

ENVIRONMENTAL PROTECTION

CONTAMINATED SITE REMEDIATION AND REDEVELOPMENT PROGRAM

Notice to Receive Interested Party Comments on Proposed Consent Decree with Almo Anti-Pollution Services Corp., et al.

TAKE NOTICE that the New Jersey Department of Environmental Protection and its Commissioner (collectively the Department) hereby give notice of a proposed settlement of claims for past and future cleanup and removal costs at the site described below, referred to as the “Helen Kramer Landfill Site” or “the Site.” The Helen Kramer Landfill Site is located approximately 15 miles south of Philadelphia, Pennsylvania, and Camden, New Jersey. The Site encompasses at least 82 acres, bounded by Jessups Mill Road, Edwards Run, Boody Mill Road, and the former Leave Road, in Mantua Township, Gloucester County and as described in the United States Environmental Protection Agency’s (EPA’s) Record of Decision, and the areal extent of the contamination that has been released from the Helen Kramer Landfill.

The Department hereby proposes to enter into a modification of an existing Consent Decree with certain Settling Defendants. This proposed modification applies to the Consent Decree signed by all parties on August 13, 1998 (1998 Consent Decree). Notice of the 1998 Consent Decree was published in the Federal Register on June 1, 1998 (63 Fed. Reg. 29,755, Jun. 1, 1998). The Site’s history of contamination can also be found in the original public notice, published in the Federal Register on June 1, 1998. The Settling Defendants, as defined in the original Federal Register Notice, 63 Fed. Reg. 29,755 (Jun. 1, 1998), included the following parties: American National Can Company; American Cyanamid Company, Inc.; Atochem, Inc., Bridgestone/Firestone, Inc.; the City of Philadelphia; Carpenter Steel Company, Inc.; Cole Office Environments Division of Joyce

International; Continental Can Company; E.I. DuPont De Nemours & Company, Inc.; G&S Company, Inc.; General Metalcraft, Inc.; The Gilbert Spruance Paint Company; Globe Disposal Company, Inc.; Thomas Gola; ICI Americas, Inc.; Marvin Jonas; Marvin Jonas, Inc.; Helen Kramer; Lehigh Press, Inc.; Rick A. Licciardello d/b/a Licciardello Sanitation Company; Albert J. Mitchell d/b/a Mitchell Waste Removal; Monsanto Company, Inc.; Morton International, Inc.; Nabisco, Inc.; N.L. Industries, Inc.; NVF Company, Inc.; Olin Corporation; Portfolio One, Inc. (including its parent companies Manor Care, Inc. and Manorcare Health Services, Inc.); Rohm & Haas Company, Inc.; Unisys Corporation; and W.R. Grace & Co. All these defendants are signatories to the 1998 Consent Decree, together with over two hundred additional parties who were joined in the case as third-party defendants.

From approximately 1963 until 1981, the Helen Kramer Landfill Site was used for the disposal of millions of gallons of chemical, industrial, septic, hospital, and municipal wastes. The State of New Jersey revoked the landfill's registration in early 1981, and on March 3, 1981, a New Jersey state court ordered the landfill to cease operations.

EPA conducted a Remedial Investigation and Feasibility Study (RI/FS) from July 1983 until September 1985 to investigate the nature and extent of contamination at the Site. A wide variety of hazardous chemicals were detected in the soil, surface waters and groundwaters at the Site, including dichloro- and trichloro-ethanes and ethenes, benzene, toluene, xylenes, ketones, and phenols, as well as high levels of inorganic chemicals. On September 8, 1983, EPA placed the Site on the National Priorities List, 40 C.F.R. part 300, Appendix B. On September 27, 1985, EPA selected a remedy for the contamination at the

Site, which included a clay cap, upgradient and downgradient slurry walls, a groundwater/leachate collection and treatment system, a gas venting and treatment system, surface water controls, and monitoring. The remedy was completed and in full operation beginning on May 13, 1993. The 1998 Consent Decree provides that the Settling Defendants would pay \$95 million over a five-year period to the United States, toward total costs incurred by the United States of approximately \$123 million, including enforcement costs and pre-judgment interest.

On January 19, 2022, EPA issued a notice to certain defendants (Settling Work Defendants), who are obligated under the 1998 Consent Decree to operate and maintain the Remedy as constructed and in place as of May 12, 1997. The notice letter stated as follows: “Sampling data collected during O&M show that contaminated groundwater and leachate from the landfill are not contained within the landfill and are escaping the slurry wall. For example, during the 2020 annual sitewide O&M sampling, Site-related CERCLA hazardous substances detected above standards or screening criteria in one or more media outside of the slurry wall included 1,4-dioxane, arsenic, benzene, chlorobenzene, and vinyl chloride. In many sampling locations, these standards were exceeded by large margins in 2020, and have been consistently at a high level of exceedance since first detection.” EPA therefore requested that the Settling Work Defendants conduct a Remedial Investigation/Feasibility Study to evaluate the nature and extent of Site-related contaminants in contaminated groundwater, surface water and sediment at the Site, and the Settling Work Defendants entered into negotiations that led to the proposed modifications to the 1998 Consent Decree.

The proposed modifications to the 1998 Consent Decree would be executed by the Department consistent with its authority under the Spill Compensation and Control Act. N.J.S.A.

58:10-23.11a, et seq.; N.J.S.A. 58:10-23.11u; N.J.S.A. 13:1D-150, the Water Pollution Control Act, N.J.S.A. 58:10A-1 et. seq, and the common law. The proposed modifications extend the time period during which the Settling Work Defendants, who were obligated under the 1998 Consent Decree to operate and maintain the May 1997 Remedy, will be obligated to continue operation and maintenance of the Remedy as set forth in the 1998 Consent Decree. Through this modification, the Settling Work Defendants' obligations continue until the "State approves a petition by the Settling Work Defendants for termination of the Consent Decree," rather than terminating automatically in May 2023. The parties also agreed to the incorporation of an adjusted Operations and Maintenance Plan in consideration of new information.

In consideration of new information and the ongoing remedial activities at the Site, the Department, under its obligation to protect the environment and public welfare, as well as its status as trustee of the public's natural resources, believes that the proposed terms are fair, reasonable, faithful to the intent of the aforementioned statutes, and in the public interest.

It is the intent of the Department and the Settling Work Defendants that these modifications to the 1998 Consent Decree constitute an administratively approved settlement for which the Department is seeking public comment pursuant to N.J.S.A. 58:10-23.11e2 for matters addressed in the modifications. It is the intent of the parties that this modified Consent Decree 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 1980, as amended (CERCLA), 42 U.S.C. §§ 9601 et seq., and N.J.S.A. 58:10-23.11f.a(2)(b) of the Spill Act for the purpose of providing protection from contribution actions or claims for matters addressed.

A copy of the proposed Consent Decree is available for inspection via the internet at <https://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 modifications to the 1998 Consent Decree should be directed to records.custodian@dep.nj.gov. Interested persons may submit comments on the modifications to Gwen Zervas, Contaminated Site Remediation and Redevelopment Program, NJDEP, 401 East State Street, Mail Code 401-06, P.O. Box 420, Trenton, NJ 08625-042. 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 modifications to the 1998 Consent Decree if comments received disclose facts or considerations that show that the modifications are inappropriate, improper or inadequate.