

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT



SDMS DocID 252353

UNITED STATES OF AMERICA
and STATE OF CONNECTICUT

Plaintiffs,

v.

COMMERCIAL AUTO BODY, *et al.*,

Defendants.

3:99-CV-0470 (JCH)

3:99-CV-0472 (JCH)

May 14, 1999

UNOPPOSED MOTION TO ENTER CONSENT DECREE

Plaintiffs, the United States of America and the State of Connecticut, respectfully move this Court to approve, sign and enter as a final judgment the Consent Decree which was lodged with this Court on March 16, 1999 (the "Consent Decree"). The Consent Decree resolves the United States' and the State's claims for past response costs against the defendants regarding the Old Southington Landfill Superfund Site located in Southington, Connecticut. Pursuant to 42 U.S.C. § 9622(d) and 28 C.F.R. § 50.7, notice of the Consent Decree was published in the Federal Register on April 6, 1999. 64 *Fed. Reg.* 16751. The comment period has ended and neither the United States nor the State have received any comments regarding the settlement. All of the defendants in this case have agreed to the entry of the Consent Decree.

The Consent Decree is fair, reasonable, consistent with the statutory scheme of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601 *et. seq.*, and in the public interest. Accordingly, the plaintiffs respectfully request that this Court sign page 16 of the Consent Decree and enter it as a final judgment.

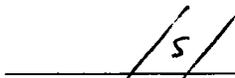
ON BEHALF OF THE UNITED STATES:

LOIS J. SCHIFFER
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice



MARK A. GALLAGHER, CT10592
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
Washington, D.C. 20044-7611
(202) 514-5405

STEPHEN C. ROBINSON
United States Attorney for
the District of Connecticut



SHARON E. JAFFE, CT04623
Assistant United States Attorney
915 Lafayette Blvd., Rm. 309
Bridgeport, Connecticut 06604
(203) 773-2108

OF COUNSEL:

RUTHANN SHERMAN
Senior Enforcement Counsel
U.S. Environmental Protection Agency
Region I - New England, SES
1 Congress Street, Suite 1100 (SES)
Boston, MA 02114-2023

ON BEHALF OF THE STATE OF CONNECTICUT:

RICHARD BLUMENTHAL
Attorney General

A handwritten signature in black ink, appearing to be 'JL' or similar initials, written over a horizontal line.

JOHN LOONEY, CT08279
Assistant Attorney General
55 Elm Street
Hartford, Connecticut 06106

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 13, 1999 he has caused the foregoing document to be served upon the following via First Class mail.

Ms. Lauren Alterman Saint-Gobain Corp. 750 East Swedesford Rd. P.O. Box 860 Valley Forge, PA 19482	Ph: 610-341-7838 Fax: 610-341-7087 email:	Norton Company Farrington-Texol
Peter R. Buchler MQS Inspection, Inc. 5858 Westheimer, Suite 625 Houston, TX 77057	Ph: 713-735-6915 Fax: 713-735-6901 email:	MQS Inspection, Inc. Magnaflux Quality Service
James Aldi Commercial Auto Body 164 Beecher Street Southington, CT 06489	Ph: 860-628-7080 Fax: 860-276-8204 email:	Commercial Auto Body
John McNiff / Thomas Regan Pearl, McNiff, Cream, Cook & Sheehan 30 Main St. Peabody, MA 01960	Ph: 978-531-1710 Fax: 978-531-4895 email:	Rex Finishing, Inc.
Nicholas Harding Kosloff & Harding 28 No. Main W. Hartford, CT 06107	Ph: 860-521-7004 Fax: 860-521-3352 email:	Forestville Industrial Plating Company
Rod W. Farrell, Esq. Sorokin Sorokin Gross & Hyde One Corporate Center Hartford, CT 06103-3291	Ph: 860-541-3308 Fax: 860-525-9099 email: sorokin@micro-net.com	Union Manufacturing Company
RuthAnn Sherman Office of Environmental Stewardship U.S. EPA Region I 1 Congress St., Suite 1100 (SES) Boston, MA 02114	Ph: 617-918-1886 Fax: 617-918-1809 email:	EPA
Almerinda Silva Ofc. Site Remediation/Restoration U.S. EPA Region I 1 Congress St., Suite 1100 (HBT) Boston, MA 02114-2023	Ph: 617-918-1353 Fax: 617-918-1809 email:	EPA
Anton Giedt NOAA 1 Blackburn Dr., Suite 205 Gloucester, MA 01930	Ph: 508-281-9289 Fax: 508-281-9389 email:	NOAA

Jack Looney, Esq.
Assistant Attorney General
Office of the Attorney General
55 Elm Street
Hartford, CT 06103

Ph: 860-808-5250
Fax: 860-808-5386
email:

State of Connecticut

Santo Longo, Esq.
LeBoeuf, Lamb, Greene
& MacRae
225 Asylum Street
Hartford, CT 06103

Ph: 860-293-3541
Fax: 860-293-3555
email: clear@llgm.com

Town of Southington

David Platt, Esq.
Murtha, Cullina, Richter & Pinney
City Place I
185 Asylum Street
Hartford, CT 06103

Ph: 860-240-6062
Fax: 860-240-6150
email: dplatt@mcrp.com

United Technologies Corp.


