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ENVIRONMENTAL
PROTECTION AGENCY
APR 15 2009
MONTANA OFFICE

April 13, 2009

Roger Hoogerheide
Environmental Protection Agency
Region 8, Montana Office
Federal Building, 10 W. 15th Street, Suite 3200
Helena, MT 59626

Lisa DeWitt
Montana Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901

RE: Somers, MT

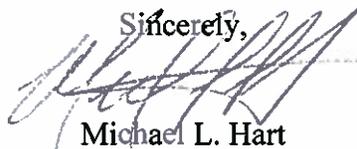
Dear Mr. Hoogerheide and Ms. DeWitt:

I am responding to your letter, dated March 30, 2009 regarding Somers, Montana.

BNSF claims representatives have contacted some neighboring property owners in Somers in order to discuss confidential economic options that BNSF may make available to them. However, these discussions between BNSF and the landowners are not "remedial actions" under either the Montana Code or the Comprehensive Environmental Response, Compensation and Liability Act. All data in BNSF's possession regarding the remediation project at Somers, has of course previously been submitted to EPA. BNSF has not conducted any other environmental investigation or sampling regarding the nature and extent of contamination. If any of BNSF's discussions result in a change of ownership, we will let you know.

If you have any further questions, please contact me directly or have your counsel contact Mark Etchart of the Browning firm in Helena.

Sincerely,



Michael L. Hart

cc: Mark Etchart