapter 9: Response to Comments

Image of comment letter	Responses to Numbered Comments
<p>Dan Thompson 219 Totem View Victor, MT 59875 406 531-3103 dkthomps7@gmail.com</p> <p>April 10, 2019</p> <p>Montana Department of Environmental Quality P.O. Box 200901 Helena, MT 59601 Attention: Mr. Craig Jones</p> <p>Dear Mr. Jones:</p> <p>Thank you for inviting my comment for the record on the Yankee Doodle Tailings Impoundment expansion project.</p> <p>After concluding that the application for the tailings expansion was complete and compliant, DEQ has offered another Alternative that would require, upon closure, some sort of "multi-party" coordination. I am concerned that requirement would create a bureaucratic and political nightmare that could impede and delay closure activities. And it seems to serve no useful purpose, other than to attempt to placate a few small but vocal environmental extremists.</p> <p>I urge MDEQ to accept the Proposed Action as submitted as the Preferred Alternative.</p> <p>Montana Resources mine operations are an important economic contributor to the Butte area. Potentially compromising the mine operations by offering an alternative that requires multi-party coordination and a Consent Decree amendment does not make sense.</p> <p>I strongly encourage the DEQ to dismiss its Preferred Alternative and approve the Proposed Action.</p> <p>Very Truly Yours, Dan Thompson</p> <p><b>DT-01</b></p>	<p><b>Comment DT-01:</b> Thank you for your comment. Please see response to comment ARC-03. The final determination will be provided in the Record of Decision.</p>

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<p data-bbox="283 315 453 410">           Dan Thompson            219 Totem View            Victor, MT 59875            406 531-3103            dkthomps7@gmail.com         </p> <p data-bbox="283 431 390 449">           April 10, 2019         </p> <p data-bbox="283 470 617 547">           Montana Department of Environmental Quality            P.O. Box 200901            Helena, MT 59601            Attention: Mr. Craig Jones         </p> <p data-bbox="283 566 399 584">           Dear Mr. Jones:         </p> <p data-bbox="283 605 858 643">           Thank you for inviting my comment for the record on the Yankee Doodle Tailings Impoundment expansion project.         </p> <p data-bbox="216 688 275 706"><b>DT-01</b></p> <p data-bbox="283 662 913 777">           After concluding that the application for the tailings expansion was complete and compliant, DEQ has offered another Alternative that would require, upon closure, some sort of "multi-party" coordination. I am concerned that requirement would create a bureaucratic and political nightmare that could impede and delay closure activities. And it seems to serve no useful purpose, other than to attempt to placate a few small but vocal environmental extremists.         </p> <p data-bbox="283 799 886 816">           I urge MDEQ to accept the Proposed Action as submitted as the Preferred Alternative.         </p> <p data-bbox="283 855 919 914">           Montana Resources mine operations are an important economic contributor to the Butte area. Potentially compromising the mine operations by offering an alternative that requires multi-party coordination and a Consent Decree amendment does not make sense.         </p> <p data-bbox="283 935 856 972">           I strongly encourage the DEQ to dismiss its Preferred Alternative and approve the Proposed Action.         </p> <p data-bbox="283 993 415 1011">           Very Truly Yours,         </p> <p data-bbox="283 1032 394 1050">           Dan Thompson         </p>	<p data-bbox="1115 233 1902 406"> <b>Comment JW-01:</b> Thank you for your comment. Information on Montana Resources' philanthropic support of the community and their indirect effects on the economy has been added to Section 3.11.2.3 of the EIS. Please also see Responses to BSB-01, MMA-02, MMA-03, and MMA-04.         </p>

