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For immediate release

COMMUNITY GROUP CHALLENGES PROPOSED TOXIC LANDFILL
LAWSUIT CHALLENGES ENVIRONMENTAL LAWS FOR FAILING TO PROTECT HUMAN HEALTH.

BILLINGS – A local community group named Stop The Shepherd Landfill has filed a lawsuit in Yellowstone County District Court challenging a license the Montana Department of Environmental Quality recently issued to Pacific Steel and Recycling to build a 90 acre landfill of Auto Shredder Residue north of Billings in Shepherd, Montana. The group claims the landsite will store toxic pollutants and the impacts were not adequately analyzed.

Stop The Shepherd Landfill is challenging the license and the agency’s Environmental Assessment, which was finalized on June 11, 2024. According to the lawsuit, the Montana DEQ violated the Montana Constitution and the Montana Environmental Policy Act by failing to compile, analyze, and disclose relevant documents the agency had in its possession regarding PFAS, a pollutant the agency’s website refers to as a “forever chemical.” According to the DEQ’s PFAS Action Plan “Some PFAS pose a health risk and are known to have toxic effects.”¹ “The DEQ and EPA have websites that acknowledge exposure to PFAS increases the chances of cancer, child development, and decreased fertility,” but they never disclosed these impacts or how the operation of the landfill will expose the public to the chemicals.

The group points to what it considers to be a failure by the DEQ to address the impacts of PFAS on the proposed landfill’s liners and why monitoring of the groundwater is only scheduled for 30 years after the landfill closes when the chemicals will last forever. “They should be required to monitor the liners and the water forever if they want to dump forever chemicals into the ground,” said Jordan Ferguson. The Environmental Assessment also discusses stopping operations when winds are blowing at more than 35 miles per hour, but the DEQ provided no indication that winds and dust at 25 mph would not carry PFAS from the site. “It is disheartening to watch the Montana DEQ ignore public concerns and turn a blind eye to the impacts of pollutants that it has described as ‘toxic,’” said Tricia Mae.

The group is also challenging as unconstitutional several portions of the Montana Environmental Policy Act, such as the requirement that a Plaintiff show significant impacts will in fact occur before the DEQ is required to prepare an Environmental Impact Statement. “The Montana Constitution requires the DEQ, not citizens, to thoroughly analyze the impacts of proposed actions such as this toxic landfill. When there are substantial questions about the impacts on the health of residents, the DEQ must prepare a more thorough Environmental Impact Statement instead of a cursory Environmental Assessment” said John Meyer, the attorney at Cottonwood Environmental Law Center that is representing the group.

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¹ https://deq.mt.gov/files/DEQAdmin/PFAS/2020_06_30_PFAS_ActionPlan.pdf