

LEV L. DASSIN
Acting United States Attorney for the
Southern District of New York
By: PIERRE G. ARMAND
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
UNITED STATES OF AMERICA :
 :
Plaintiff, :
 :
v. :
 :
CITY OF NEWBURGH, CITY OF :
POUGHKEEPSIE, CONNELL LIMITED :
PARTNERSHIP, INTERNATIONAL :
BUSINESS MACHINES CORP., NORTHROP :
GRUMMAN SHIP SYSTEMS, INC., :
 :
Defendants. :
----- X

No. 08 Civ. 7378 (SCR)

**FIRST MODIFICATION TO
CONSENT DECREE**

WHEREAS, on February 3, 2009, this Court entered the Consent Decree in the above-captioned case;

WHEREAS, the Consent Decree provides at paragraph 50.b. that Settling Defendants may seek to add additional parties to the Consent Decree as "Other Settling Parties" (as that term is defined in the Consent Decree) by submitting a request to the United States, along with a statement of the proceeds that such parties have agreed to pay in settlement, as well as relevant evidence that such persons are liable under Section 107 of CERCLA, 42 U.S.C. § 9607;

WHEREAS, Settling Defendants have requested that 58 parties be added as

Other Settling Parties to the Consent Decree (see Appendix E of the Consent Decree);

WHEREAS, the proposed additional Other Settling Parties have agreed to pay \$426,220 to the United States, which will be paid by the Settling Defendants on behalf of the Other Settling Parties, within ten days after the Court's approval and entry of this modification;

WHEREAS, the proposed additional Other Settling Parties have executed signature pages to the Consent Decree to evidence their agreement to be added to the Consent Decree;

WHEREAS, the Consent Decree provides at paragraph 57.b. that Settling Defendants agree that the Consent Decree may be modified to add additional Other Settling Parties and that Michael Zarin of Zarin & Steinmetz is designated to sign modifications on behalf of all Settling Defendants; and

WHEREAS, the United States and the Settling Defendants agree that the following modification to the Consent Decree constitutes a modification pursuant to paragraph 57.b;

NOW, THEREFORE, the Consent Decree is hereby modified as follows:

1. Paragraph 5 of the Consent Decree is modified by adding the following subparagraph:
 - 5.d. Within ten days of the entry of this First Modification to Consent Decree by this Court, Settling Defendants shall pay to EPA \$426,220.00.
2. Paragraph 8 of the Consent Decree is deleted and replaced with the following:

The total amount to be paid by Settling Defendants to the United States pursuant to Paragraph 5, \$12,488,220, shall be deposited into the Consolidated Iron and Metal Superfund Site Special Account within the EPA Hazardous Substances Superfund to be retained and used to conduct or finance response actions at or in connection with the Site, or to be transferred by EPA to the EPA Hazardous Substance Superfund.

3. Paragraph 56 of the Consent Decree is modified to add Appendix E, which contains the list of Other Settling Parties added by this First Modification to Consent Decree.

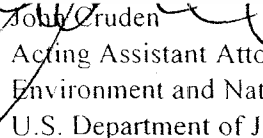
SO ORDERED THIS _____ DAY OF _____, 2009.

HON. STEPHEN C. ROBINSON
United States District Judge

THE UNDERSIGNED PARTY enters into this First Modification to Consent Decree in the matter of United States v. City of Newburgh, et al., relating to the Consolidated Iron and Metal Superfund Site.

FOR THE UNITED STATES OF AMERICA

Date


John Cruden
Acting Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
Washington, D.C. 20530


Lev L. Dassin
Acting United States Attorney for the
Southern District of New York

Date

By:

Pierre G. Armand
Assistant United States Attorney
Southern District of New York
U.S. Department of Justice
86 Chambers St., 3rd Floor
New York, NY 10007
Tel No. 212-637-2724
FAX No. 212-637-2730

6/25/09
Date


Walter E. Mugdan, Director
Emergency and Remedial Response Division
U.S. Environmental Protection Agency,
Region 2
290 Broadway, 19th Floor
New York, New York 10007-1866

THE UNDERSIGNED PARTY enters into this First Modification to Consent Decree in the matter of United States v. City of Newburgh, et al., relating to the Consolidated Iron and Metal Superfund Site.

FOR SETTLING DEFENDANTS

Date: 6/25/09

By: Michael Zarin
Zarin & Steinmetz
Attorneys at Law
81 Main Street, Suite 415
White Plains, NY 10601

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
ACTION METAL CO., INC.