Image of comment letter	Responses to Numbered Comments
<p data-bbox="260 298 411 396">Alicia Vincent 1201 West Porphyry Butte, MT 59701 565-7483 ajkv@icloud.com</p> <p data-bbox="260 418 369 438">April 10, 2019</p> <p data-bbox="260 461 604 539">Montana Department of Environmental Quality P.O. Box 200901 Helena, MT 59601 Attention: Mr. Craig Jones</p> <p data-bbox="260 561 453 581">Dear DEQ and Mr. Jones:</p> <p data-bbox="260 604 919 737">I am writing to express my support for Montana Resources Proposed Action Alternative for expansion of its Yankee Doodle Tailings Impoundment. Thanks to Montana's laws governing mines with tailings storage facilities, I have great faith that Montana Resources adequately engineered the expansion, and that the panel of independent experts overseeing their operations studied the design extensively. I also understand that DEQ has already found this proposed action to be complete and compliant, which makes it puzzling to me as to why the department has chosen a different "preferred alternative."</p> <p data-bbox="205 750 247 769"><b>AV-01</b></p> <p data-bbox="260 743 919 1081">Further, as it relates to the DEQ preferred alternative, I find it alarming that the agency would want to tie the future of Butte's biggest economic provider to something as uncertain as Superfund. I have lived in Butte my whole life and observed the problems and lack of progress with the Superfund process. This connection is NOT comforting at all. The amendment being proposed by Montana Resources needs to happen now, in the next few months -- not in 20 years! It's also undetermined what pumping water from the Yankee Doodle to the Horseshoe Bend treatment plant would do to the Berkeley Pit remedy's capacity and effectiveness -- also, NOT comforting. My family of six depends on Montana Resources operating for its livelihood, and so do many, many others here in Butte and the surrounding areas. Please do NOT move ahead with the "Preferred Alternative" and put the jobs and lives of so many people at risk. Montana Resources has proven its environmental responsibility with its actions in the past and this proposed action is no exception to that record of responsibility. They have gone above and beyond. I hope you will consider these comments and allow Montana Resources and its employees to continue its operations with certainty and without having to worry what will come next. Please consider changing your preference to the Proposed Action Alternative.</p> <p data-bbox="260 1104 348 1123">Thank you,</p> <p data-bbox="260 1146 369 1166">Alicia Vincent</p>	<p data-bbox="1115 233 1892 406"><b>Comment AV-01:</b> Thank you for your comment. Please see response to Comment HM-02 regarding the coordination among the agencies and parties to the 2002 BMFOU Consent Decree. Please see response to comment ER-06 regarding the timeline for the EIS and the Record of Decision.</p> <p data-bbox="1115 451 1906 688">DEQ acknowledges the water management components of the BMFOU remedy and the potential overlap with facility reclamation and post-closure management of the mine permit area. The following statement appears in the discussion of the WED Pumpback Elimination at Closure Alternative (Section 2.6.3 and elsewhere), and it is similarly discussed in the Accelerated Drawdown at Closure Alternative.</p> <p data-bbox="1178 734 1871 1117">“The Elimination of WED Pumpback at Closure Alternative presents a different scenario for YDTI water management at closure, which necessitates recognition of USEPA’s authority over long-term water management and treatment at the site under the BMFOU. Discussions and coordination with all parties in the 2002 BMFOU Consent Decree would be needed to review the options and feasibility for handling and treating this water, the potential use of existing or upgraded facilities and infrastructure (e.g. HsB Water Treatment Plant), and to amend the agreement accordingly.”</p>

Transcript from the April 10, 2019 Public Meeting

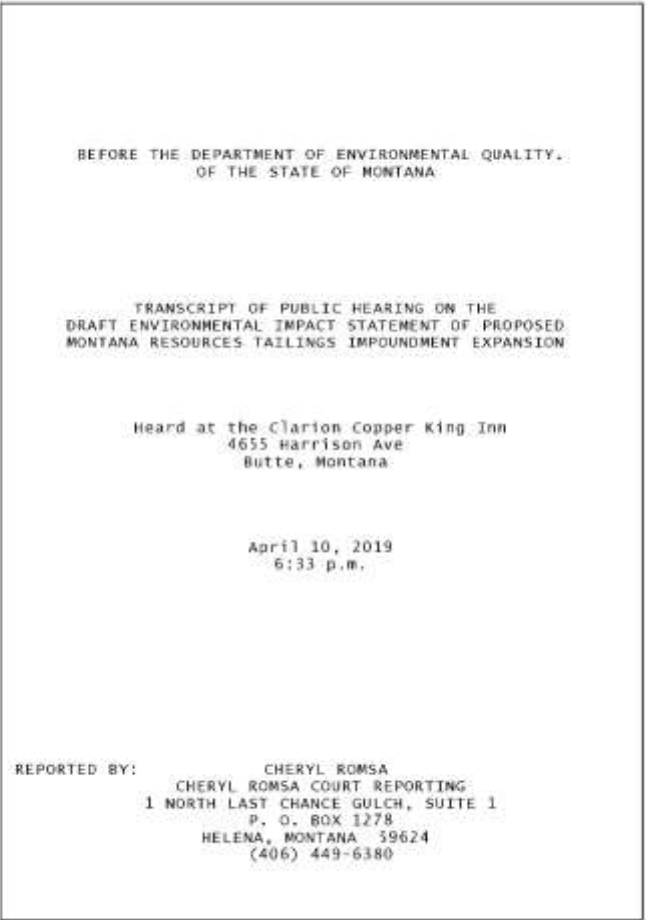
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	<p><b>Please Note:</b> Response are provided across from the comment text in the transcript. The entire transcript from the April 10, 2019 meeting is included to maintain the context of each comment. Therefore, there may be some blank areas in the “Responses” column where the commenter included background information, but no response is required.</p> <p>To save space in this document, the transcript has been reproduced with 2 pages per sheet for sections without comments, such as the introduction to the meeting.</p>



