



REGION 8

DENVER, CO 80202

ACTION MEMORANDUM

SUBJECT: Approval and Funding for a Removal Action at the Rumsey Mill Site in Philipsburg, Granite County, Montana

FROM: Craig Myers, OSC
Response Section

THRU: Kerry Guy, Supervisor
Response Section

Deirdre Rothery, Manager
Emergency Management Branch

TO:
Aaron Urdiales, Director
Superfund and Emergency Management Division

Site ID # 08VU

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of the removal action described herein for the Rumsey Mill Site (Site) in Philipsburg, Granite County, Montana. This time-critical removal action involves mine waste consolidation, capping, stabilization, surface water controls, and riparian corridor restoration. Conditions existing at the Site present a threat to public health or welfare or the environment and meet the criteria for initiating a removal action under 40 CFR 300.415(b)(2) of the National Contingency Plan (NCP).

This removal action involves no nationally-significant or precedent-setting issues. This time-critical removal action will not establish any precedent for how future response actions will be taken and will not commit the U.S. Environmental Protection Agency (EPA) to a course of action that could have a significant impact on future responses or resources.

II. SITE CONDITIONS AND BACKGROUND

Site Name: Rumsey Mill Site
Removal Category: Time Critical
Site Spill ID (SSID): 08VU

NRC Case Number: N/A

CERCLIS Number: MTD980666523

Site Location: Rumsey Road, Philipsburg, Granite County, Montana, 59858

Lat/Long: 46.291667, -113.249444

Potentially Responsible Party (PRP):

NPL Status: non-NPL

Removal Start Date: FY26/3

A. Site Description

1. Removal site evaluation

The Site is a sparsely vegetated and abandoned 20-battery 100-stamp mill adjacent to Fred Burr Creek. The main features include remnants of the mill foundation wall, contaminated substrate throughout the entire area where the mill once stood, contaminated waste rock and tailings deposited downslope of the milling operation adjacent to and in Fred Burr Creek, and an unimpacted draining adit to the east of the former mill site.

In 2021, EPA Region 8 conducted an Expanded Site Inspection. The sampling data shows elevated levels of metals in soil, sediment, and surface water above EPA regional screening levels (RSLs), EPA removal management levels (RMLs), the Montana Department of Environmental Quality's (MDEQ's) human health-based and aquatic life water quality standards, and probable effects concentrations (EPA 905/R-00/007). At the mill site, soil concentrations were up to 2,700 mg/kg for arsenic, 2,700 mg/kg for lead, and 1,500 mg/kg for mercury. Adjacent to and downstream of the mill site, surface water concentrations were up to 0.59 ug/L for mercury and 0.51 ug/L for cadmium, and sediment concentrations were up to 77 mg/kg for arsenic, 230 mg/kg for lead, and 65 mg/kg for mercury.

In 2023, EPA Region 8 began a Removal Site Evaluation (RSE). The sampling data shows impacts to soil, surface water, and groundwater, with elevated concentrations of metals above RSLs, RMLs, and MDEQ's human health-based and aquatic life water quality standards. At the mill site, soil concentrations were up to 5,610 mg/kg for arsenic, 2,090 mg/kg for lead, and 480 mg/kg for mercury. Adjacent to and downstream of the mill site, surface water concentrations were up to 5.13 ug/L for lead, 6.01 ug/L for mercury, and 0.444 ug/L for silver, and groundwater concentrations were up to 97.5 ug/L for arsenic. The surface water sample location at the southwestern edge of the waste deposit was identified as the primary source of metals loading to Fred Burr Creek.

In 2024, EPA Region 8 continued the RSE. The sampling data shows impacts to sediment and surface water, with elevated concentrations of metals above RSLs, RMLs, and MDEQ's human health-based and aquatic life water quality standards. Adjacent to and downstream of the mill site, surface water concentrations were up to 0.886 ug/L for lead and 0.94 ug/L for mercury, and sediment concentrations were up to 849 mg/kg for arsenic and 159 mg/kg for mercury. The surface water sample location at the southwestern edge of the waste deposit was again identified as the primary source of metals loading to Fred Burr Creek. Water pathway tracing, stable isotope analysis, and a geophysical survey indicate that the surface water in the creek flows through and interacts with the base of the waste deposit

(with no influence or minimal influence from areas of saturation at the mill site), resulting in significant metals loading to Fred Burr Creek.

Metals contamination is present in surface soil within the entire mill site footprint (i.e., on the upper, middle, and lower levels) and downslope adjacent to Fred Burr Creek. A release of hazardous substances (i.e., metals) is occurring due to natural weathering processes, seasonal stormwater runoff (including known flood events), and perennial surface water flow in the stream channel, which are eroding, mobilizing, transporting, and depositing metals and mine-impacted soil and sediment off-site and downstream in the Fred Burr Creek watershed.

2. Physical location

The former Rumsey Mill is located in the upper Fred Burr Creek watershed and Philipsburg Mining District, five and a half miles southeast of Philipsburg, MT, at an elevation of approximately 5,820 ft above mean sea level (amsl). The Fred Burr Creek watershed at the location of the Site is a moderately steep canyon with elevation ranges from 5,757 ft amsl to 6,665 ft amsl (Tetra Tech 2022). The Site coordinates are 46.291667, -113.249444.

The Site can be accessed from Philipsburg, MT, by following MT-1S for 2.2 miles, and traveling east (turning left) on Rumsey Road for three and a half miles. The Site resides on private property in a rural area, with Bureau of Land Management and U.S. Forest Service lands nearby.

There are a few occupied residential properties within a half mile of the Site and several to the west of the Site along Rumsey Road. There are approximately 25 residential domestic wells within the Fred Burr Creek watershed (Tetra Tech 2022) beginning within one mile downstream of the Site. A high-hazard dam is located approximately seven miles upstream of the Site at Fred Burr Lake (Granite), which serves as a portion of the public water supply for the Town of Philipsburg.

Two federally listed threatened species, the Canada lynx (*Lynx canadensis*) and the Bull Trout (*Salvelinus confluentus*) are known to occur within the Fred Burr Creek watershed and downstream. Flint Creek, downstream from Fred Burr Creek, is a Priority 2 Tributary to Clark Fork River, and is a designated Critical Habitat for bull trout as well as a migration corridor for fluvial bull trout (Tetra Tech 2022). Additionally, a 1.6-acre freshwater scrub-shrub wetland is located at the base of the waste deposit where the most significant metals loading to Fred Burr Creek occurs at the Site (USFWS NWI 2025).

3. Site characteristics

The Rumsey Mill began gold and silver stamping operations in 1889. During the early years of its operation, ore was transported to the mill primarily from the Granite Mine by rail cart until an 8,900-foot tramway was constructed along with a 7.7-mile railroad extension which connected the mill to Philipsburg. During operation, tailings from the mill were collected in a tailings yard directly below the mill in the Fred Burr Creek drainage (Tetra Tech 2022).

Historical information indicated that the upper level of the mill site was the receiving area for Granite Mine ore and likely contained roasting furnaces. The middle level likely contained 100 stamps, cooling pits, and a rail cart to transport milled materials. The lower level contained mechanical equipment and now resembles a floodplain, with southern boundaries fluctuating based on the water level of Fred Burr Creek (Tetra Tech 2022).

The mill site and tailings yard have undergone many investigations and data collection efforts dating back to 1978 (KC Harvey Environmental LLC 2017), which have demonstrated adverse impacts to soil, sediment, surface water, and groundwater within the Fred Burr Creek watershed due to historical mining activity at the Site.

4. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant.

The proposed actions described below are necessary to mitigate the release and migration of primarily arsenic, lead, and mercury, all of which are listed as hazardous substances as defined by Section 101(14) of CERCLA. As noted above, the most recent sampling data collected by EPA in 2021, 2023, and 2024 indicates that elevated concentrations of arsenic, lead, mercury, and other metals are present in soil, sediment, surface water, and groundwater due to historical mining activity at the Site.

5. NPL Status

This Site is neither on nor currently being considered for listing on the NPL.

6. Maps, pictures and other graphic representations

Maps of the Site are available in Attachment 1. Relevant Site photos are available in Attachment 2. Additional Site photos and maps are also available in the Site file and in the administrative record for this action.

