

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

OFFICE OF NATURAL RESOURCE RESTORATION

SITE REMEDIATION AND WASTE MANAGEMENT PROGRAM

Notice to Receive Interested Party Comments on Proposed Consent Judgment for

Natural Resource Damages in the Matter of *New Jersey Department of*

***Environmental Protection, et al. v. Carbide-Graphite Group, Inc., et al.*, Docket No. L-**

5793-07.

Take notice that the New Jersey Department of Environmental Protection, the Commissioner of the Department of Environmental Protection, and the Administrator of the New Jersey Spill Compensation Fund (Department) hereby give notice of a proposed Consent Judgment concerning injury to natural resources resulting from discharges at the approximately 35-acre property known as the Sayreville Landfill site, located at Jernee Mill Road, Sayreville, New Jersey (Property). The site is also known and designated as Blocks 56, 57.02, 57.04 and 57.05, Lots 1.01, 2.02, and 1, respectively, on the Tax Map of the Borough of Sayreville, Middlesex County, New Jersey.

The Department proposes to enter into this Consent Judgment with Defendants Linde LLC, as Successor-in-Interest to Carbide Graphite Group, Inc.; Chevron U.S.A. Inc. as Successor to Chevron Chemical Company, as indemnitor for Chevron Phillips Chemical Company; ExxonMobil Oil Corporation; Pfizer Inc.; Hercules Incorporated; Mid-State Trading Company; Osram Sylvania, Inc.; Quigley Company, Inc.; General Electric Company, as successor-in-interest to Radio Corporation of America, a/k/a RCA Corporation; Bayer CropScience LP, as successor to Rhone-Poulenc Inc. and as incorrectly named as Rhodia, Inc., now known as Solvay USA Inc., as indemnitor to

Bayer CropScience LP in this action; RUETGERS Organics Corporation; Simon Wrecking Co. Inc.; Union Carbide Corporation; and Third Party Defendants, the Borough of Sayreville; Arconic Inc. f/k/a Alcoa Inc.; International Flavors & Fragrances Inc.; and Linde LLC (the Settling Defendants).

Under the proposed Consent Judgment, the Settling Defendants have agreed to settle their alleged liability to the Department for natural resource injuries resulting from the discharge of hazardous substances and pollutants at and emanating from the Property by the grant by Settling Third Party Defendant Borough of Sayreville of a conservation easement on a 24.15 acre parcel of undeveloped property owned by the Borough of Sayreville and located off of Bordentown Avenue, Sayreville, New Jersey, identified as Block 20, Lot 1; Block 21, Lots 2 through 7; Block 22, Lot 1; and Block 23, Lot 1 on the Tax Map of the Borough of Sayreville, Middlesex County, New Jersey.

Also, within 45 days of the effective date of this Consent Judgment, the Settling Defendants shall pay the Department \$22,989.60 in reimbursement of the Department's costs of assessing damage to Natural Resources at the Site, and \$10,000 in reimbursement of the Department's attorneys' fees incurred in this matter.

The sections of the Consent Judgment addressing natural resource injuries do not address the Settling Defendants' obligations to conduct or complete the remediation of all discharges at or from the Property.

This Consent Judgment would constitute a judicially approved settlement under the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11f(b), and the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9613(f)(2), for the purpose of providing protection from contribution actions or claims for matters addressed in this in this Consent Judgment.

A copy of the proposed Consent Judgment is available for inspection via the internet at <http://www.nj.gov/dep/nrr/settlements/index.html> and <http://www.nj.gov/dep/srp/legal/> and at the Department's Office of Record Access at 401 East State Street, Trenton, New Jersey. Requests to inspect a paper copy of the proposed Consent Judgment should be directed to records.custodian@dep.nj.gov.

Interested persons may submit comments on the entry of this Consent Judgment to Dave Bean, Chief, NJDEP, Office of Natural Resource Restoration, 501 East State Street, Mail Code 501-01, P.O. Box 420, Trenton, New Jersey 08625-0420. All comments must be submitted within 60 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 that show that the Consent Judgment is inappropriate, improper or inadequate.

Date

Dave Bean, Chief
Office of Natural Resource Restoration