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1           WHEREUPON, the proceedings were had as follows:

2           MR. JONES: Good evening, and thank you for

3 joining us here tonight. We are holding this meeting to

4 receive public comments on the Draft Environmental Impact

5 Statement, or EIS, for the proposed amended application

6 for the expansion of the existing Yankee Doodle Tailings

7 Impoundment.

8           My name is Craig Jones, and I am with the Montana

9 Department of Environmental Quality, or DEQ. I'm the

10 Montana Environmental Policy Act coordinator overseeing

11 the Environmental Impact Statement for DEQ. Up here with

12 me I have Herb Rolfes, who is with DEQ's hard rock

13 program. Also, we have other technical specialists from

14 DEQ and folks from our third-party contractor, and we're

15 all wearing these awesome name tags.

16           Public participation is an important component of the

17 EIS process. There are two opportunities for public

18 comment. One is the scoping period, which DEQ held for

19 this project from mid September to the middle of

20 October 2018, and DEQ held the public meeting in early

21 October here in Butte. On March 22nd, 2019, DEQ released

22 the Draft EIS for public review. The EIS evaluates the

23 environmental impacts resulting from the project.

24           Pursuant to the requirements of the Montana

25 Environmental Policy Act, this meeting is to allow the

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1 public to ask resource specialists questions and submit  
2 oral or written comments on the Draft EIS. DEQ is charged  
3 with ensuring the project complies with state law and  
4 rule. We are neither an opponent nor proponent of the  
5 proposed project.

6 And with that, I'll turn it over to Herb, who will  
7 briefly describe the EIS alternatives.

8 MR. ROLFES: Hello. Welcome. My name is  
9 Herb Rolfes. I am the operating permit section supervisor  
10 for the Department of Environmental Quality's Hard Rock  
11 Mining Bureau.

12 DEQ originally received an application from  
13 Montana Resources on October 6, 2017. Review of the  
14 application under the Metal Mine Reclamation Act began to  
15 determine if the application was complete and compliant.  
16 After several reviews and deficiency responses that  
17 addressed DEQ concerns, DEQ deemed the application  
18 complete and compliant on August 31st, 2018, and issued a  
19 draft permit.

20 The draft permit triggered the Montana Environmental  
21 Policy Act process, and a Draft EIS was issued on  
22 March 22nd, 2019. And that brings us to where we are  
23 today, with a public meeting on the draft EIS under the  
24 Montana Environmental Policy Act.

25 The amendment is to raise the elevation of the west

1 embankment of the Yankee Doodle Tailings Impoundment from  
2 the 6405-foot to the 6450-foot elevation. This would  
3 match the presently permitted elevation of the north-south  
4 and east-west embankments. The northern boundary of the  
5 tailings pond would be extended from the 6375-foot to the  
6 6428-foot elevation.

7 The amendment includes provisions regarding rock  
8 disposal, reclamation material stockpiles, and roads. The  
9 life of the impoundment would be extended by up to  
10 nine years, reaching its maximum storage capacity in  
11 approximately 2031, based on current production estimates.

