

1 HOUSE JOINT RESOLUTION NO. 18

2 INTRODUCED BY J. KARLEN, W. CURDY

3
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA REQUESTING AN INTERIM STUDY OF REMEDIATION WORK AT THE SMURFIT-STONE MILL
6 SITE, INCLUDING A CONSIDERATION OF FUTURE ACTIONS.
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8 WHEREAS, the Constitution of the State of Montana holds that the state and each person shall
9 maintain and improve a clean and healthful environment in the state for present and future generations; and

10 WHEREAS, the 3,200-acre Smurfit-Stone mill site operated as a kraft pulp and paper mill from 1957 to
11 2010, producing as much as 1,900 tons of bleached kraft pulp per day, pumping 16 million gallons of water a
12 ~~minute~~DAY from the aquifer, discharging wastewater directly into the Clark Fork River or through seepage in
13 900 acres of wastewater treatment ponds, generating over 54 tons of contaminated sludge per day, storing
14 industrial waste and sludge in unlined repositories in the floodplain, and altering the flow of the Clark Fork River
15 with berms along 3.6 miles of riverbank; and

16 WHEREAS, the Environmental Protection Agency surveyed 104 bleaching kraft mills in the United
17 States, including the Smurfit-Stone mill site, and found sludge and wastewater from these mills to contain
18 dioxins and furans; and

19 WHEREAS, the Smurfit-Stone mill site is being investigated under the federal Comprehensive
20 Environmental Response, Compensation, and Liability Act through the Superfund process under an
21 administrative order of consent due to contaminants of concern, including dioxins, furans, and polychlorinated
22 biphenyls; and

23 WHEREAS, the Frenchtown Community Advisory Group has advocated for increased sampling and
24 analysis of health impacts to the community, voicing concern over currently inadequate risk analysis; and

25 WHEREAS, the Montana sport fish consumption guidelines published "Do Not Consume" guidance for
26 fish in the Clark Fork River due to dioxins, furans, and polychlorinated biphenyls; and

27 WHEREAS, abandoned industrial waste depositories, landfills, sludge, and berms would not be
28 permitted or authorized today; and

1 WHEREAS, the berms holding back waste are not engineered, do not keep contamination from the
2 Clark Fork River, are susceptible to large floods, and heighten risk to downstream communities; and

3 WHEREAS, the Smurfit-Stone mill was historically an economic driver of Frenchtown; and

4 WHEREAS, a full cleanup of the waste repositories, berms, and site could return the mill site to full
5 commercial use; and

6 WHEREAS, the state is invested in a clean and healthful environment, economically viable
7 communities, and a full cleanup of the Smurfit-Stone mill site.

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9 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
10 THE STATE OF MONTANA:

11 That the Legislative Council be requested to designate ~~an appropriate interim committee or statutory~~
12 ~~committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to~~ THE ENVIRONMENTAL QUALITY
13 COUNCIL TO:

14 (1) examine past and ongoing investigations into the extent of contamination at the Smurfit-Stone
15 mill site, assessment of risks to human health and the environment, and proposed options for cleanup; ~~and~~

16 (2) EXAMINE THE CREATION, IMPLEMENTATION, AND ONGOING OPERATION OF THE LIBBY ASBESTOS
17 SUPERFUND OVERSIGHT COMMITTEE AND RELATED STATUTES PURSUANT TO TITLE 75, CHAPTER 10, PART 16, AS A
18 POSSIBLE MODEL FOR STATE INVOLVEMENT; AND

19 ~~(2)(3)~~ offer recommendations, if any, to ensure full cleanup of the mill site, mitigation of risks to
20 downstream communities, determination of impacts to the state fishery, restoration of the floodplain, and
21 rehabilitation of the mill site as an economic driver for the Frenchtown community.

22 BE IT FURTHER RESOLVED, that the examination include all agencies, stakeholders, community
23 members, and property owners involved or responsible for site remediation.

24 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be
25 presented to and reviewed by ~~an appropriate committee designated by the Legislative Council~~ THE
26 ENVIRONMENTAL QUALITY COUNCIL.

27 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
28 requirements, be concluded prior to September 15, 2024.

