

**MEMORANDUM OF UNDERSTANDING**  
Among  
**The U.S. Environmental Protection Agency, Region 8, and**  
**USDA-Forest Service, Region 1, and**  
**The Montana Department of Environmental Quality,**  
Concerning  
**Operable Unit Three**

of the  
**FLAT CREEK - IRON MOUNTAIN MINE & MILL SUPERFUND SITE**  
(CERCLIS ID No. MT0012694970)

1. This Memorandum of Understanding (MOU) is entered into by the State of Montana Department of Environmental Quality (DEQ), the United States Environmental Protection Agency (EPA), and the United States Department of Agriculture, Forest Service (Forest Service or FS) (collectively the Agencies) to coordinate the Agencies' response actions under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund), 42 U.S.C. § 9601 *et seq.* in Operable Unit Three of the Flat Creek-Iron Mountain Mine and Mill Superfund Site, located in Mineral County, Montana. Response actions will employ a common joint repository, designated as OU3, for disposal of contaminated waste removed from various areas of the Site. This MOU sets out the Agencies' framework for coordinating use of the common repository.

**I. Authority**

2. Under CERCLA, 42 U.S.C. § 9601 *et seq.*, the President has authority to respond to releases of pollutants, contaminants, and hazardous substances to protect the public health or welfare or the environment. The President's CERCLA authorities have been delegated to the Administrator of the EPA to enable that agency to respond to the release or threat of release of pollutants, contaminants, and hazardous substances on private property and on state and federal facilities. Certain of these authorities have been re-delegated to officials in the EPA Region 8 office. Consistent with Executive Order 12580, the EPA retains the authority to make decisions concerning remedial actions at the Site.
3. Under Executive Order 12580, as amended, the President has delegated authority to the Secretary of the United States Department of Agriculture to conduct certain actions under CERCLA, including investigations and response activities (42 U.S.C. § 9604), abatement actions (42 U.S.C. § 9606), cost recovery (42 U.S.C. § 9607) and entering into agreements with potentially responsible parties to perform work (42 U.S.C. § 9622), with respect to remedial actions for releases or threatened releases not on the National Priorities List ("NPL") and removal actions other than emergencies, when the release or threat of release of hazardous substances is on land or facilities under Forest Service jurisdiction, custody or control.

4. The Secretary of Agriculture has re-delegated the authorities described above to the U.S. Forest Service. 7 C.F.R. § 2.60(a)(39). Pursuant to Executive Order 13016, the Secretary of Agriculture also has re-delegated to the Assistant Secretary for Administration, and this re-delegation has been further delegated to the Director, Office of Procurement and Property Management, including the authority to issue orders under CERCLA Section 106, with the concurrence of the USDA General Counsel, 7 C.F.R. § 2.93(a)(17)(viii).
5. The Montana Department of Environmental Quality has authority to respond to, investigate, and clean up releases of hazardous substances under the Montana Comprehensive Environmental Cleanup and Responsibility Act (CECRA), MCA 75-10-701 *et seq.* Further, CERCLA provides specific roles for states at NPL sites, including the ability to be designated as lead agency for implementing certain response actions under CERCLA.

## **II. Background**

6. Mine wastes (including waste rock and mill tailings) containing hazardous substances have been released and are threatened to be released at various areas at the Site, including portions of the Lolo National Forest that are on or adjacent to the Flat Creek drainage, as well as the Town of Superior, Montana, unincorporated areas near the Town of Superior, and other portions of the Flat Creek drainage.
7. On September 23, 2009, the Site was listed on the Superfund National Priorities List (NPL) under CERCLIS ID No. MT0012694970. The EPA has determined that the sources of contamination may be addressed together in one Site for the purposes of section 104 of CERCLA. A drawing of the approximate Site boundary, based on current information, is provided in Attachment A.
8. The Site is a mixed-ownership hard-rock mining site. The hazardous substances associated with the Site are located partially on private land and partially on NFS land. The NFS Land portion of the Site is administered by the Lolo National Forest, Superior Ranger District.
9. The Town of Superior, in Mineral County, Montana, is located 3.5 miles downstream of the Iron Mountain Mine, within the areal extent of the Site, at the confluence of Flat Creek and the Clark Fork River. Hazardous substances, the source of which is believed to be wastes taken from mining and milling properties within the Site, have been released or are threatened to be released into the environment within or adjacent to the Town of Superior. Additional background and detail regarding the Site and the response actions at the Site are provided in Section V below.

## **III. Purpose**

10. This MOU sets out the Agencies' framework for coordinating and using the OU3 Wood Gulch repository ("Repository," as defined below). The purposes of this MOU include: (1) providing for access to the mine waste Repository and ancillary facilities within the Site by the EPA, the Forest Service and the State, to facilitate the cleanup of the Site; and (2) setting

forth the Agencies' respective responsibilities for implementing the OU3 Repository. This MOU does not address natural resource damage issues.

