

JUSTICE NEWS

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Federal, State and Tribal Trustees Reach \$8.2 Million Settlement With Three Companies for Natural Resource Damages Incurred at St. Louis River / Interlake / Duluth Tar Superfund Site

Trustees Seek Public Comment on Draft Restoration Plan and Environmental Assessment

The U.S. and the States of Minnesota and Wisconsin today announced an \$8.2 million settlement with XIK, LLC, Honeywell International, Inc., and Domtar, Inc. to resolve a claim for natural resource damages at the St. Louis River / Interlake / Duluth Tar (SLRIDT) Superfund Site brought under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as the Superfund Law. The SLRIDT Site consists of 255 acres of land and river embayments located primarily in Duluth, Minnesota, and extends into the St. Louis River, including Stryker Bay.

According to the complaint, filed simultaneously with the settlement today in the District of Minnesota, the three companies are liable for industrial discharges of polycyclic aromatic hydrocarbons (PAHs) at the SLRIDT Site during the first half of the 20th Century. PAHs were identified in river sediments throughout the Site in sufficient concentrations to cause injury to many types of natural resources, including vegetation, fish and birds. In addition, PAH-contaminated natural resources resulted in the loss of recreational fishing and tribal use services.

"The restoration work enabled by this settlement will make significant contributions to the environment in the area of the St. Louis River and nearby Lake Superior," said Acting Assistant Attorney General Jeffrey H. Wood of the Department of Justice's Environment and Natural Resources Division. "We are particularly pleased to have been able to work alongside the State of Wisconsin, the State of Minnesota, affected Tribes, the U.S. Department of Interior, and the National Oceanic and Atmospheric Administration on achieving this positive outcome."

Under CERCLA, federal, state, and tribal natural resource trustees have authority to seek compensation for natural resources harmed by hazardous industrial waste and by-products discharged into the St. Louis River. The natural resource trustees include the U.S. Department of the Interior, acting through the U.S. Fish and Wildlife Service and the Bureau of Indian Affairs; the U.S. Department of Commerce, acting through the National Oceanic and Atmospheric Administration; the Fond du Lac Band of Lake Superior Chippewa; the 1854 Treaty Authority, representing the Grand Portage Band of Lake Superior Chippewa and the Bois Forte Band of Chippewa; the Minnesota Pollution Control Agency; the Minnesota Department of Natural Resources; and the Wisconsin Department of Natural Resources.

The proposed settlement includes \$6.5 million to be used on restoration activities consistent with a proposed Restoration Plan/Environmental Assessment that is also being made available for public review and comment today. Of the possible restoration alternatives, the draft Restoration Plan recommends:

- Kingsbury Bay: Restoration of a 70-acre shallow, sheltered embayment habitat that will add recreational access areas for fishing and a boat launch, improve habitat and reduce invasive vegetation.
- Kingsbury Creek Watershed: Activities to reduce sediment accumulation, improve water quality and support

the shallow sheltered bay habitat of the restored Kingsbury Bay.

- Wild Rice Restoration: Enhancement of wild rice stands within the estuary.
- Cultural Education Opportunities: Development of informational displays to communicate importance of the St. Louis River estuary's cultural and natural resources.

The three Defendants previously paid approximately \$80 million to clean up the SLRIDT Superfund site under prior agreements with the Minnesota Pollution Control Agency.

The consent decree is subject to a 30 day public comment period and final approval by the court. A copy of the consent decree is available on the Department of Justice web site at www.usdoj.gov/enrd/Consent_Decrees.html.

The draft Restoration Plan/Environmental Assessment is also subject to a 30 day public comment period and is available for review at: <https://www.pca.state.mn.us/waste/st-louis-river-interlakeduluth-tar-site> . Paper copies may be requested by calling 651-259-5157 or 888-646-6367.

Component(s):
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