

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 8

Received by  
EPA Region VIII  
Hearing Clerk

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IN THE MATTER OF:

Idaho Pole Co. Superfund Site  
Bozeman, Montana

CERCLA Docket No. CERCLA VIII-93-26

Burlington Northern Railroad Company,  
Idaho Pole Company,  
L.D. McFarland Company, Limited,  
Brendon Corry McFarland,  
Gregory D. McFarland,

Termination of Administrative Order  
for Remedial Design/Remedial Action

RESPONDENTS.

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WHEREAS, on or about July 26, 1993, the U.S. Environmental Protection Agency (EPA) issued Unilateral Administrative Order for Remedial Design/Remedial Action, CERCLA Docket No. CERCLA VIII-93-26 (UAO), to Respondents pertaining to the Idaho Pole Co. Superfund Site (Site);

WHEREAS, the UAO requires Respondents to perform certain work as specified in the UAO and its statement of work, as modified on or about September 9, 2019;

WHEREAS, Respondents have completed all required work under the UAO and made the final response cost payment for Fiscal Year 2021;

WHEREAS, EPA will be entering an Administrative Settlement Agreement and Order on Consent for In Situ Amendments in Support of Focused Feasibility Study (ASAOC) with the Idaho Pole Company (IPC) pertaining to contaminated groundwater at the Site;

WHEREAS, the ASAOC will require IPC to perform in situ groundwater amendments and seven years of performance monitoring in support of a forthcoming Focused Feasibility Study at the Site;

WHEREAS, EPA is entering an Administrative Settlement Agreement for Removal Action and Payment of Response Costs By Prospective Purchaser (PPA) with Scout DAC, LLC (Purchaser) pertaining to contaminated soils at the Site;

WHEREAS, the PPA requires the Purchaser to perform additional soil remediation and perform post-removal site controls for contaminated soils at the Site; and

THEREFORE, the UAO will be deemed terminated on the date when EPA issues written notice to IPC that the EPA has fully executed the ASAO.

Notwithstanding the foregoing, EPA reserves and the termination of the UAO is without prejudice to, the right to issue an administrative order or to institute proceedings in this action or in a new action seeking to compel Respondents to perform further response actions relating to the Site, to reimburse EPA for additional costs of response, or any combination thereof.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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Betsy Smidinger, Director  
Superfund and Emergency Management Division  
U.S. Environmental Protection Agency, Region 8

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Date

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Christopher Thompson, Associate Regional Counsel for Enforcement  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 8

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Date