



## 2025 Orphan Share Report for Montana Environmental Quality Council

September 1, 2025

### Background

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The orphan share fund, established in 1997, is a state special revenue fund, created to reimburse potentially liable persons (PLPs) for the portion of cleanup costs attributable to bankrupt or defunct persons. The Orphan Share Fund is created from a variety of sources, including oil and natural gas production taxes. The orphan share fund is used to reimburse PLPs for cleanup costs attributable to the orphan share at sites where an allocation has been completed under the Controlled Allocation of Liability Act (CALA) under State Superfund law.

The 2015 Montana Legislature passed Senate Bill 96 (SB 96). SB 96 allows DEQ to use orphan share account funds, as appropriated, to take remedial actions addressing risks to human health or the environment at hazardous substance or petroleum sites where there is no readily apparent PLP that is financially viable.

Section 75-10-743 (14), Montana Code Annotated (MCA) requires a report to the Environmental Quality Council on or before September 1 of each year, discussing the amount of orphan share account used, the type of expenditures made, and the identity and location of facilities addressed.

# Facilities Seeking Reimbursement Through CALA

DEQ currently has five facilities with a completed CALA allocation. Corbin Flats, located south of Helena in and near the town of Corbin in Jefferson County, completed all remedial action and all reimbursement payments have been made with no future expenditures anticipated. This section describes the four ongoing facilities, and the status of reimbursement claims at each facility.

## Facilities with Completed Remedial Actions

	<div>Corbin Flats</div> <div>Corbin</div> <div>Jefferson County</div> <div>Project Complete</div> <div>Pending Reimbursement</div> <div>\$0</div>
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Corbin Creek after cleanup

The Corbin Flats Facility is located just south of Helena, in and near the town of Corbin, in Jefferson County. The orphan share for this site was determined to be 57%. Cleanup is complete at this Facility and all payments associated with the orphan share have been issued.

## Facilities with Ongoing Remedial Actions

### Blackfoot Post Yard Lincoln Lewis and Clark County

Total approved for  
reimbursement\*  
\$499,849.74

Reimbursed<sup>1</sup> in 2025  
\$12,651.28

Pending Reimbursement  
\$0

\* As of November 17, 2021;  
includes the orphan's and  
MDT's share

<sup>1</sup> As of July 1, 2024; 2024 costs  
are significantly reduced due to  
special legislative funding  
acquired by MDT in the 2023  
legislative session. These funds  
were renewed in the 2025  
legislature.



*Sampling to further characterize metals contamination at the residential portion of the Facility in preparation for interim action work, June 2024.*

The Blackfoot Post Yard facility, located in Lincoln Montana, has an orphan share of 50% and the Montana Department of Transportation's (MDT) liability is 18% (see page 12 for information regarding MDT). MDT received \$300,000 in the 2023 Legislative Session to cover some of its contractor costs. An additional \$300,000 was given to MDT in the 2025 Legislative Session. This funding will help MDT fulfil its obligations as the lead PLP. Remedial investigation field work was completed in 2022, with extensive soil and groundwater sample collection. MDT compiled a remedial investigation report to summarize the 2022 data and the historic data from the facility. This document was approved, and a supplemental RI was completed to characterize metals contamination in a residential portion of the Facility. These results indicated that an interim action to remove metal concentrations from the residential portion of the Facility will likely streamline future risk assessments. Excavation work to remove metals from the residential area is expected to occur in the fall of 2025. Legislative funding from both 2023 and 2025 will be used for this interim action, however, may not cover the work entirely. Once the interim action work is completed, a Risk Assessment Work Plan will be submitted to DEQ. Due to the MDT's status as the lead PLP for the Facility, DEQ anticipates requests for reimbursement to be ongoing throughout the duration of the CECRA process.





## CMC Asbestos Bozeman Bozeman Gallatin County

Approved for  
reimbursement  
\$0

Reimbursed in FY 2025<sup>1</sup>  
\$0

Pending Reimbursement  
\$0

<sup>1</sup> As of July 1, 2025

*Asbestos warning signs during asbestos removal and redevelopment activities, CMC Asbestos Bozeman Facility*

The CMC Asbestos Bozeman facility is located in downtown Bozeman (Gallatin County). The orphan share for this site was determined to be 79%. Much of the cleanup is complete at this facility, but due to the ongoing cleanup associated with the voluntary cleanup and the lead PLP's hardship determination, requests for reimbursement of the orphan share are ongoing. There have been no reimbursements this fiscal year and there are no reimbursement requests pending; however, DEQ recently solicited public comment on approval of a voluntary cleanup plan to address the former Empire properties within the Facility. If, after review of public comments, DEQ approves the voluntary cleanup plan, additional cleanup will commence on the former Empire properties and DEQ anticipates additional reimbursement requests to be submitted for that cleanup work, as well as any future costs associated with cleanup/redevelopment of any additional properties within the facility.