#### **IV. Definitions**

11. Unless otherwise expressly provided herein, terms used in this MOU that are defined in CERCLA or in regulations promulgated under CERCLA have the meaning assigned to them in CERCLA or in such regulations, including any amendments thereto.
  - (a) "Agencies" means DEQ, the Forest Service (FS), and the EPA, collectively.
  - (b) "Flat Creek-IMM Site" means the Superfund Site designated as the Flat Creek-Iron Mountain Mine Superfund Site in Mineral County, Montana, listed on the National Priorities List in the EPA's September 23, 2009, Federal Register Notice, with CERCLIS ID No. MT0012694970.
  - (c) "NCP" means the National Oil and Hazardous Substances Pollution Contingency Plan, Title 40, Code of Federal Regulations (CFR), Chapter 1, Subchapter J, Part 300, and any other section of the CFR on which 40 CFR Part 300 relies.
  - (d) "NFS Land" means National Forest System forest, range, and related lands defined and described in 16 U.S.C. § 1609(a).
  - (e) "Operable Unit 1" (OU1) is the designation for areas containing mine wastes within the Town of Superior and property immediately adjacent to the Town of Superior.
  - (f) "Operable Unit 2" (OU2) is the designation for that area within the Site boundary (generally depicted in Attachment A) which is not part of OU1 or OU3. OU2 includes property formerly owned by ASARCO and certain property within the Lolo National Forest that is part of Forest Service Land.
  - (g) "Operation and Maintenance" or "O&M" means actions required after completion, closure, and revegetation of the Repository, or of Cell 1, consistent with the July 2013 Superfund State Contract for OU1 between DEQ and ~~the~~ EPA, to operate and maintain the effectiveness the Repository, in accordance with the Operation and Maintenance Plan.
  - (h) "Operation & Maintenance Plan" or "O&M Plan" means the "Operation and Maintenance Plan, Wood Gulch Repository, Flat Creek - Iron Mountain Mine NPL Site, Mineral County, Montana," issued by the U.S. Department of Interior, Bureau of Land Management, Technical Service Center, Denver, Colorado in December 2012, as subsequently revised by written agreement of the Agencies.

- (i) "Project Manager" means any On-Scene Coordinator or Remedial Project Manager or other Manager directly responsible for Response Actions at the Site for DEQ, the EPA or Forest Service, as provided for in the NCP.
- (j) "Repository" means the Wood Gulch repository (also known as "OU3") located on land owned by DEQ, within the Flat Creek watershed (OU2), and constructed and prepared by the EPA in 2011 specifically to accept Site wastes from OUI and OU2.
- (k) "Response Actions" mean response actions that are undertaken pursuant to CERCLA and the NCP. Response Actions include actions described in the EPA's 2002, 2010 and 2011 Action Memoranda, the EPA's July 9, 2012, record of decision for OU1, the Forest Service and State settlement agreements for the Site arising from the ASARCO Bankruptcy Proceedings, and any subsequent State or federal document (including the ROD for OU2) authorizing the Agencies' actions at the Site to respond to the release or threat of release of hazardous substances in a manner consistent with the NCP.

## **V. Response Actions**

### **A. Current Status of the Site Superfund Process**

- 12. The EPA, with DEQ concurrence, issued a record of decision (ROD) for OU1 on July 3, 2012, selecting a remedy to address contaminated soils within the Town of Superior. The OU1 ROD provides additional background and detail regarding the Site and the hazardous substances at the Site. The EPA is currently in the process of designing and implementing the remedy selected in the OUI ROD.
- 13. On November 15, 2012, the EPA issued a Minor Modification of the Selected Remedy, Operable Unit One, Flat Creek Iron Mountain Mine Superfund Site, Mineral County, Montana, which specifically incorporated the OU3 Repository as an element of the remedy selected under the EPA's July 3, 2012 ROD for OU1.
- 14. On February 11, 2013, the Forest Service issued a draft Engineering Evaluation/Cost Analysis for NFS Land within the Flat Creek Drainage, Lolo National Forest.

### **B. Past Response Actions**

- 15. In 1993, the Montana Department of State Lands, Abandoned Mine Reclamation Bureau, investigated risks to human health and the environment associated with the IMM, including that portion of the Site located at the confluence of Hall Gulch and Flat Creek, and found concentrations of arsenic, copper, mercury, lead, zinc, cadmium, manganese, and antimony that were three times the level of background.
- 16. In 1998, ASARCO conducted certain reclamation activities, including removal and placement of some tailings from Flat Creek onto ASARCO-owned property. ASARCO's

property is currently owned by the Montana Environmental Custodial Trust, which was established through the ASARCO Bankruptcy Proceedings.