Date: 12/19/08 By: [Signature]

Name: Scott Sherman

Title: President

Address: 602 Willow Ground
Stony Point NY 10980

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Carol A. Gross, Esq.
Law Office of Carol A. Gross
79 Davenport St.
Somerville, NJ 08876

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
ALL RECYCLING, INC.

Date: 12/16/08

By: _____

Name: MICHAEL J. MAERS

Title: PRESIDENT

Address: 279 SOUTH WILLIAM ST,
NEWBURGH, N.Y, 12550

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Carol A. Gross, Esq.
Law Office of Carol A. Gross
79 Davenport St.
Somerville, NJ 08876

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
BEACON LOOMS, INC.

Date: 12/16/08

Name: SEYMOUR SADINOFF

Title: CEO

Address: BEACON LOOMS,

411 ALFRED AVE., TEANECK NJ 07666

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Jeffrey M. Casaletto, Esq.
Norris McLaughlin & Marcus
P.O. Box 5933
Bridgewater, NJ 08807-5933

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
BEACON TERMINAL CORP.

Date: 5 Jan. 2009

Name: WILLIAM S. EARLICH

Title: PRES.

Address: 18 E. 22nd St.

N.Y. N.Y. 10010

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Robert L. Osar, Esq.
Cuddy & Feder LLP
445 Hamilton Ave.
Fourteenth Floor
White Plains, NY 10601

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
BEN CICCONE, INC.

Date: 10/31/68

Name: Lenore Ciccone

Title: Secretary/Treasurer

Address: Ben Ciccone, Inc.
151 Daily Road
Poughkeepsie, NY 12603

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Lenore Ciccone
Ben Ciccone, Inc.
151 Daily Road
Poughkeepsie, NY 12603

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
BILL GALATI POOLS, INC.

Date: 12/2/08

Name: GREGG GALATI

Title: PRESIDENT

Address: 206 SOUTH Plank rd
Newburgh, NY 12550

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Gregg Galati
Bill Galati Pools, Inc.
206 S. Plank Rd.
Newburgh, NY 12550-2571

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
BUCKINGHAM AUTO

Date: Dec 27, 2008

Name: HELEN C. DAWES

Title: PRESIDENT

Address: 15 BUCKINGHAM AVE

POUGHKEEPSIE, NY 12601

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Bernard Kessler, Esq.
21 Newington Drive
Hyde Park, NY 12538

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
CAMBEX CORPORATION

Date: 1/29/09

Name: Gregory P. Sarger

Title: VP and CFO

Address: _____

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

F. Michael Zachara, Esq.
Assistant General Counsel
Cambrex Corporation
One Meadowlands Plaza
East Rutherford, NJ 07073

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
CARPENTER & SMITH, INC.

Date: Nov 21, 2008

Name: HERBERT C. SCHNEIDER
Title: PRESIDENT
Address: P.O. Box 686
MONROE, NY 10950

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

HERBERT C. SCHNEIDER, PRES
CARPENTER & SMITH, INC.
P.O. Box 686
MONROE, NY 10950

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTIES
CBS CORPORATION

Date: 2/25/09

Name: Eric J. Sobczak

Title: Vice President, Associate General
Counsel

Address: 20 Stanwix Street
Pittsburgh, PA 15222

Agent Authorized to Accept Service on Behalf of Above-Signed Parties:

Eric J. Sobczak
Vice President, Associate General Counsel
20 Stanwix Street
Pittsburgh, PA 15222

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
CENTRAL HUDSON GAS & ELECTRIC
CORP.

Date: 12/17/03

Name: Paul E. Haering

Title: Vice President Engineering & Environmental Services

Address: 284 South Ave

Paughkeepsie N.Y. 12661

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Nathan C. Hunt, Esq.
Thompson Hine LLP
2000 Courthouse Plaza, N.E.
10 W. Second St.
Dayton, OH 45402

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
CORNWALL COAL & SUPPLY CO.,
INC.

Date: Dec 1, 2008

Name: Stephen R. Kohn

Title: President

Address: Box 520, Station Rd
Cornwall, NY 12518

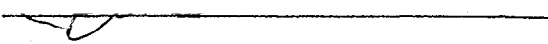
Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Peter R. Kohn, Esq.
22 Ardmore Road
Suite 100
Kensington, CA 94707-1309

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
DJ HEATING & AIR CONDITIONING,
INC.

