

Public Notice  
US DOE Fernald Site – Natural Resource Damages Settlement with Ohio  
Partial Consent Decree and Natural Resource Restoration Plan

The State of Ohio, by and through its Attorney General, on behalf of the Ohio Environmental Protection Agency (“Ohio”), has reached an agreement with the United States on a Partial Consent Decree in *State of Ohio v. United States Department of Energy, et al.*, Case No. C-1-86-0217 (U.S. District Court, Southern District of Ohio, Western Division). This Partial Consent Decree would resolve the United States Department of Energy’s (“DOE”) liability for natural resource damages (“NRD”) at the Fernald site in Butler and Hamilton Counties (“Site”).

As alleged in Count Two of the Complaint, filed March 11, 1986, releases of hazardous substances from the Site injured and damaged natural resources at the Site, including the air, soil, surface water, ground water, and drinking water. The Partial Consent Decree requires: (1) implementation by DOE of a Natural Resource Restoration Plan; (2) payment of \$13,750,000 to Ohio by the United States to restore, replace, or acquire the equivalent of injured natural resources at and in the vicinity of the Site, and to reimburse certain Ohio NRD assessment costs; (3) monitoring and maintenance of restored natural resources at the Site; (4) recording of environmental covenants that restrict the use of the Site to the natural resource restoration purposes specified in the Natural Resource Restoration Plan; and (5) payment by DOE of Ohio EPA’s future oversight costs for the Natural Resource Restoration Plan.

Copies of the Partial Consent Decree and the Natural Resource Restoration Plan can be obtained from Ohio by visiting Ohio EPA’s web site <http://offo2.epa.state.oh.us/FernaldSettlement.htm> or by calling Tom Schneider, Ohio EPA, Southwest District Office at (937) 285-6466, by email at [tom.schneider@epa.state.oh.us](mailto:tom.schneider@epa.state.oh.us), or by writing to:

Tom Schneider  
Ohio EPA Southwest District Office  
401 East Fifth Street  
Dayton, Ohio 45402-2911

Written comments should be submitted to Ohio at the above address. Written comments should be submitted on or before August 22, 2008. The parties have requested that the Court withhold approval of the Partial Consent Decree until after the public comment period has concluded and the parties have considered all public comments.