17. In 1998, sampling showed that drinking water supplies of the Town of Superior downstream of the IMM were contaminated with antimony in excess of the established Maximum Contaminant Level.
18. In 2001, the Forest Service performed work on a stream crossing in Flat Creek, removing a quantity of contaminated materials.
19. Between 2001 and 2002, the EPA investigated IMM operation locations, the Flat Creek drainage, and soils in the Town of Superior that had come from IMM mining and milling locations.
20. In 2002, the EPA conducted a time-critical removal action to address soil contamination in and around the Town of Superior. Removal activities included excavation and consolidation of contaminated soil from a high school track and certain roads and residential yards in the Town of Superior. Approximately 6,500 yards of contaminated material were removed and consolidated in a repository constructed near the Mineral County airport.
21. In 2002, the Forest Service removed contaminated soil from the Superior Ranger District compound.
22. In 2003, the Forest Service investigated soil and tailings along Flat Creek, downstream of IMM, in preparation for a Response Action at the Site consistent with CERCLA, the NCP, and Executive Order 12580.
23. In 2010, the Forest Service performed a removal action at 209 W. Riverside Street, Superior, MT, a parking area in the Lolo National Forest.
24. In August and September 2009, DEQ and the EPA conducted a Remedial Investigation Phase I sampling of 317 residential, commercial and public Site properties. An additional 300 properties were sampled in 2010.
25. In 2010, the EPA began a second time-critical removal action, pursuant to an Action Memorandum dated June 10, 2010, for the purpose of continuing removal of contaminated residential soils in the Town of Superior, Montana.
26. In 2011, the EPA began a third time-critical removal action, pursuant to an Action Memorandum Amendment dated September 27, 2011, to address additional properties identified as having contaminated soil, and to construct the Repository.
27. In 2011, the EPA designed, constructed and prepared the Repository (designated OU3) on State owned land to receive waste rock, mine and mill tailings, and contaminated waste excavated from the Site in compliance with the NCP. Construction and preparation of the

Repository was consistent with the survey included herein as Attachment B and a design approved by the Agencies.

28. On July 3, 2012, the EPA, with DEQ concurrence, issued the OU1 ROD.
29. On November 12, 2012, the Forest Service completed an expanded Site Investigation which further identified tailings deposited in that portion of OU2 that is under the jurisdiction of the Forest Service.
30. On November 15, 2012, the EPA issued a minor modification of the July 3, 2012, ROD to clarify that the Repository (OU3) is an element of the OU1 remedy.
31. In July 2013, the EPA and DEQ entered into a Superfund State Contract for OU1 to provide for implementation of the OU1 ROD.

#### **VI. Coordination and Cooperation on Response Actions**

32. The Agencies' Project Coordinators intend to cooperate and coordinate with each other for activities at the Repository, including providing reasonable prior notice of, and an opportunity to participate in, scheduled meetings related to any significant on-Site activities affecting use of the Repository. If a meeting must be scheduled with less than one week's advance notice, the Project Coordinators will make best efforts to contact their counterparts to determine their availability before scheduling the meeting.
33. The Agencies intend to establish and maintain a schedule of Response Actions to plan for their use of the Repository and for other purposes. Each of the Agencies will regularly update the schedule to reflect completed activities at the Repository and any work schedule projections. The Agencies intend to coordinate their activities regarding Response Actions. The Agencies hope to complete the Response Actions that will require the placement of hazardous substances into the Repository within the next five years.
34. The individual agencies will provide each other with copies of documents related to their activities upon request, and any documents needed to fulfill the purposes of this MOU. The Agencies will cooperatively determine which documents are to be copied and provided to the other Agencies, either directly or by third parties. Where an individual agency needs to obtain comments on a document from another agency, the Agencies will cooperatively determine how and when those comments will be provided.
35. Each agency intends to advise the others regarding issues and concerns of special interest to that individual agency. The Agencies intend to assist each other in identifying and communicating with their respective personnel who may be able to provide information about the Site.
36. DEQ will provide access to the OU3 Repository for placing mine waste or mine tailings that are identified at the Site and remediated pursuant to the Response Actions.

37. DEQ agrees to record in the public land records a notice describing the specific location of the repository and the wastes after the final configuration and extent of the repository is known.
38. The Agencies intend to meet no later than February 1<sup>st</sup> of each year to begin coordinating their plans for Response Actions and to evaluate the amount of waste material each agency anticipates it will ship to the Repository during that calendar year.

#### **VII. Implementation and Funding of OU3 Repository and O&M**

##### **A. Implementation of Response Actions.**

39. To the extent additional funding is required for Response Actions, the Agencies will seek appropriate funding for this Site consistent with CERCLA and the NCP.
40. The EPA and DEQ acknowledge that for fund-financed remedial actions to proceed, certain assurances under Section 104(c) of CERCLA must be provided by DEQ in a Superfund State Contract. DEQ and the EPA entered into such a contract for OU1 and Cell 1 of the Repository in July 2013. This MOU does not affect any Superfund State Contract or cooperative agreement between the State and the EPA, or any of the Agencies' statutory obligations under CERCLA or any Presidential Executive Order.
41. DEQ has obtained title to the Repository from the Montana Department of Natural Resources (DNRC) to allow the Agencies to use the Repository to implement Response Actions for the Site.
42. Design and initial construction of the Repository has been completed by the EPA as part of removal actions for the 2011 construction season.
43. The Forest Service and the EPA intend to enter into an inter-agency agreement to provide that the Forest Service's payment of a portion of the EPA's total cost of constructing the Repository will be placed in special account, the proceeds of which are to be used by the EPA for CERCLA response activities at the Site. In addition the Forest Service will also be responsible for its portion of the Repository O&M costs. The Forest Service costs for construction of the Repository and for O&M will be determined by the FS's volumetric contribution to the total amount of contaminated waste deposited at the Repository.
44. For each construction season requiring use of the Repository, the individual agency placing material in the Repository during that season will conduct and pay the costs of any necessary design, construction, expansion, sealing, closing, restoration, air monitoring and sampling, or other necessary actions relating to the individual agency's use of the Repository in that season. Temporary and seasonal closure actions will include those actions set forth in the O&M Plan.