12 For reclamation, the Yankee Doodle Tailings  
13 Impoundment seasonal transition zone, or the beach, would  
14 be reclaimed incrementally over an estimated 40-year  
15 period following closure, as the pond recedes and the  
16 tailings surface dries out. The reclamation would include  
17 covering the beach with 28 inches of alluvium and  
18 establishing vegetation. An initial 6-inch layer of rock  
19 would be placed as necessary for dust control concurrently  
20 with beach exposure.

21 A west embankment drain would be constructed to  
22 prevent water seepage from leaving Yankee Doodle Tailings  
23 Impoundment and entering ground water to the west.  
24 Seepage collected by the west embankment drain would  
25 passively drain to a lined extraction pond, where it would

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1 be pumped back to the Yankee Doodle Tailings Impoundment  
2 during operations. The pumpback system would be utilized  
3 following closure for approximately 20 years, until the  
4 Yankee Doodle Tailings Impoundment water elevation is  
5 lowered to below the ground water elevation on the west  
6 ridge.

7 Rock disposal sites would be reclaimed by reducing  
8 slopes, regrading, placing 20 inches of alluvium on the  
9 slopes and 28 inches of alluvium on the top and benches,  
10 and establishing vegetation. A closure spillway would be  
11 constructed at the 6430-foot elevation to limit the  
12 maximum pond volume. The spillway would be designed to  
13 route a 1-in-a-1,000-year precipitation event to the  
14 Continental Pit, if such an event were to occur  
15 immediately after a probable maximum flood event.

16 One alternative analyzed would be to route the water  
17 coming out of the west embankment drain after closure of  
18 the impoundment to either the Continental Pit or an  
19 existing water treatment plant. This alternative would  
20 eliminate the pumping of the west embankment drain seepage  
21 back to the impoundment for 20 years and the corresponding  
22 treatment with lime to offset Yankee Doodle Tailings  
23 Impoundment pond acidification. This alternative would  
24 also reduce the amount of time, after operations, to drain  
25 down the Yankee Doodle Tailings Impoundment pond and

1 therefore speed up reclamation of the tailings surface by  
2 approximately seven years.

3 Another alternative analyzed would be to directly pump  
4 water out of the Yankee Doodle Tailings Impoundment pond  
5 after closure and therefore speed up reclamation of the  
6 tailings surface by potentially more than two decades.  
7 Water removed by accelerated drawdown would be routed  
8 either to an existing treatment plant or to the  
9 Continental Pit for storage.

10 A third alternative analyzed would be to modify the  
11 mill facilities in order to process alluvium, and then use  
12 the existing tailings pipelines to discharge the alluvium  
13 as an initial 6-inch cover on unreclaimed tailings  
14 surfaces. This initial alluvium cover may reduce the  
15 potential for blowing dust prior to the placement of the  
16 final cover by heavy equipment.

17 Under all of the alternatives, other aspects of  
18 reclamation related to roads, rock disposal sites,  
19 embankment slopes, and other facility disturbances would  
20 be the same as under the Proposed Action.

21 If you'll look at the first slide, this slide shows  
22 the overall view of the mine site and surrounding area.  
23 You'll notice the Berkeley Pit; it shows the Berkeley Pit,  
24 the Continental Pit, existing embankment, and pond water  
25 at the Yankee Doodle Tailings Impoundment. The yellow

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1 border shows the permit boundary. The Yankee Doodle  
2 Tailings Impoundment would expand northwards under the  
3 Proposed Action. The west embankment would be raised to  
4 an elevation of 6450 feet to match the north-south and  
5 east-west embankments already approved height.  
6 The blue boundary shows the extent of the Butte Mine  
7 Flooding Operable Unit, and the turquoise/green boundary  
8 shows the extent of the Butte Priority Soils Operable  
9 Unit. Although not the primary focus of the EIS, these  
10 areas are provided as context for the superfund regulatory  
11 framework that surrounds the mine permit area.  
12 Next slide, please.  
13 This slide shows the Proposed Action, with the west  
14 embankment having a drain that collects water from the  
15 Yankee Doodle Tailings Impoundment, where the water is  
16 treated with lime and then pumped back to the  
17 Yankee Doodle Tailings Impoundment. That is shown by the  
18 purple arrow.  
19 The DEQ preferred alternative, shown by the pink  
20 arrow, would change the way seepage is handled following  
21 the impoundment closure. The collected water would be  
22 routed to either an existing water treatment plant or to  
23 the continental Pit for storage. An additional  
24 alternative, which would include the accelerated drawdown  
25 of the tailings pond at closure, is shown with orange

