

ENVIRONMENTAL PROTECTION

SITE REMEDIATION PROGRAM

Notice to Receive Interested Party Comments on Proposed Consent Judgment to Recover Cleanup and Removal Costs for the Levari Site in Upper Township, Cape May County

TAKE NOTICE that the New Jersey Department of Environmental Protection (Department) hereby gives notice of a proposed Consent Judgment concerning recovery of unreimbursed cleanup and removal costs resulting from discharges at the Levari property located at 10 Route 9 South, Upper Township, Cape May County (Site). The Site is also known and designated as Block 653.01, Lots 2, 3 & 4, on the Tax Map of Upper Township, which the Department has designated as Site Remediation Program Interest No. 001122.

The Department, under the authority of the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et seq. (the Spill Act), proposes to enter into this Consent Judgment with David C. Levari, an individual (“Settling Defendant”).

Under the proposed Consent Judgment, the Settling Defendant has agreed to settle his alleged liability to the Department for unreimbursed cleanup and removal costs resulting from discharges of hazardous substances at the Site by payment of \$50,000 to the Department along with all proceeds from the sale of the property.

It is the intent of the Department and the Settling Defendant that this Consent Judgment constitutes a judicially approved settlement within the meaning of N.J.S.A. 58:10-23.11f(b) of the Spill Act and 42 U.S.C. § 9613(f)2 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1984, as amended (CERCLA), 42 U.S.C. § 9601 et seq., for

the purpose of providing protection from contribution actions or claims for matters addressed in this Consent Judgment.

Copies of the proposed Consent Judgment are available for inspection at the Department's main office at 401 East State Street, in Trenton, New Jersey, and via the internet at www.nj.gov/dep/srp/legal. A copy of the Department's files concerning the Site is available for review by contacting the Office of Record Access, NJDEP, P.O. Box 420, Mail Code 401-06Q, Trenton, NJ 08625-0420 or via email at records.custodian@dep.state.nj.us.

Field Code Changed

Interested persons may submit comments on the entry of this Consent Judgment to:

Kevin Kratina, Assistant Director
New Jersey Department of Environmental Protection
Site Remediation Program/ Enforcement & Information Support Element
Mail Code: 401-06H
PO Box 420
Trenton, NJ 08625-0420

All comments must be submitted within 30 calendar days of the date of this public notice. The Department will consider all comments received and may decide to withdraw or withhold consent to the entry of the Consent Judgment if comments received disclose facts or considerations which show that the Consent Judgment is inappropriate, improper or inadequate.

Date

Kevin Kratina, Assistant Director
Enforcement & Information Support Element
Site Remediation Program