Joslyn  
Street  
Tailings  
Helena  
Lewis and  
Clark  
County

Approved for  
reimbursement  
\$0

Reimbursed<sup>1</sup> in  
FY 2024  
\$0

Pending  
Reimbursement  
\$0

<sup>1</sup> As of July 1,  
2025



*Wetland Excavation grid, BNSF excavating metal concentrations around existing tree during 2025 field season, Joslyn Street Tailings Facility*

The Joslyn Street Tailings facility is in Helena (Lewis and Clark County). The orphan share for this site was determined to be 57%. Some of the cleanup was completed at this facility under a voluntary cleanup plan. DEQ selected the final cleanup in its November 12, 2019 Record of Decision and issued a unilateral administrative order to BNSF for implementation of the cleanup on May 6, 2020. While conducting the cleanup, it was determined that contamination extends into a wetland, and beneath the active rail line and onsite waste disposal area that BNSF established during a previous voluntary cleanup. BNSF performed additional sampling to better determine the extent of contamination. These results were submitted in a Construction Constraint Report (Report). Based on information provided in the Report, BNSF resumed work excavating metals concentrations out of the wetland area. DEQ is currently drafting an Explanation of Significant Difference to document the constraints limiting further excavation from beneath the rail line to remove additional metals contaminated soil. BNSF has been implementing the final cleanup and submitted two requests for reimbursement of the orphan share in the past; BNSF is expected to submit an additional request for reimbursement once the cleanup is complete.





## S&W Sawmill

Darby  
Ravalli County

Approved for  
reimbursement  
\$0

Reimbursed<sup>1</sup>  
\$0

Under DEQ Review  
\$2,995,292 (total)

<sup>1</sup>As of July 1, 2025

*Post-remediation photo of parking area created for Darby rodeo ground use after removal of top 6-inches of 10-acre parcel owned by International Paper at the S&W Sawmill Facility*

The S&W Sawmill Facility is located south of Hamilton in Darby, Ravalli County. The orphan share for this site was determined to be 58%. International Paper, the lead PLP, has completed the remedial investigation for the Facility and submitted a request for reimbursement of the orphan share. DEQ reimbursed the payments for eligible remedial action costs and International Paper submitted additional information in June 2025 for DEQ evaluation to provide support/justification for \$2,995,292 (total) of remedial investigation costs previously disallowed by DEQ due to inadequate backup documentation. DEQ's review of the additional information is underway. DEQ anticipates additional reimbursement requests as International Paper moves through the CECRA process. Aside from the re-submittal for previously disallowed costs in June 2025, there were no new/other reimbursement requests submitted and no reimbursement payments in FY 2025.

# Other Legislative Appropriations for Orphan Share Funds

In addition to reimbursing CALA orphan share reimbursement claims as funding allows, DEQ has received legislative appropriations of orphan share funds for several specific purposes. This section discusses these projects.

## KRY Site

Orphan share funds were prioritized to cover the state agency (Department of Natural Resources and Conservation's (DNRC)) share of remedial action costs at the KRY Site state superfund facility: as allowed under Section 75-10-743(9), MCA, added in 2009. The KRY Site is made up of three CECRA Facilities with comingled contamination; Kalispell Pole and Timber, Reliance Refinery Company, and Yale Oil Corporation, located in Kalispell in Flathead County. DNRC has liability associated with both the Reliance Refinery Company and Kalispell Pole & Timber portions of the KRY Site and orphan share funds cover DNRC 's share of liability.

**KRY Site**  
**Kalispell**  
**Flathead County**

Authorized Appropriation  
\$8,490,000\*

Reimbursed<sup>1</sup>  
\$7,533,915.13  
(\$22,660.53 in FY 2025)

Pending Reimbursement  
\$956,084.87\*\*



*Chemical oxidation injection work as part of groundwater remedy implementation at the KRY Site*

\*To meet DNRC's complete obligation, which is based on DNRC's share of the full cleanup cost, a combination of HB5 appropriation and carry forward authority have been used.  
\*\*The full appropriation is needed to cover ongoing cleanup costs and will be reimbursed incrementally as cleanup continues; the pending reimbursement cost is not specific to 2025.

Libby Asbestos

\$600,000 of Orphan Share funds are designated annually to establish a permanent Trust Fund to pay exclusively for costs to the State of cleanup and long-term O&M and to administratively cover costs of the Libby Asbestos Superfund Oversight Committee (LASOC) per Sections 75-10-743(10)(c) and 75-10-704(4)(j)(i), MCA.

Fiscal year administrative costs for LASOC were \$11,429.05. Investment earnings were greater than these expenses, and \$606,334.63 was transferred to the permanent Trust Fund.



Libby Asbestos

Libby  
Lincoln County

Requested Amount Authorized  
\$600,000.00

Reimbursed  
\$606,334.63

Pending Reimbursement  
\$0

Libby Riverfront Park

LASOC held quarterly meetings in September 2024, December 2024, March 2025 and June 2025. They approved sampling and abatement work at two properties, and sampling and abatement work was completed at 5 properties. As a result of work performed in this and prior years, EPA withdrew 6 Notices of Potential Environmental Contamination and 2 Notices of Environmental Contamination from properties in Lincoln County, Montana.



