

**NOTICE OF INTENT TO PERFORM
A NATURAL RESOURCES DAMAGES ASSESSMENT**

**In re: BIG RIVER MINE TAILINGS (BRMT) SUPERFUND SITE AND
SURROUNDING AREA,
ST. FRANCOIS COUNTY, MISSOURI**

**SWEETWATER MINE/MILL COMPLEX
REYNOLDS COUNTY, MISSOURI**

**WEST FORK MINE/MILL COMPLEX
REYNOLDS COUNTY, MISSOURI**

**GLOVER SMELTER
IRON COUNTY, MISSOURI**

POTENTIALLY RESPONSIBLE PARTIES:

Big River Mine Tailings Superfund Site and Surrounding Area

- The Doe Run Resources Corporation d/b/a The Doe Run Company
- Missouri Department of Natural Resources, Division of State Parks
- NL Industries, Inc.

Sweetwater Mine/Mill Complex, West Fork Mine/Mill Complex, Glover Smelter

- The Doe Run Resources Corporation d/b/a The Doe Run Company
- British Petroleum America, Inc.

Pursuant to state or federal laws, the Missouri Department of Natural Resources and the U.S. Department of the Interior (collectively, the Trustees) have authority to perform natural resources damages assessments for the BRMT site, Sweetwater Mine/Mill Complex, West Fork Mine/Mill Complex, and Glover Smelter Site (hereinafter referred to as the Sites). Each agency's specific authority to act in this capacity is specified in Attachment A. This is to notify your company or entity of, and invite its participation in, the development and performance of the assessment of damages for injuries to natural resources at the Sites.

The Missouri Department of Natural Resources and the U.S. Department of the Interior (DOI), have taken the initial step of conducting Preassessment Screens for (1) the BRMT Superfund Site and (2) Sweetwater Mine & Mill Complex, West Fork Mine/Mill Complex and Glover Smelter Site. The Trustees prepared the

PASs in accordance with Subpart B – Preassessment Phase, Sections 11.20 – 11.25 of the USDOJ Natural Resource Damage Assessment (NRDA) Regulations, 43 CFR Part 11, as amended.

The NRDA regulations provide a method for assessing damages for natural resources injuries resulting from releases of hazardous substances under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA)(42 USC §9601 et. seq.). Adherence to the methods set forth in the NRDA regulations is not mandatory and does not preclude the Trustees from using alternative assessment methods, or arriving at a negotiated settlement with the potentially responsible parties.

A copy of the relevant Preassessment Screen(s) is/are enclosed for your convenience (Attachment B). The Preassessment Screen contains, to the extent known, a description of the Sites; releases of hazardous substances of concern to the Natural Resources Trustees; and the natural resources potentially injured. The Preassessment Screens are public documents. 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 NRDA regulations.

Based on the Preassessment Screens, the Trustees have made a preliminary determination that the specified criteria in Section 11.23(e) of the NRDA regulations have been met:

- Releases of hazardous substances have occurred.
- Natural resources for which the Missouri Department of Natural Resources and the U.S. Department of the Interior may assert trusteeship under CERCLA have been, or likely have been, adversely affected by the releases.
- The quantity and concentration of the released hazardous substances are sufficient to potentially cause injury to those natural resources.
- Data sufficient to pursue an assessment are readily available, or likely to be obtained at a reasonable cost.
- Response actions, if any, carried out or planned do not or will not sufficiently remedy the injury to natural resources without further action.

Based upon an evaluation of these five criteria, the Trustees have determined that NRDA's are warranted at these Sites in accordance with 43 CFR Part 11 Subparts C and E. The NRDA's will assess damages for injuries to natural resources caused by releases of cadmium, lead and zinc and other hazardous substances potentially released from the Sites, including copper, nickel, cobalt, and barium. More detail concerning the impact of these hazardous substances may be found in the Preassessment Screens or accompanying documents.

A preliminary determination has also been made that your company or entity, as well as the other companies or entities listed in Attachment C, are potentially liable for any natural resources damages at the Sites. Additional information on the background of the Sites and basis of the preliminary determination may be found in the Preassessment Screens.

We recommend that you evaluate your potential responsibility and determine whether you will participate in the assessment process. Within thirty (30) calendar days of your receipt of this notice, please provide a written response to each of the Trustee contacts in the attached letter indicating whether you intend to participate in the NRDA process at the Sites.

<SIGNATURE PAGES FOLLOW>

MISSOURI DEPARTMENT OF NATURAL RESOURCES

Doyle Childers, Director
Missouri Department of Natural Resources

Date

U.S. DEPARTMENT OF THE INTERIOR

Robyn Thorson, Director
Region 3
U.S. Fish & Wildlife Service
U.S. Department of the Interior

Date