Date: 11-20-2008


Name: Stephen Cortis

Title: Vice President

Address: 1409 Route 9W - PO Box 700
Marlboro NY 12542

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Richard J. Drake, Esq.
Drake, Loeb, Heller, Kennedy, Gogerty, Gaba & Rodd, PLLC
555 Hudson Valley Ave., Suite 100
New Windsor, NY 12553

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
DUTCHESS QUARRY & SUPPLY
COMPANY, INC.

Date: 1/6/09

Name: JOSEPH A. LIAGORIA, TREAS

Title: TREAS

Address: Box 651, 49 ARBORIO RD

PLEASANT VALLEY, NY 12569

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

John F. Lyons, Esq.
Grant & Lyons, LLP
149 Wurtemberg Road
Rhinebeck, NY 12572

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
EL PASO CORPORATION

Date: April 6, 2009

Name: John H. Anderson

SJM

Title: Vice President

Address: 1001 Louisiana St.

Houston, TX 77002

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Scott J. Miller, Esq.
Senior Counsel
El Paso Corporation
1001 Louisiana St.
Houston, TX 77002

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
FISHKILL TIRE CO., INC.

Date: January 9, 2009

Name: William P. Ross

Title: President

Address: 1103 Main St.

Fishkill, NY 12524

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

George A. Rodenhausen, Esq.

Rapport, Meyers, Whitbeck, Shaw + Rodenhausen, LLP

35 Main St., Suite 541

Poughkeepsie, NY 12601

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
GEORGIA-PACIFIC LLC

Date: 1/28/09

11

Name: Tye G. Dwyer

Title: Senior VP / General Counsel

Address: 133 Peachtree Street
Atlanta, GA 30303

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Scott D. Matchett, Esq.
Senior Counsel
Georgia-Pacific LLC
133 Peachtree St., N.E.
Atlanta, GA 30303-1808

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
GERDAU AMERISTEEL US INC.

Date: 12/16/08

Name: Robert E. Lewis

Title: Vice President, General Counsel

Address: P.O. Box 31328

Tampa, FL 33631-2251

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Jeffrey B. Gracer, Esq.
Sive, Paget & Riesel, P.C.
460 Park Ave.
New York, NY 10022

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
THE GOODYEAR TIRE & RUBBER
COMPANY

Date: December 12, 2008

Name: D. E. Stanley

Title: Vice President

ATTEST: _____
Assistant Secretary

Address: 1144 East Market St.
Akron, OH 44316

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Steven Bordenkircher, Esq.
The Goodyear Tire & Rubber Company
1144 East Market St.
Akron, OH 44316

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
HESS CORPORATION

Date: 11/21/08

Name: Darius Sweet

Title: Vice President, Terminals & Refining

Hess Corporation
Address: One Hess Plaza

Woodbridge, NJ 07095

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Scott Clearwater
Associate General Counsel
Hess Corporation
1185 Avenue of the Americas
New York, NY 10036

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
HOBSON RADIO & T.V., INC.

Date: 1/7/09

Name: JAMES HOBSON

Title: VICE - PRESIDENT

Address: P.O. BOX 814
6282 ROUTE 9
RHINEBECK, N.Y. 12572

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

John F. Lyons, Esq.
Grant & Lyons, LLP
149 Wurtemberg Road
Rhinebeck, NY 12572

December 23, 2008

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
HP HOOD LLC

Date: 12/12/08

Name: Jeffrey J. Kanab

Title: Vice President

Address: Six Kimball Lane

Lynnfield, MA 01940

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Paul C. Nightingale
Senior Vice President and General Counsel
HP Hood LLC
Six Kimball Lane
Lynnfield, MA 01940

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
ILLINOIS TOOL WORKS INC.

Date: 12/22/08

Name: Philip S. Dallosto

Title: Deputy General Counsel &

Assistant Secretary
Address: 3600 West Lake Ave.

Glenview, IL 60026

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
INTERNATIONAL PAPER COMPANY

Date: December 19, 2008

Name: Steven J. Ginski

Title: Senior Counsel - Environment, Health & Safety and Sustainability

Address:

6400 Poplar Avenue
Memphis, TN 38197

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Steven J. Ginski, Esq.
Chief Counsel
International Paper Co.
6400 Poplar Ave.
Memphis, TN 38197

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
J&J LOG & LUMBER CORP.

