

IN THE MATTER OF:

SETTLEMENT AGREEMENT

Ely Copper Mine Superfund Site
Vershire, Orange County, Vermont

U.S. EPA Region 1
CERCLA Docket No. 01-2011-0012

Ely Mine Forest, Inc.
SETTLING PARTY

PROCEEDING UNDER SECTION
122(h)(1) OF CERCLA
42 U.S.C. § 9622(h)(1)

Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. § 9622(i), requires the United States Environmental Protection Agency ("EPA") to publish in the Federal Register notice of proposed administrative settlements entered under Section 122(h) of CERCLA, 42 U.S.C. § 9622(h), and, for a 30-day period beginning on the date of publication, to provide an opportunity for persons who are not parties to the proposed settlement to file written comments relating to the proposed settlement. Section 122(i) further requires EPA to consider any comments filed during the 30-day period and permits EPA to withdraw or withhold consent to the proposed settlement if such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate.

In accordance with Section 122(i) of CERCLA, EPA published notice of a proposed administrative settlement, EPA Docket No. 01-2011-0012, concerning the Ely Copper Mine Superfund Site located in Vershire, Vermont ("Site") in the Federal Register on August 30, 2011 (76 Fed. Reg. 53898).

EPA received one comment, transmitted via email, on the proposed settlement during the 30-day period.

Citizen Comment No. 1:

"THE ACCOUNTS OF THE MINE HAVE ALREADY BEEN RAIDED SO I IMAGINE NOTHING IS LEFT IN THEIR BANK ACCOUNTS TO RAID. WE NEED TO MAKE EXECUTIVES BANK ACCOUNTS, HOMES ETC ALSO RESPONSIBLE FOR CLEAN UP COSTS AT POLLUTERS LIKE THIS. WE NEED TO REDUCE THE POLLUTER TO HAVING ZERO ASSETS OR INCOME WHEN THEY POLLUTE FOR EVERYBODY ELSE IN AN AREA. THESE POLLUTERS ARE NOTHING BUT FIRST CLASS CRIMINALS WHO NEED TO BE STRIPPED OF ALL THEY HAVE ACCUMULATED IN PROFITS FROM POLLUTING. THE COMPANY EXECS NEED TO BE ON THE LINE TOO. NOBODY SHOULD GET OFF WITH LEAVING TAXPAYERS HOLDING THE BAG.

THIS IS ANOTHER EXAMPLE OF WHERE TAXPAYERS ARE LEFT HOLDING THE BAG FOR CLEAN UP COSTS OF POLLUTERS. THIS GOES ON AND ON AND ON. IT NEEDS TO STOP.

WHAT HAPPENED HERE WITH THIS POLLUTER - EVERY CENT THIS MAN OWNS SHOULD BE TAKEN FROM HIM AND HE SHOULD BE IN HOCK FOR THE REST OF HIS LIFE IF HE CAN'T PAY THE TAXPAYERS BACK."

EPA Response to Comment No. 1:

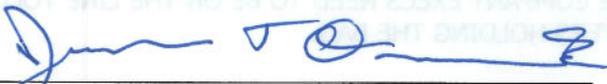
EPA and the Vermont Agency for Natural Resources (“ANR”) reviewed financial information submitted by the Settling Party, Ely Mine Forest, Inc. (“EMFI”), and determined that EMFI, the current owner of the property at the Site, has limited financial ability to pay for response costs incurred and to be incurred at the Site. As part of the settlement, EMFI has certified that it has fairly, accurately, and materially set forth its financial circumstances (Paragraph 44). EPA has reserved to the right to further pursue EMFI for cleanup costs if the financial information provided by EMFI or the financial certification made by EMFI is false, or in any material respect, inaccurate (Paragraph 24). EPA does not currently have any information indicating that it would be appropriate to pursue individual officers or employees of EMFI for liability associated with the Site.

Because mining activities took place at the Site over the course of a century, and most copper mining activities ceased by approximately 1920, it has been difficult to locate any viable, liable entities that would be able to contribute to cleanup costs at the Site. EPA has investigated previous owners and operators at the Site and has not located any additional viable potentially responsible parties. EPA has the ability to change this determination if additional relevant information comes to EPA’s attention.

The comment received on this proposed settlement did not disclose to EPA facts or considerations which indicate that the proposed settlement is inappropriate, improper, or inadequate. The proposed settlement is, therefore, final and effective upon the date of signature of this Responsiveness Summary by the Director of EPA, Region 1's Office of Site Remediation and Restoration.

In accordance with Paragraph 14 (Management and Disbursement of Settlement Funds) of the settlement, beginning with the date of signature of this Responsiveness Summary, the Settling Party shall hold and disburse all of its remaining cash accounts only for the purposes set forth in the settlement. Pursuant to other provisions of the settlement agreement, the Settling Party shall also use best efforts to market and sell the site property, allow EPA to remove and use borrow material located on the site property, provide EPA and their contractors access to the site property, and prepare and record any documents necessary to implement institutional controls on the site property.

For the United States Environmental Protection Agency:



James T. Owens, Director
Region 1, Office of Site Remediation & Restoration

10/12/11

Date