

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

**IN THE MATTER OF 185 WEST
VALLEY DRIVE, KALISPELL,
MONTANA**

Case No. MC-22-18-M-KLD

**ADMINISTRATIVE WARRANT
TO ENTER AND ACCESS
PROPERTY**

To: Any employee, contractor, subcontractor, or representative of the United States Environmental Protection Agency (EPA), and any United States Marshal for the District of Montana:

The Court finds that an Ex Parte Application for an Administrative Warrant has been submitted on behalf of the United States Environmental Protection Agency (EPA), and that the Application demonstrates sufficient justification for entry onto and remaining on the property located at 185 West Valley Drive in Kalispell, Montana, assessor number 0325250 (the Property), for EPA to implement the investigation, response, and removal actions discussed below.

The Court finds entry is authorized by Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(e), and is for the purpose of conducting response activities pursuant to CERCLA. The response activities to be taken at the Property include entry, inspection, sampling, removal, and performing response actions, and activities related thereto. These activities to be taken at the Property are for the purpose of

responding to the release or threatened release of hazardous substances, pollutants, or contaminants on or from the Property.

The Court further finds good cause to issue this Administrative Warrant; that this Warrant is reasonable; and that there is a reasonable basis to believe that authorizing entry to implement response activities under CERCLA is appropriate and that the actions discussed below are authorized.

NOW, THEREFORE, YOU ARE HEREBY AUTHORIZED TO:

Enter on and into, move about, remain on or about, and re-enter as necessary, the Property at all reasonable times for the purpose of conducting inspection, sampling, removal and other response activities pursuant to 42 U.S.C. § 9604 of CERCLA, as follows:

- Perform site preparations, including clearing debris and vegetation to establish a work area and creating vehicle access to the 11 tanks;
- Inspect and assess property conditions;
- Inspect and obtain samples and analysis from the tanks and the surrounding area, including soil, surface water, and groundwater, as needed;
- Remove and recycle and/or dispose of the contents of the tanks;
- Recycle and/or dispose of the tanks and debris;
- Excavate and remove any contaminated soils and materials;
- Restore disturbed areas;

- Take photographs and video to document the above activities; and
- Conduct other actions as needed to respond to the release or threatened release of hazardous substances, pollutants, or contaminants.

All owners, occupants, and persons in control of the Property shall permit the persons specified above to enter the Property for the purposes specified above.

A copy of this Warrant shall be sent via overnight mail to the owner of the Property and/or her agent at the Columbia Falls, Montana address last used to contact her.

An electronic copy of this Warrant shall be sent to the owner of the Property via the email address last used to contact her.

A copy of this Warrant shall be delivered to the occupant, if any, of the Property at the time of entry.

The duration of the entry, investigation, and activity authorized by this Warrant shall be 12 weeks, beginning immediately upon signing of the Warrant. If the United States is unable to complete the above-described activities within the specified time, the United States may return to this Court to seek an appropriate extension of the Warrant.

The United States Marshal is authorized to assist EPA in such manner as may be reasonably necessary and appropriate to execute this Warrant.

Upon completion of the above-described activities, a prompt return of this Warrant shall be made to this Court showing that the Warrant has been executed and that the entry has been completed within the specified time period above.

Dated this 7th day of September, 2022.



Honorable Kathleen L. DeSoto
United States Magistrate Judge