1 arrows.  
2 Raising the embankment allows for additional tailings  
3 storage capacity. Based on current production estimates,  
4 the life of the impoundment would be extended by an  
5 additional nine years, reaching its maximum storage  
6 capacity in approximately 2031. Without approval of the  
7 amendment, the Yankee Doodle Tailings Impoundment would  
8 reach its currently approved capacity in three years.  
9 The proposed west embankment drain pumpback system  
10 would continue for about 20 years after closure of the  
11 impoundment. During that time, reclamation of the  
12 tailings, placement of a layer of rock and then soil  
13 followed by seeding, would take place, taking up to  
14 40 years to complete.  
15 The DEQ preferred alternative would reduce the time  
16 needed for impoundment reclamation by about seven years.  
17 There are additional alternatives that have been looked at  
18 and are detailed in the Draft EIS. Alternatives that  
19 involve water management, following impoundment closure,  
20 would need additional coordination and approval with all  
21 parties involved with Superfund remedial requirements.  
22 The proposed closure plan for the Yankee Doodle  
23 Tailings Impoundment is what is being proposed by  
24 Montana Resources. Please keep in mind that this is not a  
25 life-of-mine plan but rather a plan for expansion of the

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<p>1 Yankee Doodle Tailings Impoundment and reclamation of the 2 Yankee Doodle Tailings Impoundment. 3 In the future, Montana Resources can propose 4 additional amendments which may include expansion of the 5 Yankee Doodle Tailings Impoundment capacity and therefore 6 extend the years of mine operation. Any additional 7 amendments would be independently reviewed and analyzed. 8 Thank you. And now back to Craig. 9 MR. JONES: All right. Thank you, Herb. 10 We had provided a handout when you first walked in 11 with information on the Draft Environmental Impact 12 Statement, and it shows a variety of different ways to 13 submit a public comment to DEQ. The purpose of the public 14 comment period is to receive and respond to substantive 15 comments on the Draft Environmental Impact Statement. A 16 substantive comment addresses a specific issue in the 17 Draft EIS. DEQ will respond to substantive comments in 18 the final EIS. Once the final EIS is published, DEQ must 19 wait 15 days before issuing the decision documents on the 20 project. 21 If someone would like to submit written comments to 22 DEQ, please submit them on or before Monday, April 22nd. 23 when you first walked in tonight, those who were 24 interested in giving oral comment signed up and were 25 assigned a number. This portion of the meeting is not a</p> <p style="text-align: right;">10</p>	<p>This portion of the page intentionally left blank</p>

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1 question-and-answer session. This portion of the meeting  
2 is just to gather oral comments. Oral comments will be  
3 recorded by the court reporter verbatim and will be part  
4 of the administrative record.  
5 Please state your name and spell it and let us know if  
6 you are affiliated with a group or organization. If you  
7 have a prepared statement, give it to the court reporter  
8 when you are finished. Please address your comments this  
9 way, towards me and Herb, so the court reporter can get  
10 them clearly. And please do not engage in public debate  
11 with audience members. Be respectful of only using the  
12 allocated time given so that others may be given a chance  
13 to speak. As a reminder, please be courteous with the  
14 type of language used when submitting oral comments.  
15 And with that, I'll turn it over to Leanne and she'll  
16 call the folks who have signed up to speak.  
17 MS. ROULSON: Okay. So we have just a few folks  
18 signed up, and we randomly sorted them. So Mr. Gallagher,  
19 you are first up.  
20 MR. GALLAGHER: My name is J.P. Gallagher, and  
21 the last name is G-A-L-L-A-G-H-E-R. The first name is how  
22 it sounds. I am the parks and rec director for  
23 Butte-Silver Bow, and I'm just up here as an advocate for  
24 the expansion of the tailings.  
25 I just want to say, working closely and knowing many

