

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

-----)	
UNITED STATES OF AMERICA,)	
and)	
)	
MICHIGAN DEPARTMENT OF ENVIRONMENT)	
GREAT LAKES, AND ENERGY,)	
)	
Plaintiffs,)	Civil No. 5:21-cv-12098-SDD-EAS
)	
v.)	Judge Stephanie Dawkins Davis
)	
ARBOR HILLS ENERGY LLC,)	
)	
Defendant.)	
-----)	

NOTICE OF LODGING OF CONSENT DECREE PENDING
SOLICITATION OF PUBLIC COMMENT

Plaintiff the United States of America, by and through the authority of the Attorney General of the United States and through the undersigned attorneys and acting at the request of the Administrator of the United States Environmental Protection Agency (“EPA”), with the concurrence of the Michigan Department of Environment, Great Lakes, and Energy, provides notice that the attached, proposed Consent Decree (Exhibit A) is hereby lodged with the Court pending solicitation of public comment by the United States. The proposed Consent Decree would, if entered by the Court, resolve the claims of the United States and the Michigan Department Environment, Great Lakes, and Energy in this case. **As explained below, at this time the United States respectfully requests that the Court not sign the proposed Consent Decree unless and until the United States files a Motion for Entry.**

Before the proposed Consent Decree can be finalized, the United States must satisfy requirements regarding public comment. Paragraph 88 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 U.S. 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 then advise the Court whether the proposed Consent Decree should be entered. Until that time, the United States respectfully requests that the Court not sign the proposed Consent Decree.

Respectfully submitted,

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s/ Katherine A. Abend
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