



Michael L. Hart
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SITE/O.U. BN WHITEFISH
DEQ FILE# 24-14-21-03
Admin. Record: Yes No
Administrative Record
Confidential: Yes No ✓
Key Words/Comments

March 11, 2009

Denise Martin
Site Response Section Supervisor
Montana Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901

RE: Whitefish, MT

Dear Ms. Martin:

Dave Smith forwarded to me your letter of February 26, 2009 concerning BNSF Railway Company's discussions with its neighbors in Whitefish. I am responding on behalf of BNSF Railway Company as Dave Smith and the Environmental Remediation Group are not involved.

BNSF claims representatives have contacted some neighboring property owners in Whitefish 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" as BNSF reads the Montana Code. All data in BNSF's possession regarding the Whitefish Fueling Facility, including surrounding properties, has of course previously been submitted to MDEQ consistent with the Unilateral Administrative Order for this site. BNSF has not conducted any other sampling regarding the nature and extent of contamination associated with the Whitefish Fueling Facility. 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

RECEIVED

MAR 13 2009

Dept. of Environmental Quality
Remediation Division