

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
STATE OF NEW YORK and ST. REGIS
MOHAWK TRIBE,

Plaintiffs,

vs.

ALCOA INC. and REYNOLDS METALS
CO.,

Defendants.

)
) CIVIL ACTION NO.
) 7:13-cv-00337-NAM-TWD
)

) **RETURN DATE:**
) **WEDNESDAY, JULY 17, 2013,**
) **at 10:00 am**
)

NOTICE OF UNOPPOSED MOTION OF PLAINTIFFS TO ENTER CONSENT DECREE

On March 27, 2013, the United States lodged with this Court a proposed Consent Decree between the United States, on behalf of the United States Department of Commerce, acting through the National Oceanic and Atmospheric Administration (“NOAA”), and the United States Department of the Interior, the State of New York, and the St. Regis Mohawk Tribe (“Plaintiffs”) and Defendants, Alcoa Inc. and Reynolds Metals Co. The Consent Decree would resolve the Plaintiffs’ claims for natural resource damages under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (“CERCLA”), 42 U.S.C. § 9601 et seq., against the Defendants concerning Defendants’ facilities located near the Town of Massena, St. Lawrence County, New York (Docket Nos. 2-2 through 2-13, Consent Decree with Appendices).

Notice of the Consent Decree was published in the Federal Register on April 10, 2013. *See* 78 Fed. Reg. 21418. The thirty-day public comment period has ended, and the United States received no comments regarding the settlement.

Appendix A of the Consent Decree is the November 2012 Restoration and Compensation Determination Plan and Environmental Assessment (“RCDP”) (Docket No. 2-3). On April 4, 2013, NOAA published in the federal register notice of the availability of the RCDP. *See* 78 Fed. Reg. 20298. During the RCDP thirty-day public comment period, two public meetings were held.

Enclosed with this Notice of Unopposed Motion to Enter the Consent Decree is the Final Revised May 2013 RCDP. The May 2013 RCDP replaces the November 2012 RCDP as Appendix A of the Consent Decree.

For the reasons set forth in the accompanying Memorandum in Support of this Motion, the Plaintiffs have determined that the Consent Decree is fair, reasonable, and consistent with the statutory scheme of CERCLA. Accordingly, the Plaintiffs respectfully requests that this Court sign and enter the Consent Decree as a final judgment. The Defendants consent to the entry of the Consent Decree (Docket No. 2-2, Consent Decree ¶¶ 77, 79).

Respectfully submitted,

Date: June 10, 2013

FOR THE UNITED STATES

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