

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

STATE OF OHIO, ex rel.	:	CASE NO. C-1-86-0217
NANCY HARDIN ROGERS	:	
ATTORNEY GENERAL OF OHIO,	:	JUDGE S. ARTHUR SPIEGEL
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
UNITED STATES DEPARTMENT OF	:	
ENERGY, et al.	:	
	:	
Defendants.	:	

NOTICE OF LODGING

Plaintiff, the State of Ohio (“State”), and Defendant, United States Department of Energy (“DOE”), hereby lodge a proposed Partial Consent Decree in this action (See Attachment 1).

This Partial Consent Decree would resolve DOE’s liability for natural resource damages at the Fernald site, as alleged in Count Two of the State’s Complaint. As agreed by the State and DOE in the proposed Partial Consent Decree, the Decree will be subject to public comment before it is entered by the Court. Accordingly, the Court should refrain from entering the proposed Partial Consent Decree at this time.

The State will publish notice of the Partial Consent Decree in the Cincinnati Enquirer, and Hamilton Journal News. Public comments will be solicited for a period of no less than thirty days. After receiving public comments, the State and DOE will consider whether the comments disclose facts or considerations which indicate that the proposed Partial Consent Decree is

inappropriate, improper, or inadequate. If so, the State and/or DOE may choose to withdraw consent to the Partial Consent Decree or propose mutually agreed amendments to the Partial Consent Decree as lodged for the Court's consideration. If not, the State and DOE will move the Court for entry of the proposed Partial Consent Decree.

Respectfully submitted,

NANCY HARDIN ROGERS
Attorney General of Ohio

GREGORY G. LOCKHART
United States Attorney

By: /s/ Timothy J. Kern
TIMOTHY J. KERN
Assistant Attorney General
Environmental Enforcement Section
Public Protection Division
30 East Broad Street-25th Floor
Columbus, Ohio 43215-3400
(614) 466-5261
tkern@ag.state.oh.us

DONETTA D. WIETHE (0028212)
Assistant United States Attorney
221 East Fourth Street, Suite 400
Cincinnati, Ohio 45202
(513) 684-3711
Donetta.Wiethe@usdoj.gov

RONALD J. TENPAS
Assistant Attorney General

Counsel for State of Ohio

By: /s/ Daniel R. Dertke
DANIEL R. DERTKE
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 23986
Washington, DC 20026-3986
(202) 514-0994
daniel.dertke@usdoj.gov

Counsel for Dept. of Energy

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Notice of Lodging was filed electronically on July 7, 2008. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

/s/ Timothy J. Kern
Assistant Attorney General
Timothy J. Kern