45. Placement of mine wastes and all actions using the Repository will be as provided for in and consistent with the requirements of the O&M Plan, unless otherwise agreed in writing. An agency proposing to use the Repository in a given season will coordinate with the EPA and DEQ concerning the location, configuration, and manner of the placement of wastes in the Repository, including the footprint for placement of the wastes; the extent of excavation of Repository subsoils before placement of the wastes; the placement, storage, and disposition of any excavated/stockpiled materials; any treatment of the wastes as they are placed; the design, placement, timing, and materials to be used for covering the wastes; and the timing and manner of final grading, compaction, closure, and revegetation of the cell(s) affected.
46. Each agency will keep a record of its volumetric contribution of waste or other materials placed in the Repository. Each agency will keep track of its waste contributions by a volumetric survey and through the truckload accounting system, or by such other means as the Agencies may agree upon.
47. In the event of a release or threat of release of hazardous substances from the Repository, the Agencies' technical contacts will communicate with each other as soon as practicable to coordinate any potential action to address the failure. The Agencies will coordinate all major decisions concerning actions to address any Repository failure.
48. DEQ may enter into an agreement to authorize Mineral County or the Town of Superior to place additional CERCLA mining-related wastes from the Site into the Repository, provided that those governmental entities' activities do not impair the integrity or protectiveness of the Repository or interfere with the Agencies' Response Actions. Any such agreement may be entered into before or after the EPA determines that the EPA's Response Actions have been completed and will not affect the EPA's ability or authority to determine that the EPA's Response Actions at the Site are completed. Any such agreement may not expand or alter the design and function of the Repository without EPA approval.

#### **B. Operation and Maintenance**

49. The EPA, the Forest Service, and DEQ intend to cooperate with each other to identify O&M activities necessary for the remedial and removal actions at the Site and to enable DEQ to make the appropriate assurances on behalf of the State of Montana.
50. Once a remedy has achieved its goals and objectives and is determined to be operational and functional under 40 C.F.R. § 300.435(f) and under Sections H.1 and R.2 of the July 2013 Superfund State Contract between EPA and DEQ, O&M will be conducted pursuant to the O&M Plan.

#### **VIII. Due Care/Cooperation**

51. The Agencies will exercise due care with respect to contamination located at the Repository, and will comply with all applicable or relevant and appropriate requirements identified in the records of decision for the Site. If an agency becomes aware of any action or occurrence that causes or threatens a release of hazardous substances, pollutants, or contaminants at or from the Repository that constitutes an emergency or that may present an immediate threat to public health or welfare or the environment, that agency will immediately notify the others of such release or threatened release.

#### **IV. Dispute Resolution**

52. Consultation among the Agencies should resolve the majority of, if not all, technical issues. If the Agencies cannot reach agreement on a Site issue, the issue can be elevated to the appropriate senior managers at the respective Agencies for further discussion and resolution. Any final decision must be consistent with CERCLA and the NCP and with E.O. 12580.

#### **X. Minor Modifications**

53. Minor modifications to any plan or schedule pertaining to an individual agency's use of the Repository may be made in writing by the agency's Project Manager or at the agency's Project Manager's oral direction, in consultation with the project managers of the other Agencies. If a Project Manager makes an oral minor modification to a plan or schedule, it will be memorialized in a written notice to the other Agencies within 15 days; however, the effective date of the modification will be the date of the Project Manager's oral direction. Any other elements of this MOU may be modified in writing by agreement of the Agencies.

#### **XI. Document Retention**

54. The Agencies will retain all business and operating records, contracts, Site studies and investigations, and documents relating to Response Actions and O&M at the Site, for a term consistent with the duration required by federal and state statutes and record retention schedules, as applicable. To the extent allowed by applicable laws and regulations, the Agencies agree to make such records available to each other and provide each other with an opportunity to copy any documents at the expense of the requesting agency. Any information furnished to the EPA or the Forest Service is subject to the Freedom of Information Act, 5 U.S.C. §552. The Agencies understand that some documents may be the subject of special restrictions, such as confidential business information, or records that are otherwise exempt from disclosure by statute, such as the Privacy Act, that may limit the Agencies' ability to share the documents.