B. Other Actions to Date

1. Previous actions

EPA Region 8 submitted a Final Pollution Report on March 2, 2006, for a PRP-lead removal action that was conducted in 2002 and 2003 primarily in the tailings yard portion of the Philipsburg Mining Area site. Contaminated diversion ponds were backfilled, contaminated tailings were removed along Fred Burr Creek, excavated mine waste was deposited in an on-site repository, and areas of contamination were graded, capped, amended, and revegetated. Historically diverted surface water was also rerouted back to the stream channel.

Following the 2021 EPA Region 8 Expanded Site Inspection, a Remedial Site Assessment Decision was issued on March 16, 2022, referring the Rumsey Mill (Site) portion of the Philipsburg Mining Area site to the Removal Program with No Further Remedial Action Planned (NFRAP) for the broader Philipsburg Mining Area. The NFRAP document notes that Rumsey Mill, the only mining feature in the Fred Burr Creek watershed, utilized mercury to

recover metals and is a significant source of mercury contamination found downstream in Flint Creek and the Clark Fork River.

2. Current actions

EPA Region 8 is currently conducting further removal assessment activities to guide the scope of work for the removal action, including research on and analysis of dam break failure data for the high-hazard dam upstream of the Site, flood zones, and historical mine workings at the mill.

C. State and Local Authorities' Roles

1. State and local actions to date

MDEQ partnered with EPA Region 8 to perform a site assessment in 1997 and 1998 after receiving complaints from residents regarding degrading conditions in Fred Burr Creek and has since conducted various monitoring activities within the Fred Burr Creek watershed. The planned removal action work has been communicated to MDEQ, and MDEQ supports the removal action work.

2. Potential for continued State/local response

The state and local governments do not have the resources to conduct this work in a timely fashion.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

Conditions at the Site present a threat to public health and the environment and meet the criteria for initiating a removal action under 40 CFR § 300.415(b)(2) of the NCP. EPA has considered all the factors described in 40 CFR § 300.415(b)(2) of the NCP and determined that the following factors apply at the Site.

“(i) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants.”

Nearby Human Populations – A few residences are located within a half mile of the Site; one residence is owned by the property owner of the Site and is occupied part-time. Several other residential structures are located along Fred Burr Creek downstream of the Site. Elevated concentrations of metals were found in the mine waste, soil, and sediment above EPA’s human health-based RMLs and RSLs (i.e., arsenic, lead, and mercury) and in surface water above MDEQ’s human health-based water quality standards (i.e., mercury). Acute or chronic exposures to site visitors could occur via dermal contact, incidental ingestion, or inhalation (wind born dust).

Animals/Food Chain – Terrestrial and aquatic organisms utilize the land and water resources at the Site, which contain elevated concentrations of metals

(i.e., arsenic, lead, mercury, cadmium, and silver) in soil, sediment, and surface water, including above MDEQ's aquatic life standards. Acute exposures to aquatic species can occur during larger, episodic releases during seasonal stormwater events, potentially leading to a reduction in the number and diversity of the aquatic species and communities. Fred Burr Creek is known to be a widely used fishery; therefore, human exposure could occur from consumption within the watershed.

“(ii) Actual or potential contamination of drinking water supplies or sensitive ecosystems.”

Sensitive Ecosystems - Two federally listed threatened species, the Canada lynx (*Lynx canadensis*) and the Bull Trout (*Salvelinus confluentus*) are known to occur within the Fred Burr Creek watershed and downstream. Flint Creek, downstream from Fred Burr Creek, is a Priority 2 Tributary to Clark Fork River, and is a designated Critical Habitat for bull trout as well as a migration corridor for fluvial bull trout (Tetra Tech 2022). Additionally, a 1.6-acre freshwater scrub-shrub wetland is located at the base of the waste deposit where the most significant metals loading to Fred Burr Creek occurs at the Site (USFWS NWI 2025).

“(iv) High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate.”

The exposed mill site, mine waste, and soil on-site contain elevated concentrations of metals at the surface above EPA's human health-based RMLs and RSLs (i.e., arsenic, lead, and mercury). The migration of these hazardous substances off-site is evidenced by erosion and sediment deposition downslope of the mill and along the floodplain, as well as sampling data showing elevated concentrations of metals found in surface soil and sediment adjacent to and downstream of the Site.

“(v) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released.”

Natural weathering processes and seasonal stormwater events (precipitation or snowmelt) occur at the Site as evidenced by known flood events within the drainage and signs of erosion and sediment deposition along the steep slopes and downgradient floodplain. During monsoonal and high-flow events, there is a considerable likelihood that contaminated sediment is being transported off-site and deposited downstream, especially considering the slope gradient and sparse vegetation on-site.

“(vii) The availability of other appropriate federal or state response mechanisms to respond to the release.”

No other federal, state, or local mechanisms are available to conduct the action in a timely manner.

IV. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

The purpose of this proposed removal action is to mitigate the actual and potential release of hazardous substances to the environment (including receiving waters and wetlands) and resulting impacts on human and ecological receptors by reducing (1) surface water infiltration rates and interaction with mine waste and mine-impacted material and (2) the on-site and off-site erosion, mobilization, transport, and deposition of metals, mine waste, and mine-impacted material. This will be accomplished via mine waste consolidation, capping, and stabilization, surface water controls, and riparian corridor restoration.

Mobilization/Demobilization

- a) Transport and stage equipment and imported materials to/at the Site and establish access. Clear and grub access route(s) and staging area(s). Construct or install temporary roadways and complete road improvements and maintenance.
- b) Install stormwater controls adjacent to Fred Burr Creek.
- c) Harvest and stockpile common fill, rocks, boulders, native vegetation, and woody material on-site for erosion control and restoration tasks throughout construction.
- d) Reclaim disturbed areas prior to demobilization.

Mine Waste Removal, Consolidation, Grading, Capping, and Revegetation

- a) Excavate contaminated mine waste, soil, and sediment from the riparian corridor and haul and consolidate on-site upslope of the floodplain area and adjacent to the remnants of the mill foundation wall (a portion of which will be left exposed for cultural purposes).
- b) Cap the excavated and contaminated areas with clay material, common fill, soil amendments, and native seed and vegetation.
- c) Complete initial rough grading and final grading to achieve no greater than a 3:1 slope, blend the capped area with the surrounding landscape, and hummock the capped area to create roughness.
- d) Stabilize slopes and restored/reclaimed areas with the application of both imported products and materials harvested on-site. This may include, but is not limited to rock, boulders, wood straw, woody material, mesh blankets, and wattles.

Surface Water Controls and Riparian Corridor Restoration

- a) Temporarily divert the creek or realign the channel around the contaminated area at the base of the mill adjacent to the creek to, at a minimum, facilitate excavation of saturated mine waste and mine-impacted material.
- b) Retain the access road on the eastern edge of the mill and install an armored low-water crossing (or similar) where the road intersects with/abuts the waste consolidation area and Fred Burr Creek.
- c) Restore excavated channel, streambank, and floodplain areas with in-stream structures and channel-bank treatments that replicate natural stream morphology.

2. Contribution to remedial performance

This effort will, to the extent practical, contribute to any future remedial effort at the Site. However, no further federal action is anticipated at this time.

3. Engineering Evaluation/Cost Analysis (EE/CA)

An EE/CA is not required for a time-critical removal action.

4. Applicable or relevant and appropriate requirements (ARARs)

Removal actions conducted under CERCLA are required, to the extent practicable considering the exigencies of the situation, to attain ARARs. In determining whether compliance with an ARAR is practicable, the lead agency may consider appropriate factors, including the urgency of the situation and the scope of the removal action to be conducted. A table containing Site-specific ARARs is provided as Attachment 3 to this Action Memorandum.

5. Project schedule

Removal activities are generally planned to start in summer of 2026, with construction occurring for approximately six weeks from August-October 2026.

B. Estimated Costs

	Estimated Costs
ERRS contractor	\$ 1,100,000
START contractor	\$ 100,000
SUBTOTAL	\$ 1,200,000
Contingency costs (20% of subtotal)	\$ 240,000
Total Removal Project Ceiling	\$ 1,440,000

*EPA direct and indirect costs, although cost recoverable, do not count toward the Removal Ceiling for this removal action. Liable parties may be held financially responsible for costs incurred by the EPA as set forth in Section 107 of CERCLA

V. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Should action be delayed or not taken, on-site and off-site hazardous substance contamination (i.e., metals) will not improve and will continue to pose an actual or potential threat to human health and the environment, especially considering the known flooding hazard within the Fred Burr Creek watershed.

VI. OUTSTANDING POLICY ISSUES

None.

VII. ENFORCEMENT

A separate Enforcement Addendum has been prepared providing a confidential summary of current and potential future enforcement activities.

