



DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Second Modification to Consent Decree under the Comprehensive Environmental Response Compensation and Liability Act

On April 23, 2026, the Department of Justice lodged a proposed Second Modification to Consent Decree (the “Modification”) with the United States District Court for the District of North Dakota in the lawsuit entitled *United States of America v. City of Minot*, Civil Action No. 4:95-cv-141.

The lawsuit was initiated by a complaint filed by the United States on October 26, 1995, alleging that the City of Minot (the “City”) was liable for the release of hazardous substances at and from the Old Minot Landfill Superfund Site in Minot, North Dakota (the “Site”) under the Comprehensive Environmental Response, Compensation and Liability Act of 1980. The complaint was resolved by settlement through a Consent Decree that was joined by the State of North Dakota and entered by the Court on February 7, 1996 (“1996 Consent Decree”). Under the 1996 Consent Decree, the City agreed to remediate the Old Minot Landfill and impose institutional controls restricting the future use of the land.

The Modification amends the 1996 Consent Decree to allow for the City to re-purpose the Site for recreational uses such as an 18-hole disc golf course, mountain biking trails, and cross-country running trails. The Modification is made possible by an Explanation of Significant Differences issued by EPA on September 28, 2022, which amended the original Record of Decision that had required a more restrictive post-cleanup land use for the Site. The Modification also makes several technical changes to the 1996 Consent Decree.

The publication of this notice opens a period for public comment on the proposed Modification, which should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America v. City of Minot*, Civil Action No. 4:95-cv-141, D.J. Ref. No. 90-11-3-1107. All comments must be submitted no later

than thirty (30) days after the publication date of this notice. Comments may be submitted either by e-mail or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By e-mail	pubcomment-ees.enrd@usdoj.gov
By mail	Assistant Attorney General U.S. DOJ – ENRD P.O. Box 7611 Washington, D.C. 20044-7611

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>.

If you require assistance accessing the proposed Consent Decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Jason A. Dunn,
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Environmental Enforcement Section,
Environment and Natural Resources Division.*

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