



BCC 2012-209  
November 29, 2012

PHONE: (406) 258-4877  
FAX: (406) 721-4043

The Honorable Brian Schweitzer  
Governor, State of Montana  
P.O. Box 200801  
Helena, MT 59620-0801

Richard Oppen, Director  
Montana Department of Environmental Quality  
P.O. Box 200901  
Helena, MT 59620-0901

**RE: FORMER SMURFIT-STONE MILL**

Dear Governor Schweitzer and Director Oppen:

We have reviewed the Environmental Protection Agency's recent site investigation at the former Smurfit-Stone mill in Missoula County. Thank you for requesting that the U.S. Environmental Protection Agency initiate this important investigation.

The EPA investigation documented significant contamination at specific locations on the former mill site. Additional investigation and cleanup is needed to protect human health and the environment and to allow beneficial redevelopment. We request that the site be proposed for inclusion on the Superfund National Priorities List (NPL). We believe that this is the next logical step to ensure that the parties responsible for site contamination are required to complete necessary remedial investigation and cleanup.

Proposed NPL listing of portions of the site would also provide the property owners and other responsible parties an opportunity to negotiate an agreement for investigation and cleanup. Superfund Listing would provide necessary oversight, ensure public involvement, remove uncertainties regarding environmental liability and allow redevelopment of the property, while alleviating the need to spend taxpayer dollars on future cleanup.

Missoula County's goals for the former Smurfit-Stone mill site are:

- ▶ Eliminate all public safety and health risks;
- ▶ Restore the river and the flood plain;
- ▶ Hold the polluter responsible for the financial and environmental liabilities at the site so the burden is not shifted to the taxpayers and residents of the area;
- ▶ Incentivize concurrent development of the site and continue economic development efforts; and
- ▶ Ensure public involvement throughout the process.

The EPA's investigation documented significant contamination in landfills, sludge ponds, an emergency spill pond, and other areas on the property. Contaminants detected include dioxins, furans, arsenic, chromium, lead, and methylphenol. Extensive groundwater contamination at the area has also been documented, including levels of dioxins, furans, chromium, arsenic, lead and manganese, exceeding established drinking water standards. Contaminants of concern have reached the Clark Fork River.

We are especially concerned that there are 138 acres of sludge ponds and landfill with soil and groundwater contamination located within the floodplain environment of the Clark Fork River. These areas are at risk of catastrophic release by a large flood. Contamination at the site needs to be managed before a large flood creates a more wide-spread problem. Erosion of contaminated materials from the site during floods would have potentially significant impacts on fish and wildlife, wetlands, human health, and agricultural lands. We request that the industrial waste and sludge be removed from the floodplain environment and disposed of in a lined and capped facility as an expedited action. Our goal is to restore the river and its floodplain function, while protecting County residents from environmental and public health risks.

We believe that the best course of action now is to bring the companies responsible for causing contamination at the former mill site to the table, and require them to complete a thorough remedial investigation and appropriate cleanup. The citizens and taxpayers of Missoula County and the State of Montana should not bear the burden of paying for investigation or cleanup of the contamination.

Also of critical importance is that EPA and DEQ work closely with the property owner and Missoula County to quickly complete remedial investigation in order to identify portions of the 3,200 acre property that have not been impacted by industrial activities. These areas should be excluded from detailed remedial investigation, particularly the areas that have traditionally been agricultural, and areas of the industrial core where it can be determined that no further remediation is required. We also would like to see the site divided into logical operable units, prioritizing areas for timely investigation and cleanup. Areas such as the landfills and sludge ponds should be prioritized under an expedited action to protect human health and the environment. Other portions of the property and buildings can be addressed as separate operable units to facilitate future manufacturing or other industrial activities. The attached map outlines areas of significant concern as well as areas that could be fast-tracked for initial assessment and potentially excluded from detailed evaluation.

Effective cleanup will eventually remove restrictions on future beneficial use of the property, improve the value of the property for current and future landowners, and enhance opportunities to create new jobs and economic development at the site. This can be accomplished while protecting public health and the environment. We also request that the agencies work closely with us to facilitate beneficial redevelopment of the property during the process of investigation and cleanup. We would like to work proactively with the agencies to assist prospective purchasers and lessors to maintain protection from environmental liabilities.

The cleanup must be completed with effective oversight and public involvement. A Federal, State, Local, and private partnership is needed to effectively address a site of this complexity and size. Superfund designation as outlined above is the appropriate mechanism to ensure that cleanup moves forward in an appropriate and timely manner for all involved.

Thank you again for your assistance in this important project. Please support the listing of this site on the National Priorities List so that the remedial investigation and cleanup process can begin as soon as possible, while concurrent redevelopment occurs on hazard free portions of the property.

