

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

OFFICE OF NATURAL RESOURCE RESTORATION

SITE REMEDIATION AND WASTE MANAGEMENT PROGRAM

Notice to Receive Interested Party Comments on Proposed Settlement Agreement for Natural Resource Damages (Groundwater Only) in the Matter of *The American Cyanamid Superfund Site Program Interest No. 001000 and Wyeth Holdings LLC*.

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 Natural Resource Damages Settlement Agreement (Settlement Agreement) concerning injury to groundwater resulting from discharges at the approximately 435-acre property known as the American Cyanamid Superfund Site, located in the Township of Bridgewater and the Borough of Bound Brook, New Jersey (Property). The site is also known and designated as Block 305, Lot 2; Block 340, Lot 2; Block 342, Lot 2 and Block 343, Lot 1 in the Township of Bridgewater, and Block 1, Lot 37.01 in the Borough of Bound Brook, all within Somerset County, New Jersey (Property).

The Department proposes to enter into this Settlement Agreement with Wyeth Holdings LLC (Wyeth).

Under the proposed Settlement Agreement, Wyeth has agreed to settle its alleged liability to the Department for natural resource injuries (groundwater only) resulting from the discharge of hazardous substances and pollutants at and emanating from the Property by funding land preservation by having entered into an agreement with the non-profit conservation intermediary organization, The New Jersey Conservation Fund (NJCF).

Pursuant to the terms of the Settlement Agreement, Wyeth will pay to NJCF \$2,799,264.00 for the purpose of land acquisition, and preservation, which preservation shall include the placement of a conservation easement on the acquired land, as set forth in the Settlement Agreement, and as approved by the Department.

Also, within 60 days of the effective date of this Settlement Agreement, Wyeth shall pay the Department \$1,438,608 to be used, in the Department's sole discretion, for natural resource restoration projects in the state of New Jersey.

Also, within 60 days of the effective date of this Settlement Agreement, Wyeth shall pay \$18,000 for the Department's Office of Natural Resource Restoration's (ONRR) assessment costs, oversight costs, attorneys' fees, consultants' and experts' fees and an additional \$10,000 for ONRR's future oversight costs associated with ONRR's administration of the terms of the Settlement Agreement.

The sections of the Settlement Agreement addressing natural resource injuries do not address Wyeth's obligations to conduct or complete the remediation of all discharges at or from the Property.

This Settlement Agreement 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 in this Settlement Agreement.

A copy of the proposed Settlement Agreement 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 Settlement Agreement should be directed to records.custodian@dep.nj.gov.

Interested persons may submit comments on the entry of this Settlement Agreement 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 Settlement Agreement if comments received disclose facts or considerations that show that the Settlement Agreement is inappropriate, improper or inadequate.