# Hard Rock Mine Remediation

Up to \$600,000 may be used to cover costs of hard rock mine remediation per Sections 75-10-743(10)(c) and 75-10-704(4)(j)(ii), MCA.

<div>Hard Rock Mine Remediation</div> <div>Requested Amount Authorized \$600,000.00</div> <div>Expended<sup>1</sup>: \$10,156.73</div> <div><sup>1</sup> As of July 1, 2025</div>	
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*Spring Lode Mine AML reclamation project.*

**Note:** The AML Program completed the Spring Lode Mine hardrock project. The project addressed an exposed mine shaft surrounded by waste material that was excavated from the shaft. A vehicle was removed and hauled to salvage with the surrounding waste material placed back into the shaft and filled to surrounding ground contours. Salvaged topsoil was graded across the waste fill and reseeded with local NRCS recommended seed mix.

Hardrock related projects are currently being determined and prioritized by the Abandoned Mine Land program that may utilize Orphan Share funds for 2025-2026.

## Senate Bill 96

Revisions to the Controlled Allocation and Liability Act during the 2015 Legislature (Senate Bill 96) allow the DEQ to use Orphan Share funds to address risk to human health and/or the environment at hazardous substance/petroleum Sites where there is no readily apparent and financially viable responsible party (see Sections 75-10- 743(12) and 75-10-743(13), MCA).

- In the 2016 – 2017 biennium, a one-time only (OTO) appropriation of \$7 million from the Orphan Share account was identified for this purpose. This special legislative funding helped close 58 sites in the 2016-2017 biennium.
- During the 2019 Legislation session, an OTO appropriation of \$250,000 was authorized each year.
- During the 2021 Legislation session, a base appropriation of \$250,000 was authorized.

In fiscal year 2024, three projects used funding or were allocated funding from the Orphan Share. The projects are summarized below.

### Pioneer Garage Petroleum Release Jordan Garfield County

Amount Allocated  
\$250,000

Amount Expended:  
\$58,770.70

<sup>1</sup> As of July 1, 2025



**Pioneer Garage:** Work conducted at Pioneer Garage in 2024 included installation of soil borings and monitoring wells to better define the extent and magnitude of petroleum contamination and landfarm siting. Excavation activities are projected to occur in the fall of 2025 and post excavation groundwater monitoring will occur after.

**Amount allocated 2024:** \$250,000



Amount expended 2024: \$58,770.70

## Former Roxy's Cleaners

Havre  
Hill County

Amount Allocated  
\$68,342

Amount Expended<sup>1</sup>  
\$57,197.32

<sup>1</sup> As of July 1, 2025



*Quarterly influent (pre-treatment; left side 6L summa canister) and effluent (post-treatment; right side 6L summa canister) vapor samples being collected as part of operations and maintenance activities for the soil vapor extraction system at Former Roxy's Cleaners in Havre, MT.*

The soil vapor extraction system installed in 2015 continues to be operated to remove subsurface solvent contamination that was causing groundwater and indoor air contamination. Ongoing air sampling is performed to track system performance and ensure indoor air levels remain protective inside the building.

# Whitefish Solvent Site

## Whitefish Flathead County

Amount Allocated<sup>2</sup>  
\$228,629.92

Amount Expended<sup>1</sup>  
\$63,973.83

<sup>1</sup> As of July 1, 2025

<sup>2</sup>This Total estimates costs from October 2024 through October 2026. Allocation is not based on fiscal year but rather Task Order start and end dates.



*SVE system shed during routine check-up/maintenance including GAC treatment prior to effluent emission. February, 2024*

The soil vapor extraction system installed in the 2016 timeframe with SB96 funds continues to be operated to remove subsurface solvent contamination that is causing groundwater and indoor air contamination. Shortly after SVE system installation and system startup occurred, augmented in-situ bioremediation was performed through multiple injections of emulsified vegetable oil (EVO) into subsurface soil and groundwater on the property. The injections accelerated the breakdown of PCE into breakdown products. Air and groundwater continue to be monitored and additional injections are planned for the fall of 2025.



## Supplemental Information

### Blackfoot Post Yard

The Montana Department of Transportation (MDT) is a noticed liable person at the Blackfoot Post Yard facility, and its liability has been determined through CALA. Per section 75-10-743(6)(c), MCA, MDT may request Orphan Share funds for its percentage of liability; MDT's liability is 18%. Please refer to page 3 for information regarding reimbursement requests.

### Natural Resource Damage Program

The Montana Department of Justice Natural Resource Damage Program (NRDP) may request Orphan Share funds appropriated to cover damage assessment costs per Section 75-10-743(1), MCA (added in 2017).

- In the 2018 – 2019 biennium, NRDP received a one-time only appropriation of \$1 million each fiscal year. NRDP and DEQ have a Memorandum of Understanding to transfer any appropriated funds and reimburse the orphan share fund if damage claims are settled.
- NRDP has no appropriation for the 2020/2021 biennium, 2022/2023 biennium, or 2024/2025 biennium.