

# Missoulian

## Whitefish / Leak leaves river stinking of gasoline

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WHITEFISH - Down below the bridge, next door to the gas station, where the Whitefish River slides silent under U.S. Highway 93, a tiny rainbow seep spills shining from the riverbank.

In 60 short seconds, it fills Mike Koopal's 500-milliliter flask, reeking of gasoline. Assuming the flow is steady - which might, in fact, be assuming quite a bit in this muddled geology - then Koopal figures the river's on the receiving end of some 80,000 gallons of gasoline-mixed sludge each year.

"It's frustrating," the director of the Whitefish Lake Institute said. "The state has known about this problem for years, and the seep just keeps flowing."

The gas station's leak was first discovered in 2003, and was presumably fixed. Then, in 2005, the seep was back on DEQ's plate, with benzene levels registering 30 times the safe limit for drinking water. The owner of the nearby gas station told regulators his own investigation showed no new leak, and DEQ promised to investigate.

But state follow-up stalled, and when an adjacent landowner did not clear his property, as requested, so regulators could look for old underground tanks, the matter simply faded away.

"You can't do that," Koopal said. "You can't just drop the ball on project management."

"We do everything we can," said an equally frustrated John Arrigo, who heads the enforcement division at Montana's Department of Environmental Quality. "We understand it's in their backyard up there in Whitefish, and it's not being fixed quickly enough for them. But that isn't the only site we have to worry about, and we clearly do not have the staff to monitor every situation. Montana just simply does not provide enough money to do everything we'd like to do."

Because while Koopal's watching the gasoline flow into his hometown river, someone else is watching even bigger problems at any number of the state's 2,000 or so public drinking water systems. Not to mention the 1,000 citizen tips received by DEQ each year, or the thousands upon thousands of subdivision requests, or the industrial wastewater discharge permits, the air pollution permits, the more than 200 state Superfund sites, all of which and more are investigated by Arrigo's meager staff of 16.

Just in the neighborhood of that Whitefish River seep, Arrigo's watching nasties flow into the Stillwater River from abandoned refineries and timber operations. (After 20 years of watching

there, he's closing in on who should be responsible for cleanup, but there's still no word on when that work might begin.)

He's watching household wells so full of nitrates that folks can't drink from their own taps.

He's keeping eye on an old railroad site, just upstream from the gasoline seep, which the state has known about for years - "I was working these railroad problems in the 1980s" - but where cleanup is for all appearances at a stand-still.

"Currently," Arrigo said, "we do not even have a project officer to work on that site. It's ongoing, but so is everything else. All these things take time."

It is, in part, a problem of technical complexity. Dirt is hard to see through, and water pollution moves in mysterious ways. The best regulators can do, Arrigo said, is drill a few wells, take some samples, extrapolate the rest.

It is also, in part, a problem of legal and financial complexity. Often, it's hard to pinpoint the source, harder still to convince the source to accept responsibility.

But it is mostly, not surprisingly, a problem of funding. Digging up trouble is expensive.

For years, Arrigo said he and others at DEQ have asked for more enforcement money. Currently, a small part of the budget comes from state coffers, the rest from federal grants and permit fees.

Money is tight, Arrigo said, and until recently DEQ could not offer competitive wages. It was tough, he said, to attract and retain qualified staff.

As to the federal grants, "they're either barely holding level or they're decreasing," he said, "primarily because of other funding priorities - national security and the war."

And as to fees, "we can only collect so much. Essentially, industry and business are paying to have themselves regulated, and you can only charge the regulated public so much."

The folks who collect those fees - the 170-member staff of DEQ's permitting division - actually do double duty as first-level enforcement officers in Arrigo's priority triage. They conduct the compliance checks, find problems, issue letters of warning, help industry get back into compliance.

Only if the issue is big enough - "a significant violation" - does it land on the desk of Arrigo's 16-member enforcement team. There, it is prioritized again, sometimes to the dismay of those reporting the problem.

In an Aug. 28 letter to the city of Whitefish, DEQ top boss Richard Opper felt the pain of local politicians - "no one wants gasoline seeping into the Whitefish River," he wrote - then went on to paint the rather stark reality of his agency.

"In contrast to other environmental problems in Montana," Opper wrote, "the seep is not viewed as a major public health or environmental threat."

"Ouch," said Gary Marks, city manager of Whitefish. "We tend to think it's pretty serious. We're the ones who use the river, who swim and fish in the river, who have to smell the gasoline in the river. It doesn't play well with the locals to have an oily sheen on the water."

But neither does it play well that household taps west of Kalispell are poisoned by nitrates, or that toxins from industries long gone continue to taint the Stillwater.

All these waters flow finally into Flathead Lake, which enjoys some of the most stringent water quality rules in the nation. The clear quality of those waters, in fact, is a major reason Montanans have unified in opposition to energy development upstream in Canada.

And yet Koopal's 500-milliliter flask keeps filling every minute, perhaps as much as 80,000 gallons per year. It's a lot, Arrigo said, but in the big picture still not enough for top priority.

At least not until Aug. 13. That's when Koopal - who had twice approached DEQ without result - brought his flask to the local town council and the politicians and the press got involved.

"It's definitely become a squeaky wheel," Arrigo said. "We are very aware of the problem."

So aware that new monitoring wells have been drilled in recent days, and studies into how best to intercept the gasoline should be completed by month's end. A possible solution might include a 35-foot deep trench dug into the river bank, but that cure may well prove worse than the disease.

And so it goes, filling that flask.

Opper's letter acknowledges the delays over the past couple years, but the DEQ director maintains "this work's progressing at an acceptable rate."

That, Koopal said, depends upon whom you ask.

But he admits that if Arrigo's staff is working in Whitefish, then they're not working somewhere else. It's a big state for 16 people to cover - 200 if you include the permitting folks - sprawling across 147,000 square miles, with nearly 1,500 square miles of waterways.

"I understand their problem," Koopal said. "I'm sure you couldn't build a department big enough to handle all of the situations."

Which is why he, for one, believes it's better to avoid new situations in the first place. Koopal is a critic of what he calls the state's current "slap on the wrist" policy that allows industry to police itself.

"We have to trust business to self-regulate," Arrigo said. "The state cannot afford to monitor everyone."

But with potential polluters policing polluters, Koopal said, "you're totally open to biased data. We need a reliable third-party review."

And while that review would surely demand money not currently available, Koopal thinks he's found an untapped cash source that would generate revenue without adding to permit fees.

"DEQ needs to get serious about its fines," he said. "For a lot of these people, paying the fine is just a cost of doing business. The fine should reflect the disregard for our shared environment. As it stands, there's no incentive for industry to do the right thing to begin with."

Koopal recognizes his seep is a very small drop in a very big bucket, but worries the whole bucket might overflow if changes aren't soon made within the agency.

"It's a local issue for us," he said, "but it's indicative of DEQ's overall and chronic administrative problem of no money and no time. They just don't have the staff to complete the workload, and I think that's going to catch up with us if we don't find a new way of doing business."