

for Secondary Aluminum Production, codified at 40 CFR part 63, subparts A and RRR; and related provisions of state and local law at 15 of its secondary aluminum production facilities. Specifically, the Amended Complaint alleges that Aleris failed to demonstrate compliance with emission standards through valid performance testing, to design and install adequate capture and collection systems, to correctly establish and monitor operating parameters, and to comply with recordkeeping and reporting requirements.

The Consent Decree would require Aleris to improve its capture of emissions at each emission unit, retest every emission unit using model test protocols, adopt new monitoring practices, use model recordkeeping and reporting documents, and install an additional control device and monitoring equipment at particular facilities. The Consent Decree would also provide for a \$4.6 million civil penalty, to be allowed as a prepetition general unsecured claim in Aleris's pending bankruptcy proceeding in the United States Bankruptcy Court for the District of Delaware.

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](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 et al. v. Aleris International, Inc. et al.*, D.J. Ref. No. 90-5-2-1-08603.

The Consent Decree may be examined at the Office of the United States Attorney, Northern District of Ohio, 801 W. Superior Avenue, Suite 400, Cleveland, OH 44113, and at the United States Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. 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 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 \$95.50 for a copy of

the complete Consent Decree (25 cents per page reproduction cost), or \$21.00 for a copy without appendices, payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

**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 Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that on August 4, 2009, a proposed Consent Decree in *United States of America et al. v. AK Steel Corporation, et al.*, Civil Action No. 97-1863 was lodged with the United States District Court for the Western District of Pennsylvania.

The Consent Decree is identical to one lodged on June 1, 2009, in the same matter ("original decree"), except that it eliminates one settling party, General Motors Corporation, due to its pending bankruptcy. The Consent Decree resolves the United States' claims against 35 parties at the Breslube Penn Superfund Site, located in Coraopolis, Moon Township, Pennsylvania. Those claims were brought under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9607. The Settling Defendants consist of two groups, eight Performing Defendants and 27 Non-Performing Defendants. The Commonwealth of Pennsylvania has signed the Consent Decree and has filed a separate complaint.

The Consent Decree requires that Performing Defendants fund and perform the remedy selected in EPA's August 2007 Record of Decision. The estimated cost of the remedy is \$8,070,000, and may increase to \$12,610,000 if EPA decides two contingent remedies are necessary. The settlement also recovers past costs of the United States (\$3,037,491.61), past costs of the Commonwealth (\$41,356.04), and includes an agreement to pay all future response costs.

The Department of Justice published notice of the original decree in the **Federal Register** on June 8, 2009, 74 FR 27181, and the public was invited to submit comments for the thirty day period ending July 8, 2009. No comments were received. The

Department of Justice will receive for an additional period of fifteen (15) days from the date of this publication comments relating to the elimination of General Motors Corporation from the settlement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, 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 of America et al. v. AK Steel Corporation, et al.*, Civil Action No. 97-1863 (W.D. PA), D.J. Ref. 90-11-3-1762.

The Decree may be examined at U.S. EPA Region 3, 1650 Arch Street, Philadelphia, PA 19103. During the public comment period, the 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 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 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 \$23.25 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Amendment to Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act, Clean Water Act, and the Pennsylvania Hazardous Sites Cleanup Act

Notice is hereby given that on August 3, 2009, a proposed Amendment to Consent Decree ("Amendment"), pertaining to *United States v. Horsehead Industries Inc.*, 3:CV-98-0654, was lodged with the United States District Court for the Middle District of Pennsylvania. The proposed Amendment amends the consent decree entered by the Court on November 21, 2003 ("2003 Decree"), which addressed