

HOUSE JOINT RESOLUTION NO. 39

INTRODUCED BY DAILY
BY REQUEST OF THE HOUSE
NATURAL RESOURCES COMMITTEE

IN THE HOUSE

FEBRUARY 19, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON NATURAL RESOURCES.

FEBRUARY 21, 1991 COMMITTEE RECOMMEND BILL
 DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 22, 1991 PRINTING REPORT.

 POSTED ON CONSENT CALENDAR.

FEBRUARY 23, 1991 CONSENT CALENDAR, QUESTIONS AND ANSWERS.

FEBRUARY 27, 1991 THIRD READING, PASSED.
 AYES, 100; NOES, 0.

 TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON NATURAL RESOURCES.

 FIRST READING.

MARCH 27, 1991 COMMITTEE RECOMMEND BILL BE
 CONCURRED IN AS AMENDED. REPORT
 ADOPTED.

APRIL 3, 1991 SECOND READING, CONCURRED IN.

APRIL 4, 1991 THIRD READING, CONCURRED IN.
 AYES, 50; NOES, 0.

 RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 10, 1991 RECEIVED FROM SENATE.

 SECOND READING, AMENDMENTS
 CONCURRED IN.

APRIL 11, 1991 THIRD READING, AMENDMENTS

CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* JOINT RESOLUTION NO. 39
 2 INTRODUCED BY *Daily*
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 4 NATURAL RESOURCES COMMITTEE
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6 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
 7 REPRESENTATIVES OF THE STATE OF MONTANA STRONGLY URGING THE
 8 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE UNITED
 9 STATES CONGRESS TO GIVE HIGHEST PRIORITY TO CLEANUP OF THE
 10 BERKELEY PIT AND PROTECTION OF ALLUVIAL AQUIFERS UNDERLYING
 11 THE SILVER BOW CREEK SUPERFUND SITE.
 12

13 WHEREAS, the Berkeley Pit, located at the headwaters of
 14 the Columbia River, is included in the nation's largest
 15 Superfund site, the Silver Bow Creek Site, and is the site
 16 of the world's largest mine flooding; and

17 WHEREAS, mining activity for the past 110 years has
 18 resulted in soil and water contamination and changes in the
 19 way ground water and surface water flow in and near Butte;
 20 and

21 WHEREAS, mining companies installed an elaborate pumping
 22 and bulkhead system during the active mining period to
 23 dewater the underground mines and the Berkeley Pit; and

24 WHEREAS, when active mining ended, the pumps were turned
 25 off on April 22, 1982, and the underground mines and

1 subsequently the pit began to flood, with water rising 2,680
 2 feet in the mines and to a depth of 740 feet in the pit; and
 3 WHEREAS, the Berkeley Pit currently contains over 16
 4 billion gallons of water and fills at an average rate of 7.6
 5 million gallons a day; and

6 WHEREAS, mine flooding in the Butte area is of
 7 significant concern because the water is highly acidic and
 8 contains high concentrations of iron, manganese, arsenic,
 9 lead, cadmium, copper, zinc, and sulfates that far exceed
 10 state and federal standards, conditions that prevented water
 11 in the pit from freezing even when temperatures fell to
 12 minus 40 degrees Fahrenheit in 1989; and

13 WHEREAS, water in the West Camp of the Butte mining area
 14 did discharge into the Silver Bow Creek alluvium and into
 15 basements in the central Butte area, which prompted the
 16 construction of bulkheads in 1959; and

17 WHEREAS, many citizens of the Butte area believe that
 18 the United States Environmental Protection Agency (EPA) has
 19 ignored preliminary documentation indicating that the
 20 surrounding aquifers may be contaminated in the near future,
 21 but instead has negotiated a consent decree that sets water
 22 level targets well above previously established levels
 23 without scientific documentation supporting such a
 24 conclusion; and

25 WHEREAS, despite these alarming developments, residents



INTRODUCED BILL
 HJR 39

1 of Butte and the Silver Bow Creek drainage have been
 2 frustrated by the lack of progress by the EPA in developing
 3 a plan that will adequately treat the contaminated water and
 4 protect the environment and citizens of the area from the
 5 potential threat to the alluvial aquifer surrounding Butte;
 6 and

