




APACHE UPDATE

Nitrogen Products, Inc.

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Apache and EPA Accomplish Another Major Milestone

These Apache Updates provide routine reports regarding progress at the Apache Powder Superfund site. Last September EPA issued a Preliminary Close-Out Report which was a major milestone moving the site into routine operation and maintenance. This means that all of the remedies, primarily the treatment wetland, have been put in place and are operating reliably.

Another part of the Superfund process is for EPA to seek repayment of their oversight costs. Over the past year Apache has worked with the EPA and the Department of Justice (DOJ) to resolve these past cost claims. Earlier this summer, Apache reached a mutually beneficial settlement with the EPA/DOJ and entered into a Consent Decree.

As a normal step in the settlement process, on behalf of EPA, DOJ has filed suit in the U.S. District Court for the District of Arizona related to the cost settlement. This filing was the subject of a front page story in the Arizona Daily Star on Saturday, September 26th. In the near future, DOJ will file a motion with the court to lodge the Consent Decree and make the Decree available for public review and comment.

At the conclusion of the public comment period DOJ will file a motion with the Court to enter the Consent Decree, at which point in time it will become binding on Apache and EPA.

The Consent Decree represents another significant milestone in the Superfund process. Apache and EPA have maintained a positive working relationship through the development and implementation of remedial actions and the negotiation of the cost settlement.

The treatment wetland has been recognized as an innovative and sustainable approach to remediation of the shallow aquifer. The wetland was recently featured in the Green Business Quarterly. You can see the article and updates on the Consent Decree process at www.apachenitro.com.

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