VIII. RECOMMENDATION

This decision document represents the selected removal action for the Rumsey Mill Site, in Philipsburg, Granite County, Montana, developed in accordance with CERCLA as amended, and is not inconsistent with the NCP. This decision is based on the administrative record for the site.

Conditions at the site meet the NCP section 300.415(b) criteria for a removal and the CERCLA section 104(c) emergency exemption from the 12-month limitation, and I recommend your approval of the proposed removal action and 12-month exemption. The total project ceiling if approved will be \$1,440,000 million and will be funded from the Regional removal allowance.

Approve

**AARON
URDIALES**

Digitally signed by
AARON URDIALES
Date: 2026.03.19
09:38:51 -06'00'

Aaron Urdiales, Director
Superfund and Emergency Management Division

Date

Disapprove

Aaron Urdiales, Director
Superfund and Emergency Management Division

Date

Attachments

Attachment 1: Maps

Attachment 2: Photos

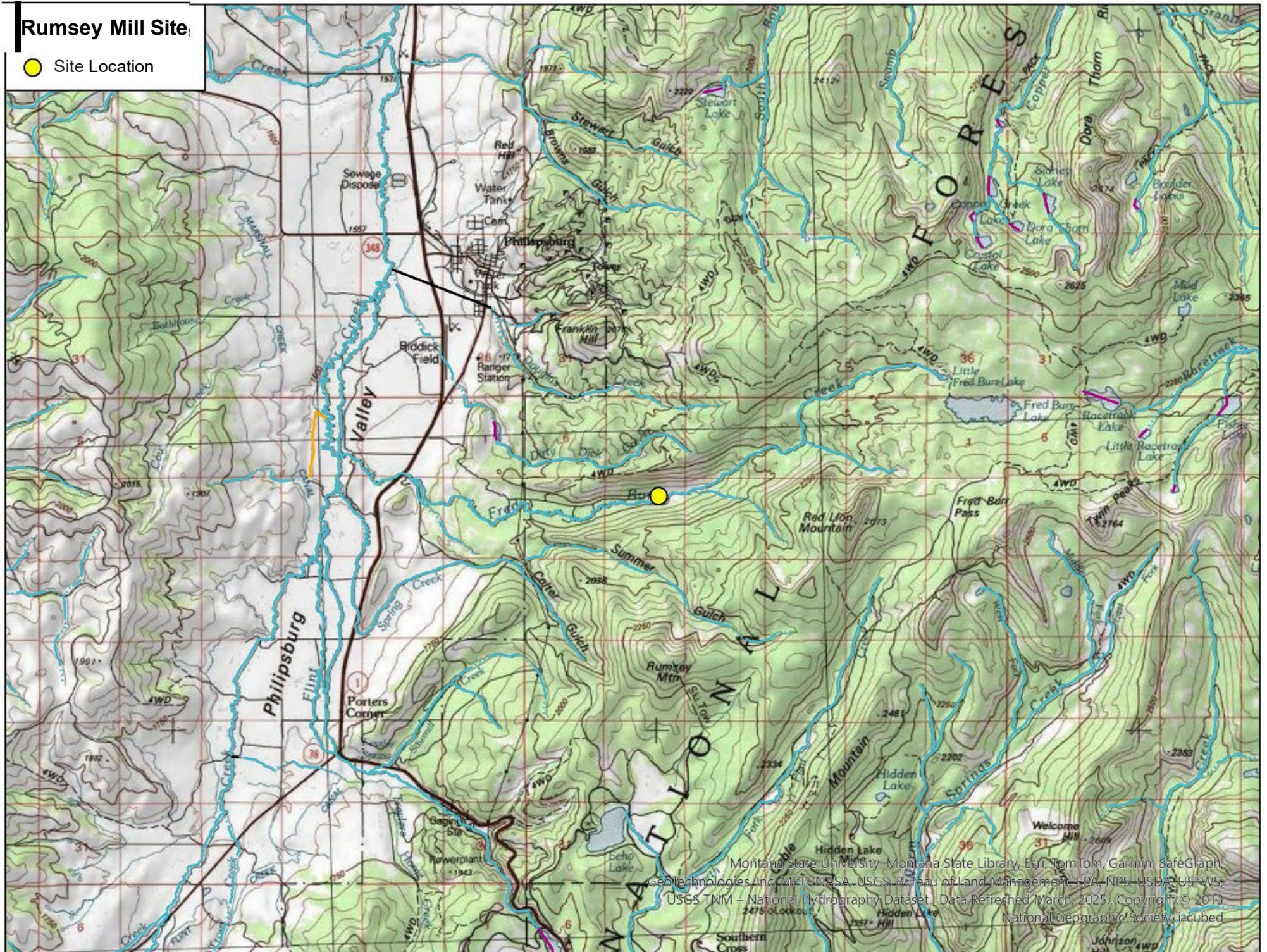
Attachment 3: ARARs

Attachment 1

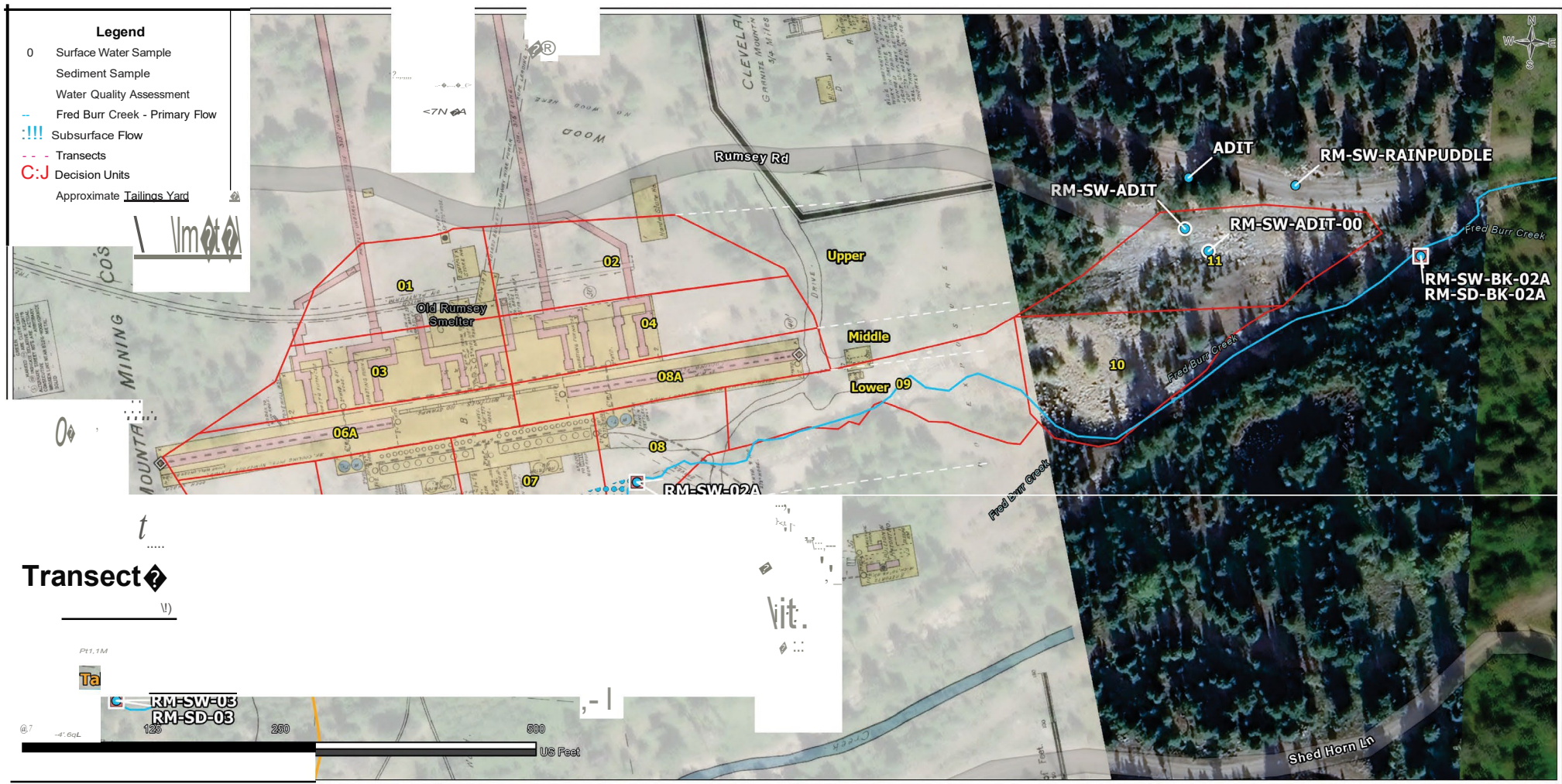
Maps

Rumsey Mill Site

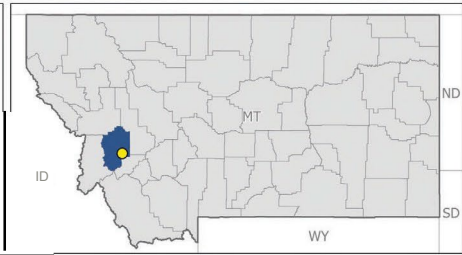
● Site Location



Montana State University, Montana State Library, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc., MET, NCSA, USGS, Bureau of Land Management, EPA, NPS, USDA, USFWS, USGS TNM - National Hydrography Dataset, Data Refreshed March, 2025, Copyright © 2013 National Geographic Society, Inc.



