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

SEP 03 2014

Ref: 8ENF-RC

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7009 3410 0000 2595 7918

Jean A. Martin, Esq.
Senior Counsel – Health, Safety, Security and Environment
BP America, Inc.
501 Westlake Blvd.
Mailcode WL1.16.184
Houston, TX 77079

Re: Request for Information Pursuant to Section 104(e) of CERCLA
Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82

Dear Ms. Martin:

This letter seeks your cooperation in providing information and documents relating to the Anaconda Aluminum Company Site located approximately two miles northeast of Columbia Falls, Flathead County, Montana (Site). The U.S. Environmental Protection Agency (EPA) is investigating the identification, nature, and quantity of materials that have been generated, treated, stored or disposed of at, or transported to, the Site; the nature or extent of the release of a hazardous substance, pollutant or contaminant at the Site; and information relating to the ability of persons to pay for or to perform a cleanup at the Site.

Pursuant to the authority of section 104 of the Comprehensive, Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604, as amended, you are hereby requested to respond to the Information Request set forth in Enclosure 1, attached hereto. The EPA is writing this letter to you because Atlantic Richfield Company is successor to the Anaconda Company, a former owner of the Site that has operated the facility that comprises the Site, and Atlantic Richfield Company is a subsidiary of BP America, Inc.

Please respond to the Information Request within 30 days. Failure to respond fully and truthfully, or to adequately justify your failure to respond, can result in an enforcement action by the EPA, pursuant to section 104(e) of CERCLA and the imposition of penalties of up to $37,500 per day of non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

The Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

Your response to this request must be accompanied by a notarized certificate that is signed and dated by the person who is authorized by you to respond to this request. The notarized certificate must state that the response submitted to the EPA is complete and contains all documents and information responsive to this request that are known to you following a complete and thorough review of all information and sources available to you. A suggested format for the notarized certificate is included with this request as Enclosure 2.

The response to the Information Request should be mailed to:

U.S. Environmental Protection Agency
Region 8
Attn: Scott Wilder (8ENF-RC)
1595 Wynkoop Street
Denver, CO 80202-1129

The EPA strongly encourages you to give this matter your immediate attention and respond to the Information Request within the time specified above. If you have any questions relating to this Information Request, please contact Mark Chalfant, EPA Enforcement Attorney, at (303) 312-6177 or Scott Wilder, EPA Enforcement Specialist, at (206) 553-6693. Thank you for your cooperation in this matter.

Sincerely,

Kelcey Land

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

for Andrea Madigan
Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

cc: Mark Chalfant, 8ENF-L
Robert Parker, 8EPR-SA
Scott Wilder, 8ENF-RC
Dianna Lim, 8EPR-PS

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ENCLOSURE 1

INSTRUCTIONS FOR THE INFORMATION REQUEST TO ATLANTIC RICHFIELD COMPANY.
(ANACONDA ALUMINUM COMPANY SITE, COLUMBIA FALLS, MT, A8-82)
REQUEST #01

1. Please provide a separate narrative response to each and every question and subpart of a question set forth in this Information Request.

2. Precede each answer with the number of the question to which it corresponds.

3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.

4. For each document produced in response to this Information Request indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.

5. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to sections 104(e)(7)(E) and (F) of CERCLA, 42 § U.S.C. 9604(e)(7)(E) and (F), section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, 41 Fed. Reg. 36,902 (1976) (amended at 43 Fed. Reg. 40,000 (1978) and 50 Fed. Reg. 51,661 (1985)). If no such claim accompanies the information when it is received by EPA, it may be made available to the public by the EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim because certain categories of information are not properly the subject of such a claim.

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DEFINITIONS AND INFORMATION
(ANACONDA ALUMINUM COMPANY SITE, COLUMBIA FALLS, MT, A8-82)
REQUEST #01

The following definitions shall apply to the following words as they appear in this Enclosure:

1. The term "arrangement" means every separate contract or other agreement between two or more persons.

2. The term "CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act, and can be found at 42 U.S.C. § 9601, et seq.

3. The terms "document" and "documents" shall mean any written, recorded or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts and all non-identical copies.

