

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

SITE REMEDIATION AND WASTE MANAGEMENT PROGRAM

Notice to Receive Interested Party Comments on Proposed Settlement Agreement

Regarding the Red Horse Shoppes Site in Clinton Township, Hunterdon County, New

Jersey, *In the Matter of the New Jersey Department of Environmental Protection et al.*

v. Red Horse Shoppes, Inc., et al.

Take notice that the New Jersey Department of Environmental Protection (Department) and the Administrator of the New Jersey Spill Compensation Fund (NJDEP) hereby give notice of a proposed settlement agreement concerning the cleanup and removal of hazardous substances resulting from alleged discharges at the Red Horse Shoppes Site, located at 1201 Route 31, Clinton, Hunterdon County, New Jersey, identified on the current tax map of the Township of Clinton at Block 89.02, Lot 1. The Department has designated the site as Site Remediation Program Interest No. 002507.

The NJDEP proposes to enter this Settlement Agreement with Red Horse Shoppes, Inc., George Lance, Hope Lance, Violet K. Jamal, and Star Food Mart, Inc. (Settling Defendants).

Under the proposed settlement agreement, the Settling Defendants shall agree to settle their alleged liability to the NJDEP for the NJDEP's past and future cleanup and removal costs. Red Horse Shoppes, Inc., George Lance, and Hope Lance shall pay NJDEP \$650,000. Star Food Mart, Inc., and Violet K. Jamal shall pay the Department \$44,000. In addition, Red Horse Shoppes, Inc., shall be co-permittee with the new owner of the site on the Remedial Action Permit until such time as the site reaches applicable

groundwater remediation standards and the permit is terminated. The NJDEP would, among other things, provide a warrant of satisfaction for the lien (DJ-292361-10) to Red Horse Shoppes, Inc., and 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 settlement agreement 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 Act for the purpose of providing protection from contribution actions or claims for matters addressed in the proposed consent decree.

A copy of the proposed settlement agreement is available for inspection through the internet 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 consent decree electronically (preferred) to Ann.wolf@dep.nj.gov or by mail to Ann H. Wolf, Chief, Bureau of Enforcement & Investigations, NJDEP, Enforcement and Information Support Element, Site Remediation and Waste Management Program, 401 East State Street, Mail Code 401-06U, PO Box 420, Trenton, NJ 08625-0420. All comments must be submitted within 60 calendar days of the publication of this public notice. The NJDEP will consider all comments received and may decide to withdraw or withhold consent to the entry of the consent decree if comments received disclose facts

or considerations that show that the consent decree is inappropriate, improper, or inadequate.