Date: 11/25/08

Name: Randolph L Williams

Title: President

Address: P.O. Box 1139

Dover Plains NY 12522

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
KETCHAM MOTORS, INC.

Date: 11/23/08

Name: Donald R VanKoslin

Title: Pres

Address: 1148 Main Street

Fishkill NY 12524

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Marshall L. Brenner, Esq.
Brenner, Gordon & Lane
219 Church St.
Poughkeepsie, NY 12601

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTIES
KEVIN REICHARD
KEVIN REICHARD WELDING, INC.
AND RIVERVIEW INDUSTRIES, INC.

Date: 3/24/09

Name: Kevin Reichard

Title:

Individually and as the
Authorized Signatory of
Kevin Reichard Welding, Inc. and
Riverview Industries, Inc.

Address:

3006 Route 9
Cold Spring, NY 10516

Agent Authorized to Accept Service on Behalf of Above-Signed Parties:

Kevin G. Ryan, Esq.
10 Circle Ave.
Larchmont, NY 10538

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
KINGSTON EQUIPMENT RENTAL, INC.

Date: 2/29/09

Name: Rudic Baker

Title: President

Address: 78 Stone Road

West Hurley NY

12491

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Dave Engel, Esq.
Nolan & Heller, LLP
39 N. Pearl St.
Albany, NY 12207

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
KNOPF AUTOMOTIVE L.L.C.

Date: 2-24-09.

 A

Name

Title: CEO

Address: 93 Shrewsbury Ave
Red Bank NJ 07701

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

David A. Roth, Esq.
Greenbaum, Rowe, Smith & Davis LLP
Metro Corporate Campus One
P.O. Box 5600
Woodbridge, NJ 07095-0988

THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTIES
MANHEIM SERVICES CORPORATION

Date: 12/29/08

MANHEIM SERVICES CORPORATION

Name:

Title: Chief of Staff

Address: 6205 Peachtree Dunwoody Rd.
Atlanta, GA 30328

Agent Authorized to Accept Service on Behalf of Above-Signed Parties:

Randy R. Smith, Esq.
DowLohnes PLLC
Six Concourse Parkway
Suite 1800
Atlanta, GA 30328-6117

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
MEINEKE CAR CARE CENTERS, INC.

Date: 2-11-09

Name: Ted P. Pearce

Title: Vice President and General Counsel

Address: 128 S. Tryon St. Ste 900

Charlotte NC 28202

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Ted P. Pearce, Esq.
Vice President and General Counsel
Meineke Car Care Centers, Inc.
First Citizens Bank Plaza
128 S. Tryon St.
Suite 900
Charlotte, NC 28202

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
METCALF & EDDY AECOM

Date: 5/14/09

Name: DENNIS J. MORRISON

Title: V.P.

Address: 701 EDGEWATER DR
WAKEFIELD, MA 01880

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Jon Mahoney
Metcalf & Eddy AECOM
701 Edgewater Dr.
Wakefield, MA 01880

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
MONROE-WOODBURY CENTRAL
SCHOOL DISTRICT

Date: 2/25/09

Name: _____

Title: Board President MWCS D

Address: _____

**MONROE-WOODBURY C.S.D.
EDUCATION CTR. - RT. 32
CENTRAL VALLEY, N.Y. 10917**

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Daniel Petigrow, Esq.
Neelanjan Choudhury, Esq.
Donoghue, Thomas, Auslander & Drohan, LLP
2517 Route 52
Hopewell Junction, NY 12533

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
MOUNT SAINT MARY COLLEGE

Date: 1-20-2009

Name: RICHARD S. MORGAN

Title: V.P. for Finance

Address: 330 Powell Ave.

Newburgh NY 12550

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
NCR CORPORATION

Date: Dec. 2, 2008

Name: Edward Gallagher

Title: Law Vice President

Address: 1700 S. Patterson Blvd.

Dayton OH 45479

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

John Hartje, Esq.
NCR Corporation
1700 S. Patterson Blvd.
Dayton, OH 45479

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTIES

~~NEWBURGH PARK~~ MOTORS, INC.