4. The term "hazardous substance" shall have the same definition as that contained in section 101(14) of CERCLA and includes any mixtures of such hazardous substances with any other substances, including petroleum products.

5. The term "hazardous waste" shall have the same definition as that contained in section 1004(5) of RCRA.

6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

7. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), and the substance or the subject matter.

8. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

9. The term "materials" shall mean all substances that have been generated, treated, stored or disposed of, or otherwise handled at or transported to the Site, including but not limited to all hazardous substances, pollutants or contaminants, hazardous wastes and solid wastes, as defined below, and mercury.

10. The term "person" shall have the same definition as in section 101(21) of CERCLA: an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, state, municipality, commission, political subdivision of a state, or any interstate body.

11. The term "pollutant or contaminant" shall have the same definition as that contained in section 101(33) of CERCLA, and includes any mixtures of such pollutants or contaminants with any other substances, including petroleum products.

12. The term "Site" means the Anaconda Aluminum Company Site located approximately two miles northeast of Columbia Falls, Flathead County, Montana.

13. The term "RCRA" means the Resource Conservation and Recovery Act, amendments to the Solid Waste Disposal Act, and can be found at 42 U.S.C. § 6901, et seq.

14. The term "release" has the same definition as that contained in section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

15. The term "solid waste" shall have the same definition as that contained in section 1004(27) of RCRA.

16. The term "you" or "Respondent" shall mean the addressee of this Request, and its predecessors, successors, parent companies, and subsidiary companies.

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. § 9601, et seq.; RCRA, 42 U.S.C. § 6901, et seq.; or their regulations found at 40 C.F.R. Part 300 and 40 C.F.R. Part 260, et seq. respectively, in which case the statutory or regulatory definitions shall apply.

QUESTIONS
(ANACONDA ALUMINUM COMPANY SITE, COLUMBIA FALLS, MT, A8-82)
REQUEST #01

1. Identify the person(s) answering these questions by providing their name, address, and telephone number.

2. Identify the person(s) whom you wish to receive all further communications from the EPA related to the Site.

3. For each and every question contained herein, identify all persons consulted in the preparation of the answer.

4. For each and every question contained herein, identify documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the question and provide accurate copies of all such documents.

5. Describe Respondent's activities at the Site including the following and provide copies of all documents relating to such activities:

   a. The date Respondent acquired any portion of the Site;
   b. The entity from which Respondent acquired any portion of the Site;
   c. A description of Respondent's operations at the Site;
   d. Any changes Respondent made to the Site including any demolition or improvements;
   e. The activities taken upon cessation of operations at the Site;

7. Provide copies of all documents regarding environmental conditions at the Site including, but not limited to, any sampling information, solid and hazardous waste management plans, and any known releases of hazardous substances.

8. Describe all waste materials that resulted from activities at the Site. Describe the location and method of storing waste on site. Identify the amount of each waste left on the Site. Identify any hazardous substances contained in such wastes and provide copies of any and all documents that describe any analysis of such wastes and the results of the analysis.

9. Describe the construction methods used for any waste management units (landfills, impoundments, etc.). Describe any unremediated or uncapped landfills on the Site.

10. Describe any information on all seeps, unpermitted and permitted discharge points.

11. Describe any wastes shipped off site including quantities.

12. Identify all persons who on behalf of the Respondent exercised actual control or had the authority to control activities at the Site. Provide copies of documents and permits related to hazardous waste and/or decisions about compliance with environmental regulations at the Site.

13. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

ENCLOSURE 2

NOTARIZED CERTIFICATE

I, _____, having been duly sworn and being of legal age, hereby state:

1. I am the person authorized by Atlantic Richfield Company to respond to the Environmental Protection Agency's (EPA's) request for information concerning the Anaconda Aluminum Company Site located in Columbia Falls, Montana.

2. I have made a complete and thorough review of all documents, information, and sources relevant to the request.

3. I hereby certify that the attached response to the EPA's request is complete and contains all information and documents responsive to the request.

_____

(Signature)

_____

(Name)

_____

(Title)

(SEAL)

Subscribed and sworn to me this_____ day of_____, 2014.
Notary Public

My Commission Expires_____

My address is_____

_____

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