

**BRIEF**

Montana homeowners to receive \$7.5M payout for landfill lawsuits

By **Cole Rosengren** • May 11, 2016

Dive Brief:

- Montana's Bozeman City Commission unanimously voted to approve a proposed \$7.5 million settlement over fumes from the closed Story Mill Landfill on Monday. This vote now authorizes the city's attorney to move forward with a settlement agreement.
- The settlement would resolve three lawsuits from 22 plaintiffs in the neighboring Badger Creek development. The city will pay \$5 million—\$750,000 from city funds and the rest from insurance—and the remainder will be paid by a developer and engineering firm. No formal negligence has been admitted by any of the defendants.
- The city has spent \$2.6 million on groundwater monitoring, installing vapor mitigation systems, and legal expenses since issues were first reported in 2013. A new system to contain chemicals in the landfill is also under construction as ordered by Montana's Department of Environmental Quality.

Dive Insight:

Cities and companies are finding landfills challenging long after they're closed. Bozeman had already expected to spend \$300,000 a year on site maintenance since the Story Mill Landfill shut down in 2008, but costs have grown. For reasons like this,

the Environmental Research & Education Foundation (EREF) recently released a detailed report that addresses how to develop an Evaluation of Post-Closure Care (EPCC).

While some residents say Bozeman should have been more aware of possible health risks when it built the landfill next to the Badger Creek development in the 1990s, city officials disagree. The Daily Chronicle reported last week that Mayor Carson Taylor said more precautions could have been taken in the past, but city planners weren't aware of soil vapor issues then.

"You're somewhat limited by the science you have at the time," said Taylor.

Regardless of past knowledge or protocols, modern environmental standards have made landfill operation a complicated business. As demonstrated by recent lawsuits in San Jose and other municipalities, the relationship between landfills and residential areas continues to be contentious and expensive.

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