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RYAN C. WILLMORE
R. STEPHEN BROWNING : RETIRED

November 10, 2014

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

RE: ***Columbia Falls Aluminum Company's Response to 9/3/2014 EPA 104(e) Information Request***

Dear Mr. Wilder:

Enclosed is the response of Columbia Falls Aluminum Company to EPA's 104(e) Information Request, along with 8 boxes of documents mailed to you today. We anticipate providing additional productions because of the broad requests, with the next production in late-November. CFAC continues in good faith to search for responsive documents, and because the search is not yet complete, a notarized statement has not been included with this first production. Documents withheld on the basis of privilege have been identified on the enclosed privilege log. For all documents provided in response to the 104(e) Information Request, CFAC claims confidentiality under 42 U.S.C. 9604(e)(7)(E) and (F) and 42 U.S.C. 6927(b), and 40 C.F.R. 2.203(b). Disclosure of submitted documents will be considered a violation of law.

Please be aware that some of the documents produced herein may be responsive to more than one Paragraph of the Request for Information; in that case, the documents are being produced in response to the Paragraph we consider them most applicable. The number following "CFAC" in the control numbering system reflects the Paragraph of the Information Request to which the document is believed to be responsive and pursuant to which the document is being produced; and the number following the colon indicates the production number of the documents within a particular Paragraph.

If you have questions, please do not hesitate to contact Steve Wright at (406) 892-8211 or Andrew Otis, Esq. at (212) 696-6907.

Sincerely,

C A Laughner

Catherine A. Laughner

Enclosures
cc: S. Wright, A. Otis, Esq.

1330691/169.329

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

Response:

Steve Wright, 2000 Aluminum Drive, Columbia Falls, MT 59912 with the assistance from the law firm of Browning, Kaleczyc, Berry & Hoven, P.C.

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

Response:

.
Steve Wright, 2000 Aluminum Drive, Columbia Falls, MT 59912

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

Response:

See response to Request No. 1.

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

Response:

This request is objected to because it is overbroad and burdensome because CFAC has documents from the 1960s through the date of the subpoena that may be responsive. Without waiving the objections, see documents CONFIDENTIAL 104(e) CFAC 4:000001 – 000080.

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;

Response:

The request is objected to as "activities" and "site" is undefined except as "Anaconda Aluminum Company Site, which lacks specificity. CFAC further objects to providing "all documents relating to such activities" as over burdensome. Without waiving the objections, and assuming "Site" is the property boundary, CFAC responds as:

a. May 28, 1999.
b. Montana Aluminum Investment Group
c. Aluminum production, painting, anode carbon production, maintenance, metal fabrication, sewage treatment, air compression, pot rebuilding, lab analysis, shower house, rod mill for making aluminum rod, nonhazardous waste disposal of sanitary and nonhazardous industrial materials, water treatment, engineering, environment monitoring and compliance, safety compliance, human resource management, information technology, accounting and dry scrubbing.
d. CFAC objects to "changes" as that term is undefined. Without waiving: Permits from the Corp of Engineers and Soil Conservation Service for riverbank stabilization; demolition of scrubbers from Room 8; installed coke scrubber, software upgrades, electrical upgrades, renewed environmental permits, sold some cryolite bath; sold scrap aluminum and unused equipment, power contract updates, maintenance activities, See index of engineering files attached as CONFIDENTIAL 104(e) CFAC 4:000001 – 000080. Objection as "cessation of operations" is undefined. Without waiving the objection, not applicable.

Note: No Request 6 in Sept. 3, 2014 EPA letter

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.

Response:

This request is objected to as "Site" is not defined with specificity. Without waiving, please see documents CONFIDENTIAL 104(e) CFAC 7:000001 – 10263.

8. Describe all waste materials that resulted from activities at the Site. Describe the location and method of storing waste on the 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.

Response:

Since May 28, 1999, CFAC has generated wastes including:

