

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that on June 16, 2010, a proposed Consent Judgment in *United States v. The Kasper (1977) Irrevocable Trusts, et al.*, No. CV-08-4780, was lodged with the United States District Court for the Eastern District of New York.

The proposed Consent Judgment resolves claims of the United States, on behalf of the Environmental Protection Agency ("EPA"), under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.*, in connection with the American Drive-In Cleaners Superfund Site located in Levittown, New York in Nassau County, New York ("Site"), pursuant to Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9607, ("CERCLA"), against the Kasper (1977) Irrevocable Trusts for the Benefit of Charles B. Kasper and Richard J. Kasper; Sanderina R. Kasper, As Trustee of the Kasper (1977) Irrevocable Trusts for the Benefit of Charles B. Kasper and Richard J. Kasper (collectively, "Kasper Trust Defendants"); Martin Staller, and Parviz Nezami, (collectively referred to herein as "Settling Defendants") and pursuant to Sections 104(e), 106(b), and 107(c)(3) of CERCLA, 42 U.S.C. 9604(e), 9606(b), and 107(c)(3), against the Kasper Trust Defendants. The Consent Judgment requires Settling Defendants to pay to the United States the total sum of \$350,000 in payment for EPA's past response costs in connection with a removal action at the Site and accrued interest.

The proposed Consent Judgment provides that Settling Defendants are entitled to contribution protection as provided by Section 113(f)(2) of CERCLA, 42 U.S.C. 9613(f)(2) for matters addressed by the settlement.

The Department of Justice will receive for a period of 30 days from the date of this publication comments relating to the proposed Consent Judgment. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to pubcomment-ees.enrd@usdoj.gov or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to: *United States v. The Kasper (1977) Irrevocable*

Trusts, et al., No. CV-08-4780 (E.D.N.Y.), D.J. Ref. 90-11-2-08284.

The proposed Consent Judgment may be examined at the Office of the United States Attorney, Eastern District of New York, 271 Cadman Plaza East, 7th Fl., Brooklyn, New York 11201, and at the United States Environmental Protection Agency, Region II, 290 Broadway, New York, New York 10007-1866. During the public comment period, the proposed Consent Judgment may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/ConsentDecrees.html>. A copy of the proposed Consent Judgment may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood (tonia.fleetwood@usdoj.gov), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$5.00 (25 cents per page reproduction cost), payable to the U.S. Treasury.

Maureen Katz,

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

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DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Amendment to Consent Decree Under the Clean Air Act

Notice is hereby given that on June 14, 2010, a proposed Consent Decree, pertaining to *United States v. Silgan Containers LLC*, Civ. No. 2:1-cv-00498, was lodged with the United States District Court for the Eastern District of Wisconsin.

In this action, the United States seeks civil penalties and injunctive relief for alleged violations of the Clean Air Act ("CAA"), 42 U.S.C. 7401 to 7671q, and the requirements adopted as part of applicable State Implementation Plans at sixteen canning facilities that are currently or were formerly owned and/or operated (directly or indirectly) by Silgan Containers LLC ("Silgan"). In several cases, Silgan is the successor to a company that owned a facility at the time of the violations in question. The alleged violations were reported by Silgan following a nationwide audit of its facilities. The facilities involved in this action are located in Tarrant, Alabama; Broadview and Rochelle, Illinois; Hammond, Indiana; Ft. Dodge,

Iowa; Benton Harbor, Michigan; St. Paul, Minnesota; St. Joseph and Mt. Vernon, Missouri; Edison, New Jersey; Lyons, New York; Maxton, North Carolina; Toppenish, Washington (within the Yakama Nation Indian Reservation); and Oconomowoc, Menomonie, and Menomonee Falls, Wisconsin.

The proposed Consent Decree would require Silgan to: (a) Pay a civil penalty of \$365,000; (b) undertake injunctive relief in the form of capital improvements at Oconomowoc, Wisconsin, at a cost of approximately \$1.1 million; (c) obtain a Non-Title V minor source permit at its Toppenish, Washington facility (within the Yakama Nation Indian Reservation); (d) shut down two manufacturing lines at Hoopeston, Illinois; and (e) retire certain emission credits issued by the San Joaquin Valley Air Pollution Control District (resulting in VOC emission reductions of 22.26 tpy). The complaint does not allege any violations at Silgan's Hoopeston Facility; however, to compensate for harm to the environment at Oconomowoc, Silgan will shut down two can lines at Hoopeston, resulting in VOC emission reductions of 2.87 tons per year. Additionally, Silgan's retirement of emission credits issued by the San Joaquin Valley Air Pollution Control District is part of the overall settlement package and does not relate to any reported violations in California or U.S. EPA Region 9.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to pubcomment-ees.enrd@usdoj.gov or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Silgan Containers LLC*, D.J. Ref. 90-5-2-1-08620. The proposed Consent Decree may be examined at the Office of the United States Attorney for the Eastern District of Wisconsin, 530 Federal Courthouse, 517 E. Wisconsin Avenue, Milwaukee, Wisconsin 53202 (contact Asst. U.S. Attorney Susan M. Knepel (414-297-1700)). During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site: <http://www.usdoj.gov/enrd/ConsentDecrees.html>. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or