Path: L:\R08_START\IRumsey Mill\GIS\IRumseyMill_ESI\IRumseyMill_ESI_20240201.aprx



EPA United States Environmental Protection Agency
Region 8 START V
TD: 2359-2311-08
TETRA TECH
Analyst: S. DeNeice
Date: 3/19/2025

Rumsey Mill RS
Philipsburg, Granite County, Montana
Figure A3
Sample and Water Quality
Locations

Attachment 2

Photos

Project Name:

Rumsey Mill

Site Location:

Phillipsburg, MT

Project No.

2359-2311-08



Photo File: Photos-20230524-151212.jpg

Photo Description: Upper level of mill site (decision units 01-04). Wide open area with stable ground. This area will be accessible with mini-excavator or other equipment.

Date/Time Taken: 5/24/2023 9:12:00 AM

Photographer: LaFemina_Matt

Category: Mill Site Waste Rock

Latitude: 46.29183

Longitude: -113.24931583

Photo Direction: WSW

Project Name:

Rumsey Mill

Site Location:

Phillipsburg, MT

Project No.

2359-2311-08



Photo File: Photos-20230524-150818.jpg

Photo Description: Steep drop-off from upper level of mill site down to middle section. Very steep drop-off with large, loose rocks and material. There are several of these chute-like structures across the upper portion of the mill site.

Date/Time Taken: 5/24/2023 9:08:00 AM

Photographer: LaFemina_Matt

Category: Mill Site Waste Rock

Latitude: 46.29182617

Longitude: -113.24931933

Photo Direction: ESE

Project Name:

Rumsey Mill

Site Location:

Phillipsburg, MT

Project No.

2359-2311-08



Photo File: Photos-20230524-152207.jpg

Photo Description: Photo taken standing on upper level of mill site near one of the chutes, looking down to the bottom-most level of the mill and Fred Burr Creek.

Date/Time Taken: 5/24/2023 9:22:00 AM

Photographer: LaFemina_Matt

Category: Mill Site Waste Rock

Latitude: 46.29181083

Longitude: -113.24933117

Photo Direction: S

Project Name:
Rumsey Mill

Site Location:
Phillipsburg, MT

Project No.
2359-2311-08



Photo File: Photos-20230524-155642.jpg

Photo Description: Middle bench of mill site where the former rail cart line is suspected to have been. The steep rock wall shown is from the upper-most level of the mill site and extends across the entire mill area.

Date/Time Taken: 5/24/2023 9:56:00 AM

Photographer: LaFemina_Matt

Category: Mill Site Waste Rock

Latitude: 46.29171483

Longitude: -113.24912417

Photo Direction: W

Project Name:

Rumsey Mill

Site Location:

Phillipsburg, MT

Project No.:

2359-2311-08



Photo File: Photos-20230524-155847.jpg

Photo Description: View of lower level of mill (decision units 07 and 08). Gentle slope with loose rock and some sandy soil.

Date/Time Taken: 5/24/2023 9:58:00 AM

Photographer: LaFemina_Matt

Category: Mill Site Waste Rock

Latitude: 46.29169017

Longitude: -113.24926817

Photo Direction: S

Project Name:
Rumsey Mill

Site Location:
Phillipsburg, MT

Project No.
2359-2311-08



Photo File: Photos-20230524-163000.jpg

Photo Description: View from decision units 07 and 08 looking back up at the middle and upper level of mill.

Date/Time Taken: 5/24/2023
10:30:00 AM

Photographer: LaFemina_Matt

Category: Mill Site Waste Rock

Latitude: 46.291471

Longitude: -113.2491955

Photo Direction: WNW

Project Name:

Rumsey Mill

Site Location:

Phillipsburg, MT

Project No.

2359-2311-08



Photo File: Photos-20230524-163731.jpg

Photo Description: Steep bank in lower section of mill site along Fred burr creek. Large, loose boulders make traversing this area difficult. Location of surface water sample RM-SW-02A-2023-1010.

Date/Time Taken: 5/24/2023
10:37:00 AM

Photographer: LaFemina_Matt

Category: Mill Site Waste Rock

Latitude: 46.29143033

Longitude: -113.24925733

Photo Direction: NNE

Project Name:

Rumsey Mill

Site Location:

Phillipsburg, MT

Project No.

2359-2311-08



Photo File: Photos-20230524-164734.jpg

Photo Description: Additional unknown infiltration source in lower portion of decision unit 06. Location of surface water sample RM-SW-02B-2023-1010. Water is flowing from the top of the photo towards Fred Burr Creek.

Date/Time Taken: 5/24/2023
10:47:00 AM

Photographer: LaFemina_Matt

Category: Mill Site Waste Rock

Latitude: 46.29132317

Longitude: -113.24980433

Photo Direction: WNW

Project Name:
Rumsey Mill

Site Location:
Phillipsburg, MT

Project No.
2359-2311-08



Photo File: Photos-20231010-225919.jpg

Photo Description: Sample location of RM-WR-06AL-2023-1010. Soil is a red color with pulverized brick material scattered throughout. Large boulders in the bottom of the hole making it hard to dig further than 2-3 feet bgs.

Date/Time Taken: 10/10/2023
4:59:00 PM

Photographer: LaFemina_Matt

Category: Mill Site Waste Rock

Latitude: 46.29159017

Longitude: -113.25018233

Photo Direction: N

Project Name:
Rumsey Mill

Site Location:
Phillipsburg, MT

Project No.
2359-2311-08



Photo File: Photos-20231010-231428.jpg

Photo Description: Excavator operations in the middle tier of the mill site near decision units 06A and 08A

Date/Time Taken: 10/10/2023
5:14:00 PM

Photographer: LaFemina_Matt

Category: Mill Site Waste Rock

Latitude: 46.29162967

Longitude: -113.249864

Photo Direction: SE

Project Name:

Rumsey Mill

Site Location:

Phillipsburg, MT

Project No.

2359-2311-08



Photo File: Photos-20231011-183006.jpg

Photo Description: RM-WR-10NE-2023-1011. Top 2-3 feet bgs is a dark brown silty sand. Bottom 4-5 feet bgs is a heavy clay layer. Sample taken from both layers and composited.

Date/Time Taken: 10/11/2023
12:30:00 PM

Photographer: LaFemina_Matt

Category: Mill Site Waste Rock

Latitude: 46.29200883

Longitude: -113.24689867

Photo Direction: SSE

Project Name:

Rumsey Mill

Site Location:

Phillipsburg, MT

Project No.

2359-2311-08



Photo File: Photos-20231011-192556.jpg

Photo Description: Lower floodplain area of mill site near decision unit 10.

Date/Time Taken: 10/11/2023
1:25:00 PM

Photographer: LaFemina_Matt

Category: Mill Site Waste Rock

Latitude: 46.29228017

Longitude: -113.2467765

Photo Direction: ESE

Project Name:

Rumsey Mill

Site Location:

Phillipsburg, MT

Project No.

2359-2311-08



Photo File: Photos-20231011-192641.jpg

Photo Description: Lower floodplain area of mill site near decision units 10 and 11.

Date/Time Taken: 10/11/2023
1:26:00 PM

Photographer: LaFemina_Matt

Category: Mill Site Waste Rock

Latitude: 46.29225917

Longitude: -113.247202

Photo Direction: N

Project Name:

Rumsey Mill

Site Location:

Phillipsburg, MT

Project No.

