UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
http://www.epa.gov/region08

JUN 9 - 2015

Ref: 8ENF-RC

GENERAL NOTICE LETTER
CERTIFIED MAIL #7008 3230 0003 0725 1243: RETURN RECEIPT REQUESTED

Mr. Steve Wright
Columbia Falls Aluminum Company LLC
2000 Aluminum Drive
Columbia Falls, MT 59912

Re: General Notice Letter and Demand for Payment of Response Costs for the Anaconda Aluminum Co Columbia Falls Reduction Plant Superfund Site in Flathead County, MT, SSID #A8-82

Dear Mr. Wright:

The U.S. Environmental Protection Agency (EPA or the Agency) is in receipt of Columbia Falls Aluminum Company LLC's November 10, 2014, and January 2, 2015, responses to the Agency's September 3, 2014, CERCLA Section 104(e) information request, which was sent to your company in connection with the above-referenced site (Site). Based on your company's responses and other available information, the EPA has determined that Columbia Falls Aluminum Company LLC may be responsible under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, for cleanup of the Site or costs the EPA has incurred in cleaning up the Site.

Explanation of Potential Liability

Based on available information, the EPA believes that Columbia Falls Aluminum Company LLC may be liable under section 107(a) of CERCLA with respect to the Site, as the current or past owner and/or operator of the Site. Under CERCLA, specifically sections 106(a) and 107(a), potentially responsible parties (PRPs) may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by the EPA in cleaning up the Site, unless the PRP can show divisibility or any of the other statutory defenses. PRPs include current and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

To date, the EPA has performed Site investigations under the authority of the Superfund Program to gain a basic understanding of the risks posed to human health and the environment at the Site. Field work and sampling activities were conducted on surface and subsurface soil and sediment, surface water and ground water during 2013 and 2014. The results of these activities are reported in the Site Reassessment Report dated April 4, 2014, which is publicly available on EPA's web site.

Invitation to Commence RI/FS Negotiations

The EPA encourages your company to voluntarily negotiate a consent order in which Columbia Falls Aluminum Company, L.L.C. agrees to perform a remedial investigation and feasibility study (RI/FS) under the EPA's oversight at the Site. A remedial investigation (RI) identifies site characteristics and defines the nature and extent of surface and subsurface soil and sediment, surface water and ground water, and air contamination at or from the Site. A feasibility study (FS) evaluates different cleanup options for the Site. The Agency appreciates your company's statements about wishing to move forward quickly with conducting an RI/FS. In an effort to facilitate the RI/FS negotiations and complete the RI/FS as quickly as possible, the EPA is enclosing for your consideration a proposed Administrative Settlement Agreement and Order on Consent and Statement of Work for the RI/FS as **Enclosures 1 and 2**. A copy of the Site map is enclosed as **Enclosure 3**.

Demand for Reimbursement of Costs

With this letter, the EPA demands that Columbia Falls Aluminum Company LLC reimburse the Agency for its costs incurred to date. In accordance with Section 104 of CERCLA, 42 U.S.C. § 9604, the EPA has already taken certain response actions and incurred certain costs in response to conditions at the Site. The EPA is seeking to recover its response costs and all the interest authorized to be recovered under Section 107(a) of CERCLA from Columbia Falls Aluminum Company LLC and other PRPs at the Site. The approximate total response costs identified through January 1, 2015, for the Site are **$743,133.86**. Under Section 107(a) of CERCLA, the EPA hereby makes a demand for payment from Columbia Falls Aluminum Company LLC and other PRPs for the above amount plus all interest authorized to be recovered under Section 107(a). A summary of these costs is enclosed as **Enclosure 4**.

Some or all of the costs associated with this notice may be covered by current or past insurance policies issued to Columbia Falls Aluminum Company LLC. Most insurance policies will require that you timely notify your carrier(s) of a claim against your company. To evaluate whether you should notify your company's insurance carrier(s) of this demand, you may wish to review current and past policies, beginning with the date of Columbia Falls Aluminum Company LLC's first contact with the Anaconda Aluminum Co Columbia Falls Aluminum Reduction Plant, up to the present. Coverage depends on many factors, such as the language of the particular policy and state law.

In the event that Columbia Falls Aluminum Company LLC files for protection in a bankruptcy court, your company must include the EPA as creditor because the EPA has a potential claim against the company. The EPA reserves the right to file a proof of claim or application for reimbursement of administrative expenses.

Information to Assist You

The EPA encourages communication between Columbia Falls Aluminum Company LLC, other PRPs, and the EPA at the Site. To assist you in your efforts to communicate, the following other PRP –Atlantic Richfield Company– has received this notice:

Vilia M. Drazdys, Esq.
Senior Counsel
BP America, Inc.
150 W. Warrenville Road
Naperville, IL 60563
Tel. 630-420-5918

Outside Counsel:
Adam S. Cohen, Esq.
Davis Graham & Stubbs, LLP
1550 17th Street, Suite 500
Denver, CO 80202
Tel. 303-892-7321

A copy of the documents supporting the proposal to list the Site on the National Priorities List has been placed at the ImagineIF Columbia Falls Library, 130 6th Street West, Columbia Falls, MT 59912 and is available to the public for inspection. The documents are also available for inspection by appointment at the Superfund Records Center, EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202. Please call 303-312-6312 to make an appointment in advance of visiting the EPA's Superfund Records Center.

Also attached please find two EPA Region 8 guidance documents which pertain to data management (**Enclosure 5**) and spatial data (**Enclosure 6**).

Please give this matter your immediate attention. We understand that your company is represented by Mr. Andrew Otis of Curtis, Mallet-Prevost, Colt & Mosle LLP, and we have copied Mr. Otis on this letter as a courtesy. If you have any questions regarding this letter, please contact Mark Chalfant, Enforcement Attorney, at 303-312-6177. Thank you for your prompt attention to this matter.

Sincerely,

Kelcey Land

Kelcey Land, Director
RCRA/CERCLA Technical Enforcement Program
Office of Enforcement, Compliance,
and Environmental Justice

Andrea Madigan

Andrea Madigan, Acting Director
Legal Enforcement Program
Office of Enforcement, Compliance,
and Environmental Justice

Enclosures:
1-Proposed Administrative Settlement Agreement and Order on Consent for RI/FS (AOC)
2-AOC Appendix A: Draft Statement of Work for RI/FS, including Attachments A-C
3-AOC Appendix B: Site Map
4-Cost Summary
5-EPA Region 8 Superfund Remedial Data Management Plan (Version 0.8 (Apr. 2, 2015 Draft))
6-EPA Region 8 GIS Deliverable Guidance (Version 1.1 (Jun. 1, 2015))

cc: Andrew D. Otis, Esq., Curtis, Mallet-Prevost, Colt & Mosle LLP
Mark Chalfant, 8ENF-L
Mike Cirian, 8MO
Scott Wilder, 8ENF-T
Dianna Lim, 8EPR-S

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