

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUISIANA  
NEW ORLEANS DIVISION

THE UNITED STATES OF AMERICA )  
and the LOUISIANA DEPARTMENT OF )  
ENVIRONMENTAL QUALITY, )

Plaintiffs, )

v. )

THE DOW CHEMICAL COMPANY, )  
UNION CARBIDE CORPORATION, and )  
PERFORMANCE MATERIALS NA, INC., )

Defendants. )

Civil Action No. 2:21-cv-114

NOTICE OF LODGING OF CONSENT DECREE PENDING SOLICITATION  
OF PUBLIC COMMENT

Plaintiffs the United States of America (United States), by the authority of the Attorney General, and through the undersigned attorneys, acting on behalf of the Administrator of the United States Environmental Protection Agency (EPA), and the Louisiana Department of Environmental Quality (LDEQ), provides notice that the attached, proposed Consent Decree (Exhibit A) is hereby lodged with the Court pending solicitation of public comment by Plaintiffs. The proposed Consent Decree would, if entered by the Court, resolve the Plaintiffs' claims in this case. **As explained below, at this time Plaintiffs respectfully request that the Court not sign the proposed Consent Decree unless and until Plaintiffs file a Motion for Entry.**

Before the proposed Consent Decree can be finalized, the United States must satisfy requirements regarding public comment. Paragraph 127 of the proposed Consent Decree provides that the United States reserves the right to withdraw or withhold its consent if the

comments regarding the Consent Decree disclose facts or considerations indicating that the Consent Decree is inappropriate, improper, or inadequate. The United States Department of Justice will publish in the Federal Register a notice that the proposed Consent Decree has been lodged with the Court and soliciting public comment for a period of thirty days. After the close of the comment period, the United States will evaluate any comments received, determine whether any comments disclose facts or considerations which indicate that the proposed Consent Decree is inappropriate, inadequate, or improper, and, subject to the provisions of Paragraph 128 of the Consent Decree, advise the Court whether the proposed Consent Decree should be entered.

Paragraph 128 of the proposed Consent Decree provides that the LDEQ reserves the right to withdraw or withhold its consent if the comments regarding the Consent Decree disclose facts or considerations indicating that this Consent Decree is inappropriate, improper, or inadequate. The LDEQ will publish notice of this Consent Decree in the newspaper of general circulation and the official journal of the parish in which the Hahnville and Plaquemine Facilities are located, in order to provide for public comment for a period of not less than forty-five days. After the close of the comment period, the LDEQ will evaluate any comments received, determine whether any comments disclose facts or considerations which indicate that the proposed Consent Decree is inappropriate, inadequate, or improper, and in concurrence with the United States, advise the Court whether the proposed Consent Decree should be entered.

Until such time that the two public comment periods have lapsed, and any comments received addressed, the Plaintiffs respectfully request that the Court not sign the proposed Consent Decree.

Respectfully submitted,

Jonathan D. Brightbill  
Principal Deputy Assistant Attorney General

Environment and Natural Resources Division  
United States Department of Justice

/s/ Kirk W. Koester

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ATTORNEYS FOR THE UNITED STATES

FOR THE LOUISIANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY

/s/ Dwana King

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