2359-2311-08



Photo File: Photos-20231011-215122.jpg

Photo Description: Upper level of mill site near decision units 03 and 04.

Date/Time Taken: 10/11/2023
3:51:00 PM

Photographer: LaFemina_Matt

Category: Mill Site Waste Rock

Latitude: 46.2917245

Longitude: -113.2502205

Photo Direction: NNW

Project Name:

Rumsey Mill

Site Location:

Phillipsburg, MT

Project No.

2359-2311-08



Photo File: Photos-20231011-215242.jpg

Photo Description: Suspected foundation wall from an old building on the top level of the mill site. This feature runs east to west across most of the upper level and divides decision units 01 and 02 horizontally from decision units 03 and 04.

Date/Time Taken: 10/11/2023
3:52:00 PM

Photographer: LaFemina_Matt

Category: Mill Site Waste Rock

Latitude: 46.291793

Longitude: -113.25029517

Photo Direction: NNW

Project Name:

Rumsey Mill

Site Location:

Phillipsburg, MT

Project No.

2359-2311-08



Photo File: Photos-20231011-231040.jpg

Photo Description: Sample location of RM-WR-03SE-2023-1011. Top 6 inches made up of pulverized brick material. Large angular rocks with voids in between down to 2 feet bgs.

Date/Time Taken: 10/11/2023
5:10:00 PM

Photographer: LaFemina_Matt

Category: Mill Site Waste Rock

Latitude: 46.29172417

Longitude: -113.250206

Photo Direction: W

Project Name:

Rumsey Mill

Site Location:

Phillipsburg, MT

Project No.

2359-2311-08



Photo File: Photos-20231012-163648.jpg

Photo Description: Test pit on the west side of decision unit 01. No sample collected here. Multiple layers of various colors. Light brown-grey sandy material in upper 2 feet. Pulverized brick material around 3 feet bgs. Light brown-grey layer from 4-5 feet bgs.

Date/Time Taken: 10/12/2023
10:36:00 AM

Photographer: LaFemina_Matt

Category: Mill Site Waste Rock

Latitude: 46.29195267

Longitude: -113.25027567

Photo Direction: SSW

Project Name:

Rumsey Mill

Site Location:

Phillipsburg, MT

Project No.

2359-2311-08



Photo File: Photos-20231012-175229.jpg

Photo Description: Sample location of RM-WR-04W-2023-1012 collected from 2 feet bgs. This hole was dug directly in line with a chute. Soil was light gray sandy material with red, clay-like areas scattered throughout. Large angular boulders with voids in between.

Date/Time Taken: 10/12/2023
11:52:00 AM

Photographer: LaFemina_Matt

Category: Mill Site Waste Rock

Latitude: 46.2918995

Longitude: -113.249388

Photo Direction: ENE

Project Name:

Rumsey Mill

Site Location:

Phillipsburg, MT

Project No.

2359-2311-08



Photo File: Photos-20231012-190320.jpg

Photo Description: Sample location of RM-WR-04E-2023-1012. Large, bare mound of red-ish dirt with lots of brick fragments adjacent to a small, man-made wall of rocks (shown at bottom of photo). High in-situ lead and arsenic XRF readings observed in this area.

Date/Time Taken: 10/12/2023
1:03:00 PM

Photographer: LaFemina_Matt

Category: Mill Site Waste Rock

Latitude: 46.29198183

Longitude: -113.2487295

Photo Direction: SE

Project Name:

Rumsey Mill

Site Location:

Phillipsburg, MT

Project No.

2359-2311-08



Photo File: Photos-20231012-190536.jpg

Photo Description: RM-WR-04E-2023-1012 collected from 3 feet bgs from a non-vegetated pile of what appears to be tailings. Soil is red in color with a sandy structure. High in-situ lead and arsenic XRF readings at this location.

Date/Time Taken: 10/12/2023
1:05:00 PM

Photographer: LaFemina_Matt

Category: Mill Site Waste Rock

Latitude: 46.29197617

Longitude: -113.248782

Photo Direction: SE

Project Name:

Rumsey Mill

Site Location:

Phillipsburg, MT

Project No.

2359-2311-08



Photo File: Photos-20231012-193907.jpg

Photo Description: Sample location RM-WR-02E-2023-1012. Light brown, very fine grain sandy soil throughout entire pit.

Date/Time Taken: 10/12/2023
1:39:00 PM

Photographer: LaFemina_Matt

Category: Mill Site Waste Rock

Latitude: 46.29211883

Longitude: -113.24890317

Photo Direction: S

Project Name:
Rumsey Mill RS

Site Location:
Phillipsburg, MT 59858

Project No.
2359-2311-08



Photo File: Photos-20240927-152325.jpg

Photo Description: Electrical resistivity tomography (ERT) line ERT-1 oriented west to east along the lower level of the mill. ERT-1 was approximately 400 feet long.

Date/Time Taken: 9/16/2024 3:19:00 PM

Photographer: Puente_Aaron

Category: Mill Site Geophysical

Latitude: 46.291796

Longitude: -113.249443

Photo Direction: W

Project Name:
Rumsey Mill RS

Site Location:
Phillipsburg, MT 59858

Project No.
2359-2311-08



Photo File: Photos-20240927-153318.JPG

Photo Description: ERT-2 line along middle level of the mill. ERT-2 was approximately 440 feet long.

Date/Time Taken: 9/17/2024
11:55:00 AM

Photographer: Puente_Aaron

Category: Mill Site Geophysical

Latitude: 46.291819

Longitude: -113.248536

Photo Direction: W

Project Name:
Rumsey Mill RS

Site Location:
Phillipsburg, MT 59858

Project No.
2359-2311-08



Photo File: Photos-20240922-220142.JPG

Photo Description: Conducting the EM-31-MK2 ground conductivity meter survey on the middle level of the mill.

Date/Time Taken: 9/18/2024
11:21:00 AM

Photographer: Fung_Didi

Category: Mill Site Geophysical

Latitude: 46.291728

Longitude: -113.249314

Photo Direction: WSW

Project Name:
Rumsey Mill RS

Site Location:
Phillipsburg, MT 59858

Project No.
2359-2311-08



Photo File: Photos-20240927-153957.jpg

Photo Description: Discussing EM31 geophysical survey on the middle level of the mill.

Date/Time Taken: 9/18/2024
11:22:00 AM

Photographer: Puente_Aaron

Category: Mill Site Geophysical

Latitude: 46.291064

Longitude: -113.289187

Photo Direction: E

Project Name:
Rumsey Mill RS

Site Location:
Phillipsburg, MT 59858

Project No.
2359-2311-08



Photo File: Photos-20240927-155917.jpg

Photo Description: EM31 geophysical survey data collection along transects east to west on the lower level of the mill adjacent to Fred Burr Creek.

Date/Time Taken: 9/19/2024
11:58:00 AM

Photographer: Puente_Aaron

Category: Mill Site Geophysical

Latitude: 46.291504

Longitude: -113.249209

Photo Direction: N

Project Name:
Rumsey Mill RS

Site Location:
Phillipsburg, MT 59858

Project No.
2359-2311-08



Photo File: Photos-20240927-155231.JPG

Photo Description: ERT-3 line along upper level of the mill.

Date/Time Taken: 9/18/2024 2:08:00 PM

Photographer: Puente_Aaron

Category: Mill Site Geophysical

Latitude: 46.291919

Longitude: -113.249275

Photo Direction: W

Project Name:
Rumsey Mill RS

Site Location:
Phillipsburg, MT 59858

Project No.
2359-2311-08



Photo File: Photos-20240917-161603.jpg

Photo Description: Water quality monitoring at RM-SW-03.

Date/Time Taken: 9/17/2024
10:16:00 AM

Photographer: Fung_Didi

Category: Surface Water

Latitude: 46.290835

Longitude: -113.251045

Photo Direction: SE

Project Name:
Rumsey Mill RS

Site Location:
Phillipsburg, MT 59858

Project No.
2359-2311-08



Photo File: Photos-20240918-220250.jpg

Photo Description: Surface water, sediment, and stable isotope sampling at RM-SW-03. The flow rate of the creek was greater at the time of sampling than when initial water quality monitoring was conducted on 9/17/2024.

Date/Time Taken: 9/18/2024 4:02:00 PM

Photographer: Fung_Didi

Category: Surface Water

Latitude: 46.290838

Longitude: -113.251063

Photo Direction: ESE

Project Name:
Rumsey Mill RS

Site Location:
Phillipsburg, MT 59858

Project No.
2359-2311-08



Photo File: Photos-20240917-160119.jpg

Photo Description: Water quality monitoring at RM-SW-02B.