TRAN-01  
Gallagher

**Response to Comment Tran-01 (Gallagher);** Thank you for your comment.

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<p>1 of the people who work for Montana Resources, I think 2 their record shows for themselves, their proof of advocacy 3 for, you know, taking care of Butte and taking care of the 4 citizens of Butte. I'm fortunate to be affiliated with 5 Montana Resources working on projects in our parks and 6 also am a school board member that is the beneficiary of 7 working closely with Montana Resources and the 8 Washington Foundation.</p> <p>9 So I'm just here as an advocate. I just know the way 10 that Montana Resources works with the public; that their 11 safety record speaks volumes for just the way that they 12 value the citizenship and stewardness of the community.</p> <p>13 And so with that, I just wanted to, you know, give a 14 comment up here that it's important. Butte is a mining 15 town. I've never been a miner, I've never been raised by 16 a miner, but I'm a mining city kid. And it's important to 17 my family and to everybody in this community that we 18 remain a mining city, have the monicker of mining city.</p> <p>19 MS. ROULSON: And I neglected to say that the 20 general guideline is two minutes. But you were well 21 within that time, so thank you. We have plenty of time 22 tonight.</p> <p>23 So Mr. Hunter,</p> <p>24 MR. HUNTER: Thank you. I'm Larry Hunter. I'm a 25 consulting engineer. I live in Butte, and I've done a</p> <p style="text-align: right;">12</p>	<p><b>Response to Comment Tran-02 (Gallagher):</b> Thank you for your comment.</p>

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<p>1 significant amount of engineering work for 2 Montana Resources through the years. I'm a former 3 professor at Montana Tech.</p> <p>4 I strongly support Montana Resources' effort for their 5 expansion of the tailings for several reasons. One is <b>TRAN-03</b> <b>Hunter</b> 6 economic. Throughout the community, without 7 Montana Resources, there is not much left in Butte. Very 8 little. They have their employees, of course, that live 9 here. They pay their taxes here. They shop here. And I 10 see, every day when I go up to Montana Resources when I 11 consult, the enormous amount of engineers like myself, 12 contractors, steel fabricators, pipefitters, electricians, 13 we all live here and we all pay our taxes here. We buy 14 things here. And without Montana Resources most of us 15 would be somewhere else. So the economic impact would be 16 enormous.</p> <p>17 On the other hand, if we look at the resources they 18 produce, the copper and molybdenum, they're industrial <b>TRAN-04</b> <b>Hunter</b> 19 materials and they would be produced here or somewhere 20 else, and we have a disturbed mine site we should keep 21 running rather than start another one somewhere else.</p> <p>22 In regards to Montana Resources as a good neighbor, 23 they are tremendous. They have done a lot for Butte. 24 They're willing to help. I've seen their operation and 25 what they do at the mine. They're very conscientious and</p> <p>13</p>	<p><b>Response to Comment Tran-03 (Hunter):</b> Thank you for your comment.</p> <p><b>Response to Comment Tran-04 (Hunter):</b> Thank you for your comment. The EIS includes additional information on the socioeconomic impacts in Sections 3.11.3, 4.2.9, 4.3.9, and 4.5.9.</p>



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1 very first rate.  
2 So I'll state again I'm completely behind their  
3 expansion of the tailings dam and I hope it goes through.  
4 Thank you.  
5 MS. ROULSON: Thank you.  
6 Mr. Paffhausen, if I said that right.  
7 MR. PAFFHAUSEN: Close.  
8 MS. ROULSON: Close. Okay.  
9 MR. PAFFHAUSEN: So Mike Paffhausen. M-I-K-E,  
10 P-A-F-F-H-A-U-S-E-N. I'm just here as a private citizen,  
11 formerly a professional civil engineer. I still maintain  
12 my licensure in water resources engineering and  
13 environmental engineering. I've contracted with EPA in  
14 the past and DEQ largely. Now I'm a State Farm agent  
15 extraordinaire here in town.  
16 You know, everything Mr. Hunter said is absolutely  
17 true. Butte is not ready to be a town without mining.  
18 There may be a day for that, but it's not today. It's not  
19 in the next decade. Economically, it would be crippling  
20 for the mine to not be here. These are outstanding  
21 members of our community. They are big income earners and  
22 obviously spenders as well, and the community needs them  
23 to be here, frankly, until Butte can sustain without a  
24 mining life, which is nowhere near ready.  
25 The other thing that I'll echo is just the way that --

TRAN-05  
Paffhausen

**Response to Comment Tran-05 (Paffhausen):** Thank you for your comment. The EIS includes additional information on the socioeconomic impacts in Sections 3.11.3, 4.2.9, 4.3.9, and 4.5.9.