**XII. Liaisons, Notices and Submissions**

55. The Agencies have designated the following persons to be their contacts for coordinating and communicating decisions and other actions at the Site:

**The State of Montana Project Coordinator:**

Daryl Reed, Federal Superfund Section  
Montana Department of Environmental Quality  
PO Box 200901  
Helena, MT 59620-0901  
Telephone: 406-841-5041  
Facsimile: 406-841-5050  
E-mail: [dreed@mt.gov](mailto:dreed@mt.gov)

**The State of Montana Legal Counsel:**

William B. Kirley  
Montana Department of Environmental Quality  
PO Box 200901  
Helena, MT 59620-0901  
Telephone: 406-841-5017  
Facsimile: 406-841-5050  
E-mail: [bkirley@mt.gov](mailto:bkirley@mt.gov)

**The Forest Service Project Coordinator (Forest Service PC):**

Robert Wintergerst  
Northern Regional Office  
USDA Forest Service  
P.O. Box 7669  
Missoula, MT 59807  
Telephone: (406) 329-3069  
Facsimile: (406) 329-3198  
E-mail: [rwintergerst@fs.fed.us](mailto:rwintergerst@fs.fed.us)

**The Forest Service Legal Counsel:**

Kirk Minckler  
USDA Office of the General Counsel  
740 Simms Street, Room 309,  
Golden, CO 80401-4720  
Telephone: (303) 275-5549  
Fax: (303) 275-5557  
E-mail: [kirk.minckler@usda.gov](mailto:kirk.minckler@usda.gov)

**The EPA Project Coordinator (The EPA PC):**

**For Removal Actions:**

Duc Nguyen, EPR-SA  
U.S. Environmental Protection Agency  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Telephone: (303) 312-6509  
Facsimile: (303) 312-6071  
E-mail: [nguyen.duc@epa.gov](mailto:nguyen.duc@epa.gov)

**For Remedial Actions:**

Kristine Edwards, Remedial Project Manager  
Superfund Program, 8MO  
U.S. Environmental Protection Agency  
Baucus Federal Building, 10 West 15th Street, Suite 3200  
Helena, MT 59626  
Telephone: (406) 457-5021  
Facsimile: (406) 457-5056  
E-mail: [edwards.kristine@epa.gov](mailto:edwards.kristine@epa.gov)

**The EPA Legal Counsel:**

Steven Moores  
U.S. Environmental protection Agency  
Legal Enforcement Program, Mail Code 8ENF-L  
1592 Wynkoop Street  
Denver, Colorado 80202-1129  
Telephone: (303) 312-6857  
Facsimile: (303) 312-6953  
E-mail: [moores.steven@epa.gov](mailto:moores.steven@epa.gov)

Each of the Agencies will notify and consult with the others as soon as practicable when the above contacts are changed.

56. Whenever written notice is given or a document is sent by one agency to another under the terms of this MOU, it will be directed to the individuals at the addresses specified above, unless those individuals or their successors give notice of a change to the other Agencies in writing. Written notice as specified herein will constitute complete satisfaction of any written notice requirement of this MOU with respect to DEQ, the EPA, and or the Forest Service.

### **XIII. Limitations on MOU**

57. This MOU does not alter any rights or authorities under CERCLA, CECRA, the NCP, or any applicable laws, regulations, or Executive Orders.
58. Nothing in this MOU, in and of itself, obligates any of the Agencies to expend appropriations or to enter into any contract, assistance agreement, interagency agreement, or incur other financial obligations that would be inconsistent with Agency budget priorities. The Agencies recognize that each must operate within the requirements of its budget process and legal restrictions concerning obligation of funds. No provision of this MOU requires the Agencies to obligate or pay funds in contravention of the Anti-Deficiency Act, 31 U.S.C. §1341, or other applicable State or federal laws.
59. This MOU is neither a fiscal nor a funding obligation document. Any endeavor involving reimbursement, contribution of funds, or transfer of anything of value between the Agencies will be addressed in accordance with applicable laws, regulations, and procedures. Any such endeavors will be outlined in separate agreements that shall be made in writing by representatives of the individual agencies and shall be independently authorized by appropriate statutory authority.
60. This MOU does not create any right or benefit enforceable by anyone not a party to this MOU.
61. This MOU may be executed in counterparts by each of the signatories. Each of the counterpart documents is to be deemed an original, but together they will constitute one and the same instrument.

### **XIV. Effective Date**

62. The effective date of this MOU will be the date the MOU is signed by the last of the three Agencies below. Unless extended by the Agencies, this MOU will expire upon completion of all CERCLA Response Actions taken pursuant to all the EPA Records of Decision for this Site.

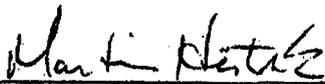
### **XV. List of Attachments**

- Attachment A - A drawing of the approximate Flat Creek-IMM Site boundary
- Attachment B - An as-built survey of the Repository

**MEMORANDUM OF UNDERSTANDING Among the U.S. Environmental Protection Agency, Region 8, and USDA-Forest Service, Region 1, and the Montana Department of Environmental Quality, Concerning the FLAT CREEK - IRON MOUNTAIN MINE AND MILL (IMM) SUPERFUND SITE (CERCLIS ID No. MT0012694970)**

**ENVIRONMENTAL PROTECTION AGENCY, REGION 8**

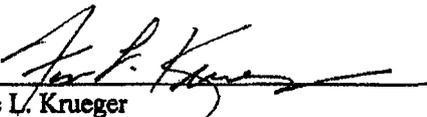
Date: 2/11/14

By: 

