

EXHIBIT 13
DATE 2/18/11
HB 434



MISSOULA CITY COUNCIL

435 RYMAN MISSOULA, MONTANA 59802-4297

February 17, 2011

The Honorable Gordon Hendrick, Chair
House Natural Resources Committee
Montana State Legislature
Capitol Building
Helena, MT 59620

Dear Chairman Hendrick and Honorable Members of the Natural Resources Committee:

I'm writing today asking you to table House Bill 434, *Revise Comprehensive Environmental Cleanup and Responsibility Act*. We oppose HB 434 and believe that this bill would delay the remediation of hazardous waste sites, inundate the Department of Environmental Quality in paperwork and litigation, and increase costs, all clearly contrary to the public interest.

The City of Missoula, as well as many other communities throughout Montana, relies on DEQ to enforce CERCA, the State Superfund law, and make sure those responsible for contamination clean up after themselves. Too often, past industrial uses such as wood products treatment, oil refining, and locomotive refueling have contaminated soils and groundwater. And too often, the parties responsible for the contamination have not mitigated the environmental damage they have caused until they are compelled to do so.

Of the four state Superfund sites that have been identified within the City of Missoula (see attached list), only the Champion Sawmill site is the subject of a voluntary cleanup agreement. For almost two decades the City has argued for the most expeditious possible action from DEQ to facilitate cleanup of the other three sites, and, frankly, the City has complained about the pace of cleanup or lack thereof. Continued delays jeopardize public health and hurt our community by limiting or precluding property redevelopment.

As noted, not all State Superfund sites require litigation. Unfortunately, voluntary cleanup is uncommon for many Montana communities, as it is in ours. Without CERCA protections, communities and landowners are burdened with contaminated land that cannot be put into productive economic use. It is imperative that those who pollute are held financially accountable for their actions.

Thank you for your consideration of this matter. I appreciate your service to your constituents and the State of Montana. If I may address questions or concerns, please don't hesitate to contact me.

Sincerely,

Ed Childers
President, Missoula City Council and five other members including:
Dave Strohmaier and Jason Wiener, Ward 1
Pam Walzer, Ward 2
Stacy Rye and Bob Jaffe, Ward 3

cc: Missoula Delegation
Montana League of Cities and Towns

Partial List of Montana State Superfund Sites

CERCA Site Name	City	County	Priority Ranking
Townsend Pole Plant	Townsend	Broadwater	Medium
Anaconda Minerals Company Great Falls	Black Eagle	Cascade	High
Chandelle Lane Barrel Site	Black Eagle	Cascade	High
West Bootlegger Barrel Site	Black Eagle	Cascade	High
Burlington Northern Facility Great Falls	Great Falls	Cascade	High
Pine Tree Timber	Belgrade	Gallatin	High
Bozeman Solvent Site	Bozeman	Gallatin	Extreme
Jet Fuel Refinery	Mosby	Garfield	High
Burlington Northern Facility Havre	Havre	Hill	Extreme
Basin Mining Site	Basin	Jefferson	High
Haywire Mill	Yaak	Lincoln	Medium
Iron Mountain Mill	Superior	Mineral	Extreme
Burlington Northern Facility Missoula	Missoula	Missoula	High
Hart Oil Refinery	Missoula	Missoula	High
Missoula Sawmill	Missoula	Missoula	High
Missoula White Pine Sash	Missoula	Missoula	High
Milwaukee Roundhouse	Deer Lodge	Powell	High
Rocky Mountain Phosphate	Garrison	Powell	High
S&W Sawmill	Darby	Ravalli	High
Billings PCE Groundwater	Billings	Yellowstone	High
Lockwood Solvent Site	Billings	Yellowstone	Extreme
Yale Oil of South Dakota	Billings	Yellowstone	High
Burlington Northern Facility Laurel	Laurel	Yellowstone	High