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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140
JAN 17 2013

OFFICE OF ENVIRONMENTAL CLEANUP

GENERAL NOTICE LETTER -- URGENT LEGAL MATTER
PROMPT REPLY NECESSARY
SENT VIA EMAIL AND CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Mr. David M. Aiken
Superintendent, Federal Programs Director
Lapwai School District
271 B Street
Lapwai, Idaho 83540

Re: Notice of Potential Liability Pursuant to Section 107(a) of CERCLA
Unilateral Administrative Order for Removal Action
EPA CERCLA Docket No. 10-2013-0063
Lapwai School District Drywell Site, Lapwai, Idaho

Dear Mr. Aiken:

Under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment. As you know, the EPA has documented that such a threat of release exists at the Lapwai School District Drywell Superfund Site ("the Site") located in Lapwai, Idaho. The EPA has spent, or is considering spending, public funds to investigate and respond to potential releases of hazardous substances at the Site. Based on information presently available to the EPA, EPA has determined that the Lapwai School District may be responsible under CERCLA for cleanup of the Site or costs EPA has incurred or will incur in cleaning up the Site.

Explanation of Potential Liability

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties ("PRPs") may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by the EPA in cleaning up the Site, unless the PRP can show divisibility or any of the other statutory defenses. PRPs include current and former owners and operators of a Site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

Based on the information collected, the EPA believes that you may be liable under Section 107(a) of CERCLA with respect to the Site, as a current owner or operator of the Site.

Site Response Activities and Options for Proceeding

The threat of a release of hazardous substances at the Site has been documented. Future response activities anticipated for this Site include removal of hazardous substances. The EPA has determined that it is necessary to issue the enclosed Unilateral Administrative Order for Removal Response



Activities ("UAO") to you to ensure that this removal action is performed in an appropriate and timely manner. The enclosed UAO is issued by the EPA under Section 106 of CERCLA, as amended, 42 U.S.C. § 9606. Compliance with the enclosed UAO is mandatory. Work conducted by you must be conducted in accordance with the UAO and an EPA approved Work Plan.

The EPA provides you with an opportunity to confer regarding the terms and conditions of the UAO on or before January 24, 2013. If you choose to request a conference, please do so before January 22, 2013 to allow time for scheduling.

At the conference, you may present any information, arguments or comments regarding the UAO. Regardless of whether a conference is held, Respondents may submit any information, arguments, or comments in writing to the EPA on or before January 24, 2013. This conference is not an evidentiary hearing, does not constitute a proceeding to challenge the UAO, and does not give you a right to seek review of the UAO.

If you intend to comply with the UAO, you must submit a written notice of intent to comply, in accordance with the UAO on or before January 25, 2013, also the effective date of the UAO. Such notice and requests for a conference, or any written submittal relating to the issuance of the UAO, shall be directed to Jennifer G. MacDonald, Assistant Regional Counsel, at 206-553-8311, MacDonald.Jennifer@epa.gov, or fax 206-553-1762.

Please give these matters your immediate attention. If you have any questions regarding this letter, please contact Greg Weigel, at 208-378-5773 or have your legal counsel contact Jennifer G. MacDonald. Thank you for your prompt attention to this matter.

Sincerely,



for Chris Field, Manager
Emergency Management Program

Enclosures

cc: Greg Weigel
Federal On-Scene Coordinator
Emergency Response Unit

Jennifer MacDonald,
Assistant Regional Counsel
Office of Regional Counsel