

**Exhibit Number: 8**

**The following exhibit is several assorted documents that exceeds the 10-page limit therefore it cannot be scanned.**

**A small portion has been scanned to aid in your research for information. The exhibit is on file at the Montana Historical Society and can be viewed there.**

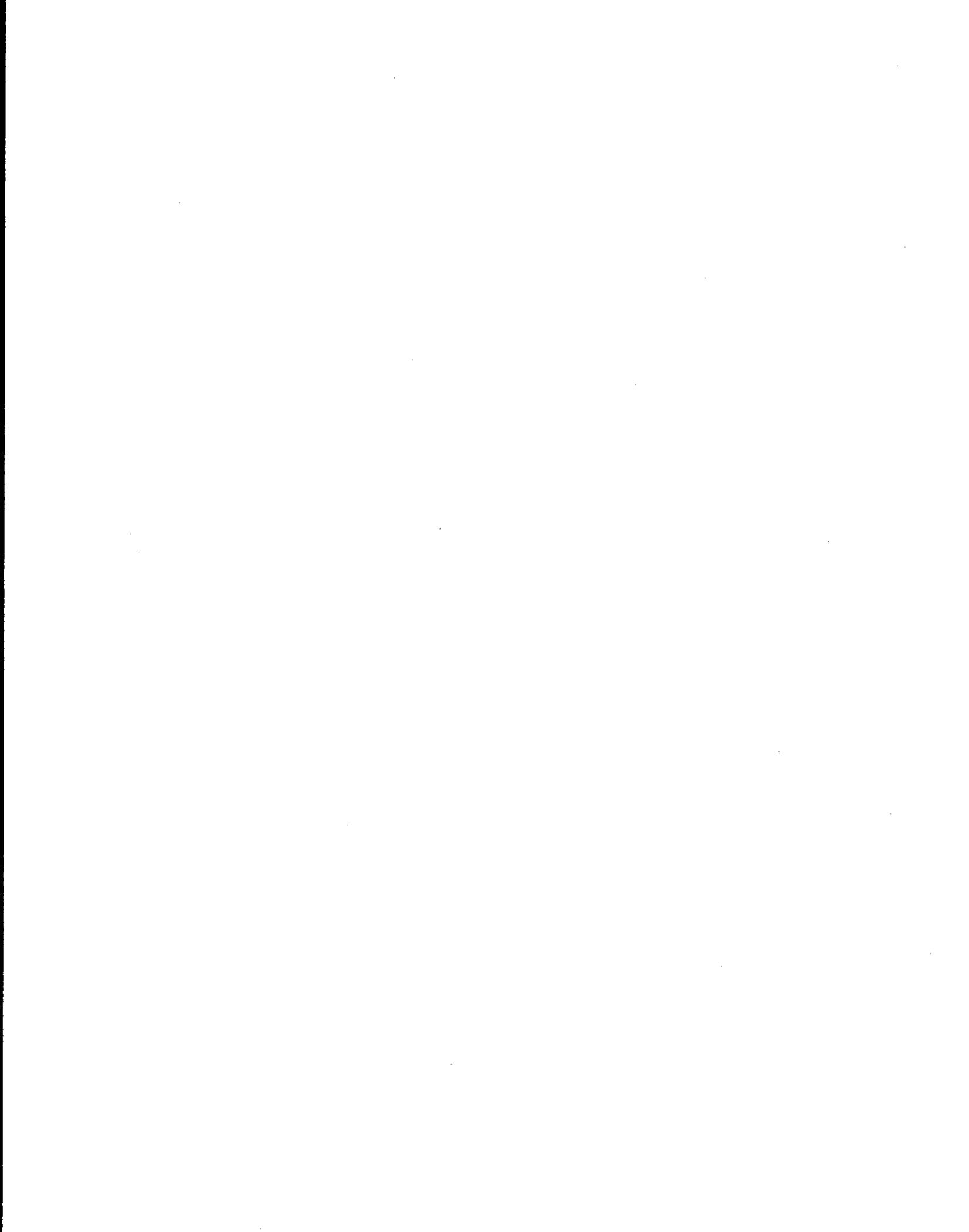


EXHIBIT 8  
DATE 2-17-05  
HB 342

Mr. Snodgrass served as chief investigator for the plaintiff in the whistleblower reprisal case, Howard Alger v City of Missoula, before Administrative Law Judge Alice M. Kraft, Washington, DC, Case No. 2002-SDW-00001.

