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STATE OF NEW JERSEY,	:	SUPERIOR COURT OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL	:	LAW DIVISION -
PROTECTION and THE	:	ESSEX COUNTY
COMMISSIONER OF NEW JERSEY	:	
DEPARTMENT OF ENVIRONMENTAL	:	DOCKET NO.
PROTECTION,	:	
	:	
Plaintiffs,	:	<u>Civil Action</u>
	:	
v.	:	COMPLAINT
	:	
LITTLE MASON PROPERTIES, LLC;	:	
IRFAN HASSAN; FRIENDS GAS,	:	
LLC; CROWN GAS AND DIESEL,	:	
LLC; STERLING AMERICAN, INC.;	:	
XYZ CORPORATIONS 1-10 (Names	:	
Fictitious); AND JOHN AND/OR	:	
JANE DOES 1-10 (Names	:	
Fictitious),	:	
	:	
Defendants.	:	
	:	

Plaintiffs State of New Jersey, Department of Environmental Protection ("Department") and the Commissioner of the New Jersey Department of Environmental Protection ("Commissioner"), having

their principal offices at 401 East State Street in the City of Trenton, County of Mercer, State of New Jersey, by way of Complaint against Defendants Little Mason Properties, LLC, Irfan Hassan, Friends Gas, Inc., Crown Gas and Diesel, LLC, Sterling American, Inc., XYZ Corporations 1-10 (Names Fictitious) and John and/or Jane Does 1-10 (Names Fictitious) (collectively, "Defendants") allege as follows:

STATEMENT OF THE CASE

1. This is a civil action pursuant to the New Jersey Spill Compensation and Control Act ("Spill Act"), N.J.S.A. 58:10-23.11 to -23.24; the Water Pollution Control Act ("WPCA"), N.J.S.A. 58:10A-1 to -35; the Underground Storage of Hazardous Substances Act, N.J.S.A. 58:10A-21 to -35 ("UST Act"); and the Site Remediation Reform Act, N.J.S.A. 58:10C-1 to -29 ("SRRA").
2. Little Mason Properties, LLC owns a retail gasoline service station located at 185-187 Pennsylvania Avenue, Newark, Essex County ("Site"). As part of its current operations, one 10,000-gallon diesel and two 4,000-gallon gasoline underground storage tanks ("USTs") are located on the property. The Site and wherever contamination has migrated is defined as the "Contaminated Site."
3. Newark, New Jersey's most populous city, and one of the most densely populated cities in the country, is home to many low

income and minority residents. The city's median household income is \$35,181, and 90% of the city's residents are minorities.

4. Historically, low-income communities and communities of color across the country have been exposed to disproportionately high and unacceptably dangerous levels of air, water, and soil pollution, with accompanying potential for increased adverse public health impacts. But residents of all communities deserve fair and equitable treatment in matters affecting their environment, community, homes, and health. See, e.g., Exec. Order No. 23 (April 20, 2018), 50 N.J.R. 1241(b) (May 21, 2018).
5. Prior to 2000, the gasoline service station at the Site operated four 1,000-gallon unleaded gasoline USTs, one 1,000-gallon kerosene UST, and one 10,000-gallon diesel UST on the property. On November 22, 2000, the Department received a report that gasoline had leaked from one or more of the USTs, causing visible contamination of the surrounding soil.
6. Gasoline and its components pose threats to the environment and public health when they enter the soil and groundwater. Gasoline persists in soil for long periods of time, impeding plant growth and threatening birds and mammals with irritation and toxicity. Gasoline also poses a threat to human health, as ingesting gasoline or inhaling gasoline vapors can

cause dizziness, headaches, lung irritation and nervous system disruptions. See, e.g., Agency for Toxic Substances and Disease Registry, Public Health Statement for Automotive Gasoline, CENTER FOR DISEASE CONTROL (June 1995), <https://www.atsdr.cdc.gov/phs/phs.asp?id=466&tid=83>.