Date/Time Taken: 9/17/2024
10:01:00 AM

Photographer: Fung_Didi

Category: Surface Water

Latitude: 46.291314

Longitude: -113.249802

Photo Direction: NNW

Project Name:
Rumsey Mill RS

Site Location:
Phillipsburg, MT 59858

Project No.
2359-2311-08



Photo File: Photos-20240917-IMG 1426.jpg

Photo Description: RM-SW-02B is where high total metals concentrations were present in 2023. Pore water sampling was attempted but was not successful due to rocky substrate. In the area between the red arrows, water quality tracer testing was conducted using salt water with a salinity of approximately 30 parts per thousand. After 3.5 minutes, water quality parameters notably increased at the right most arrow.

Date/Time Taken: 9/17/2024 4:01:00 PM	Photographer: Fung_Didi	Category: Surface Water
Latitude: 46.291725	Longitude: -113.249894	Photo Direction: NNW

Project Name:
Rumsey Mill RS

Site Location:
Phillipsburg, MT 59858

Project No.
2359-2311-08



Photo File: Photos-20240918-223305.jpg

Photo Description: Surface water, sediment, and stable isotope sampling at RM-SW-02B. Pore water sampling was unsuccessful due to hitting refusal when advancing the sampling apparatus to the correct depth.

Date/Time Taken: 9/18/2024 4:33:00 PM

Photographer: Fung_Didi

Category: Surface Water

Latitude: 46.291314

Longitude: -113.249802

Photo Direction: NNE

Project Name:
Rumsey Mill RS

Site Location:
Phillipsburg, MT 59858

Project No.
2359-2311-08



Photo File: Photos-20240917-163731.jpg

Photo Description: Water quality monitoring at RM-SW-02A-03, which is at the toe of the slope of decision unit 07 between RM-SW-02B and RM-SW-02A-02.

Date/Time Taken: 9/17/2024
10:37:00 AM

Photographer: Fung_Didi

Category: Surface Water

Latitude: 46.291365

Longitude: -113.249708

Photo Direction: SSE

Project Name:
Rumsey Mill RS

Site Location:
Phillipsburg, MT 59858

Project No.
2359-2311-08



Photo File: Photos-20240917-164936.jpg

Photo Description: Water quality monitoring at RM-SW-02A-02, which is at the toe of the slope of decision unit 07 between RM-SW-02A-03 and RM-SW-02A-01.

Date/Time Taken: 9/17/2024
10:49:00 AM

Photographer: Fung_Didi

Category: Surface Water

Latitude: 46.291366

Longitude: -113.249589

Photo Direction: W

Project Name:
Rumsey Mill RS

Site Location:
Phillipsburg, MT 59858

Project No.
2359-2311-08



Photo File: Photos-20240917-170336.jpg

Photo Description: Water quality monitoring at location RM-SW-02A-01, which is at the toe of the slope of decision unit 07 between RM-SW-02A-02 and RM-SW-02A.

Date/Time Taken: 9/17/2024
11:03:00 AM

Photographer: Fung_Didi

Category: Surface Water

Latitude: 46.291387

Longitude: -113.249267

Photo Direction: W

Project Name:
Rumsey Mill RS

Site Location:
Phillipsburg, MT 59858

Project No.
2359-2311-08



Photo File: Photos-20240918-231203.jpg

Photo Description: Surface water, sediment, and stable isotope sampling at RM-SW-02A-01.

Date/Time Taken: 9/18/2024 5:12:00 PM

Photographer: Paine_Kyle

Category: Surface Water

Latitude: 46.291387

Longitude: -113.249267

Photo Direction: NE

Project Name:
Rumsey Mill RS

Site Location:
Phillipsburg, MT 59858

Project No.
2359-2311-08



Photo File: Photos-20240916-231527.jpg

Photo Description: Water quality monitoring at RM-SW-02A.

Date/Time Taken: 9/16/2024 5:15:00 PM

Photographer: Fung_Didi

Category: Surface Water

Latitude: 46.291489

Longitude: -113.249194

Photo Direction: NE

Project Name:
Rumsey Mill RS

Site Location:
Phillipsburg, MT 59858

Project No.
2359-2311-08



Photo File: Photos-20240922-220842.JPG

Photo Description: Rock diversion dams installed to redirect creek water away from the rock bank upstream of RM-SW-02A where, water was observed entering the bank. The goal was to observe if the water level would be affected at location RM-SW-02B. A water level change could not be correlated.

Date/Time Taken: 9/17/2024
11:16:00 AM

Photographer: Fung_Didi

Category: Surface Water

Latitude: 46.291556

Longitude: -113.248908

Photo Direction: SSW

Project Name:
Rumsey Mill RS

Site Location:
Phillipsburg, MT 59858

Project No.
2359-2311-08



Photo File: Photos-20240922-215233.JPG

Photo Description: Rock diversion dams installed to redirect creek water away from the rock bank upstream of RM-SW-02A, where water was observed entering the bank. The goal was to observe if the water level would be affected at location RM-SW-02B. A water level change could not be correlated.

Date/Time Taken: 9/17/2024 2:52:00 PM

Photographer: Fung_Didi

Category: Surface Water

Latitude: 46.291456

Longitude: -113.249153

Photo Direction: ENE

Project Name:
Rumsey Mill RS

Site Location:
Phillipsburg, MT 59858

Project No.
2359-2311-08



Photo File: Photos-20240922-215652.JPG

Photo Description: Water observed entering the bank near RM-SW-02A.

