

Notice to Receive Interested Party Comments on Settlement for Potential Spill Act Liability and Other Environmental Issues in Bergen County

Take notice that the New Jersey Department of Environmental Protection (NJDEP) hereby gives notice of a proposed settlement (“Settlement”) concerning potential Spill Act liability resulting from possible discharges at the property located at One Market Street, Elmwood Park, New Jersey (the “Property”).

NJDEP, under the authority of the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. (Spill Act), proposes to enter into this Settlement with Marcal Paper Mills, LLC (the “Settling Party”) and who can be contacted through Jason L. Jurkevich, Esq., at Sills Cummis & Gross P.C., One Riverfront Plaza, Newark, New Jersey 07102.

Under the proposed Settlement, the Settling Party has agreed to settle its alleged liability to the NJDEP resulting from discharges at or migration of contaminants from the Property to off-site locations by paying a total of \$2,200,000, including a cash payment of \$1,000,000 to NJDEP and a credit of \$1,200,000 which will be paid by the Settling Party to address a removal action at Top Soil Depot, located at 190 Pompton Plains Road, Wayne, New Jersey.

This Settlement also addresses the Settling Party’s obligations to conduct or complete the remediation of environmental conditions at the property.

It is the intent of the NJDEP and the Settling Party that this Settlement 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 of 1984, as amended (CERCLA), 42 U.S.C. §9601 et seq., and N.J.S.A. 58:10-23.11f (2)(b) of the Spill Act, for the purpose of providing protection from contribution actions or claims for matters addressed in this Settlement.

Copies of the proposed settlement terms are available for inspection at the NJDEP’s main office at 401 East State Street, in Trenton, NJ and may be downloaded from the NJDEP’s website at <http://www.nj.gov/dep/srp/legal/>. A copy of the Department’s files concerning the property is available for review by contacting the Office of the Records Custodian, NJDEP, P.O. Box 442, Trenton, NJ 08625-0442 or via email at records.custodian@dep.state.nj.us.

Interested persons may submit written comments on the entry of this Settlement to Len Romino, NJDEP Site Remediation Program, 401 East State Street, P.O. Box 028, Trenton, NJ 08625. All comments must be submitted within 30 calendar days of the date of this public notice (no later than May 7, 2008). NJDEP will consider all comments received and may decide to withdraw or withhold consent to the entry of the Settlement if comments received disclose facts or considerations which show that the Settlement is inappropriate, improper or inadequate.