

Ohio River Natural Resource Damage Restoration

Trustee Council Resolution No. 14

Re: Trustee Approval of Final Completion Report and Closing of the Ohio River Fish Kill
Natural Resource Damage Assessment and Restoration Case

WHEREAS, the Ohio River Trustee Council was established pursuant to the February 2, 2007 Memorandum of Understanding entered into by the U.S. Department of the Interior, Fish and Wildlife Service, the West Virginia Division of Natural Resources, and the Ohio Environmental Protection Agency;

WHEREAS, a settlement filed in the United States District Court, Southern District of Ohio, Eastern Division, captioned United States vs Elkem Metals Company L.P., et al., Case No 2:03-cv-00528-EAS-NMK, dated April 20, 2006, resulted in the payment of Natural Resource Damages to the United States Department of the Interior, the State of West Virginia, and the State of Ohio as NRDA Trustees.

WHEREAS, an Ohio River Restoration Account (#0237) was established in the U.S. Department of the Interior's Natural Resource Damage Assessment and Restoration Fund (NRDAR Fund);

WHEREAS, The Ohio River Trustee Council agrees that all restoration funds have been expended and restoration implementation is complete;

WHEREAS, The Ohio River Trustee Council approves the Final Restoration Completion Report and agrees that the requirements set forth in the Ohio River Fish Kill Consent Decree and Final Restoration Plan have been met and thus the Trustee Council MOU is terminated and the Natural Resource Damage and Restoration case is complete and shall be deemed closed. Documents pertaining to the Ohio River Fish Kill NRDAR case can be found on DARTS:

https://www.cerc.usgs.gov/orda_docs/

NOW THEREFORE BE IT RESOLVED that the Ohio River NRDAR Trustee Council agrees, by unanimous consent, that the conditions and requirements set forth in the Consent Decree and Final Restoration Plan have been met and that the NRDAR case be closed.

Dated this 21st day of December, 2023

U.S. Department of the Interior, U.S. Fish and Wildlife Service

By: Charles W. Traxler, Deputy Regional Director, Midwest Region

Ohio Environmental Protection Agency

By: Mark Johnson, Division of Surface Water

West Virginia Division of Natural Resources

By: Paul Johansen, Chief, Wildlife Resources Section

West Virginia Department of Environmental Protection

By: Jeremy Bandy, Acting Director, Division of Water and Waste Management and
Environmental Enforcement

U.S. Department of the Interior, U.S. Fish and Wildlife Service

By: Patrice Ashfield, Field Supervisor, Columbus Ohio Ecological Services Field Office

Ohio Environmental Protection Agency


By: Mark Johnson, Chief, Division of Surface Water

12/21/2023

West Virginia Division of Natural Resources

By: Paul Johansen, Chief, Wildlife Resources Section

West Virginia Department of Environmental Protection

By: Jeremy Bandy, Acting Director,
Division of Water and Waste Management and Environmental Enforcement

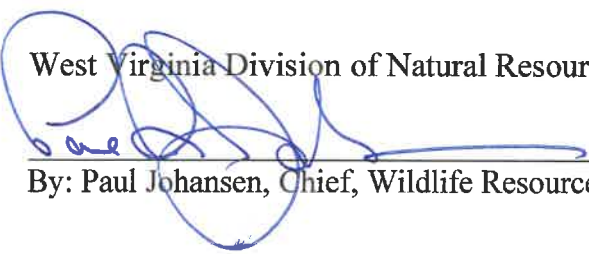
U.S. Department of the Interior, U.S. Fish and Wildlife Service

By: Patrice Ashfield, Field Supervisor, Columbus Ohio Ecological Services Field Office

Ohio Environmental Protection Agency

By: Marianne Piekutowski, Manager, Division of Surface Water, Ecological Assessment Section

West Virginia Division of Natural Resources



By: Paul Johansen, Chief, Wildlife Resources Section

West Virginia Department of Environmental Protection

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