

**NOTICE OF PUBLIC COMMENT PERIOD
ON PROPOSED DEQ ADMINISTRATIVE ORDER ON CONSENT
WITH EXXONMOBIL PIPELINE COMPANY FOR THE SILVERTIP PIPELINE OIL
SPILL INTO THE YELLOWSTONE RIVER**

DATE OF THIS NOTICE: January 22, 2012
COMMENT PERIOD ENDS: February 21, 2012

The Montana Department of Environmental Quality (DEQ) invites public comment on a proposed Administrative Order on Consent (Order) entered into between DEQ and the ExxonMobil Pipeline Company (ExxonMobil) for the Silvertip Pipeline crude oil spill into the Yellowstone River on or about July 1, 2011. Under the Order, ExxonMobil would pay \$760,390.61 for the State's past costs in cleaning up and responding to the spill. ExxonMobil would also pay \$1.6 million in penalties. Of that amount, \$300,000 would be paid in cash, and \$1.3 million would be paid through ExxonMobil conducting DEQ-approved Supplemental Environmental Projects. A Supplemental Environmental Project is an environmentally beneficial project that is not otherwise legally required. ExxonMobil would also be required to pay the State's future costs for cleanup and oversight. The Order would also require ExxonMobil to perform revegetation, monitoring of ground water in certain locations along the Yellowstone River, monitoring of natural attenuation of certain residual oil staining that remains near the Yellowstone River, and the performance of additional work if DEQ determines that it is necessary. Under the Order, after ExxonMobil pays the cash penalty and the state's costs, ExxonMobil's liability for the spill under state environmental law would be limited to compliance with the Order and liability for payment of natural resource damages. The Order would remain in effect until DEQ determines that ExxonMobil has completed all requirements and the spill no longer poses an unacceptable risk to human health, safety or welfare, or the environment.

ACTION FOLLOWING PUBLIC COMMENT: DEQ will make a final decision whether to sign the proposed Order after considering all written comments received during the comment period. If decides to sign the AOC as written, the Order would become effective upon DEQ's signature. If DEQ determines that modifications to the Order are necessary, DEQ will notify ExxonMobil. If ExxonMobil agrees to the modifications, the Order shall become effective upon ExxonMobil's receipt of a true and correct copy of the fully executed modified Order.

DOCUMENT AVAILABILITY: The proposed Order and Work Plan are available on DEQ's website at www.deq.mt.gov. In addition, copies of these documents are available at the Parmley Billings Public Library at 510 North Broadway in Billings, the Laurel Public Library at 720 West 3rd Street and DEQ's Remediation Division Offices at 1100 North Last Chance Gulch in Helena. Information can also be obtained by calling 1-800-246-8198.

COMMENT PROCESS: Written comments may either be e-mailed to lalvey@mt.gov or mailed to Laura Alvey, Project Officer, DEQ, P.O. Box 200901, Helena, MT, 59620-0901. To be considered, comments must be received by February 21, 2012.

BACKGROUND: On or about July 1, 2011, the ExxonMobil Silvertip Pipeline ruptured, spilling crude oil into the Yellowstone River near Laurel, Montana. The spill occurred during flood conditions, and caused oiling of vegetation, debris, structures, and other materials in the floodplain. Crude oil impacts were heaviest immediately downstream of the pipeline break. The last visible signs of oiling were seen five miles downstream of Custer, Montana. Much of the emergency clean-up work has already been conducted under the oversight of the U.S. Environmental Protection Agency, DEQ and other federal and state agencies.