Sincerely,  
BOARD OF COUNTY COMMISSIONERS

**NOT AVAILABLE FOR SIGNATURE**

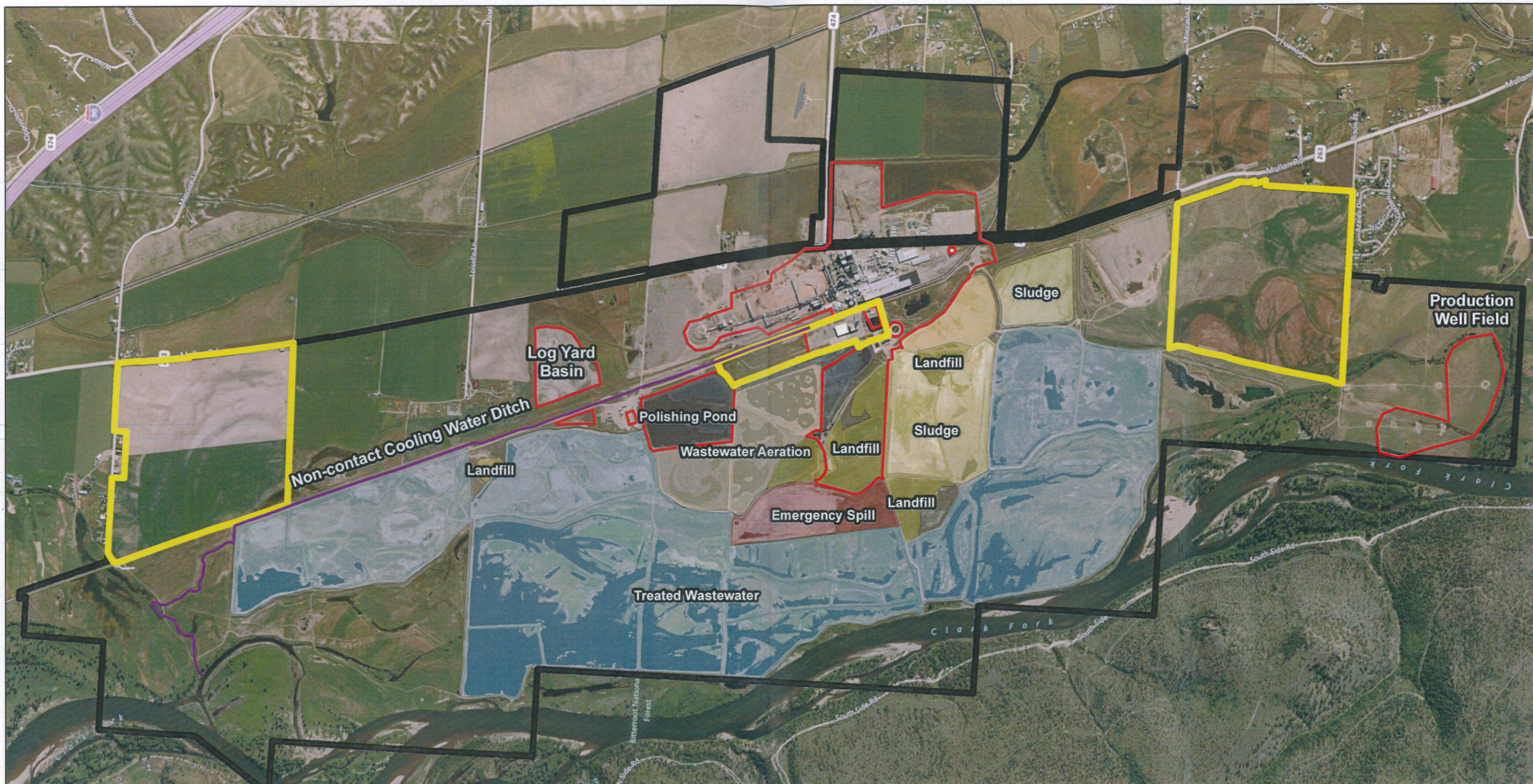
Bill Carey, Chair

  
Michele Landquist, Commissioner

  
Jean Curtiss, Commissioner

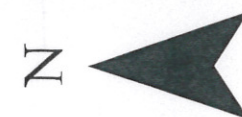
BCC/ppr  
Attachment: Map  
cc: James B. Martin, Regional Administrator






This map was created by Rural Initiatives staff in November 2012. All property lines and boundaries are approximate. The information on this map is for reference only. No reliance should be placed on the completeness or accuracy of information without first consulting original records and personally verifying the accuracy of any and all information displayed on this map.

Data Source: "Smurfit-Stone Mill RA Figure 2". Map created by URS Operating Services prepared for US EPA






0 2,000 4,000 Feet

 Possible Assessment  
Early Redevelopment and  
Fast Track Sampling

 Water Ditch  
 Site Features  
 Mill Site

 Emergency Spill  
 Landfill  
 Polishing Pond

 Sludge  
 Treated Wastewater  
 Wastewater Aeration

## Attachment 1