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REPORT BY THE

# Comptroller General

OF THE UNITED STATES

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## Costly Wastewater Treatment Plants Fail To Perform As Expected

✓ Over \$25 billion in Federal funds and several billion more in State and local moneys have been spent to construct new wastewater treatment plants or to significantly modify existing plants. The Environmental Protection Agency estimates that through the year 2000 an additional \$35.6 billion in Federal funds alone will be needed to construct additional treatment plants.

GAO found that many of the plants, in operation for several years, have seldom or never met the performance standards they were designed to achieve. Failure of treatment plants to meet performance expectations may not only have an adverse impact on the Nation's ability to meet its clean water goals, but may also represent the potential waste of tens of millions of dollars in Federal, State, and local moneys.

GAO recommends that the Congress and the Administrator, EPA, test various alternatives to improve the construction grants funding program and to identify

- treatment plants experiencing serious operational problems,
- the extent of repairs required for these plants, and
- who will pay for the repairs.



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ATTACHMENT NUMBER SIX  
BY THE COMPTROLLER GENERAL

# Report To The Congress OF THE UNITED STATES

## Many Water Quality Standard Violations May Not Be Significant Enough To Justify Costly Preventive Actions

Advanced waste treatment for municipal sewage may not be worth the tremendous costs—estimated by the Environmental Protection Agency at \$10 billion—unless it will make a substantial difference to water quality. In setting or revising water quality standards, States generally do not consider costs, and many standards are based on questionable data. A number of costly advanced waste treatment plants may have little effect on water quality.

This report presents a number of options to the Congress concerning the funding of advanced waste treatment projects. It also makes recommendations to the Administrator of the Environmental Protection Agency to help improve the way water quality standards are set and implemented and the procedures used in assessing the need for advanced waste treatment.



GED-80-86  
JULY 2, 1980

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Excerpt from videotape of October 11, 2000 meeting at the  
Missoula wastewater treatment plant regarding the PEER report:

Remarks of Janet Stevens, chief administrative officer,  
City of Missoula, Montana

Regarding the assertion during this meeting by Howard Alger, a  
Missoula wastewater treatment plant employee/whistleblower, that  
the city had been informed long ago of illegal activities at the  
plant.

0:19:28 Janet Stevens: "And I would just clarify this. I've not  
received anything about this (pause) in writing."

Note: see September 21, 1998 letter from Howard Alger to Janet  
Stevens (note cc to Bruce Bender, director of public works)

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Janet Stevens  
Chief Administrative Officer

21 Sept. 98

This letter is in response to a phone conversation with Janez Gingery, Personnel administrative assistant, where I stated a problem with the use of the city education benefit. She told me to put it in writing to Bruce Bender, Director of Public Works, rather than a grievance at this point.

To give you a better understanding of the situation, I must inform you on the history of my case. When I began employment with the City of Missoula, at the WWTP, I was told about a tuition assistance program by Fred Rice (then Personnel Director) and encouraged to use it. When I discussed this with Mr. Sullivan, my supervisor, I was told that "they" meaning Tim Hunter and himself, did not acknowledge the University of Montana as a viable institution and would not allow me to take any courses with their assistance. I explained that I was encouraged by Mr. Rice and was told that "he was a nobody and we do things the way we want here".

In discussions with fellow employees, namely Gail Miller, I was informed that she was harassed about taking classes at the U of M. I dropped it for the time being and withdrew my application to UM. I have recently enrolled at U of M attempting to complete my BA in business management with the ultimate goal of receiving an MBA in Public Administration. Once again I applied for the benefit, this time in writing, and it was rejected as being irrelevant to my job - (advancement or city needs I guess). I hear that other departments within the city encourage the use of this educational benefit and I admire the professional management in those departments. I feel this is an unfair labor practice to disallow the wastewater department in this way and hope you can assist in rectifying this situation.

The  
UofM

There have been many other worse (including illegal) acts I have witnessed and/or been appurtenant to me. I have bit my tongue for so long that I find myself questioning if I can speak out on these issues. I have finally decided to request a one on one meeting with Janet Stevens to discuss these issues. I have chosen her because the rumor has been flying about that she is going to interview the employees of this department one on one anyway. I hope she does as this is the only employer I have seen or been employed by who has had disciplinary problems with approximately 90% of the employees over the last 10 years. One would think the city has been recruiting felons from prison or one might look at the stated management philosophy verses the management actions within this department. What has bothered me most, has been the routine disregard for labor laws.