7. In response to the gasoline leak, the Department issued letters to Defendants Sterling American, Inc., Crown Gas and Diesel, LLC, and Friends Gas, Inc., instructing them to begin remediation at the Site. Despite those letters, Defendants have not remediated the Site to date.
8. On August 19, 2019, the Department found that the Site was also out of compliance with UST regulations for failure to timely designate Class A and Class B operators for the USTs at the Site. The Department issued an Administrative Order and Notice of Civil Administrative Penalty Assessment ("AONOCAPA") for this violation on August 23, 2019. The AONOCAPA became a final agency order on September 18, 2019.
9. Defendants Friends Gas, Inc. and Irfan Hassan have failed to pay the required penalties under the final agency order. The Department also seeks the imposition of additional civil penalties for Defendants Irfan Hassan and Friends Gas's failure to comply with the final agency order and pay the civil administrative penalty, pursuant to N.J.S.A. 58:10A-10(e) and N.J.S.A. 26:2C-19(b).

10. In furtherance of environmental justice principles, the Plaintiffs now bring this suit (1) to compel Defendants to remediate hazardous substances in the soil and groundwater at the Site and the land and groundwater of surrounding properties that have been contaminated with hazardous substances discharged at the Site; (2) to recover from Defendants the costs the Plaintiffs have incurred and will incur to remediate the Contaminated Site; (3) to impose civil administrative penalties and civil statutory penalties on Defendants; and (4) for other related relief.

THE PARTIES

11. The Department is a principal department within the Executive Branch of the State government vested with the authority to conserve and protect natural resources, protect the environment, prevent pollution, and protect the public health and safety, N.J.S.A. 13:1D-9, and having its principal offices at 401 East State Street in the City of Trenton, County of Mercer, State of New Jersey. Pursuant to the authority vested in the Department by its enabling legislation, the Spill Act, and the UST Act, the Department is empowered to institute legal proceedings to enforce final agency orders and to pursue additional civil penalties in summary proceedings in Superior Court.

12. The Commissioner is the Commissioner of the DEP, N.J.S.A. 58:10A-3, also with a principal office at 401 East State Street in the City of Trenton, County of Mercer, New Jersey, and is vested by law with various powers and authority, including those conferred by the DEP's enabling legislation, N.J.S.A. 13:1D to -19.
13. Defendant Sterling American, Inc. ("Sterling American") is a corporation organized and existing under the laws of the State of New Jersey. Its corporate status was revoked in October 2006. The last known address for its registered agent is 744 Broad Street, Suite 1813, Newark, New Jersey.
14. Defendant Crown Gas and Diesel ("Crown Gas") is a limited liability company organized under the laws of the State of New Jersey. Its authorization as an LLC was revoked in February 2011. The last known address for its registered agent is 10 Rome Street, Newark, New Jersey.
15. Defendant Friends Gas, Inc. ("Friends Gas") is a corporation organized and existing under the laws of the State of New Jersey, with a principal place of business at 221 Central Avenue, East Orange, New Jersey. Its principal and registered agent, Irfan Hassan, is located at 70 Crest Drive, South Orange, New Jersey.
16. Defendant Little Mason Properties, LLC ("Little Mason") is a limited liability company existing under the laws of the State

of Delaware, with a principal place of business at 70 Crest Drive, South Orange, New Jersey.

17. Defendant Irfan Hassan, also known as Arfan Hassan and Ifran Hassan, is an individual residing in the State of New Jersey, with a principal residence located at 70 Crest Drive, South Orange, New Jersey. Hassan is the sole member of Little Mason, LLC, and the principal and registered agent of Friends Gas, Inc. Upon information and belief, Hassan is the individual in charge of day-to-day activities of both Little Mason and Friends Gas and has the authority to correct violations of applicable laws and regulations.

SITE HISTORY AND PROCEDURAL BACKGROUND

18. The Site is located at 185-187 Pennsylvania Avenue, Newark City, Essex County, also known as Block 2789, Lot 17 on the Tax Map of the City of Newark.
19. The Site is the location of "underground storage tank (UST) systems," as defined by N.J.A.C. 7:14B-1.6, currently consisting of one diesel UST and two gasoline USTs.
20. In approximately May 2000, four 1,000-gallon USTs of unleaded gasoline were removed from the Site.
21. Defendant Sterling American owned the Site from 1982 to 2006.
22. In 1996, the Site's then-owner, Sterling American, abandoned the kerosene UST in place. The gasoline USTs were ultimately removed in 2000.