Martin Hestmark  
Assistant Regional Administrator  
Office of Ecosystems Protection and Remediation  
U.S. Environmental Protection Agency  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

**USDA FOREST SERVICE, REGION 1**

Date: 2/24/14

By: 

Faye L. Krueger  
Regional Forester  
USDA Forest Service  
P.O. Box 7699  
Missoula, MT 59807

**MONTANA STATE DEPARTMENT OF ENVIRONMENTAL QUALITY**

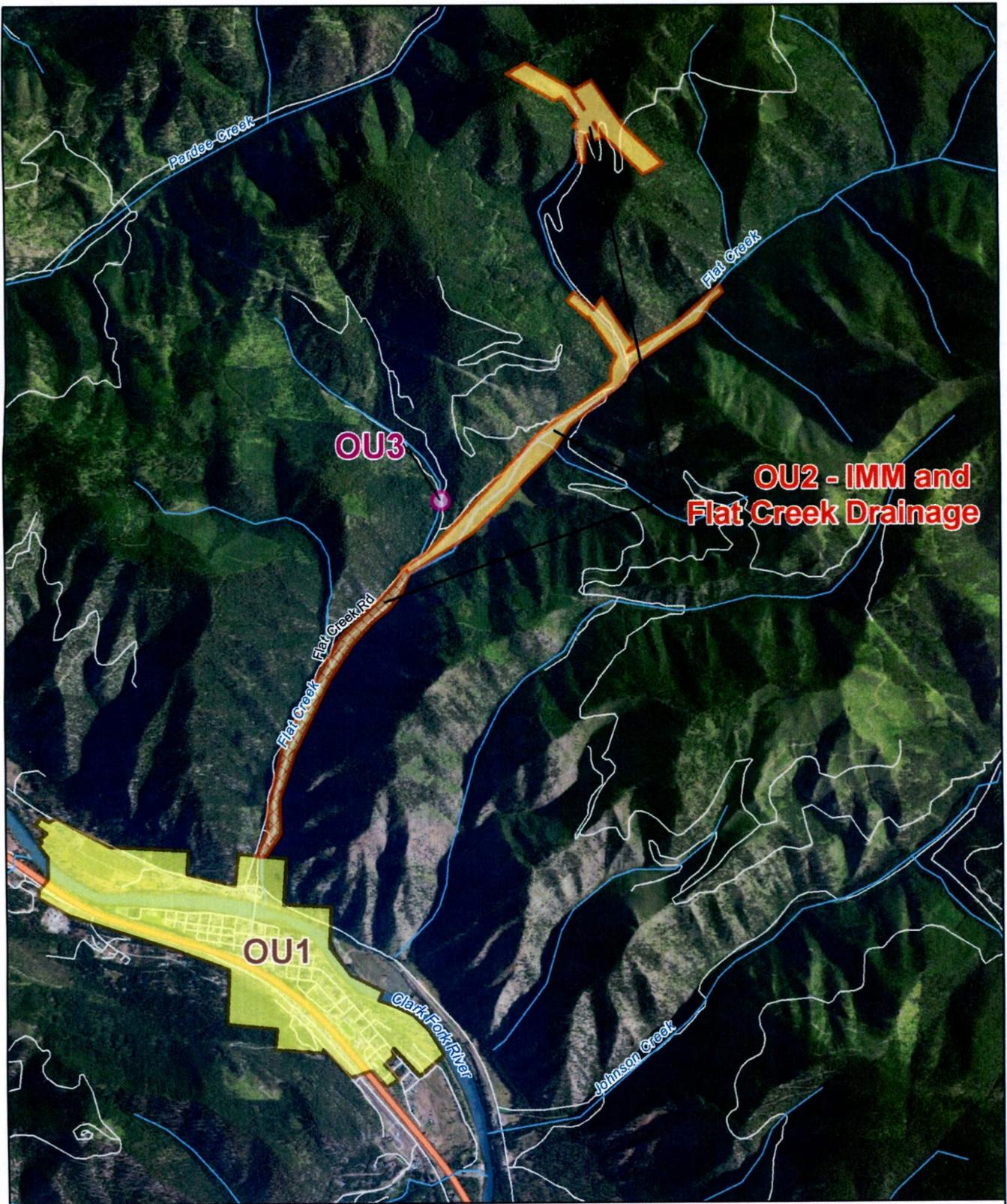
Date: 2.20.14

By: 

Tracy Stone-Manning, Director  
Montana Department of Environmental Quality  
Lee Metcalf Building  
1520 E. Sixth Avenue  
Helena, MT 59620-0901

Attachment A

Drawing of Approximate Flat Creek-IMM Site Boundary



**OU2 - IMM and Flat Creek Drainage**

**OU3**

**OU1**



Toeroek Associates Inc.