Mark Gallagher



U.S. DEPARTMENT OF JUSTICE

Environment and Natural Resources Division
Environmental Enforcement Section
Washington, D.C. 20044-7611

90-11-2-420A/2

May 13, 1999

All persons on attached service list

Re: *U.S. and State of Connecticut v. Commercial Auto Body, et al.*
(Old Southington Landfill "Cashout" Consent Decree)

Dear Sirs and Mesdames:

I will be filing a motion to enter in the above referenced case tomorrow. Enclosed is a copy. I anticipate that the court will approve and enter the consent decree within the next few weeks. I will send you a copy of the approved consent decree once it has been entered.

Payment will be due 30 days after the Court's approval of the decree. The payment will include an amount for interest accrued from July 31, 1998 until the date of payment. I will send you, as soon as possible after entry, a separate letter setting forth the exact amount that is due, and including instructions for making payment.

Please feel free to call me (202-514-5405) if you have any questions.

Very truly yours,



Mark A. Gallagher

Encl.

**SERVICE LIST - CASHOUT SETTLEMENT
OLD SOUTHTON LANDFILL SUPERFUND SITE**

Ms. Lauren Alterman
Saint-Gobain Corp.
750 East Swedesford Rd.
P.O. Box 860
Valley Forge, PA 19482

Ph: 610-341-7838
Fax: 610-341-7087
email:

Norton Company
Farrington-Texol

Peter R. Buchler
MQS Inspection, Inc.
5858 Westheimer, Suite 625
Houston, TX 77057

Ph: 713-735-6915
Fax: 713-735-6901
email:

MQS Inspection, Inc.
Magnaflux Quality Service

James Aldi
Commercial Auto Body
164 Beecher Street
Southington, CT 06489

Ph: 860-628-7080
Fax: 860-276-8204
email:

Commercial Auto Body

John McNiff / Thomas Regan
Pearl, McNiff, Cream, Cook
& Sheehan
30 Main St.
Peabody, MA 01960

Ph: 978-531-1710
Fax: 978-531-4895
email:

Rex Finishing, Inc.

Nicholas Harding
Kosloff & Harding
28 No. Main
W. Hartford, CT 06107

Ph: 860-521-7004
Fax: 860-521-3352
email:

Forestville Industrial Plating
Company

Rod W. Farrell, Esq.
Sorokin Sorokin Gross & Hyde
One Corporate Center
Hartford, CT 06103-3291

Ph: 860-541-3308
Fax: 860-525-9099
email: sorokin@micro-net.com

Union Manufacturing
Company

RuthAnn Sherman
Office of Environmental Stewardship
U.S. EPA Region I
1 Congress St., Suite 1100 (SES)
Boston, MA 02114

Ph: 617-918-1886
Fax: 617-918-1809
email:

EPA

Almerinda Silva
Ofc. Site Remediation/Restoration
U.S. EPA Region I
1 Congress St., Suite 1100 (HBT)
Boston, MA 02114-2023

Ph: 617-918-1353
Fax: 617-918-1809
email:

EPA

Anton Giedt
NOAA
1 Blackburn Dr., Suite 205
Gloucester, MA 01930

Ph: 508-281-9289
Fax: 508-281-9389
email:

NOAA

Jack Looney, Esq.
Assistant Attorney General
Office of the Attorney General
55 Elm Street
Hartford, CT 06103

Ph: 860-808-5250
Fax: 860-808-5386
email:

State of Connecticut

Santo Longo, Esq.
LeBoeuf, Lamb, Greene
& MacRae
225 Asylum Street
Hartford, CT 06103

Ph: 860-293-3541
Fax: 860-293-3555
email: clear@llgm.com

Town of Southington

David Platt, Esq.
Murtha, Cullina, Richter & Pinney
City Place I
185 Asylum Street
Hartford, CT 06103

Ph: 860-240-6062
Fax: 860-240-6150
email: dplatt@mcrp.com

United Technologies Corp.