**LU 019 Script – Life After Copper**

Historian and author Teresa Jordan did many an oral history for a project in Butte in the mid-1980s. Many of the interviews with old-time miners that we’ve used on this program have come from the archive of taped interviews that Teresa left behind. She was working on a project called *Butte, America: Lessons From a Deindustrialized Town*, a book that never seems that have come to fruition. Nonetheless, the trove of stories that she collected at that time in Butte’s history are incredibly valuable, and they paint a picture of Butte at probably its lowest point since mining began here.

Teresa Jordan was speaking with men and women who had found themselves suddenly out of work, and for the first time in over a century, mining had ceased in Butte, Montana.

It was a dark time, and many of the voices on her tapes are audibly shaken by the news that their lives as they knew it were over. And though it was the end of mining in Butte, it was only the beginning of a new era, the Superfund era. This was something not very well understood at the time by the men who had worked underground and in the pit. People in Butte knew that the federal government was supposed to come in and fix some of the environmental problems caused by mining, but few people really understood what it would mean long term, and what Superfund would mean for the mining city’s legacy.

In 1977, ARCO bought out the once-mighty Anaconda Company. Within three years, they shut down the smelter in Anaconda, abruptly eliminating over 1000 jobs in Anaconda alone. Then in 1982, ARCO suspended operations in the Berkeley Pit and shut off the underground pumps in the Kelley mine, which caused the Berkeley Pit to begin filling with acidic mine water. It took ARCO only five years to close down a mining camp that had been running for a century. By 1987, the Pit, or rather the Butte Mine Flooding Operable Unit, had been designated a Superfund site and listed on the National Priorities List by the Environmental Protection Agency. The age of Superfund in Butte had begun.

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When folks come to town to visit, they are often struck by the visible impact of mining when you look to the East from Uptown Butte. Most people have heard of the Berkeley Pit, but it can be confusing when you’re first in Butte because the open pit mine you see from town these days is not the Berkeley, but the active mine site, the Continental Pit, operated by Montana Resources. From Uptown Butte, it’s actually really hard to get a good look at the Berkeley Pit, unless you go to the viewing stand and pay the fee.

So when friends visit and are curious, I try to give a succinct account of what they’re looking at, how the Berkely Pit and the Continental pit differ, what Superfund means for the health of those living here, and how the contaminated ground water and our drinking water are distinct. I try to explain who’s responsible for it all, and what recent settlements mean for the town. It’s a lot of technical and legal information to throw out at someone who is just curious why half the mountain is gone when they look east from the Uptown.

But it’s important, and it adds to Butte’s complex legacy, which now has the distinction as one of the largest Superfund sites in the nation while also being the home of active open pit mining right on the edge of town.

So when you’re new to town and want to really learn more about the Superfund situation, you can always turn to innumerable publications from the EPA and local environmental watchdogs, but watch out for the legalese and the swarm of acronyms. There’s the BMFOU, the BPSOU, the ROD, TCRA and RCRA, the CD and the ESD, to name a few. It’s not that these terms and their meaning for Butte are impossible to understand, but it can be tiresome to keep up with the swirl of court cases, remedial actions and rulings, and what the latest scientific and health studies actually mean. Even CTEC, with its mission to translate scientific knowledge and EPA decision-making into publications and language that the general public can understand, operates at a technical level that’s often far above what the ordinary Butte citizen or tourist can easily comprehend.

So where do we turn to understand those lessons from a deindustrialized town that Teresa Jordan wanted us to learn? Well, later in the show we’ll hear from the players inside the local government that sat at the Superfund negotiating tables and hear how they see it; we’ll get their take on Butte’s standing in the deals that have been done.

But first, I think it’s important to hear from local voices that have been watching the Superfund process play out for decades from outside the conference rooms. There are those in the Butte community who say the cleanup has gone all wrong, and that the work of the last 30 years simply isn’t good enough. There’s a lot at stake for Butte, and strong opinions abound when it comes to the choices that have been made by the EPA and the PRPs (that’s Potentially Responsible Parties).

Before her death in 2020, activist Mary Kay Craig was doing weekly guest editorials on KBMF, the local community radio station in Butte, where she would take the EPA and other decisionmakers to task over the Superfund issue of the day, from stormwater to migrating birds dying in the pit, to Silver Bow Creek and the cleanup of toxic groundwater. Mary Kay Craig was a powerful voice who spoke on behalf of her group Citizens for Labor and Environmental Justice.

