

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

MAINE PEOPLES ALLIANCE
and
NATURAL RESOURCES DEFENSE
COUNCIL, INC.,

Plaintiffs

v.

HOLTRACHEM MANUFACTURING
COMPANY, LLC, and
MALLINCKRODT, INC.,

Defendants

Civil No. 00-69-B-C

ORDER APPROVING STUDY PLAN

The Study Panel has submitted its “Study Plan for Evaluation of the Mercury Contamination of the Penobscot River/Estuary, Maine” dated July 2005 (hereafter “Study Plan”) to the Court and the parties have now submitted their comments and objections thereto. After reviewing the Study Plan and giving full consideration to the issues raised by the parties in their comments and objections to the Study Plan, the Court is satisfied, based on the expertise and the thorough scientific efforts and analyses of the Study Panel and its recommendations, that the Study Plan provides appropriate procedures and mechanisms to determine: (1) the extent of the harm resulting from mercury contamination to the Penobscot River/Bay system south of the Holtrachem plant site at Orrington, Maine; (2) the need for and feasibility of a remediation plan to effectively address the present effects of such existing harm, if any; and (3) the elements of and timetable for the execution of the appropriate remediation plan to address the harm existing

as a result of mercury contamination. However, if necessary and at the appropriate time, the Court will require the preparation by the Study Panel of a budget formulation for any remedial plan or effort which may result from the first phase of the Study Plan for submission to the Court and the parties before commencement of such remedial plan or effort.

Accordingly, the Court **APPROVES** the Study Plan and **ORDERS** that the Study Panel proceed forthwith with its selection of a Project Manager and the work outlined in the Study Plan.

/s/ Gene Carter
Gene Carter
Senior United States District Judge

Dated at Portland, Maine this 10th day of August, 2005.