0 0.35 0.7 Miles

**Legend**

- Town of Superior
- IMM and Flat Creek Drainage
- Flat Creek Drainage
- Wood Gulch Repository
- Clark Fork River
- Stream
- Highway
- Other Roads

**Operable Units (OUs) of the Flat Creek IMM Site Mineral County, Montana**

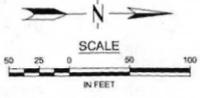
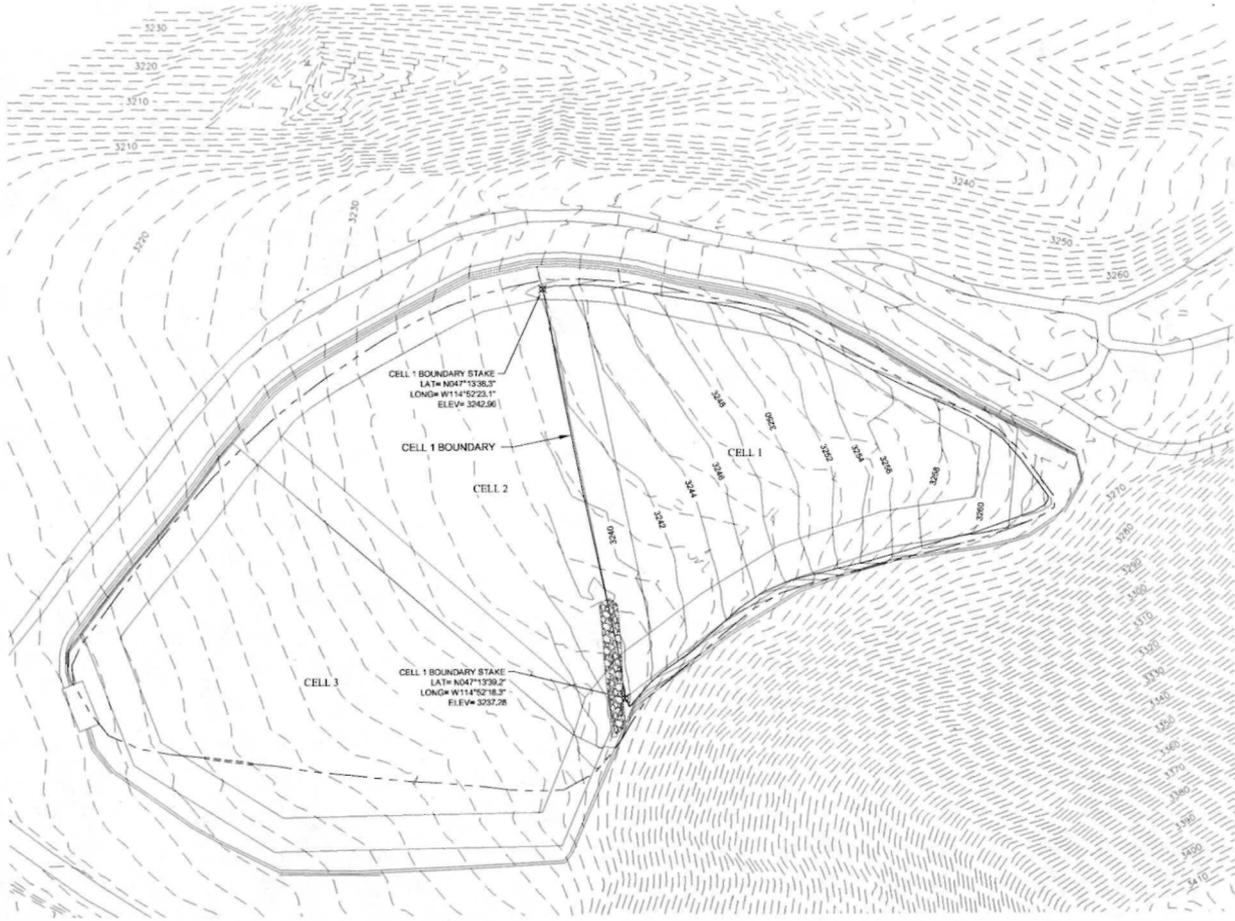
**Attachment B**

**As-built Survey of Repository**

**(Two sheets depicting Repository  
before and after placement of wastes in Cell 1,  
September- November 2013)**

**NOTES:**

1. EXHIBIT DEPICTS GROUND ELEVATIONS BASED ON 11/12/2013 FIELD SURVEY.
2. FILL QUANTITY ANALYSIS IS BASED ON COMPARISON OF MAPPING DEPICTED ON "CELL 1 BOTTOM OF EXCAVATION EXHIBIT" WITH SURFACE DEPICTED HEREON, MINUS 4 FEET, TO ACCOUNT FOR DIFFERING CAP MATERIAL.
3. ESTIMATED FILL VOLUME = 22,250 CY.



VERIFY SCALE		REVISIONS			
NO.	DESCRIPTION	DATE	BY		

THESE PRINTS MAY BE REDUCED. LINE REDUCTION REQUIRES ONE INCH ON ORIGINAL DRAWING.

