Message

From: Chalfant, Mark [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C1D644333F94EA2AFF756BE6469E5AD-CHALFANT, MARK]
Sent: 6/12/2015 4:51:45 PM
To: Otis, Andrew D. [aotis@curtis.com]
Subject: RE: EPA General Notice & Demand Letter Transmitting Draft AOC & SOW -- Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82

Mr. Otis:

This is in response to your June 8, 2015, invitation to the Environmental Protection Agency (EPA) and the Montana Department of Environmental Quality (MDEQ) to comment on Columbia Falls Aluminum Company's (CFAC's) draft remedial investigation/feasibility study (RI/FS) work plan.

To facilitate EPA-CFAC RI/FS negotiations, the EPA included a draft RI/FS statement of work in its June 9, 2015, general notice and demand letter. This draft statement of work is intended to inform the development of the RI/FS work plan. We recommend that CFAC carefully review the EPA's draft RI/FS statement of work to ensure that CFAC's June 9, 2015 RI/FS work plan meets EPA expectations.

On behalf of both the EPA and the MDEQ, I wish to inform you that neither regulatory agency will be commenting on CFAC's June 5, 2015 draft RI/FS work plan until CFAC has had the opportunity to review the work plan against EPA's general statement of work. Although the agencies appreciate the fact that CFAC has retained an environmental consultant to prepare a draft RI/FS work plan, the EPA, in consultation with the State of Montana, will be following the established Superfund process, including the agency's "Guidance on Conducting Remedial Investigations and Feasibility Studies Under CERCLA" (OSWER Directive No. 9355.3-01 (October 1988)), in overseeing the RI/FS. The EPA will conduct the RI/FS process in consultation with the State of Montana as provided for by CERCLA and the National Contingency Plan.

Also, please note that the EPA has shared with the State of Montana a copy of the proposed settlement agreement and the draft statement of work. The MDEQ has expressed interest in commenting on RI/FS documents.

Please confirm CFAC's willingness to enter into negotiations with the EPA regarding the RI/FS administrative settlement agreement by no later than June 27, 2015. If CFAC wishes to enter into settlement negotiations, we can then discuss a mutually agreeable date by which CFAC will respond to the EPA's proposed administrative settlement agreement and draft RI/FS statement of work, and provide a revised RI/FS work plan for agency review.

We look forward to your response, and welcome CFAC's cooperation in commencing the RI/FS process in an expeditious manner.

-Mark

Mark A.R. Chalfant
Attorney
Legal Enforcement Program
Office of Enforcement, Compliance and Environmental Justice | U.S. EPA Region 8
303.312.6177 | chalfant.mark@epa.gov

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you.

From: Otis, Andrew D. [mailto:aotis@curtis.com]
Sent: Tuesday, June 09, 2015 10:29 AM
To: Chalfant, Mark
Subject: RE: EPA General Notice & Demand Letter Transmitting Draft AOC & SOW -- Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82

Dear Mark,

Thanks for the Curtis copy. I acknowledge receipt. We will review these documents and get back to you.

Best regards,

Andrew

From: Chalfant, Mark [mailto:Chalfant.Mark@epa.gov]
Sent: Tuesday, June 09, 2015 10:42 AM
To: Otis, Andrew D.
Subject: EPA General Notice & Demand Letter Transmitting Draft AOC & SOW -- Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82

Mr. Otis:
Thank you for your email yesterday. The attached documents were sent by USPS certified mail in today's mail. A courtesy copy is attached.
Mark

Mark A.R. Chalfant
Attorney
Legal Enforcement Program
Office of Enforcement, Compliance and Environmental Justice | U.S. EPA Region 8
303.312.6177 | chalfant.mark@epa.gov

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you.

This e-mail, including any attachments, may contain information that is protected by law as privileged and confidential, and is transmitted for the sole use of the intended recipient. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying or retention of this e-mail or the information contained herein is strictly prohibited. If you have received this e-mail in error, please immediately notify the sender by telephone or reply e-mail, and permanently delete this e-mail from your computer system. Your privacy is very important to our firm. Therefore, if this message contains unsolicited commercial content, you may forward this e-mail to unsubscribe@curtis.com or click here (www.curtis.com/unsubscribe.htm) if you do not want to receive further messages of this nature. Thank you.

Curtis, Mallet-Prevost, Colt & Mosle LLP (101 Park Avenue, New York, NY 10178)