



July 20, 2020

**Delivery Via Electronic Mail**

Carol Grell Morris & Chris Nygren  
Montana Department of Transportation

Peter Scott  
Counsel for John D. Mulcare and Blackfoot Storage Inc.

Norman Grosfield

KD Feedback  
Counsel for Gerald Biresch

Jean Martin  
Atlantic Richfield Company

Brian Heim  
International Paper Company

**Re: Blackfoot Post Yard CECRA Facility**

Good Afternoon:

The Montana Department of Environmental Quality (DEQ) received your July 16, 2020, letter requesting extensions to the statutory deadlines relating to both the deadline for designating a lead potentially liable person (PLP) as required by § 75-10-746(2), MCA, and the deadline for submitting a petition to participate in an allocation under the Controlled Allocation and Liability Act (CALA), as provided for in § 75-10-745(8), MCA. Upon the request of Mr. Scott, DEQ previously provided the extension provided for in § 75-10-746(2), MCA, and granted an additional 30 days to designate a lead PLP. The deadline for designating the lead PLP and for filing a petition to participate in an allocation is July 20, 2020.

There is no provision in CALA to extend either deadline further and typically DEQ would not grant any further extensions. However, under the extraordinary circumstances posed by the COVID-19 pandemic, DEQ will make a one-time exception and grant a 60-day extension of both deadlines. The new deadline for designating the lead PLP and for petitioning to participate in an allocation under CALA is now September 18, 2020, which applies to all the noticed PLPs. DEQ will not grant any further extensions of the deadlines related to designating the lead PLP and/or for filing a petition to participate in allocation.

As stated above, DEQ is only granting these extensions because of the complications that have arisen as a result of the COVID-19 pandemic and the additional logistical difficulties that have resulted because of the pandemic. This extension should not be considered precedent setting as it only applies to this specific request and the specific circumstances.

With regard to the proposal to characterize the contents of the two closed-lid drums, DEQ appreciates the party's willingness to address this risk and would consider an interim action; however, such an action requires submittal of an interim action work plan to DEQ for review and approval. Please submit a work plan for review and approval.

If there are any questions related to the contents of this letter or you would like to discuss anything further, please contact me at (406) 444-6347 or [Wendy.Johnson@mt.gov](mailto:Wendy.Johnson@mt.gov). I am currently working remotely so if you leave me a voicemail, I will respond in a timely manner.

Sincerely,

*Wendy Johnson*  
DEQ Attorney  
Waste Management & Remediation Division

Cc: Jenny Chambers, DEQ  
Denise Martin, DEQ  
Dan Norris, DEQ