

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII

FILED

5/15/2024

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**U.S. EPA REGION 8
HEARING CLERK**

IN THE MATTER OF:

ANACONDA SMELTER SUPERFUND SITE,
REGIONAL WATER, WASTE, AND SOILS
OPERABLE UNIT, ACTIVE RAILROAD BEDS
REMEDIAL DESIGN UNIT, WEST PORTION

ATLANTIC RICHFIELD COMPANY,
RARUS RAILWAY COMPANY,

RESPONDENTS.

PROCEEDING UNDER SECTION 106(a)
OF THE COMPREHENSIVE
ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT, AS
AMENDED, 42 U.S.C. § 9606(a).

EPA Docket No. CERCLA-08-2003-18

**AMENDMENT TO ADMINISTRATIVE ORDER ADDING REQUIREMENT
FOR SELECTED RESPONSE ACTIONS FOR HISTORIC RAILROAD BEDS AND
COMMERCIAL/INDUSTRIAL AREAS**

The United States Environmental Protection Agency (EPA) hereby amends
Administrative Order, Docket No. CERCLA-08-2003-0018, as follows:

I. INTRODUCTION

1. This amendment directs Respondents to perform additional remedial action within the Community Soils and the Regional Water Waste and Soils Operable Units, both within the Anaconda Smelter NPL Site, for historic railroad beds and for commercial/ industrial areas within the town of Anaconda, Montana which are contaminated with arsenic.

2. Action to address the historic railroad beds will include the reduction of arsenic concentrations in surface soils to acceptable levels and the prevention of direct human contact with railroad bed material. Railroad bed material will be handled as miscellaneous waste under the Anaconda Regional Water Waste and Soils Record of Decision.

3. Action to reduce arsenic concentrations in commercial/industrial areas will include removal of surface soils and replacement with clean fill, revegetation, use of engineered covers,

and use of institutional controls. These areas will be handled as commercial areas under the Community Soils Record of Decision.

II. FINDINGS OF FACT

EPA makes the following additional Findings of Fact:

4. "Historic" railroad beds are those beds which are no longer active, do not contain ties or railways, and are located within or near the town of Anaconda, Montana. These include the West Valley Railroad Spur, the Washoe Park Railroad beds, the North Side Trail, and other miscellaneous spurs.

5. "Commercial/industrial" areas are those areas located near active railroad beds which pass through the town of Anaconda, Montana.

6. Historic railroad beds and commercial/industrial areas are contaminated with elevated concentrations of arsenic. This arsenic was contained in material used to construct both the historic and active railroad beds. Some of the material was spread to commercial/industrial areas, resulting in elevated concentrations of arsenic in those areas as well. Concentrations of arsenic in historic railroad bed material range from less than 250 to approximately 3,800 parts per million. Concentrations of arsenic in commercial/industrial areas range from less than 250 to approximately 1,500 parts per million.

6. On October 27, 2005, Respondent, with EPA and State of Montana oversight and approval, completed the Remedial Action Work Plan/Final Design Report (RAWP/FDR) for the Historic Railroad Beds and the commercial/industrial areas within the town of Anaconda, Montana. This Work Plan is attached to this Order Amendment as Exhibit 1.

III. WORK TO BE PERFORMED

7. Respondent shall prepare, implement, perform, and complete all actions required by this Order Amendment, including all actions required under Exhibit 1.

IV. EFFECTIVE DATE AND COMPUTATION OF TIME

8. This Order Amendment shall be effective 14 days after signing. All times for performance of ordered activities, including those activities mentioned in the original Order, shall be calculated from this effective date.

IT IS SO ORDERED

BY: Quick Wong DATE: 5/12/06
for Max H. Dodson, Assistant Regional Administrator
Office of Ecosystems Protection and Remediation

