EPA-Region 8 Legal Enforcement Program
Weekly Activity Report
Week Ending December 4, 2015

Reportable Items

Confidential:
None

Non-Confidential:

Region 8 Enters Into Settlement Agreement and Administrative Order on Consent for Performance of the RI/FA at the Columbia Falls Aluminum Plant Site in Flathead County, Montana

On November 30, 2015, Region 8 entered into a settlement agreement/administrative order on consent with Columbia Falls Aluminum Company for performance of the RI/FS at the Columbia Falls Aluminum Plant, also known as the Anaconda Company Columbia Falls Reduction Plant site, in Flathead County, Montana. The site, located two miles northeast of Columbia Falls, covers approximately 960 acres north of the Flathead River, a fishery that includes the federally designated threatened bull trout and the federally sensitive west slope cutthroat trout. EPA's initial evaluation indicates that ground water and surface water at the site contain various contaminants of concern, including cyanide, fluoride, and various metals. The Columbia Falls Aluminum plant operated between 1955 and 2009 and created significant quantities of spent pot liner material, a federally listed hazardous waste, as a byproduct of the aluminum smelting process. Spent pot liner material is known to contain cyanide compounds that can leach into groundwater. The site was proposed for listing on the NPL in March 2015. Contact: Mark Chalfant, Attorney, (303) 312-6177.

EPA Settles With J.R. Simplot for Clean Air Act Violation under the Prevention of Significant Deterioration Program

The U.S. Environmental Protection Agency and U.S. Department of Justice lodged a consent decree on December 3, 2015 resolving alleged Clean Air Act violations by J.R. Simplot Company related to modifications made at Simplot's five sulfuric acid plants near Lathrop, Calif., Pocatello, Idaho, and Rock Springs, Wyo. Under the settlement, Simplot will spend an estimated $41.5 million to install, upgrade, and operate pollution controls that will significantly cut sulfur dioxide (SO_2) emissions at all five plants, fund a wood stove replacement project in the area surrounding the Lathrop plant, and pay an $899,000 civil penalty. Cash penalty of $899,000 ($732,000 to be paid to the United States and $167,000 to be paid to the State of Idaho). Wyoming chose not to be a co-plaintiff to this settlement. Once all of the upgraded emissions controls have been implemented, the overall settlement will result in an estimated 2,540 tons per year reduction of SO_2 emissions, with the Wyoming Rock Springs Plants providing a 1,453 tons per year reduction. The installation of certain control upgrades are already taking place. One short-term interim limit is in effect. Engineering and design are underway and major construction is required to begin in July of 2017 and will be completed by 2019. Simplot must demonstrate compliance with a new long-term limit by July 2020. The two units will be restricted by new emission limits that represent a reduction of 55 percent and 70 percent from the previous permitted limits. The new limits are some of the lowest rates achieved in any sulfuric acid plant settlement to date. The upgrades at the Rock Springs, Wyoming plant are expected to cost over $20 million. Contact: Sheldon Muller, Attorney, (303) 312-6916.