7 WHEREAS, the EPA's commitment of personnel located
 8 full-time in Butte consists of only one employee who is
 9 employed by a subcontractor of a contractor for the EPA; and

10 WHEREAS, the Legislature of the State of Montana has
 11 provided state funds for the Upper Clark Fork Coordinator to
 12 assist local communities in dealing with the numerous
 13 agencies and potentially responsible parties involved in the
 14 Superfund process; and

15 WHEREAS, the only financial assistance provided to area
 16 local governments, in addition to the state-funded Upper
 17 Clark Fork Coordinator, has been provided by the Atlantic
 18 Richfield Company.

19
 20 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
 21 OF REPRESENTATIVES OF THE STATE OF MONTANA:

22 (1) That the Environmental Protection Agency and the
 23 United States Congress be strongly urged to give the Silver
 24 Bow Creek, Butte Area Superfund Site the highest priority
 25 for cleanup and action to prevent disastrous environmental

1 damage and human health problems.

2 (2) That the EPA and potentially responsible parties
 3 proceed with haste to develop and implement plans and design
 4 criteria for a facility to treat contaminated water before
 5 it reaches alluvial aquifers surrounding the Berkeley Pit.

6 (3) That the EPA be more responsive to the concerns and
 7 desires of citizens of the Butte community by locating more
 8 personnel in Butte and assisting the Butte-Silver Bow and
 9 other Upper Clark Fork basin local governments with
 10 financial resources to deal with these enormous problems.

11 (4) That copies of this resolution be sent by the
 12 Secretary of State to the Administrator of the EPA, the
 13 Director of the Montana EPA Office, the Governor, and the
 14 Montana Congressional Delegation.

-End-

APPROVED BY COMM. ON
NATURAL RESOURCES

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11 in the pit from freezing even when temperatures fell to
12 minus 40 degrees Fahrenheit in 1989; and

13 WHEREAS, water in the West Camp of the Butte mining area
14 did discharge into the Silver Bow Creek alluvium and into
15 basements in the central Butte area, ~~which prompted the~~
16 construction of WHEN THE WEST CAMP WAS SEALED OFF WITH
17 bulkheads in 1959; and

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12 (4) That copies of this resolution be sent by the
 13 Secretary of State to the Administrator of the EPA, the
 14 Director of the Montana EPA Office, the Governor, and the
 15 Montana Congressional Delegation.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 27, 1991

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Joint Resolution No. 39 (third reading copy - blue), respectfully report that House Joint Resolution No. 39 be amended and as so amended be concurred in:

1. Page 1, lines 24 and 25.

Following: "when"

Strike: "active mining ended, the pumps were turned off"

Insert: "underground mine dewatering ended"

2. Page 2, line 7.

Following: "is"

Strike: "highly"

3. Page 2, line 8.

Following: "contains"

Strike: "high"

4. Page 2, line 22.

Following: "consent"

Strike: "decree"

Insert: "order"

5. Page 3, line 24.

Following: "the"

Insert: "Mine Flooding Operable Unit of the"

6. Page 3, line 25.

Following: "Creek"

Strike: ", Butte Area"

Signed:


Lawrence G. Stimatz, Chairman

ML 3-27-91
And. Coord.

SB 3-27 2:15
Sec. of Senate

SENATE
HJR 39

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 22 and bulkhead system during the active mining period to
 23 dewater the underground mines and the Berkeley Pit; and

24 WHEREAS, when ~~active-mining-ended, the pumps were turned~~
 25 off UNDERGROUND MINE DEWATERING ENDED on April 22, 1982, and

1 the underground mines and subsequently the pit began to
 2 flood, with water rising 2,680 feet in the mines and to a
 3 depth of 740 feet in the pit; and

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 5 billion gallons of water and fills at an average rate of 7.6
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 21 ignored preliminary documentation indicating that the
 22 surrounding aquifers may be contaminated in the near future,
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 24 water level targets well above previously established levels
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1 conclusion; and

2 WHEREAS, despite these alarming developments, residents
3 of Butte and the Silver Bow Creek drainage have been
4 frustrated by the lack of progress by the EPA in developing
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3 to prevent disastrous environmental damage and human health
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