

ENVIRONMENTAL PROTECTION

SITE REMEDIATION PROGRAM

NOTICE TO RECEIVE INTERESTED PARTY COMMENTS ON PROPOSED CONSENT JUDGMENT IN THE MATTER OF NJDEP, ET AL. V. OCCIDENTAL CHEMICAL CORPORATION, ET AL., DOCKET NO. ESX-L-9868-05 (PASR)

The New Jersey Department of Environmental Protection (the "Department"), the Commissioner of NJDEP and the Administrator of the New Jersey Spill Compensation Fund (collectively, "NJDEP") hereby give notice of a proposed Consent Judgment concerning a settlement with the Defendant Occidental Chemical Corporation ("OCC") in the matter of NJDEP, et al. v. Occidental Chemical Corporation, et al., Dkt. No. ESX-L-9868-05 (PASR) ("Passaic River Litigation"), in connection with alleged discharges from a former agricultural chemicals plant located at 80 Lister Avenue in Newark, New Jersey ("Lister Property") into the Newark Bay Complex, which includes (i) the lower 17 miles of the Passaic River, (ii) Newark Bay, (iii) the Arthur Kill, (iv) the Kill Van Kull, and (v) the lower reaches of the Hackensack River.

Under the proposed Consent Judgment, OCC has agreed to settle certain alleged liability to NJDEP for past cleanup and removal costs, damages, natural resource damages, attorneys' fees, and litigation costs, by the total payment of \$190,000,000, of which \$50,000,000 are to be applied to natural resource restoration projects. Furthermore, in the event public funds are used in the implementation of an EPA cleanup remedy for the Focused Feasibility Study Area (the lower 8 miles of the Passaic River), OCC has also agreed to pay certain of these potential State costs as well as the State's costs for certain other future cleanup and removal costs within the Newark Bay Complex. The State has also reserved certain other claims, as set forth fully and completely in the proposed Consent Judgment.

It is the intent of NJDEP and OCC that this Consent Judgment constitutes a judicially approved settlement within the meaning of N.J.S.A. 58:10-23.11f.a(2)(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.

A copy of the proposed Consent Judgment and the administrative record are available for inspection via the internet at <http://www.nj.gov/dep/srp/legal/>. For members of the public who do not have access to the Internet, a dedicated computer is available for public use at the Department's main office at 401 East State Street, in Trenton, New Jersey, and these documents can be accessed at a publicly available computer at most public libraries. Requests to inspect a hard copy of the proposed Consent Judgment, to review the administrative record in Trenton or any questions regarding internet access should be directed to 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.

Written comments may be submitted electronically by October 15, 2014 to PassaicSettlement@dep.state.nj.us, referencing "Occidental Settlement" in the subject line of the email; or in hard copy to:

Office of Record Access
NJDEP
Attn: Passaic Occidental Comments
P.O. Box 420, Mail Code 401-06Q
Trenton, NJ 08625-0420

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.

8/21/14

Date

Catherine A. Tormey

Catherine A. Tormey
Deputy Advisor to the Commissioner