Sandblast grit
Alcoholic KOH
Alumina Dust
Anode Waste

Anode Abrader Baghouse Bags
Anode Dust Control Baghouse Bags
Fluoride Autoanalyzer Waste
Cryolite Bath Sludge
Batteries for recycling
Battery Spill Clean-up waste
Bioforce Parts Washer Sludge & Waste
Casting Firebrick from Furnace #4
Casting Furnace Flue Liner Brick
Chlorinated Solvents & Rags
Coal Tar Pitch Condensate
Coal Tar Pitch Solid
Coke Ball Mills Baghouse Bags
Coke Dry Scrubber Baghouse Bags
Coke Silo Baghouse Bags
Coke Unloading Baghouse Bag & Catch
Cryolite Bath
Fanhouse Sludge
Ferroblast Sand Blast Grit
Incandescent Light Bulbs
Lectromelt Baghouse Catch & Bags
Municipal Household Trash
Ore – Potline
Ore – Reacted
Paint Waste
Parts Washer sludge
Paste Plant sump waste
Pin Cleaning Baghouse Bags
Pin Cleaning Baghouse Catch
Pin Cleaning Baghouse Filter
Pinhole Paste Drying Baghouse Bags
Potline Sweepings Baghouse Bags
Potline Sweepings Baghouse Catch
Primary Dry Alumina Scrubber baghouse bags
Railroad Ties Wood & Soil
Rod Mill Baghouse Catch & Bags
Roofing Tar (salvage yard)
Safety-Kleen Premium Solvent (Shops)
Safety-Kleen Premium Solvent (Garage)
Shed 11 Masonry Mixer Baghouse Catch & Bags
Shed 19 Steam Cleaning Waste
Sodium Hydroxide
Soft Pitch Solid
Spent Potliner (K088)
Stoddard Solvent
TAC Unit Baghouse Bags
TAC Unit Baghouse Catch
Therminol 59 – used oil
Used Oil
Wise Chem Paint Waste
Parts washer Sludge
Hagafilm Corrosion Inhibitor
Calgon F95 Corrosion Inhibitor
Aluminum Dross

Please see CONFIDENTIAL 104(e) CFAC 8:000001 – 1256. Prior to disposal, wastes were stored onsite in containers or enclosures. At this time, there is one drum of Mag New Clean onsite and is

scheduled to be removed November 19, 2014. Cathode material in the pots is expected to be removed over the next two years according to an Administrative Order on Consent with the Montana Department of Environmental Quality. Also onsite: nine to twelve dumpsters containing cardboard, paper and miscellaneous nonhazardous waste, sandblast grit, approximately 31 baghouses containing bags and catch and approximately five empty drums. Mobile and other equipment contain lubricants, antifreeze, and hydralic fluids. Based on experience of other smelters the following materials onsite are assets and can be sold: paint, maintenance solvents and chemicals, scrap metal, mobile equipment such as forklifts, wood pallets, contents of pots (aluminum and cryolite), dross, batteries, casting firebrick, anode carbon and warehouse inventory.

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

Response:

The landfills were in place prior to CFAC's ownership, and CFAC has no first hand information concerning construction. However, to the best of CFAC's information enclosed documents provide some information.

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

Response:

This Request is objection to because "seeps" is not defined. Without waiving, please see Response No. 7.

11. Describe any wastes shipped off site, including quantities.

Response:

Please see Response 8. Please also see CONFIDENTIAL 104(e) CFAC 11:000001 – 007209

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.

Response:

This request is objected to as "Site" is not defined with specificity. During CFAC's ownership beginning in 1999, those exercising control were: Larry Tate, Steve Knight, and Chuck Reili. Additionally Steve Wright and Brian Hohn exercised control over renewal of environmental permits, shipment of hazardous waste offsite, signing hazardous waste generator reports, prepare monthly discharge monitoring reports, prepare and submit air monitoring reports, respond to government requests for information, and record keeping. See Responses to Requests 7 and 8.

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.

Response:

The following engineering, operations, and maintenance personnel may have additional information. Also included is the latest contact information that CFAC has in its possession:

Tom Payne
175 Kara Drive
Kalispell, MT 59901
406- 260-5861

Bob Smollack
P.O. Box 155
Paradise, MT 59856
or
P.O. Box 1815
Newport, OR 97365
406-249-6824

Don Ryan
2400 North Eastwood Way
Mesa, AZ 85215
480-981-0840

Jerome Broussard
P.O. Box 428
Whitefish, MT 59937

Lee Smith
P.O. Box 22
Columbia Falls, MT 59912

Larry Tate
213 Fairway Drive
Whitefish, MT 59937

R. A. Sneddon – address unknown
C. E. Taylor – address unknown
E. O. Woster – address unknown

Additional regulatory personnel, who may have information are: Bill Potts, Roger Thorvilson, Fred Shewman, Steve Pilcher, John Arrigo, Tim Bryon, Bill Engle and Paul Montgomery. Addresses, documents and information they may have are unknown.

