

IN THE MATTER OF STATE OF COLORADO PROCEEDING UNDER THE  
COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND  
LIABILITY ACT, 42 U.S.C. 9601 ET SEQ.

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NOTICE AND CLAIM AGAINST ALLIED CHEMICAL CORPORATION  
FOR COSTS AND DAMAGES PURSUANT  
TO 42 U.S.C. 9612

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TO: Allied Chemical Corporation

The State of Colorado and the Department of Health ("the state"), acting on behalf of the People of Colorado as trustee of the natural resources within the state, for its notice and claim against the above-named party, states as follows:

1. This claim is made pursuant to section 112 of the Comprehensive Environmental Response, Compensation and Liability Act ("the Act") (42 U.S.C. 9612).

2. Based upon the state's information and belief, you own or operate a facility as defined at 42 U.S.C. 9601(9); owned or operated a facility at the time hazardous substances were disposed of; contracted, agreed, or otherwise arranged for disposal of hazardous substances at the facility or arranged for the transport at said facility of hazardous substances owned or possessed by you, or accepted hazardous substances for transport to said facility, said facility being the fluorspar mill located on Valmont Road in Boulder County, Colorado. Such hazardous substances included, but are not limited to, radium and progeny.

3. There have been releases of hazardous substances from said facility into the following natural resources of the state, to wit: the soil and ground water within and around the facility.

4. The above-mentioned releases of hazardous substances have caused the injury to, destruction of, or loss of said natural resources resulting in costs and damages to the state in the amount of \$50 million per release, subject to adjustment based on federal regulations and/or assessment of natural resource damage by federal officials.

5. The releases and damages did not occur wholly before

enactment of the Act.

6. Therefore, pursuant to sections 107, 111 and 112 of the Act (42 U.S.C. 9607, 9611 and 9612), you and your agents, servants, and employees are liable for damages for injury to, destruction of, or loss of the natural resource(s) referred to in paragraphs 3 and 4.

7. The state hereby makes its claim pursuant to section 112 of the Act (42 U.S.C. 9612) and demands that the state be compensated for costs and damages in the amount of \$50 million, subject to adjustment based on federal regulations and/or assessment of natural resource damage by federal officials.

DATED this \_\_\_\_ day of \_\_\_\_\_, 1983.

I, \_\_\_\_\_, being duly sworn, hereby state that I have read the foregoing document and believe the contents to be true to the best of my knowledge.

DATED this \_\_\_\_ day of \_\_\_\_\_, 1983.

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Subscribed and sworn to before me in the County of \_\_\_\_\_, State of Colorado, this \_\_\_\_ day of \_\_\_\_\_ 1983.

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NOTARY PUBLIC

My Commission expires:  
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