

Via Email and U.S. Mail

February 26, 2009

David M. Smith
BNSF Railway Company (BNSF)
825 Great Northern Boulevard, Suite 105
Helena, MT 59601-3340

Re: BNSF Whitefish Fueling Facility

Dear Dave:

The Montana Department of Environmental Quality (DEQ) has been contacted by a number of landowners near the BNSF Whitefish Fueling Facility in the last week regarding BNSF's recent offers to purchase property in and near the facility. These landowners have concerns as to the nature and extent of contamination that may be located on their property. One landowner reported that the BNSF representative told the landowner his property "might be contaminated with petroleum and solvents." This causes DEQ concern because the property under discussion is not within the currently identified facility boundary.

In order to allow DEQ to determine the need for remedial action at these properties, please provide DEQ with a list of all properties in or near the facility that BNSF has identified for purchase, inquired about purchase, entered into negotiations to purchase, or begun processing for purchase. In addition, please submit any environmental or other sampling data BNSF has collected regarding all properties referenced in the foregoing sentence.

DEQ requires the submittal of the above information under § 75-10-707, MCA by March 11, 2009. If you have any questions regarding the information request, please contact me at (406) 841-5060 or demartin@mt.gov.

Sincerely,

Original Signed 2/26/2009

Denise Martin
Site Response Section Supervisor

cc: Jack Yates, DEQ Project Officer
Cynthia Brooks, DEQ Legal