

## **PUBLIC NOTICE**

### **ENVIRONMENTAL PROTECTION**

### **SITE REMEDIATION AND WASTE MANAGEMENT PROGRAM**

### **OFFICE OF NATURAL RESOURCE RESTORATION**

**Notice to Receive Interested Party Comments on Proposed Consent Order in the Matter of  
*New Jersey Department of Environmental Protection, et al. v. Atlantic Richfield Co., et al.,*  
No. 08-CIV-00312**

**Take notice** that the New Jersey Department of Environmental Protection (Department) hereby gives notice of a proposed Consent Order concerning a settlement with Exxon Mobil Corporation and ExxonMobil Oil Corporation (ExxonMobil), which can be contacted via their attorneys, Marc A. Rollo, Esq. and Carlos M. Bollar, Esq. of Archer & Greiner P.C., One Centennial Square, Haddonfield, New Jersey 08033. The settlement is regarding ExxonMobil's former service station #31310, located at 38 East Mount Pleasant Avenue, Livingston, Essex County, New Jersey (Livingston Site).

The Department instituted this lawsuit in June 2007 against nearly 50 companies alleging that they were responsible for contamination of waters of the State of New Jersey with the gasoline additive methyl tertiary butyl ether (MTBE). The defendants include MTBE manufacturers and refiners and major-brand marketers of gasoline containing MTBE. The defendants also include companies within the chain of distribution of gasoline containing MTBE in the State of New Jersey. The Department has identified over 6,000 sites where MTBE has been detected in the waters of the State. The State seeks monetary damages as well as cleanup of the MTBE in the waters of the State. One of the aforementioned sites is the Livingston Site. This Consent Order

concerns the Livingston Site only and no other aspects of the above-captioned case or the MTBE Litigation.

Under the proposed Consent Order, an agreement has been reached between the Department and ExxonMobil regarding the procedure for evaluating and conducting Remediation and Restoration at the Livingston Site. ExxonMobil's full compliance with the terms and procedures of this Consent Order shall constitute satisfaction of its Remediation and Restoration obligations under all applicable laws for discharges that occurred prior to the Effective Date of the settlement at the Livingston Site. ExxonMobil agrees to continue to Remediate the Livingston Site in accordance with state statutes and regulations. In addition to continued Remediation, ExxonMobil agrees to monitor the conditions and perform additional actions at the Livingston Site to ensure that Restoration will be achieved as determined by the Department's Office of Natural Resource Restoration (ONRR) and consistent with the requirements set forth in any then applicable New Jersey statutes, regulations, technical guidance, and case law. In the event the Department determines that Restoration is not being achieved at the Livingston Site based on the current activities at the Site, ExxonMobil shall confer with ONRR and shall implement additional Restoration, to the extent practicable, as directed by NJDEP, subject to the dispute resolution provisions in the Consent Order.

Pursuant to the Consent Order, the Plaintiffs will release, covenant not to sue, and agree to dismiss claims arising from discharges of Hazardous Substances that occurred prior to the Effective Date of the Consent Order at the Livingston Site and product liability causes of action related to MTBE at the Livingston Site.

The Consent Order 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 Order.

A copy of the proposed Consent Order is available for inspection via the internet at <http://www.nj.gov/dep/srp/legal/> and <http://www.nj.gov/dep/nrr/settlements/index.html> 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 Order should be directed to [records.custodian@dep.nj.gov](mailto:records.custodian@dep.nj.gov).

Written comments on the entry of this Consent Order may be submitted electronically to [MTBESettlement@dep.nj.gov](mailto:MTBESettlement@dep.nj.gov), referencing "Livingston Site MTBE Settlement" in the subject line of the e-mail. Electronically submitted comments must be provided as portable document format (PDF) files. Alternatively, comments may be submitted in hard copy to:

Office of Record Access  
NJDEP  
Attn: Livingston Site MTBE Settlement Comments  
P.O. Box 420, Mail Code 401-06Q  
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 Order if comments received disclose facts or considerations that show that the Consent Order is inappropriate, improper or inadequate.