

Public Notice for the lodging of the proposed Anaconda Smelter National Priorities List Site (Anaconda Site) Consent Decree.

On September 30, 2022, the 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 v. Atlantic Richfield Company, Civil Action No. CV89-039-BU-SEH.

The Consent Decree would resolve the United States' and State of Montana's claims against the Atlantic Richfield Company under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9607(a), and the Montana Comprehensive Environmental Cleanup and Responsibility Act, §§ 75-10-701, et seq., for the recovery of costs related to the release of hazardous substances at the Anaconda Smelter NPL Site (the "Site") in Anaconda-Deer Lodge County, Montana. The Consent Decree would require Atlantic Richfield to reimburse the U.S. Environmental Protection Agency for \$48,000,000 in past response costs and future oversight costs that have been/will be incurred in responding to contamination at the Site. AR will also pay the U.S. Forest Service \$185,752 to reimburse anticipated future costs that will be spent overseeing Atlantic Richfield's remedial activities on U.S. Forest Service administered lands. Finally, AR will complete all cleanup actions required under the various Records of Decision, amendments thereto, and other decision documents issued by EPA for the Site. Many of these actions have already been initiated and completed or substantially completed by Atlantic Richfield pursuant to various unilateral administrative orders issued by EPA since the 1990's.

The estimated cost of the work required of Atlantic Richfield under the Consent Decree is \$83.1 million. This includes future long-term operation and maintenance activities to assure the protectiveness of the Site remedies. AR will provide financial assurance through letters of credit and/or surety bonds to guarantee funds for this amount. **Finally, upon entry of the proposed Consent Decree, the obligations that AR assumed under the 2020 Partial Consent Decree for the Anaconda Smelter NPL Site will be incorporated into and superseded by the more extensive requirements of this Sitewide Consent Decree.**

The Consent Decree has five appendices. Appendix A is the Anaconda Statement of Work, which includes the Site Management Plan as an attachment. The Anaconda Statement of Work describes the scope of work required of the Atlantic Richfield under the Consent Decree. The Site Management Plan provides the framework for and outlines remedial components and processes that will be administered to fully implement the remedial requirements under CERCLA for the Site. The remaining appendices include a map of the Site as well as the Records of Decision and their amendments, which outline the remedy to be implemented at the Site.

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 starts October 10, 2022 and ends November 8, 2022. Written comments must be received by 11:59 p.m., November 8, 2022. Public comments may be submitted to: DEQFSCB@mt.gov or mailed to Attn: Federal Superfund Public Comment, MT DEQ/WMRD P.O. Box 200901, Helena, MT 59620. DEQ will hold a public meeting upon written request to DEQ by 10 or more persons, a group of 10 or more persons (but not including a liable person) or the governing body of Anaconda-Deer Lodge County. For thirty (30) days following the date of publication of this document, the DEQ will receive written comments relating to the agreement. The DEQ will consider all comments received and may modify or withdraw its consent to the agreement if comments received disclose facts or considerations that indicate that the agreement is inappropriate, improper, or inadequate.

The Consent Decree and other information related to the Anaconda Site are posted on the EPA website at <https://cumulis.epa.gov/supercpad/cursites/csinfo.cfm?id=0800403> and at the DOJ website at <https://www.justice.gov/enrd/consent-decrees> The Consent Decree is also available via the DEQ website at <https://deq.mt.gov/News/publiccomment-folder/Anaconda-CD-9-22>.

Concurrently, the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Justice (DOJ) are publishing notice of lodging of the proposed Consent Decree in the Federal Register.

For more information:

DEQ Public Information Officer, Kevin Stone at 406-444-2813, kevin.stone@mt.gov