I look forward to the resolution of this situation. Attached are copies of the paper trail on the education benefit request.

Howard Alger  
Operator

CC:  
Janet Stevens  
Bruce Bender

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he wanted to make a comment. Mr. Bender said they didn't want to change the protocol. He told Mr. Hollenbaugh that his comment would not be allowed.

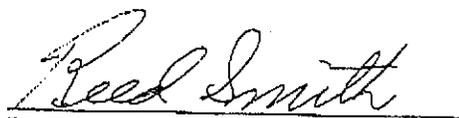
At this meeting I witnessed a near absolute stifling of public comment and intimidation of the public by officials who used their microphone to talk over members of the public who were trying to comment.

Never during my 20 years of federal employment with the BLM had I witnessed such a complete shutting down of the public process. The April 10, 2002 meeting was videotaped and I volunteered to make a transcribed summary of the tape

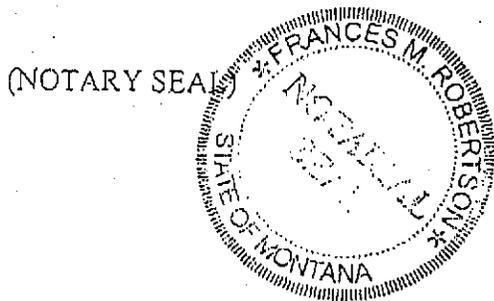
On Friday, Feb 7, 2002 I called the Missoula City Clerk because I wanted Matt Braverman, a reporter for the Clark Fork Wagon Wheel newspaper to attend the February 12 Public Works Committee meeting and I wanted to know when its next meeting would take place. The city clerk's office told me that they did not know the time of the meeting. The female city clerk employee told me that I would have to wait until Monday to find out for sure. I called the City Clerk again on Wednesday and they told me the meeting time had been changed in an attempt to accommodate a representative from the Safeway Corporation.

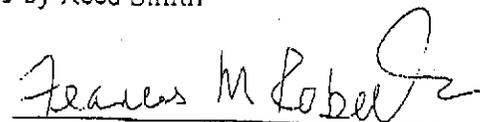
I did manage to attend the February 12 Public Works Committee Meeting. Committee Chairman John Torma would not take public comments or recognize members of the public. Torma said that the public would be allowed to comment on the Rattlesnake sewer project at a subsequent City Council meeting. I remember hearing Mayor Mike Kadas say, at the same meeting, that no public comment would be allowed at the upcoming City Council meeting.

The 24 Feb city council meeting was confusing. At the February 12 Public Works Committee meeting we were told there would be no public comment allowed at the February 24 City Council meeting. At the February 24 City Council meeting, the rules were suspended and the public was allowed to comment. But we were not given any prior notice of any opportunity to comment at this meeting. There was no mention of comment in the meeting agenda.

  
Reed Smith, affiant

Signed and sworn to before me on May 12, 2003 by Reed Smith



  
Notary public  
Residing at: Missoula.

My commission expires: 11/10/2007

EXHIBIT B

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AFFIDAVIT

STATE OF MONTANA )  
 ) ss.  
COUNTY OF MISSOULA )

William C. Hollenbaugh, being first duly sworn, upon oath deposes and says:

I am of sound mind. I reside in City of Missoula, State of Montana. My address is 4414 Timberlane, Missoula, MT 59802.

I am a 74 year-old property owner who resides in the Rattlesnake area within the City of Missoula, MT and its SID 528 sewer project boundary. I have lived in my home in the Rattlesnake area for 31 years.