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<p>1 I live very close to the operable unit. I look right down                  2 on your guys's tailings impoundment. Mark Thompson and                  3 his crew have been so respectful, courteous, kind.                  4 They've sampled at my request. They've continued sampling                  5 at my request, provided me reports. They've just been                  6 nothing but a good neighbor to us the whole time that                  7 they've operated, and I really don't anticipate them                  8 changing their pace any time soon.</p> <p>9 And also, I'd just like to thank DEQ and EPA in the                  10 room. You guys sometimes have a thankless job, I                  11 understand, with the public, but we appreciate what you're                  12 doing for Montana for working as a partner with our mines                  13 to keep them operating and operating safely and keep our                  14 state waterways safe. So thank you.</p> <p>15 MS. ROULSON: Mr. Markovich.                  16 MR. MARKOVICH: Hello. My name is                  17 Corey Markovich. C-O-R-E-Y, M-A-R-K-O-V-I-C-H. I'm here                  18 as a private citizen as well as a business owner in Butte                  19 in support of MR and their continued efforts to maintain                  20 mining operations in the safe manner that they've done for                  21 so many years.</p> <p>22 MR is a strong economic driver of our community, not                  23 through just the nearly 400 jobs that they direct employ,                  24 but through hiring of contractors such as our company and                  25 many other companies throughout the community and the</p> <p style="text-align: right;">15</p>	<p><b>Response to Comment Tran-06 (Paffhausen):</b> Thank you for your comment.</p> <p><b>Response to Comment Tran-07 (Paffhausen):</b> Thank you for your comment.</p> <p><b>Response to Comment Tran-08 (Paffhausen):</b> Thank you for your comment. The EIS includes additional information on the socioeconomic impacts in Sections 3.11.3, 4.2.9, 4.3.9, and 4.5.9.</p>

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1 local area. The jobs and the economic driver are  
2 important to our community and important to my family and  
3 important to so many other families.  
4 I echo a lot of the same comments. MR is a good  
5 neighbor. You can count on MR to listen to concerns from  
6 the community, and you can count on MR to support the  
7 community. All you need to do is take a drive through  
8 Stodden Park to look at what the Washington Foundation has  
9 done through contributions to our community.  
10 Thanks.  
11 MS. ROULSON: So at this time, if there's anyone  
12 else who would like to speak but who didn't sign up ahead  
13 of time, you can come on up and just state your name for  
14 the court reporter.  
15 Okay.  
16 MR. JONES: Great. With that, we'll close the  
17 oral comments part of the meeting and we'll stick around a  
18 little while longer around the posters and answer any  
19 questions.  
20 Thank you.  
21 (The hearing concluded at 6:55 p.m.)  
22 \* \* \* \* \*  
23  
24  
25

TRAN-09  
Markovich

**Response to Comment Tran-09 (Markovich);** Thank you for your comment.

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<div data-bbox="331 277 1035 1279" style="border: 1px solid black; padding: 10px;"><p style="text-align: center;">COURT REPORTER'S CERTIFICATE</p><p>STATE OF MONTANA            )   ) ss. COUNTY OF LEWIS AND CLARK )</p><p>I, CHERYL ROMSA, Court Reporter, residing in Helena, Montana, do hereby certify:</p><p>That the foregoing proceedings were reported by me in shorthand and later transcribed into typewriting; and that the foregoing -16- pages constitute a true and accurate transcription of my stenotype notes of the proceedings.</p><p>DATED this 18th day of April, 2019.</p><p style="text-align: right;"><u>/s/Cheryl A. Romsa</u> CHERYL A. ROMSA</p></div> <p style="text-align: right;">17</p>	<p><b>End of transcript</b></p>