[Mary Kay Craig montage]

With Mary Kay’s passing in 2020, the movement to ensure Butte gets a fair deal took a blow. Of course, there’s the local government delegation at the negotiating tables that’s reportedly lobbying on our behalf, but there are stalwart watchdogs who have decried the EPA’s proposed path for Butte since the beginning. If you’re learning about Superfund in Butte, you’ll eventually run into Fritz Daily.

[Fritz Daily 1]

[Fritz Daily 2]

Fritz Daily says that Butte’s contribution to the industrialization of America entitles this community to a better cleanup than what has been offered by Atlantic Richfield and the EPA so far. Aubrey Jaap asks him about that.

[Fritz Daily 3]

[Fritz Daily 4]

[music]

That’s Fritz Daily, one of the more outspoken voices of opposition to the EPA-led cleanup of Butte and the surrounding watershed, all of which was polluted after more than a century of mining. Longtime Planning Director and Superfund coordinator for the city-county Jon Sesso is one of the folks brokering the deals that Fritz is unhappy with. I asked Fritz for his take on Sesso’s work over the years.

[Fritz Daily 5]   
  
This is Life Underground, and today we’re looking at life after copper in Butte, Montana. When the mines closed in 1983, the age of Superfund promised to bring solutions to long term environmental problems that were seriously affecting Butte’s economy and seeping into every aspect of life. But those solutions had to be negotiated, and since Butte-Silver Bow is partially on the hook for the pollution in Butte, it was up to people like Jon Sesso to go to bat for Butte.

We interviewed Sesso extensively about his role in the Superfund process. And here he lays out what he did over the years and up until the time we spoke to him, which was shortly after the final deal, the Consent Decree, had been signed between Butte-Silver Bow, ARCO, and the other responsible parties over the Butte Priority Soils.

[Jon Sesso 1]

Sesso gave a bit of background on Comprehensive Environmental Response, Compensation, and Liability Act, or CERCLA, which was the basis for the Superfund program and the laws that apply to the cleanup in Butte today.

[Jon Sesso 2]

[music]

So that’s a bit of detail on the deal that Sesso helped to strike between our local government in Butte and Atlantic Richfield, now owned by BP. Sesso says we’ve gotten a lot of amenities as part of these deals, visible in the parks and trail systems around Butte that once comprised the industrial corridors.

[Jon Sesso 3]

In the early 1990s, Butte’s drinking water supply was in terrible shape, but through a series of settlements, Sesso says it’s now one of the best municipal water supplies in the State.

[Jon Sesso 4]

That Consent Decree for the Butte Priority Soils, basically the final cleanup deal concerning the Butte hill, marks the next chapter in Butte’s Superfund story. It was an agonizing process that spanned decades. Sesso gives us a glimpse into the actual negotiations.

[Jon Sesso 5]

[music]

[Jon Sesso 6]

[music]

This is Life Underground, and we just heard from Jon Sesso about the negotiations over the last 30 years to finalize the Superfund deal for Butte. To hear Jon tell it, we got a pretty fair deal when it comes to the cleanup. What more could have realistically been negotiated is kind of unanswerable, and Sesso wasn’t the only one in the room trying to get the most out of ARCO and the EPA.

The city-county’s legal team worked on the deal extensively, and Mollie Maffei was one of the attorneys in the room when the deals were being made. We asked Mollie to help us understand a bit about the settlements that Butte got from that allocation agreement Sesso mentioned earlier, specifically the Superfund Advisory & Redevelopment Trust Authority.

[Mollie Maffei 1]

[music]

That was Mollie Maffei, longtime lawyer for the Butte-Silver Bow County Attorney’s office, who was involved with the Superfund negotiations in Butte for decades. We’re looking at life after copper today, and the age of Superfund that dawned when the mines closed in the early 1980s.

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It’s easy to be confused about the various Superfund sites in Butte and how they all connect and are distinct from one another. The big deal that was finalized in recent years, that Consent Decree for the Butte Priority Soils Operable Unit, which basically covers all the dirty dirt in and around the historic part of the city of Butte on the hill, really had nothing to do with the Berkeley Pit, which had its CD finalized way back in 2002. So the Berkeley Pit remedy, which is basically to let it fill up and then pump and treat it, wasn’t a focus of these recent negotiations. Eric Hassler, now the Director for Butte’s Reclamation and Environmental Services division, explains that the flood of public comments for the BPSOU consent decree had a lot to do with issues that aren’t covered in that deal. Aubrey Jaap and I interviewed him about Superfund at the Archives.

