



**Notice of Intent to Perform a Natural Resource Damage Assessment
Pursuant to 43 C.F.R. § 11.32**

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

In re: The Anaconda Aluminum Co Columbia Falls Reduction Plant, a/k/a, the Columbia Falls Aluminum Company (CFAC) Plant, National Priorities List Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Site (Site)

Potentially Responsible Parties:

Atlantic Richfield Co.

Columbia Falls Aluminum Company, LLC

Pursuant to state and federal laws, the U.S. Department of the Interior, through the U.S. Fish and Wildlife Service and the Bureau of Indian Affairs, the U.S. Department of Agriculture, the State of Montana, and the Confederated Salish and Kootenai Tribes (collectively, the Trustees) have trusteeship authority to perform a natural resource damage assessment (NRDA) for the Anaconda Aluminum Co Columbia Falls Reduction Plant, a/k/a the Columbia Falls Aluminum Company (CFAC) Plant National Priorities List Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Site (Site). The Trustees intend to perform a NRDA at the Site. The Trustees have made a preliminary determination that your company or entity is potentially liable for natural resource damages at the Site.

Invite Participation in Development and Performance of the Assessment

By this notice, you are formally notified of your company or entity's opportunity to participate in the development of the type and scope of Assessment Plan(s) and subsequently in the performance of the assessment. By this notice, the Trustees are formally inviting you to enter into a cooperative assessment agreement with the Trustees. The cooperative assessment approach

provides several benefits to the potentially responsible party, the Trustees, and the public, such as increased efficiency, reduced transaction costs, and a focus on restoration. The public will be encouraged to provide input into the assessment process, including reviewing and commenting on the development of the Assessment Plan(s), as well as any restoration proposals developed pursuant to the CERCLA NRDAR Regulations. Should your company decide to participate in a cooperative assessment, the process would be governed by a funding and participation agreement negotiated between participating potentially responsible parties and the Trustees.

Site Description:

The Site is located approximately two miles north-east of the center of Columbia Falls, Flathead County, Montana. The former aluminum plant consists of approximately 960 acres bounded by Cedar Creek Reservoir to the north, Teakettle Mountain to the east, Flathead River to the south, and Cedar Creek to the west. The Site includes the former aluminum plant and anywhere that contamination has come to be located. The former aluminum plant was operated as a primary aluminum reduction facility (commonly referred to as an aluminum smelter) from 1955 to 2009.

The Trustees have taken the initial step of preparing a Preassessment Screen for the Site in accordance with Subpart B – Preassessment Phase, §§ 11.20 – 11.25 of the CERCLA Natural Resource Damage Assessment and Restoration (NRDAR) Regulations, 43 C.F.R. Part 11, as amended. The CERCLA NRDAR Regulations provide a method for assessing damages for natural resources injuries resulting from releases of hazardous substances under CERCLA , as amended (42 U.S.C. §9601, *et. seq.*).

A copy of the Preassessment Screen is attached for your convenience. The contents of a preassessment screen include five criteria that are used to evaluate whether to proceed with an assessment [43 C.F.R. § 11.23(e)]:

1. A discharge of oil or a release of a hazardous substance has occurred.
2. Natural resources for which the Federal or State agency or Indian Tribe may assert trusteeship under CERCLA have been or are likely to have been adversely affected by the discharge or release.
3. The quantity and concentration of the discharged oil or released hazardous substance is sufficient to potentially cause injury to those natural resources.
4. Data sufficient to pursue an assessment are readily available or likely to be obtained at reasonable cost.
5. Response actions, if any, carried out or planned, do not or will not sufficiently remedy the injury to natural resources without further action.

Based on an evaluation of these five criteria, the Trustees have determined that each of the five criteria in 43 C.F.R. § 11.23(e) have been met. Based on this determination, the Trustees have further determined that a Type B NRDA is warranted at the Site in accordance with 43 C.F.R. Part 11 Subparts C and E. The NRDA will assess damages for injuries to natural resources caused by releases of hazardous substances at the Site. As detailed in the Preassessment Screen, approximately 40 chemicals were identified as contaminants of potential concern at the Site,

including cyanide, fluoride, arsenic, and polycyclic aromatic hydrocarbons (PAHs) (including benzo(a)pyrene). Concentrations of chemicals that exceeded screening levels, including EPA Regional Screening Levels, EPA and DEQ water quality standards, and ecological screening values, are summarized in Table 1 of the Preassessment Screen. In addition, aluminum, barium, cadmium, copper, iron, manganese, nickel, selenium, thallium, vanadium, and zinc were at concentrations likely to adversely affect ecological receptors, along with Aroclor 1254 and bis(2-ethylhexyl) phthalate (BEHP).

Potentially Injured Natural Resources Based on a review of readily available data and information, the Trustees have concluded that natural resources for which the Trustees may assert trusteeship have been adversely affected by the release of hazardous substances from the Site. Soils, groundwater resources, surface water resources (including sediments), and biological resources have been exposed to, and adversely affected by, elevated concentrations of the hazardous or deleterious substances listed in the Preassessment Screen. More detail regarding the natural resources that have been or likely have been adversely affected by releases of hazardous substances can be found in the Preassessment Screen.

Statement of Authority for Asserting Trusteeship (Co-Trusteeship) over Potentially Injured Natural Resources

The Trustees of natural resources for the Site include State, Federal, and Tribal Trustees. The Montana Natural Resource Damage Program (NRDP) acts on behalf of the Governor, who is the Trustee of natural resources for the State of Montana. The Federal Trustees for the Site are the U.S. Department of the Interior and the U.S. Department of Agriculture Forest Service, and the Tribal Trustee is the Confederated Salish and Kootenai Tribes. The legal authority for all listed natural resource trustees to assert trusteeship, or co-trusteeship, over those natural resources potentially injured by hazardous releases from the Site, above, is found in CERCLA at 42 U.S.C. § 9607(f). The federal natural resource management trustee designation is in the National Contingency Plan at 40 C.F.R. § 300.600. The State of Montana also has authority under the Comprehensive Environmental Cleanup and Responsibility Act (CECRA). §§ 75-10-701, *et seq.* The Montana Natural Resource Damage Program acts on behalf of the Governor under both CERCLA and CECRA.

Additional information on the background of the Site and basis of the preliminary determination may be found in the attached Preassessment Screen.

Please provide a response to this notice within thirty (30) calendar days of your receipt of this notice indicating whether you intend to participate in the NRDA process at the Site. Your response should provide a primary contact person.

This Notice of Intent may be executed in any number of counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same. The date of execution shall be the date of the final trustee signature.

Signed:

Montana Natural Resource Damage Program



Confederated Salish and Kootenai Tribes

U.S. Department of the Interior

U.S. Department of Agriculture

Date

Signed:

Montana Natural Resource Damage Program

Date

Confederated Salish and Kootenai Tribes

MATTHEW HOGAN

Digitally signed by MATTHEW
HOGAN
Date: 2023.12.05 04:48:21 -07'00'

U.S. Department of the Interior

U.S. Department of Agriculture

Signed:

Montana Natural Resource Damage Program


Date

Confederated Salish and Kootenai Tribes

Date

U.S. Department of the Interior

Date

 Digitally signed by
LEANNE MARTEN
Date: 2023.12.18
10:17:51 -07'00'

U.S. Department of Agriculture /Forest Service

Date