

## **ENVIRONMENTAL PROTECTION**

### **Revised Notice to Receive Interested Party Comments on Consent Judgment for Injury to Groundwater Caused by Discharge of Hazardous Waste in Somerset County, Litgo New Jersey, Inc. and Sheldon Goldstein v. New Jersey Department of Environmental Protection, Civil Action No. 06-2891 (D.N.J.)**

This Notice supersedes a notice published in the New Jersey Register on April 4, 2011, which contained an incorrect internet address to obtain a copy of the Consent Judgment.

**Take notice** that Bob Martin, Commissioner of the New Jersey Department of Environmental Protection (NJDEP), hereby gives notice of an addition to the proposed Consent Judgment (CJ), first published on September 7, 2010, concerning discharges of hazardous substances and wastes at the Litgo Property, located at 40 Haynes Street, Somerville, New Jersey, also known and designated as Block 50, Lots 3, 13 and 14 on the Tax Map of the Township of Somerville (the Property). NJDEP (Settling Defendant), under the authority of the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq., the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq. and Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et seq. (Spill Act), proposes to enter into this CJ with Litgo, New Jersey, Inc., a company incorporated in the State of New Jersey, and Sheldon Goldstein (the Settling Plaintiffs). Settling Defendant can be contacted at:

Ronald T. Corcory, Assistant Director  
New Jersey Department of Environmental Protection  
Site Remediation Program/ Enforcement & Assignment Element  
Mail Code: 401-05B  
PO Box 420  
Trenton, NJ 08625-0420

Telephone: (609) 633-1480  
FAX: (609) 633-1439

Under the proposed CJ, the Settling Defendant has agreed to settle his alleged liability to the Plaintiffs for injunctive relief and attorneys' fees, by dismissing his counterclaim against the Settling Plaintiffs. The proposed addition to the Consent Judgment is set forth below, and appears as part of Paragraph 31 of that document.

Nothing in this Consent Judgment shall be interpreted to require that United States Defendants or the Sanzari Defendants pay more than their equitable allocation shares, as determined by this Court's Opinion and Order, Doc. 382 (Jan. 7, 2011), or any modified versions of the Opinion and Order made by the Court in the future, of past or future cleanup, remedial, removal, or response costs incurred concerning the environmental conditions at or around the Litgo Property by the Commissioner, NJDEP, the Administrator, Plaintiffs, or any other person or entity.

It is the intent of the Plaintiffs and the Settling Defendant that this CJ constitutes an administratively approved settlement within the meaning of 42 U.S.C. § 9613(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act, 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 CJ.

Copies of the proposed CJ are available for inspection at the NJDEP's main office at 401 East State Street, in Trenton, NJ and via the internet at <http://www.nj.gov/dep/srp/legal/>. A copy of NJDEP's files concerning the Property is available for review by contacting:

Office of Record Access  
New Jersey Department of Environmental Protection  
Mail Code: 401-06Q  
P.O. Box 420  
Trenton, NJ 08625-0420

e-mail: [records.custodian@dep.state.nj.us](mailto:records.custodian@dep.state.nj.us)

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

Ronald T. Corcory, Assistant Director  
New Jersey Department of Environmental Protection  
Site Remediation Program/ Enforcement & Assignment Element  
Mail Code: 401-05B  
PO Box 420  
Trenton, NJ 08625-0420

All comments must be submitted within 30 calendar days of the date of this public notice.

NJDEP will consider all comments received and may decide to withdraw or withhold consent to the entry of the CJ if comments received disclose facts or considerations which show that the CJ is inappropriate, improper or inadequate.