[Eric Hassler 1]

[music]

[Eric Hassler 2]

There’s no doubt that visual impact of Superfund remedies is dramatic and real, as Eric Hassler described there. With mine waste dumps capped with vegetation all over the Butte hill, the landscape does now resemble something approaching natural, but for those who know, the waste-in-place solution to Butte’s arsenic-laden mine dumps left hundreds of thousands of cubic yards of toxic tailings lurking beneath the vegetative caps. Although it has improved water quality for the Clark Fork watershed to cover up the mine waste on the hill and prevent excessive runoff from polluted sites, the waste is still there, in and among the historic homes on the Butte hill. Removal of the Parrot tailings greatly reduced the potential for recontamination of the cleaned-up Clark Form downstream, but a great many piles of mine tailings still reside at the headwaters to the Columbia River here in Butte.

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But as we heard, the people at the table advocating for Butte’s side of the cleanup deal really do feel they did the best they could. And the resulting $150M + settlement from the 2020 Consent Decree isn’t nothing. But the fact is that the damage done to the land in Butte is here to stay and will only be truly resolved on a geologic time scale. The Berkeley Pit, the deepest body of water in the State of Montana, is up to 53 billion gallons of toxic water and counting. Despite the fact that it has nothing to do with Butte’s drinking water, nor the fact that it is a separate deal from the recent Consent Decree and is designated by EPA as its own operable unit and all, doesn’t change the fact that we have a giant lake of poisonous water right in the middle of our town. That does wonders for one’s perception about Butte.

Furthermore, there is another mile-wide open pit in the making right next to the Berkeley. The Continental Pit, operated by Montana Resources, has a lifespan, like any mine. When they’ve mined it out and close up shop, what will become of that colossal hole in the ground?

[music]

And it’s true that still today people around Montana and beyond have a sense that Butte is a toxic place, and despite the heritage tourism that is driving some recent economic development efforts, Butte’s reputation is still out there as a rough and rowdy mining camp.

So did all this Superfund negotiation yield a fair deal for Butte? It really depends who you ask. There’s no doubt that a lot of work has been done, but the mess is in some ways simply too big to clean up 100%. It seems the answer about how fair Butte’s deal really is lies somewhere between an ARCO press release and activist critiques of the EPA. Time will tell if we got a good deal but ultimately, it’s regular old market forces that may drive the redevelopment of this city more than any government-brokered deal with corporate forces.

Housing prices are soaring in nearby Montana communities like Missoula and Bozeman, and already there has been an influx of homebuyers to Butte, driving up real estate costs here and displacing some low-income renters. With the impending climate-driven exodus from the coasts and the American Southwest, Butte may get that influx of people that planning officials and developers have been anticipating for decades. With or without the stigma of Superfund, people simply can’t afford to live other places, and Butte, Montana suddenly becomes an appealing option.

[music]

In the end, there was life after copper for this old mining camp, and Butte can now count itself among the leaders in a whole new industry of environmental science and reclamation that employs hundreds of people in this community. Who could have known that the mess made by mining companies would become the livelihood for a whole new generation of geologists, hydrologists and other scientists? The cleanup industry has proven to be lucrative, and though we have some reclaimed mine yards and parks now, there is no escaping the reality of open pit mining in Butte. To date, the twin pits have consumed some 3000 structures, killed thousands of birds, and together with other mining property comprise 7000 acres of moonscape that is an impassable mangrove of legal liability, corporate entanglement and environmental devastation.

The complexity of Butte’s operable units is rivaled only by the complexity of an industrialized society’s economic system. As my friend Stanley Korzeb once said, “the quality of life we enjoy today depends entirely on mining…and you have to mine where the minerals are.” The open pits you see in Butte are the balance sheet for our collective quality of life. Maybe through Superfund, or maybe some other way, Butte will one day see some kind of return for everything she’s given.

[music]

I’m Clark Grant and this is Life Underground. I’d like to conclude today’s show with a poem. *Superfund Blues* was written and voiced by Butch Gerbrandt, and today I leave you with that.

[music]

[Superfund Blues Poem Recording]

[music]

[credits]