Date: 12-4-08

Name: Ronald K Barton

Title: mgr / pres

Address:

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Richard J. Drake, Esq.
Drake, Loeb, Heller, Kennedy, Gogerty, Gaba & Rodd, PLLC
555 Hudson Valley Ave.
Suite 100
New Windsor, NY 12553

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
NEW YORK STATE BRIDGE
AUTHORITY

Name: Carl G. Whitbeck, Jr.

Title: General Counsel

Address: 436 Union Street

Hudson, NY 12534

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Carl G. Whitbeck, Jr., Esq.
Rapport, Meyers, Whitbeck, Shaw & Rodenhausen, LLP
436 Union Street
Hudson, NY 12534

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
NEW WINDSOR COLLISION CENTER,
INC.

Date: 2/20/09

Name: RICHARD GAYTON

Title: OWNER

Address:

Agent Authorized to Accept Service on Behalf of Above-Signed Party: _____

Richard Gayton
New Windsor Collision Center, Inc.
600 Broadway
Newburgh, NY 12550

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
NORMAN BROTHERS, INC.

Date: 12-17-08

Name: Donald W PLOS

Title: V.P.

Address: 453 LITTLE BAIN RD

NEWBURGH NY, 12550

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

PERICONI, LLC

708 Third Ave.

New York, NY 10017

Att: J. PERICONI, ESQ.

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
RIDGEFIELD FARM, INC.

Date: 11/26/2008

Name:

Title: President

Address: P.O. Box 770

Fishkill NY 12524

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Marshall L. Brenner, Esq.
Brenner, Gordon & Lane
219 Church St.
Poughkeepsie, NY 12601

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
R.K.B. CONSTRUCTION COMPANY,
INC.

Date: 12/10/08

Name: Robert K. Bouyea

Title: President

Address: 505 North Riverside Rd.

Highland, NY 12528

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

George F. Stradar, Jr., Esq.
Northrop & Stradar, P.C.
One Corwin Court
P.O. Box 2395
Newburgh, NY 12550

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
SEARS, ROEBUCK AND CO.

Date: 12/30/68

Name: Gillian Madsen

Title: Senior Counsel

Address: 3333 Beverly Road, B6-366B
Hoffman Estates IL 60179

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Gillian D. Madsen
Senior Counsel - Litigation
Sears Holdings Management Corporation
3333 Beverly Road, B6-366B
Hoffman Estates, IL 60179

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
ST. LUKE'S CORNWALL HOSPITAL

Date: Sept 24, 2008

110

Name: MARY ELIZABETH DUFFY

Title: CFO

Address: 70 DUBOIS STREET

NEWBURGH NY 12550

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
TOWN OF MONROE, NEW YORK

Date: 2/2/09

Name: Sandy Leonard

Title: TOWN SUPERVISOR

Address: 11 STAGE ROAD
MONROE, NY 10950

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

KEVIN T. DOWD, ESQ

11 STAGE ROAD

MONROE, NY 10950

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
TOWN OF NEW WINDSOR, NEW YORK

Date: March 6 2009

Name: George A. Green

Title: Town Supervisor

Address: 555 Union Ave.

New Windsor, NY 12553

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Michael Blythe, Esq.
Town Attorney
Town of New Windsor
555 Union Ave.
New Windsor, NY 12553

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
TOWN OF PHILIPSTOWN, NEW YORK

Date: 1-14-09

Name: William Mazzuca

Title: Supervisor

Address: 238 Main Street

Cold Spring, New York 10516

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

William Mazzuca

Supervisor

238 Main Street

Cold Spring, New York 10516

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
TOYOTA OF NEWBURGH

Date: 2/17/09

Name: _____

Title: _____

Address: _____

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Richard Gaillard
Kingston Nissan
140 Route 28
Kingston, NY 12401

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
TYCO FIRE PRODUCTS LLP

Date: 15 DEC 08

1 EHS' COUNSEL, TYCO INTERNATIONAL
for:

Name: WILLIAM S. HEWITT JR. ESQ.

