

## **PUBLIC NOTICE**

### **BNSF Agrees to Future Operation and Maintenance of Remedy within Railroad Corridors for Libby Asbestos Superfund Site**

*Consent Decree is Now Available for Public Comment*

The Montana Department of Environmental Quality (DEQ) is inviting the public to comment on the proposed Consent Decree for BNSF Railway Company (BNSF) to manage future operations and maintenance and institutional controls for Operable Unit 6 (OU6) of the Libby Asbestos Superfund site in Libby, Mont.

On Aug.27, 2020, the U.S. Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Montana in the lawsuit entitled United States of America et al v. BNSF Railway Company, Civil Action No. 9:20-cv-00126-DLC. In accordance with Montana Code Annotated (MCA) Section 75-10-713, the State of Montana is inviting the public to comment on the proposed OU6 Consent Decree. The settlement will resolve claims brought by the United States and the State of Montana against BNSF Railway Company under 106 and 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act and Sections 711, 715, and 722 of Comprehensive Environmental Cleanup and Responsibility Act (Montana Superfund Law) for the work, past response costs, and future response costs. These covenants shall take effect upon the effective date. These covenants are conditioned upon the satisfactory performance by BNSF Railway Company of its obligations under this Consent Decree. These covenants extend only to BNSF Railway Company and do not extend to any other person.

Under the proposed Consent Decree, BNSF will develop institutional controls for the area to ensure the remedy remains protective and will implement best practices to reduce the potential for exposure. Protective measures include securing properties, limiting unauthorized entry and minimizing the potential for the disturbance of soils in the approximately 42 miles of right-of-way in OU6. OU6 is comprised of railroad rail line, right-of-way, and rail yards located in Libby and Troy, all property of BNSF. EPA does not anticipate any further cleanup requirements within OU6.

The State of Montana has reserved the right to withdraw or withhold its consent to the proposed Consent Decree if the public comments disclose facts or considerations that indicate this proposed settlement is inappropriate, improper or inadequate.

The 30-day public comment period is open until 11:59 p.m. on Sept. 30, 2020. To view the documents and submit public comment visit: <http://deq.mt.gov/Public/publiccomment>

For more information, or to receive hard copies of the documents, contact Joann Wiggins by phone or email at: [JWiggins@mt.gov](mailto:JWiggins@mt.gov) or 406-444-6795

DEQ will hold a public meeting, on or before Sept. 30, 2020, upon written request to DEQ from 10 or more persons or by a group of 10 or more persons (but not including a liable person).