MAKUPY SCALE ACCORDINGLY

**MORRISON MAIERLE, INC.**  
An Employee-Owned Company

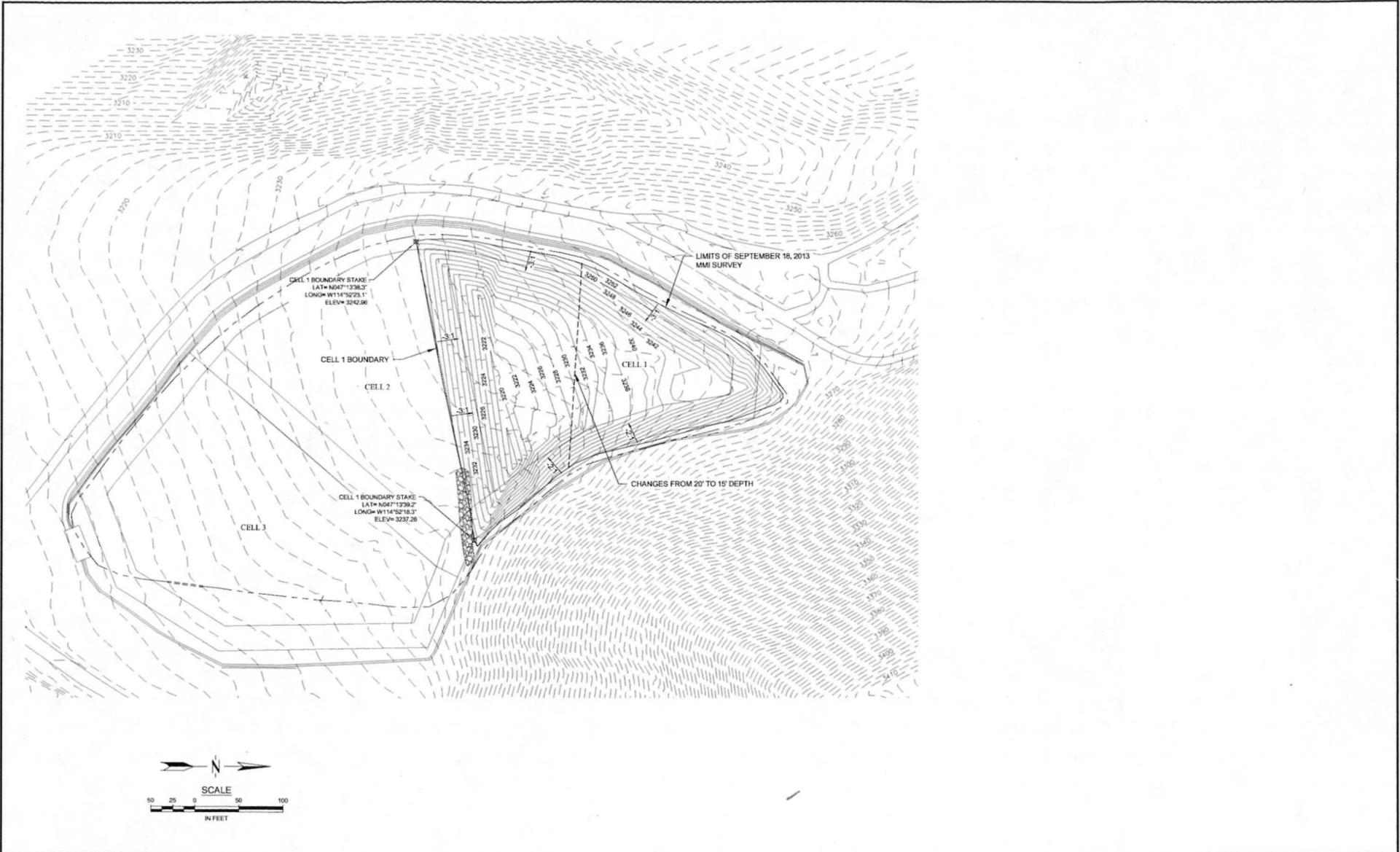
Engineers  
Surveyors  
Geologists  
Planners

1 Engineering Place  
Helena, MT 59602  
Phone: (406) 442-3050  
Fax: (406) 442-7862

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DRAWN BY: CSRH DESGN. BY: MW APPR. BY: CAS DATE: 12/02/13 O.C. REVIEW BY: *** DATE: ***	MINERAL COUNTY FLAT CREEK IMM/NPL SITE MONTANA NOVEMBER 2013 CELL 1 SURVEY EXHIBIT	PROJECT NUMBER 4848/02 SHEET NUMBER 1 DRAWING NUMBER EX-2
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M:\4848\02\CADEN\BETS-13-11-13 SURVEY EXHIBIT.DWG PLOTTED BY CHRISTOPHER HASKINE ON 06/23/2013



NO.	DESCRIPTION	DATE	BY

**MORRISON MAIERLE, INC.**  
An Employee-Owned Company

Engineers 1 Engineering Place  
Surveyors Helena, MT 59602  
Geomatics  
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MINERAL COUNTY FLAT CREEK IMMUNPL SITE MONTANA  
 CELL 1 BOTTOM OF EXCAVATION EXHIBIT

PROJECT NUMBER 4849.002  
 SHEET NUMBER 1  
 DRAWING NUMBER EX-1

UTM83022ACADENRMTS130818 SURVEY EXHIBIT DWG. PLOTTED BY CHRISTOPHER HAWKINS ON 06/23/2013