

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

CONTAMINATED SITE REMEDIATION AND REDEVELOPMENT

Notice to Receive Interested Party Comments on Proposed Settlement Agreement

Regarding the Former New Swift Cleaners Site in New Brunswick City, Middlesex County, New Jersey, *In the Matter of the New Jersey Department of Environmental Protection et al. v. Cappelletti Properties, LLC., et al.*

Take notice that the New Jersey Department of Environmental Protection and the Administrator of the New Jersey Compensation Fund (“Department” or “NJDEP”) hereby give notice of a proposed settlement agreement concerning the cleanup and removal of hazardous substances resulting from alleged discharges at the New Swift Cleaners Site, located at 101 Paterson Street, New Brunswick City, Middlesex County, New Jersey, identified on the current tax map of the City of New Brunswick at Block 23.01, Lot 10.02. The Department has designated the Site as Program Interest No. 002989.

NJDEP proposes to enter this settlement agreement with Cappelletti Properties, LLC., Alfred Cappelletti, and Richard Cappelletti (Settling Defendants).

Under the proposed settlement agreement, the Settling Defendants shall agree to settle their alleged liability and the alleged liability of Cappelletti Properties, LLC., Alfred Cappelletti, and Richard Cappelletti to the NJDEP for the NJDEP’s past cleanup and removal costs, future cleanup and removal costs, and natural resource damages. Cappelletti Properties, LLC., Alfred Cappelletti, and Richard Cappelletti shall pay the Department \$75,000 within 30 days after the effective date of this settlement agreement. NJDEP would provide Settling Defendants with a

covenant not to sue for all past cleanup and removal costs conditioned upon the satisfactory performance by Settling Defendants of their obligations under the settlement agreement.

This would constitute a judicially approved settlement within the meaning of 42 U.S.C. § 9613(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601 et seq., and N.J.S.A. 58:10-23.11f.a(2)(b) of the Spill Compensation and Control Act (Spill Act) for the purpose of providing protection from contribution actions or claims for matters addressed in the proposed settlement agreement.

A copy of the proposed settlement agreement is available for inspection at <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 settlement agreement should be directed to records.custodian@dep.nj.gov. Interested persons may submit comments on the entry of this settlement agreement electronically (preferred) to david.haymes@dep.nj.gov or by mail to Ann H. Wolf, Assistant Director, Enforcement and Information Support Element, 401 East State Street, Mail Code 401-06A, PO Box 420, Trenton, New Jersey 08625-0420. All comments must be submitted within 60 calendar days of the date of this public notice. NJDEP will consider all comments received and may decide to withdraw or withhold consent to the entry of the settlement agreement if comments received disclose facts or consideration that show that the settlement agreement is inappropriate, improper, or inadequate.