

## DEPARTMENT OF JUSTICE

**Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA")**

Notice is hereby given that a proposed consent decree in *United States v. Aerosystems, et al.*, Civ. No. 89-1780 (D.N.J.), was lodged with the United States District Court for the District of New Jersey on December 10, 2002 ("Consent Decree"). The Consent Decree resolves the liability of all of the defendants, against whom the United States asserted a claim on behalf of the United States Environmental Protection Agency ("EPA") under sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9606 and 9607(a), and the New Jersey Uniform Fraudulent Transfer Act, N.J.S. §§ 25:2-20 *et seq* for injunctive relief and recovery of costs incurred by the United States in connection with the Metaltec/Aerosystems Superfund Site, located in Franklin, New Jersey.

This is an ability to pay settlement based upon expert review of financial documentation provided to the United States by the defendants. This settlement calls for the liquidation of the Superfund Site property, in addition to an up-front cash payment to the United States of \$60,000.00 and an additional \$480,000.00 in installment payments over the next five years. These funds will be deposited into a special account to pay for response activities at the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Aerosystems, et al.*, DOJ Ref. #90-11-3-416.

The proposed Consent Decree may be examined at the office of the United States Attorney for the District of New Jersey, 502 Federal Building, 970 Broad Street (contact Assistant United States Attorney Susan Cassell); and the Region II Office of the Environmental Protection Agency, 290 Broadway, New York, New York 10007-1866 (contact Assistant Regional Counsel, Amelia Wagner). A copy of the proposed Consent Decree may be obtained by mail from the Consent Decree Library, PO

Box 7611, Washington, DC 20044-7611 or by faxing a request to Tonia Fleetwood, fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$10.00 (25 cents per page reproduction costs) for the Consent Decree, payable to the U.S. Treasury.

**Ronald Gluck,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

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**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

**Notice of Lodging of Consent Decree; National Marine Sanctuaries Act**

Notice is hereby given that the United States, on behalf of the United States District Court for the Southern District of Florida, in *United States v. Great Lakes Dredge and Dock Company*, Civil Action No. 97-2510, consolidated with 97-10075, on December 4, 2002. This Consent Decree resolves the claims of the United States against Great Lakes Dredge and Dock Company ("Great Lakes"), pursuant to the National Marine Sanctuaries Act, 16 U.S.C. 1431, *et seq*. The Consent Decree concerns the grounding of a vessel owned by Coastal Marine Towing and the dragging of a dredge pipe for 13 miles through the Florida Keys National Marine Sanctuary west of Marathon, Florida.

The Consent Decree provides that Great Lakes will purchase an annuity from Allstate Life Insurance Company ("Allstate") which will provide for the payment of \$969,000 to the National Oceanic and Atmospheric Administration ("NOAA") over a period of five years from December 16, 2002. The funds will be used by NOAA to repay damage assessment costs, compensatory or loss use values, and for the primary on-site restoration of the grounding site. The Consent Decree further provides that the United States covenants not to bring a civil action or take administrative action against Great Lakes pursuant to the NMSA for violations of the Act alleged in the Amended Complaint.

The Department of Justice will receive, for a period of 30 days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer

to *United States v. Great Lakes Dredge and Dock Company*, DOJ #90-11-3-1636.

The proposed Consent Decree may be examined at the United States Attorney's Office, Southern District of Florida, 99 NE. 4th St., Suite 328, Miami, FL 33132. A copy of the proposed Consent Decree may be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy, please refer to the reference number given above and enclose a check in the amount of \$8.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

**Ellen M. Mahan,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

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**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

**Notice of Lodging of Settlement Agreement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as Amended**

Notice is hereby given that a proposed Settlement Agreement, with respect to a Proof of Claim filed by the United States in *In re Irving Tanning Co.*, Case No. 01-10586 (Bankr. D. Me.), was lodged on December 17, 2002, with the United States Bankruptcy Court for the District of Maine. The proposed Settlement Agreement resolves claims of the United States against Irving Tanning Company ("Irving") at the Peter Cooper Landfill Site located in the Village of Gowanda, New York and at the Peter Cooper (Markhams) Site located in Dayton, New York, under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq*. The Settlement Agreement includes a covenant not to sue by the United States under sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607.

Under the proposed Settlement Agreement, the Proof of Claim filed by the United States on March 15, 2002, will be treated as an allowed unsecured claim in the amount of \$140,000. The Settlement Agreement provides that this allowed claim will be paid in accordance with the treatment of Class 7 claims pursuant to the Plan of Reorganization approved by the Bankruptcy Court on August 13, 2002. The amount of the dividend to be paid with respect to this allowed claim will depend upon the total amount of