



6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 9830-3]

Proposed CERCLA Administrative Settlement Agreement and Order on Consent for the Mercury Refining Superfund Site, Towns of Guilderland and Colonie, Albany County, New York

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given by the U.S. Environmental Protection Agency ("EPA"), Region 2, of a proposed *de minimis* administrative settlement agreement and order on consent pursuant to Section 122(g)(4) of CERCLA, 42 U.S.C. 9622(g)(4). The settlement agreement includes settlement of penalties under Section 104(e)(5) of CERCLA, 42 U.S.C. 9604(e)(5) under the authority of the Attorney General of the United States to compromise and settle claims of the United States. The settlement is between EPA and Titan Wheel Corporation of Illinois (hereafter "Titan") pertaining to the Mercury Refining Superfund Site ("Site") located in the Towns of Guilderland and Colonie, Albany County, New York. The settlement requires Titan to pay \$23,000 to the EPA Hazardous Substance Superfund. The settlement amount covers Titan's fair share of cleanup costs incurred and anticipated to

be incurred in the future, plus a "premium" that accounts for, among other things, uncertainties associated with the costs of that future work at the Site plus a penalty for Titan's failure to comply with an information request letter sent pursuant to Section 104(e) of CERCLA, 42 U.S.C. 9604(e). The settlement includes a covenant not to sue pursuant to Sections 106, 107 and 104(e)(5) of CERCLA, 42 U.S.C. 9606, 9607, and 9604(e)(5) relating to the Site, subject to limited reservations, and protection from contribution actions or claims as provided by Sections 113(f)(2) and 122(g)(5) of CERCLA, 42 U.S.C. 9613(f)(2) and 9622(g)(5). For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the settlement. EPA will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations that indicate that the proposed settlement is inappropriate, improper, or inadequate. EPA's response to any comments received will be available for public inspection at EPA Region II, 290 Broadway, New York, New York 10007-1866.

DATES: Comments must be submitted on or before [thirty days from the date of the publication of this notice].

ADDRESSES: The proposed settlement is available for public inspection at EPA Region 2 offices at 290 Broadway, New York, New York 10007-1866. Comments should be sent to the individual identified below and should reference the Mercury Refining Superfund Site, Index No. CERCLA-02-2013-2012. To request a copy of the proposed settlement agreement, please contact the individual identified below.

FOR FURTHER INFORMATION CONTACT: Sharon E. Kivowitz, Assistant Regional Counsel, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 17th Floor, 290 Broadway, New York, New York 10007-1866. Telephone: 212-637-3183. E-Mail: kivowitz.sharon@epa.gov.

Dated: June 6, 2013

Nicoletta DiForte, Acting Director
Emergency and Remedial Response Division
EPA, Region 2

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