

Consent Decree in *United States v. Schurkman, et al.*, Civil Action No. 07-915 (KMK) (LMS), was lodged with the United States District Court for the Southern District of New York.

The proposed Consent Decree 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.*, and the Federal Debt Collections Procedures Act ("FDCPA"), 28 U.S.C. 3304 and 3306, in connection with the Shenandoah Road Groundwater Contamination Superfund Site (the "Site"), against Steven A. Schurkman, Esq., in his capacity as Trustee of the Jacob Manne Irrevocable Trust ("Schurkman"), and Joseph S. Manne, in his capacity as the representative of the Estate of Jacob Manne. The complaint filed in this action sought reimbursement of response costs incurred or to be incurred for response actions taken or to be taken at or in connection with the release or threatened release of hazardous substances at the Site, a declaration that the Estate of Jacob Manne is liable for any future response costs incurred by the United States at the Site, and, pursuant to Sections 3304 and 3306 of the FDCPA, an order voiding a transfer of cash and real property from Jacob Manne to the Jacob Manne Irrevocable Trust (the "Trust").

The Consent Decree requires payment to the United States of the appraised value of five parcels of real property in East Fishkill (unrelated to the Site property) (the "Land") that had been in the Estate of Jacob Manne and transferred to the Trust. Specifically, Schurkman will convey the Land held by the Trust to a new corporation, ND-4, LLC. Settling Defendants Dr. Joseph S. Manne (Jacob Manne's son), personally, and as the representative of the Estate of Jacob Manne, and ND-4, LLC, will pay the United States the appraised value of the Land within three years of entry of the Consent Decree, whether the properties are sold within that time frame or not. There are minimal assets in the Estate of Jacob Manne other than the Land.

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 of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto: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. Schurkman, et al.*, Civil Action No. 07-915 (KMK) (LMS), DJ No. 90-11-3-08989.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Southern District of New York, 86 Chambers Street, New York, New York 10007. During the public comment period, the proposed Consent Decree may also be examined on the following Department of Justice Web site, [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the proposed Consent Decree may 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](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy of the proposed Consent Decree, please enclose a check in the amount of \$8.50 (25 cent per page reproduction cost) payable to the U.S. Treasury.

**Maureen Katz,**

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

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Air Act

Under 28 CFR 50.7, notice is hereby given that on May 17, 2010 a Consent Decree in *United States of America and Allegheny County Health Department v. Allegheny Ludlum Corporation*, Civil Action No. 10-0673 was lodged with the United States District Court for the Western District of Pennsylvania.

In a complaint that was filed simultaneously with the Consent Decree, the United States and the Allegheny County Health Department ("AChD") sought injunctive relief and penalties against Allegheny Ludlum Corporation ("ALC") pursuant to Section 113(b) of the Clean Air Act, 42 U.S.C. 7413(b), for alleged Clean Air Act violations and violations of the Pennsylvania State Implementation Plan at a steel manufacturing facility in Natrona, Pennsylvania owned by ALC.

*Under the terms of the settlement, the settling defendant will:* (1) Cease operation of the Natrona steel manufacturing facility not later than November 30, 2010; (2) pay a \$1.6 million civil penalty for settlement of

the claims in the complaint; and (3) apply interim measures to control visible air emissions, until the Natrona facility finally ceases operation.

The Department of Justice will receive comments relating to the Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, or submitted via e-mail to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov), and should refer to *United States and the Allegheny County Health Department v. Allegheny Ludlum Corporation*, D.J. Ref. No. 90-5-2-1-09378/1.

The Consent Decree may be examined at the Offices of the U.S. Environmental Protection Agency, Region 3, 1650 Arch Street, Philadelphia, Pennsylvania 19103. 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/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.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 by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax number (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 \$7.50 (25 cents per page reproduction cost) payable to the U.S. Treasury.

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Resource Conservation and Recovery Act

Notice is hereby given that on May 19, 2010, a proposed Consent Decree between the United States of America and Rineco Chemical Industries, Inc. ("Rineco") was lodged with the United States District Court for the Eastern District of Arkansas in the case of *United States v. Rineco Chemical Industries, Inc.*, Civil Action No. 4-07-CV-01189SWW.

In December 2007, the United States filed a complaint seeking injunctive relief and civil penalties resulting from