Privilege Log for CFAC's Documents Responsive to EPA's 9/3/14 104(e) Request for Production

Author/Creator	Recipient(s)	Date Created/Sent	Description	Claim of Privilege
R. Schenker	S. Kaleczyc, Esq.	2/28/1990	Correspondence re: timing of environmental issues	Attorney-Client Communication; Attorney Work Product
J. Robischon, Esq.	D. Ryan	5/14/1992	Correspondence re: CFAC emissions	Attorney-Client Communication; Attorney Work Product
J. Robischon, Esq.	B. Duker	5/14/1992	Correspondence re: compliance statements relating to air and water quality standards at CFAC	Attorney-Client Communication; Attorney Work Product
M. Botz	J. Robischon, Esq.	9/18/1992	Correspondence re: preliminary assessment of management options for cyanide in groundwater	Attorney-Client Communication; Attorney Work Product
D. F. Ryan	J. Robinschon, Esq., B. Duker, J. Broussard, L. Smith and T. Payne	10/27/1992	Correspondence re: overview of CFAC environmental concerns	Attorney-Client Communication; Attorney Work Product
S. Kaleczyc, Esq.	CFAC	1/3/1996	Correspondence re: comments on draft contract of Barnard Environmental, Inc.	Attorrney-Client Privilege, Attorney Work Product
C. Laughner, Esq.	S. Wright	12/2/1996	Correspondence re: Downcomer project	Attorney-Client Communication; Attorney Work Product
S. Wright	J.Grafton and C. Laughner, Esq.	2/3/1997	Correspondence re: information for CFAC's MPDES permit review	Attorney-Client Communication; Attorney Work Product
C. Laughner, Esq.	S. Wright	2/12/1997	Correspondence re: memo to J.Grafton	Attorney-Client Communication; Attorney Work Product
S. Wright	T.Byron, L. Tate and C. Laughner, Esq.	2/18/1997	Correspondence re: Telephone conversation summary regarding tentative water discharge permit	Attorney-Client Communication; Attorney Work Product
		6/19/1905	Handwritten notes w/ C. Laughner, Esq. on tentative MDEQ Authorization to Discharge Under the Montana Pollutant Discharge Elimination System	Attorney-Client Communication; Attorney Work Product
S. Wright	C. Laughner, Esq.	3/12/1997	Correspondence re: annual expenses paid to Hydrometrics	Attorney-Client Communication; Attorney Work Product
C. Laughner, Esq.	S. Wright	4/25/1997	Correspondence re: perceived tasks from T. Byron's letter	Attorney-Client Communication; Attorney Work Product

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Privilege Log for CFAC's Documents Responsive to EPA's 9/3/14 104(e) Request for Production

Author/Creator	Recipient(s)	Date Created/Sent	Description	Claim of Privilege
		6/25/1997	Index prepared under direction of C. Laughner, Esq. of DEQ Enforcement- Air Violation documents from 1995 to 1996	Attorney-Client Communication; Attorney Work Product
S. Wright	L. Tate, T. Payne, B. Hohn and C. Laughner, Esq.	7/15/1997	Correspondence re: July 10th meeting with MDEQ	Attorney-Client Communication; Attorney Work Product
S. Wright	C. Laughner, Esq.	8/13/1997	Correspondence re: with EPA, POM results and summary of August 12,1997 and telephone call between S.Fruh, M. Brascomb and S. Wright	Attorney-Client Communication; Attorney Work Product
		8/17/1997	Summary of telephone call C. Laughner, Esq., S. Fruh, M. Brascomb and S. Wright	Attorney-Client Communication; Attorney Work Product
S. Wright	C. Laughner, Esq.	8/1/1997	Correspondence re: CFAC MPDES permit modification and sampling of Flathead River	Attorney-Client Communication; Attorney Work Product
C. Laughner, Esq.	S. Wright	10/2/1997	Correspondence re:draft memo on servicing air coolers	Attorney-Client Communication; Attorney Work Product
C. Laughner, Esq.	S. Wright and B. Hohn	10/3/1997	Correspondence re:servicing air coolers	Attorney-Client Communication; Attorney Work Product
C. Laugher, Esq.	S. Wright	10/6/1997	Correspondence re: CFC's	Attorney-Client Communication; Attorney Work Product
S. Wright	C. Laughner, Esq., L. Tate and B. Hohn	12/9/1997	Correspondence re: MDEQ visit about potbottoms carbon	Attorney-Client Communication; Attorney Work Product
C. Laughner, Esq.	S. Wright	2/11/1998	Draft correspondence re: carbon pile and sludge pond	Attorney-Client Communication; Attorney Work Product
S. Wright	T. Byron, C. Laughner, Esq., S. Mason and S. Halloran	2/27/1998	Correspondence re: telephone conversation record	Attorney-Client Communication; Attorney Work Product
S. Wright	T. Byron, C. Laughner, Esq., S. Mason and S. Halloran	4/22/1998	Correspondence re: CFAC MPDES Permit Modification	Attorney-Client Communication; Attorney Work Product
		4/29/1998	Handwritten notes of C. Laughner, Esq. regarding CFAC water	Attorney-Client Communication; Attorney Work Product

