

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

OFFICE OF NATURAL RESOURCE RESTORATION

SITE REMEDIATION AND WASTE MANAGEMENT

Notice to Receive Interested Party Comments on Proposed Consent Judgment for Natural Resource Damages and the Recovery of Cleanup and Removal Costs in the Matter of New Jersey Department of Environmental Protection, et al. v. Bob Baldwin's Transportation, Inc. et al., Docket No. L-284-04

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 and the recovery of unreimbursed cleanup and removal costs resulting from alleged discharges at: 1) the Bob Baldwin's Transportation, Inc. property consisting of 17 acres of real property located off of Omega and Theta Drives, Vernon Township, Sussex County, New Jersey, this property being also known and designated as Block 141, Lots 12, 12.06 and 12.07, and Block 141.01, Lot 1 and Block 141.02, Lot 1, on the Tax Map of Vernon Township (n/k/a Block 391, Lots 1 and 12, Block 403, Lot 1, and Block 404, Lot 2) on the tax map of Vernon Township ("Baldwin property"); and 2) the Peet Blokker, Inc. property consisting of approximately .60 acres of real property located on the corner of Route 94 and Church Street, Vernon Township, Sussex County, New Jersey, this property being also known and designated as Block 141, Lot 18, on the Tax Map of Vernon Township (n/k/a Block 391, Lot 4) on the tax map of Vernon Township ("Blokker property").

The Department proposes to enter into this Consent Judgment with Bob Baldwin's Transportation, Inc., Robert E. Baldwin, the Estate of Robert E. Baldwin, Peet Blokker, Inc. and Texaco Inc. (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 discharges at the Baldwin property and the Blokker property. The Baldwin Settling Defendants and Settling Defendant Blokker shall arrange for the fee simple transfer of a 2.27 acre portion of property known and designated as Block 94, Lot 1, Vernon Township, Sussex County, New (n/k/a Block 58, Lot 7) (the Parcel) to the State of New Jersey.

Furthermore, the Settling Defendants have agreed to settle their alleged liability to the Department for unreimbursed cleanup and removal costs resulting from discharges of hazardous substances at the Baldwin property and the Blokker property by payment of \$246,670.94 to the Department. In addition, the Baldwin Settling Defendants and Settling Defendant Blokker shall pay to the State of New Jersey \$5,000 for reimbursement to the Green Acres Program for their review of documents and processing of the land transfer. 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 Baldwin property and Blokker property.

This proposed 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 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 501-04, 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:

David Bean, Acting Chief
Office of Natural Resource Restoration