Prior to the City-sponsored April 10, 2002 Rattlesnake sewer project public meeting I received in the mail a yellow postcard-sized *Public Meeting Notice* (attached as exhibit A) inviting me to attend the above April 10 meeting scheduled to be held in the Rattlesnake Middle School gymnasium. The text of that invitation included the following statement:

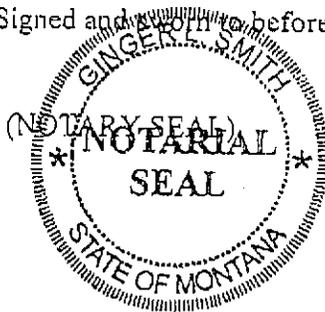
*"Staff from the City's Public Works Department and the Missoula Office of Planning and Grants, as well as engineers from Morrison-Maierle, will host an informational meeting on Wednesday, April 10, to discuss this project with Rattlesnake residents and receive comments."*

During the course of this meeting I attempted to make comments. I repeatedly raised my hand, for over an hour, but I was not recognized. Finally, I left my seat in the bleachers and went down onto the gymnasium floor where I informed the City Director of Public Works, Bruce Bender, that I wanted to make a comment. Mr. Bender then told me that they, the City officials, were following their format and that my comments were not allowed.

I noted that other citizens who tried to make comments at the April 10 meeting were either ignored or told that their comments were not allowed.

*William C. Hollenbaugh*  
William C. Hollenbaugh, affiant

Signed and sworn to before me on April 14, 2003 by William C. Hollenbaugh



*Ginger L. Smith*  
Notary public  
Residing at: Missoula

My commission expires: 09-13-2006

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EXHIBIT C

AFFIDAVIT

STATE OF MONTANA )  
 ) ss.  
COUNTY OF MISSOULA )

Elizabeth J. Natelson, being first duly sworn, upon oath deposes and says:

I am of legal age and of sound mind. I reside in the City of Missoula, State of Montana. My address is 1113 Lincolnwood Road, Missoula, MT 59802.

I attended the City of Missoula's meeting at Rattlesnake Middle School on 12-4-02, regarding proposed sewer extension in the Rattlesnake Valley. At the beginning of the meeting, one of the City's speakers, Bruce Bender, announced that first the City would make its presentation, and then the meeting would be opened up for questions regarding the material presented. He added that after the question-and-answer time, audience members could make comments to each other. He said these comments would not be addressed to the City's speakers. He said the time for making comments to the City would be at a City Council meeting. He made it clear that the City's speakers would not accept comments addressed to themselves, but we the audience could talk to each other if we wished (after question-and-answer). At one time during the meeting, an audience member made a statement. That person was told that the time for making statements would be after the question-and-answer period.

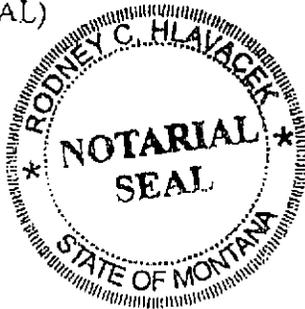
Much later, when the question-and-answer period was over and most of the audience had left, one of the City's speakers, Bruce Bender, walked over and put the microphone on its stand. He then told the audience we could now talk to each other if we wished, and he turned his back to the microphone and walked away. The City's speakers made it specifically clear, by word and deed, that they would neither listen to nor respond to any comments from the audience.

This December 4, 2002 meeting followed the same pattern as the City-sponsored sewer meeting that I attended on April 10, 2002, also at Rattlesnake Middle School. At that meeting we citizens were likewise told by City officials that we could ask questions but not make comments. In fact, on more than one occasion at that April meeting, people trying to make statements were interrupted by City officials and reminded to only ask questions and not make comments.

Elizabeth J. Natelson  
Elizabeth J. Natelson, affiant

Signed and sworn to before me on April 15, 2003 by Elizabeth J. Natelson

(NOTARY SEAL)



R. C. Hlavacek  
Notary-public  
Residing at: Missoula, MT.

Aug. 25 2003  
My commission expires:

After the city officials spoke, I raised and waved my hand and looked the chairman in the eye, to indicate a wish to make a statement. He informed the citizens that only I would be allowed to speak, and that I would be allowed only 30 seconds. As I walked to the microphone, he repeated that I could speak for 30 seconds only.

I couldn't present even one issue in such a brief time, so with my 30 seconds, I attempted a bare-bones list of concerns, hoping to give Committee members a glimpse of the core information undisclosed by city officials. I then requested that the Committee listen to citizen input and supporting evidence before making a decision.

The Committee instead voted to send the sewer plan on to City Council.

Elizabeth J. Natelson  
Elizabeth J. Natelson, affiant

Signed and sworn to before me on May 12, 2003 by Elizabeth J. Natelson

J. M. Partaker  
Notary public for the State of Montana  
Residing at: Missoula

My commission expires: April 30, 2005

