

December 31, 2003

Jan Sensibaugh, Director
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901

Dear Director Sensibaugh:

As per our conversation on Friday, December 19, I am writing to clear up a couple of issues which have been brought to my attention regarding the White Pine Sash state superfund site in Missoula.

First, it is not true that either myself or Senator Jon Ellingson is in support of developing low income housing on the northwest portion of the site prior to the completion of DEQ's final remediation alternative. We understand that developing the remediation plan and finishing the feasibility study has been a lengthy and difficult process, however, there is nothing to be gained in abandoning the plan at this point. If in fact the site is going to be considered for housing, then it absolutely needs to be cleaned up to the fullest extent.

Missoula City-County Health Department staff have researched other wood processing sites contaminated with penta and dioxin, and the Department is not aware of any similar sites in the U.S. or Canada that, even after clean-up, have supported housing.

It is our understanding that DEQ has set a clean up standard for dioxin at 30ppt, and that at least one soil sample on the site yielded a whopping 3587 ppt reading. As you know, that level of dioxin contamination is without a doubt a serious threat to public health. In addition, the mean for dioxin testing of soil on the site is 66.9 ppt, more than double the standard set by DEQ, not including the 3,587 ppt sample. Including that sample, the mean is 213.58 ppt.. Clearly, further testing of the site followed by thorough clean up is needed.

Last week Missoula City-County staff Peter, Ellen Leahy and Marnie McClain met with the following staff from DEQ: Denise Martin, Mike Trombetta, Cindy Brooks and Andy Heltebridle who talked about future plans for the site. The Sparrow Group, which is in the process of buying the property from the Scott Street Partners, has indicated its preference for an interim action at the site, so that plans for the housing development might proceed more quickly. If DEQ adopts the proposed interim action, which calls for hot spot clean-up based on random testing over 20 acres, there is at least a reasonable chance that the site will not be cleaned up to the level necessary to support sound public health. Let me reiterate that neither Senator Ellingson nor I support the interim action plan. It is also our understanding that adopting an interim action would eliminate the public comment period and eliminate the requirement for considering alternatives.

The clean up at White Pine Sash may indeed prove to be extensive and costly, but whatever remediation plan DEQ decides upon should be based upon and consistent with the final use for the site. Obviously, placing 250 residential units on the site (161 multi-family units) and a church, as proposed by the Sparrow Group, is among the most sensitive potential uses for the land – since it would possibly place children at risk of long-term regular exposure to any residual toxins remaining on-site – and would require the most stringent clean-up. Even then, there may be no precedent for building housing on a site such as this one.

Sparrow Group has submitted its housing plan to the Office of Planning and Grants, which is now reviewing it. Should the Planning Board and City Council approve the housing plans, development at the site could move forward quickly. Senator Ellingson and I strongly oppose this course of action at this time.

At this time we both believe that it is entirely inappropriate to proceed with an interim action plan that circumvents the CECRA process or the course of action that might be chosen in a final remediation plan. We urge you to move forward as thoroughly and expeditiously as possible with the development and implementation of your final remediation plan. The long-term benefit to the neighborhood and to the ultimate users of the property demands no less. We would also appreciate hearing your opinion on the wisdom of abandoning the full CECRA cleanup process in favor of interim action, as well as your thoughts on building housing on a superfund site.

Thanks in advance for your prompt and thoughtful response to this matter.

Sincerely,

Representative Gail Gutsche
Senator Jon Ellingson

Cc: Mike Trombetta, DEQ

Cc: Peter Nielsen, Environmental Health Supervisor, Missoula City-County Health Department