



April 2, 2020

Ms. Denise Kirkpartick
Solid and Hazardous Waste Specialist
Montana Department of Environmental Quality
Permitting and Compliance Division
Air and Waste Management Bureau
P.O. Box 200901
Helena, MT 59620-0901

RE: Corrective Action Order on Consent Force Majeure Notification
Calumet Montana Refining, LLC, Great Falls, Montana

Dear Ms. Kirkpatrick:

Pursuant to Section XXVI.A. of the Corrective Action Order on Consent (Order) MHWCA-12-01, Calumet Montana Refining, LLC (CMR) hereby provides notice to the Montana Department of Environmental Quality (MDEQ) of the occurrence of events that will delay the performance of requirements under the Order.

CMR has been working consistent with the deadlines of the Order. However, an approved contractor has informed CMR that it is unable to perform contracted work due to the Covid-19 (Coronavirus) pandemic and the local, state, and national response, including but not limited to recent and evolving guidance from local authorities, the White House and the Centers for Disease Control (CDC). CMR has been unable to identify a suitable substitute for the contractor, whose work is a necessary predicate to further performance of other work required under the Order. In light of the ongoing pandemic and the increasing restrictions imposed by authorities, including the restrictions imposed by the State of Montana effective March 28, 2020, CMR anticipates contractors will increasingly be unable to perform necessary work at the CMR facility.

Calumet hereby provides notice of these events, which are within the scope of the force majeure provisions of Section XXVI of the Order as events over which CMR has little or no control with no reasonably available remedy, and which, in turn, excuse performance thereunder.

Specific site activities that that must be suspended indefinitely include but are not limited to the AOC-16 pre-design field investigation and Site-Wide Groundwater Monitoring Program monitoring well installation, abandonment, and sampling.

Information obtained from the AOC-16 pre-design field investigation is needed to complete the AOC-16 Interim Measure (IM) remedial design. The corresponding delay in completing the AOC-16 IM remedial design will translate into delay in the construction of the AOC-16 IM remedies until next year's (2021) construction season.



CMR's contractor was able to collect the 1st Quarter 2020 Groundwater Monitoring Program samples during the week of March 18. As noted above, however, further Site Groundwater Monitoring Program field activities are being suspended. At this time CMR is hopeful the monitoring well installation and abandonment actions recommended in the 2019 Annual Groundwater Sampling Summary Report can be implemented prior to the collection of the next quarterly Groundwater Monitoring Program sampling, but CMR's ability to do so will be impaired until the force majeure conditions are relieved and field work can resume.

CMR cannot provide any time estimate as to when circumstances related to the Covid-19 pandemic will improve and, in turn, when contractor-performed environmental field work necessary to perform the Order's requirements will resume. CMR will keep MDEQ informed as to related developments through its monthly IM status reports.

Please confirm receipt of this notice. If you have any further questions regarding this notification or otherwise would like to discuss, please give me a call.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Dauner".

Joe Dauner
Environmental Manager

cc. Wayne Leiker, CMR
Dan Strunk, Calumet
Mark Cheesman, Calumet