Date/Time Taken: 9/17/2024 2:52:00 PM

Photographer: Fung_Didi

Category: Surface Water

Latitude: 46.291489

Longitude: -113.249131

Photo Direction: WSW

Project Name:
Rumsey Mill RS

Site Location:
Phillipsburg, MT 59858

Project No.:
2359-2311-08

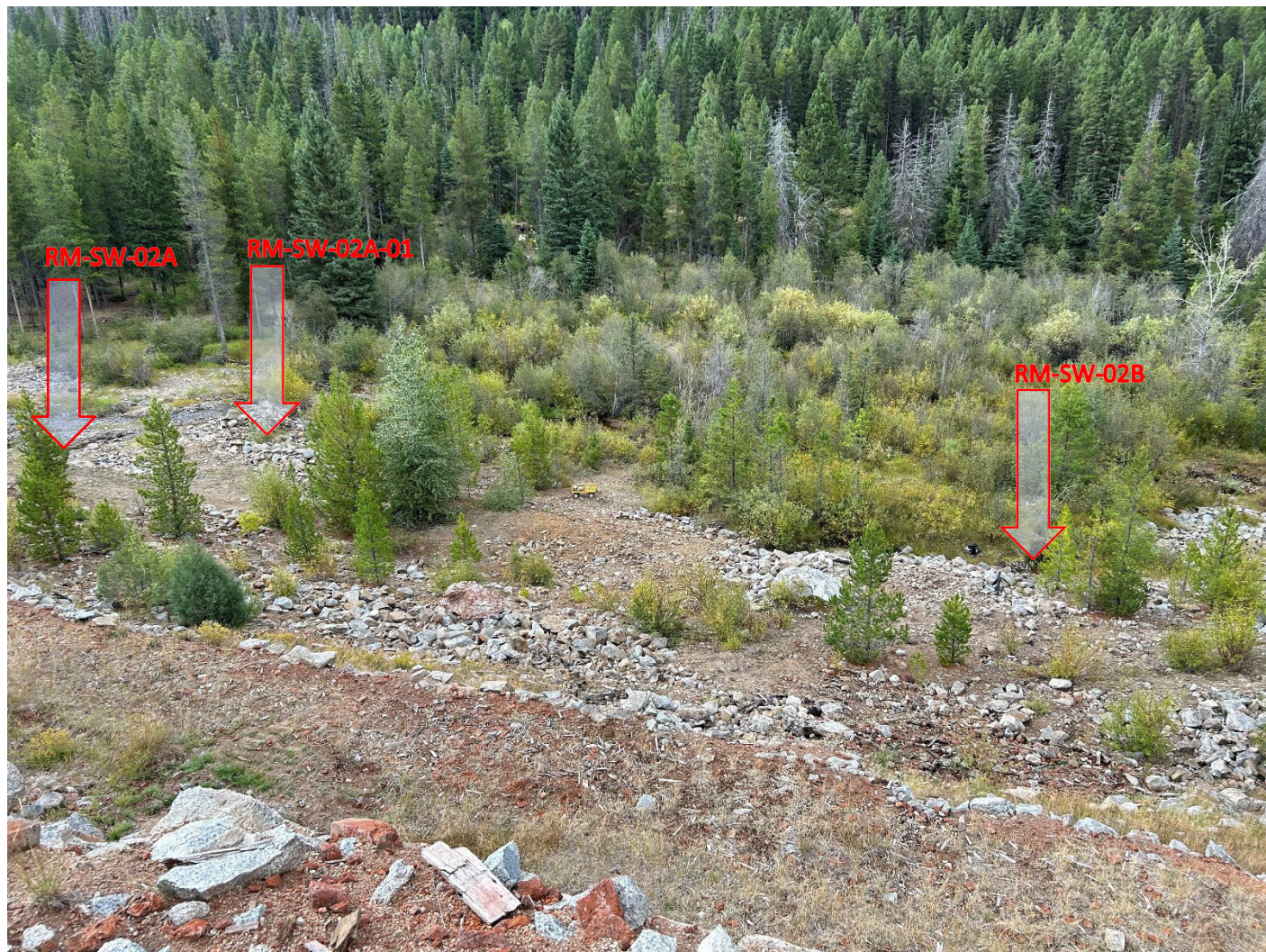


Photo File: Photos-20240917-IMG 1422.jpg

Photo Description: RM-SW-02B, where high total metals concentrations were present in 2023. In the area between the red arrows (RM-SW-02A and RM-SW-02B), water quality tracer testing was conducted using salt water with a salinity of approximately 90 parts per thousand added to the far left arrow. After 5 minutes, water quality parameters notably increased at RM-SW-02A-01, and after 25 minutes, water quality parameters notably increased at RM-SW-02B.

Date/Time Taken: 9/17/2024 4:01:00 PM

Photographer: Fung_Didi

Category: Surface Water

Latitude: 46.291725

Longitude: -113.249894

Photo Direction: NNW

Project Name:
Rumsey Mill RS

Site Location:
Phillipsburg, MT 59858

Project No.
2359-2311-08



Photo File: Photos-20240918-232208.jpg

Photo Description: Surface water, sediment, and stable isotope sampling at RM-SW-02A.

Date/Time Taken: 9/18/2024 5:22:00 PM

Photographer: Paine_Kyle

Category: Surface Water

Latitude: 46.291489

Longitude: -113.249131

Photo Direction: ENE

Project Name:
Rumsey Mill RS

Site Location:
Phillipsburg, MT 59858

Project No.
2359-2311-08



Photo File: Photos-20240916-223811.jpg

Photo Description: Water quality monitoring just upstream of the adit at RM-SW-ADIT-00 in the lower section of boulders.

Date/Time Taken: 9/16/2024 4:38:00 PM

Photographer: Fung_Didi

Category: Adit

Latitude: 46.292182

Longitude: -113.246905

Photo Direction: ENE

Attachment 3

ARARs

Preliminary Notes

State and federal requirements must be substantive in nature to qualify as Applicable or Relevant and Appropriate Requirements (ARARs). On-site portions of response actions need only comply with “substantive” aspects of ARARs rather than any corresponding “administrative” requirements. Substantive requirements typically are those requirements that pertain directly to actions or conditions in the environment. Administrative requirements typically are those mechanisms that facilitate the implementation of the substantive requirements of a statute or regulation and include the approval of, or consultation with, administrative bodies, issuance of permits, documentation, reporting, recordkeeping and enforcement.¹

The summary statements in the “Requirement” column for each identified ARAR should not be relied upon exclusively in ascertaining the full requirement. Please refer to full version of the applicable state or federal law, as codified.

Location-Specific ARARs

Location-specific requirements are restrictions placed on the concentration of hazardous substances or the conduct of activities solely because they occur in special locations.

Rumsey Mill Site ARARs			
Location	Requirement	Comment	Citation(s)
Statute Fish & Wildlife			
Site	Shall not take, possess, transport, export, sell, or offer for sale any listed endangered species, as specified in ARM 12.5.201	☒ Applicable Applies where a federal action may result in a taking of a listed endangered species.	Section 87-5-107(3), MCA
Regulation Natural Streambed and Land Preservation Act			
Site features co-located with natural streambeds and drainages	Shall meet certain minimum standards and shall not engage in certain prohibited projects.	☒ Applicable Applies to federal actions that adversely impacts a stream.	ARM 36.2.410(2)-(7), (9)

¹ See Memorandum from Larry Douchand to Superfund National Program Managers re: “Documenting Applicable, or Relevant and Appropriate Requirements in Comprehensive Environmental Response, Compensation, and Liability Act Response Action Decisions” at p. 10-11 (Mar. 1, 2023), available at <https://semspub.epa.gov/work/HQ/100003166.pdf>

Action-Specific ARARs

Action-specific requirements are technology- or activity-based requirements or limitations or actions taken with respect to hazardous substances.

Rumsey Mill Site ARARs			
Action	Requirement	Comment	Citation
Statute Montana Water Quality Act			
Activities causing degradation of State Waters	Shall maintain the level of water quality necessary for existing uses of state waters, unless exempted	☒ Applicable* *Applies to the construction, implementation, and maintenance of the removal action components resulting in a discharge to surface and/or ground water (e.g., excavation, consolidation, containment/capping).	Section 75-5-303(1), (2), and (3), MCA Cross-references: Section 75-5-317, MCA; ARM 17.30.1011
Activities causing "pollution" of state waters	Shall not cause, or place any wastes that cause, pollution of any state waters	☒ Applicable* *Applies to the construction, implementation, and maintenance of removal action components resulting in a discharge to surface and/or ground water (e.g., excavation, consolidation, containment/capping,).	Section 75-5-605(1)(a) and (c), MCA Cross-references: Section 75-5-103(28), MCA; Section 75-5-308, MCA (criteria for short-term exceedances)
Regulation Air			
On-site construction activity which causes settlement of particulate matter	Shall not cause or contribute to concentrations of particulate matter in the ambient air such that the mass of settled particulate matter exceeds a 30-day average of 10 grams per square meter (gm/m ²)	☒ Applicable* *This ARAR applies to any Removal activities that generate fugitive dust.	ARM 17.8.220
On-site construction activity which causes settlement of particulate matter affecting visibility	Shall not cause or contribute to concentrations of particulate matter in ambient air such that the annual average scattering coefficient exceeds 3×10^{-5} per meter in certain designated Class I areas.	☒ Applicable* *This ARAR applies to any removal activities that generate fugitive dust.	ARM 17.8.221
On-site construction activity that	Shall not cause or contribute to concentrations of PM-10 concentrations in the ambient air which exceed a 24-hour average of 150 ug/m ³ of air and an annual average of 50 ug/m ³ of air	☒ Applicable*	ARM 17.8.223

Rumsey Mill Site ARARs

Action	Requirement	Comment	Citation
causes settlement of PM-10 affecting visibility		*This ARAR applies to any removal activities that generate fugitive dust.	
Activities resulting in emissions of airborne particulate matter	Shall take reasonable precautions to control emissions of airborne particulate matter; airborne particulate matter emissions shall not exhibit an opacity of 20% or greater averaged over six consecutive minutes	☒ Applicable* *This ARAR applies to any removal activities that generate fugitive dust.	ARM 17.8.308
Generation of emissions during response action activities	Shall not exceed pollutant concentrations permitted under the applicable secondary or primary national ambient air quality standard, whichever concentration is lowest for the pollutant for a period of exposure.	☒ Applicable* *This ARAR applies to any removal activities that generate fugitive dust.	ARM 17.8.805
Regulation Mining - Air			
Generating dust emissions during response action activities	Shall employ certain fugitive dust control measures.	☒ Relevant and Appropriate* *Some fugitive dust control measures could be considered relevant and appropriate to control fugitive dust emissions in connection with excavation, earth moving, and transportation conducted as part of the response actions. Such measures include paving, watering, chemically stabilizing, or frequently compacting and scraping roads, promptly removing rock, soil or other dust-forming debris from roads, restricting vehicle speeds, revegetating, mulching, or otherwise stabilizing the surface of areas adjoining roads, restricting unauthorized vehicle travel, minimizing the area of disturbed land, and promptly revegetating regraded lands.	ARM 17.24.761
Statute Mine and Smelter Waste Remediation			
Reclaiming and revegetating	Shall comply with certain minimum reclamation standards, except as otherwise provided	☒ Relevant and Appropriate*	Section 75-10-1404, MCA

