

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

	)	
UNITED STATES OF AMERICA and	)	
THE STATE OF WEST VIRGINIA by and	)	
through the WEST VIRGINIA	)	
DEPARTMENT OF ENVIRONMENTAL	)	
PROTECTION,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. _____
	)	
XTO ENERGY, INC.	)	
	)	
Defendant.	)	
	)	

**PLAINTIFFS’ NOTICE OF  
LODGING OF CONSENT DECREE**

Plaintiffs the United States of America (“United States”) and the State of West Virginia, by and through the West Virginia Department of Environmental Protection (“the State”), hereby notify the Court that they are lodging a proposed Consent Decree which, if approved, would resolve all of the claims asserted by Plaintiffs in this litigation.

Plaintiffs respectfully request that the Court withhold consideration of the Consent Decree while the United States provides an opportunity for public comment pursuant to 28 C.F.R. 50.7, and the State provides an opportunity for public comment pursuant to W. Va. Code R. § 47-10-16.2.c. The Department of Justice will publish a notice in the Federal Register stating that the Decree has been lodged with the Court. The notice will solicit public comment for a period of 30 days. In addition, the West Virginia Department of Environmental Protection will publish a notice in a general circulation newspaper pursuant to W. Va. Code R. § 47-10-16.2.c. The notice will solicit comment for a period of 30 days.

During the comment period described above, no action is required of the Court as to the proposed Consent Decree. After the comment period has closed, the United States and the State will evaluate any comments they receive and timely advise the Court as to whether the United States and the State request that the Court enter the proposed Consent Decree.

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA:

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