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Author/Creator	Recipient(s)	Date Created/Sent	Description	Claim of Privilege
C. Laughner, Esq., and M. Giddings, Esq.	S. Wright	5/27/1998	Correspondence re: burning of PCB contaminated waste oil	Attorney-Client Communication; Attorney Work Product
S. Wright	C. Laughner, Esq.	Undated, but around 6/25/98	Correspondence re: draft MDEQ Authorization to Discharge under the MPDES	Attorney-Client Communication; Attorney Work Product
C. Laughner, Esq.	S. Wright	11/9/1998	Correspondence re: handwritten notes on draft MPDES permit information sources	Attorney-Client Communication; Attorney Work Product
		12/9/1998	C. Laughner's handwritten notes regarding draft memo on CFAC Sewage Treatment Plant	Attorney-Client Communication; Attorney Work Product
R. Ball and M. Hahn	C. Laughner, Esq.	6/28/1999	Correspondence re: Environ Draft for CFAC data review	Attorney-Client Communication; Attorney Work Product
J. Balsey, secretary to C. Laughner, Esq.	S. Wright	7/12/1999	Correspondence re: Environ Draft for CFAC data review	Attorney-Client Communication; Attorney Work Product
S. Wright	A. J. Niemi, T. Payne, S. Knight, L. Phillips, L. Tate, J. Hoerner, J. Miller, C. Lewis, C. Laughner, Esq., B. Hohn and B. Brown	8/2/2000	Correspondence re: complaint call into MDEQ	Attorney-Client Communication; Attorney Work Product
S. Knight	S.Wright, A. J. Niemi, T. Payne, L.Phillips, L.Tate, J. Hoerner, J. Miller, C. Lewis, C. Laughner, Esq., B. Hohn and B. Brown	8/2/2000	Correspondence re: restart schedule	Attorney-Client Communication; Attorney Work Product
S. Wright	C. Laughner, Esq.	Undated, but around 8/20/1998	Correspondence re: CFAC MPDES Permit application meeting summary	Attorney-Client Communication; Attorney Work Product
S. Wright	C. Laughner, Esq., S. Knight and L. Phillips	4/11/2003	Correspondence re: conference call	Attorney-Client Communication; Attorney Work Product
S. Wright	S. Knight, L.Phillips and C.Laughner, Esq.	4/15/2003	Correspondence re: conference call and correspondence with Eric Schweitzer	Attorney-Client Communication; Attorney Work Product

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Privilege Log for CFAC's Documents Responsive to EPA's 9/3/14 104(e) Request for Production

Author/Creator	Recipient(s)	Date Created/Sent	Description	Claim of Privilege
S. Wright	C.Laughner, Esq.	4/16/2003	Correspondence re: Nino Berube letter from Lyle Phillips	Attorney-Client Communication; Attorney Work Product
S. Wright	E. Schweitzer and C.Laughner, Esq.	4/28/2003	Correspondence re: Lyle Phillips and Nino Berube	Attorney-Client Communication; Attorney Work Product
S. Wright	E. Schweitzer Esq. , C. Laughner, Esq., S. Knight and L.Phillips	5/22/2003	Correspondence re: MDEQ Report without attachments	Attorney-Client Communication; Attorney Work Product
S. Wright	E. Schweitzer, Esq., C. Laughner, Esq. and S.Knight	6/4/2003	Correspondence re: MDEQ and shutdown of potlines	Attorney-Client Communication; Attorney Work Product
S. Wright	S. Knight and C. Laughner, Esq.	11/23/2004	Correspondence re: sulfur in coke	Attorney-Client Communication; Attorney Work Product
C.Laughner, Esq.	S. Wright, E. Schweitzer,Esq., A. Whithead and S. Knight	12/13/2006	Correspondence re: Don Vidin call	Attorney-Client Communication; Attorney Work Product
S. Wright	C. Laughner, Esq.	Undated	Correspondence re: description of D006	Attorney-Client Communication; Attorney Work Product
		Undated	Handwritten notes w/ C. Laughner, Esq. on Sta	Attorney-Client Communication; Attorney Work Product
S. Wright	C. Laughner, Esq.	Undated	Correspondence re: City of Columbia Falls letter	Attorney-Client Communication; Attorney Work Product
S. Wright	C. Laughner, Esq.	Undated	Correspondence re: staffing level	Attorney-Client Communication; Attorney Work Product

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