Rumsey Mill Site ARARs

Action	Requirement	Comment	Citation
		*This provision would be relevant and appropriate for on-site repositories that receive waste during response action activities and to excavations for removal of contaminated soil or waste.	Cross-references: Section 75-10-1411 (exceptions)
Statute Montana Strip and Underground Mine Reclamation Act			
Excavating cover material and/or waste material	Shall comply with certain substantive elements in reclaiming disturbed areas,	☒ Relevant and Appropriate* *This provision would be relevant and appropriate for removal (excavation, consolidation, grading, capping, and revegetation) of contaminated soil or waste.	Section 82-4-231(1), (2), (10), (11), MCA Cross-reference: Section 82-4-233, MCA (Revegetation) ARM 17.24.751
Regulation Strip and Under-Ground Mine Reclamation Act			
Excavating cover material and/or waste material	Shall comply with certain requirements for the backfilling and grading of disturbed areas	☒ Relevant and Appropriate* *This provision would be relevant and appropriate for removal (excavation, consolidation, grading, capping, and revegetation) of contaminated soil or waste.	ARM 17.24.501
Excavating cover material and/or waste material	Shall comply with certain requirements for the burial and treatment of waste materials	☒ Relevant and Appropriate* *This provision would be relevant and appropriate for removal excavation, consolidation, grading, capping, and revegetation) of contaminated soil or waste.	ARM 17.24.505(2), (3), (5)
Excavating cover material and/or waste material	Shall comply with certain requirements to minimize disturbance to the prevailing hydrologic balance.	☒ Relevant and Appropriate* * This provision would be relevant and appropriate for removal (excavation, consolidation, grading, capping, and revegetation) of contaminated soil or waste.	ARM 17.24.631

Rumsey Mill Site ARARs

Action	Requirement	Comment	Citation
Excavating cover material and/or waste material	Shall treat all surface drainage from a disturbed area by the best technology currently available (BTCA), and shall comply with other certain requirements	☒ Relevant and Appropriate* *This provision would be relevant and appropriate for construction water/stormwater management in excavation areas.	ARM 17.24.633
Excavating cover material and/or waste material	Shall comply with certain requirements regarding the reclamation of drainage basins.	☒ Relevant and Appropriate* *This provision would be relevant and appropriate for excavation of cover/waste material.	ARM 17.24.634(1)
Excavating cover material and/or waste material	Shall comply with certain requirements for temporary and permanent diversions	☒ Relevant and Appropriate* *This provision would be relevant and appropriate for diversions of surface water flow required to construct, operate, and maintain the removal action such as modification of surface drainage around reclaimed areas.	ARM 17.24.635(1)-(4)(b)
Excavating cover material and/or waste material	Shall comply with certain requirements for temporary diversions.	☒ Relevant and Appropriate* *This provision would be relevant and appropriate for diversions of surface water flow required to construct, operate, and maintain the removal action, such as modification of surface drainage around reclaimed areas.	ARM 17.24.636
Excavating cover material and/or waste material	Shall comply with certain requirements for sediment control measures.	☒ Relevant and Appropriate* *This provision would be relevant and appropriate for excavation of cover/waste material.	ARM 17.24.638
Excavating cover material and/or waste material	Shall comply with certain requirements to control discharge from sedimentation ponds, impoundments, and diversions.	☒ Relevant and Appropriate* *This provision would be relevant and appropriate for excavations of contaminated soil	ARM 17.24.640

Rumsey Mill Site ARARs

Action	Requirement	Comment	Citation
		or waste that discharge directly to surface water.	
Excavating cover material and/or waste material	Shall comply with certain requirements for the removal and handling of soil suitable for reclamation.	☒ Relevant and Appropriate* *This provision would be relevant and appropriate to removal of uncontaminated soil that may be reused on-site but is not applicable to or relevant or appropriate for contaminated soil that is being removed for subsequent reclamation or disposal.	ARM 17.24.701
Excavating cover material and/or waste material	Shall comply with certain requirements for the redistribution and stockpiling of soil.	☒ Relevant and Appropriate* *This provision would be relevant and appropriate to excavation of cover/waste material.	ARM 17.24.702
Excavating cover material and/or waste material	Shall comply with certain requirements when using materials other than soil for final surfacing in reclamation.	☒ Relevant and Appropriate* *This provision would be relevant and appropriate for excavations of contaminated soil or waste.	ARM 17.24.703 Cross-reference: ARM 17.24.701 ARM 17.24.702
Excavating cover material and/or waste material	Shall comply with certain requirements for the establishment of vegetation in reclamation.	☒ Relevant and Appropriate* *The provision would be relevant and appropriate for excavations of contaminated soil or waste.	ARM 17.24.711(1) Cross-reference: Section 82-4-233, MCA
Excavating cover material and/or waste material	Shall comply with certain requirements for the timing of seeding and planting of disturbed areas.	☒ Relevant and Appropriate* *This provision would be relevant and appropriate for excavations of contaminated soil or waste.	ARM 17.24.713
Excavating cover material and/or waste material	Shall comply with certain requirements for soil stabilizing practices.	☒ Relevant and Appropriate* *This provision would be relevant and appropriate for	ARM 17.24.714

Rumsey Mill Site ARARs

Action	Requirement	Comment	Citation
		excavations of contaminated soil or waste.	
Excavating cover material and/or waste material	Shall comply with certain requirements for the method of revegetation.	☒ Relevant and Appropriate* *This provision would be relevant and appropriate for excavations of contaminated soil or waste.	ARM 17.24.716 Cross-reference: Sections 7-22-2101 — 7-22-2153, MCA
Excavating cover material and/or waste material	Shall comply with certain requirements for the planting of trees and shrubs, as necessary.	☒ Relevant and Appropriate* *This provision would be relevant and appropriate for new excavations for removal of contaminated soil or waste.	ARM 17.24.717
Excavating cover material and/or waste material	Shall comply with certain requirements for soil amendments, management techniques, and land use practices, as necessary.	☒ Relevant and Appropriate *This provision would be relevant and appropriate for excavations of contaminated soil or waste.	ARM 17.24.718
Excavating cover material and/or waste material	Shall comply with requirements for the eradication of rills and gullies in certain instances.	☒ Relevant and Appropriate *This provision would be relevant and appropriate for removal activities and to excavations for removal of contaminated soil or waste.	ARM 17.24.721
Excavating cover material and/or waste material	Shall comply with certain requirements for periodic vegetation, soils, and wildlife monitoring.	☒ Relevant and Appropriate *This provision would be relevant and appropriate for excavations for removal of contaminated soil or waste.	ARM 17.24.723(1), (3)-(4)
Excavating cover material and/or waste material	Shall meet certain criteria for revegetation success.	☒ Relevant and Appropriate* *This provision would be relevant and appropriate for excavations for removal of contaminated soil or waste.	ARM 17.24.724

Rumsey Mill Site ARARs

Action	Requirement	Comment	Citation
Excavating cover material and/or waste material	Shall comply with certain required methods for measuring vegetative success.	☒ Relevant and Appropriate* *This provision would be relevant and appropriate for excavations for removal of contaminated soil or waste.	ARM 17.24.726 Cross-reference: ARM 17.24.731 (methods to evaluate tree/ shrub health where toxicity to plants or animals is suspected to due disturbance effects)
Statute Weed Control			
Propagation of noxious weeds	Shall not permit any noxious weed to propagate.	☒ Applicable* *These requirements would apply to the reclamation of an area disturbed by grading, excavation, or similar actions, and require the revegetation of the area.	Section 7-22-2116(1), MCA
Regulation Weed Control			
Controlling specified noxious weeds	Shall eradicate weeds where specified noxious weeds exist.	☒ Applicable* *Where listed noxious weeds may be present on-site	ARM 4.5.206 – 4.5.210

The EPA has evaluated the following ARARs and has determined that compliance with these requirements is not practicable given the scope of the removal action: (1) Clean Water Act 33 U.S.C. §§ 1342, *et seq.* (Point Source Discharges Requirements, Section 402); (2) Water Quality Standards Provisions in Montana’s Water Quality Act, ARM 75.5.101–75.5.327, MCA; (3) Montana Surface Water Quality Standards and Procedures, ARM 17.30.601–17.30.670, MCA; (4) Montana Nondegradation of Water Quality, ARM 17.30.701–17.30.717, MCA); and (5) Circular DEQ-7, Montana Numeric Water Quality Standards.