Title: GENERAL COUNSEL
TYCO FIRE SUPPRESSION & BUILDING
PRODUCTS

Address: 451 N. CANNON AVE
LANSDALE, PA 19446

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

JOSEPH L. SCHOHN
9 ROSZEL ROAD
TYCO INTERNATIONAL
PRINCETON, NJ 08540

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, et al. relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
VERIZON NEW YORK INC

Date: 11/19/08

Name: JACQUES M. CORNIC

Title: _____

Address: 700 Hidden Ridge
(HOWOLFOS)
Irving TX 75038

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
VILLAGE OF COLD SPRING, NEW
YORK

Date: 5/6/09

Name: Seth Gallagher

Title: Mayor

Address: 85 Main Street

Cold Spring, NY 10516

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Stephen J. Gaba, Esq.
Drake, Loeb, Heller, Kennedy, Gogerty, Gaba & Rodd, PLLC
555 Hudson Valley Ave., Suite 100
New Windsor, NY 12553

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
WAPPINGERS CENTRAL SCHOOL
DISTRICT

Date: 2/19/09

Name: Douglass A. Bittaker

Title: President, Board of Education

Address: 24 Miller Hill Road

Hopewell Junction, NY 12533

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

Daniel Petigrow, Esq.
Neelanjan Choudhury, Esq.
Donoghue, Thomas, Auslander & Drohan, LLP
2517 Route 52
Hopewell Junction, NY 12533

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTY
WARREN EQUITIES, INC.

Date: 11/24/08

Name: Edward Cuccorullo

Title: President-WAREX

Address: 1 South Water St
Newburgh NY 12550

Agent Authorized to Accept Service on Behalf of Above-Signed Party:

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTIES
WESTINGHOUSE ELECTRIC COMPANY
LLC

Date: 2/20/09

Name: F. Ramsey Coates

Title: Secretary

Address: 4350 Northern Pike

Monroeville, PA 15146

Agent Authorized to Accept Service on Behalf of Above-Signed Parties:

Michele M. Gutman
Assistant General Counsel
Westinghouse Electric Company LLC
4350 Northern Pike
Monroeville, PA 15146-2886

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of United States v. City of Newburgh, *et al.* relating to the Consolidated Iron and Metal Co. Superfund Site.

FOR OTHER SETTLING PARTIES

W.K. MECHANICAL, INC.

Date: 1-6-2009

Name:

RONALD L. CONFORZI

Title:

PRESIDENT

Address:

546 SR 17M

MONROE NY 10950

Agent Authorized to Accept Service on Behalf of Above-Signed Parties:

Jay R. Myro, Esq.
Blustein, Shapiro, Rich & Barone, LLP
90 Crystal Run Rd., Suite 409
Middletown, NY 10941

APPENDIX E

**OTHER SETTLING PARTIES ADDED TO CONSENT DECREE
BY MODIFICATION NUMBER ONE**

ABB, Inc., for itself and as successor to Combustion Engineering, Inc.

Action Metal Co., Inc.

All Recycling, Inc.

Arthur Trovei & Sons, Inc.

Beacon Looms, Inc.

Beacon Terminal Corp.

Ben Ciccone, Inc.

Bill Galati Pools, Inc.

Buckingham Auto

Cambrex Corporation

Carpenter & Smith, Inc.

CBS Corporation

Central Hudson Gas & Electric Corp.

Cornwall Coal & Supply Co., Inc.

DJ Heating & Air Conditioning, Inc.

Dutchess Quarry & Supply Company, Inc.

El Paso Corporation

Fishkill Tire Co., Inc.

Georgia-Pacific LLC

Gerdau Ameristeel US Inc.

The Goodyear Tire & Rubber Company

Hess Corporation

Hobson Radio & T.V., Inc.

HP Hood LLC

Illinois Tool Works Inc.

International Paper Company

J&J Log & Lumber Corp.

Ketcham Motors, Inc.

Kevin Reichard

Kevin Reichard Welding, Inc.

Kingston Equipment Rental, Inc.

Knopf Automotive L.L.C.

Manheim Services Corporation

Meineke Car Care Centers, Inc.

Metcalf & Eddy

Monroe-Woodbury Central School District

Mount Saint Mary College

NCR Corporation

New York State Bridge Authority

New Windsor Collision Center, Inc.

Newburgh Auto Park LLC

Norman Brothers, Inc.

Ridgefield Farm, Inc.

Riverview Industries, Inc.

R.K.B. Construction Company, Inc.

Sears, Roebuck & Co.

St. Luke's Cornwall Hospital

Town of Monroe, New York

Town of New Windsor, New York

Town of Phillipstown, New York

Toyota of Newburgh

Tyco Fire Products LP

Verizon New York Inc.

Village of Cold Spring, New York

Wappingers Central School District

Warren Equities, Inc.

Westinghouse Electric Company LLC

W.K. Mechanical, Inc.