23. On November 22, 2000, the Department received a report that gasoline was leaking from one or more of the USTs at the Site and contaminating the surrounding soil. There was visible soil contamination at the Site at that time.
24. The gasoline leak constitutes a "discharge" under the Spill Act. N.J.S.A. 58:10-23.11(b).
25. The gasoline leak constitutes a "discharge" under the WPCA. N.J.S.A. 58:10A-3(e).
26. Defendant Sterling American owned the Site at the time of the discharge in November 2000.
27. On February 13, 2006, Defendant Sterling American conveyed the Site to Defendant Crown Gas.
28. On June 10, 2010, Defendant Crown Gas conveyed the Site to Defendant Friends Gas.
29. On June 24, 2015, Defendant Friends Gas transferred the Site to Defendant Little Mason for \$1.00.
30. Defendant Little Mason is the current owner of the Site. Defendant Friends Gas remains the operator of the Site.
31. Friends Gas and Little Mason are both owned and controlled by Irfan Hassan.
32. On or about March 10, 2016, Defendant Friends Gas retained a Licensed Site Remediation Professional ("LSRP") for the Site. Friends Gas, released the LSRP on or about February 1, 2018. To date, Friends Gas has not retained a new LSRP.

33. On October 4, 2016, the Department sent letters to the Site's previous and then-current owners Sterling American, Crown Gas, and Friends Gas. The letters included Notices of Potential Enforcement Action related to each entity's failure to investigate and remediate the Site.
34. The October 2016 Notice for Potential Enforcement Action to Sterling American informed its officer that Sterling American was out of compliance with the following regulations under SRRA:
- A. Failure to pay all applicable fees and oversight costs as required by the Department pursuant to N.J.A.C. 7:26C-2.3(a)(4);
 - B. Failure to comply with each applicable mandatory timeframe pursuant to N.J.A.C. 7:26C-3.3(a), specifically, the mandatory time frames for submittal of the initial receptor evaluation report and the mandatory timeframe for submittal of the site investigation report;
 - C. Failure to submit a remedial investigation report pursuant to N.J.A.C. 7:26E-4.10;
 - D. Failure to comply with the requirements for direct oversight pursuant to N.J.A.C. 7:26C-14.2(b).

35. The October 2016 Notice for Potential Enforcement Action to Crown Gas informed its officer that Crown Gas was out of compliance with the following regulations under SRRA:

- A. Failure to submit a remedial investigation report pursuant to N.J.A.C. 7:26E-4.10;
- B. Failure to comply with each applicable mandatory timeframe in N.J.A.C. 7:26C-3.3(a), specifically, the mandatory timeframe for submittal of the initial receptor evaluation report; and
- C. Failure to comply with the requirements for direct oversight in N.J.A.C. 7:26C-14.2(b).

36. The Notice for Potential Enforcement Action sent to Friends Gas informed its officer that Friends Gas was out of compliance with the following regulations under SRRA:

- A. Failure to pay all applicable fees and oversight costs as required by the Department pursuant to N.J.A.C. 7:26C-2.3(a)4;
- B. Failure to submit a remedial investigation report pursuant to N.J.A.C. 7:26E-4.10;
- C. Failure to comply with each applicable mandatory timeframe pursuant to N.J.A.C. 7:26C-3.3(a), specifically, the mandatory timeframe for submittal of the initial receptor evaluation report; and

D. Failure to comply with the requirements for direct oversight pursuant to N.J.A.C. 7:26C-14.2(b).

37. To date, the Defendants have not remediated the Site or complied with the listed obligations under SRRA.
38. An August 19, 2019 compliance evaluation of the Site also revealed Defendants Friends Gas's and Irfan Hassan's failure to comply with the UST Act and its regulations. Specifically, Defendant Friends Gas failed to designate Class A and B operators for its UST system by the October 13, 2018 deadline.
39. On August 23, 2019, the Department issued an Administrative Order and Notice of Civil Administrative Penalty Assessment ("AONOCAPA") to Defendant Friends Gas via certified mail to Defendant Hassan's home address.
40. Based upon the findings of the August 2019 AONOCAPA, the Department ordered Defendant Friends Gas to designate a UST Class A/B operator on its UST registration by submitting an amended UST Questionnaire along with a complete copy of the insurance policy and proof of the operator's passage of the A/B exam within 30 days of the AONOCAPA. The Department assessed a civil administrative penalty against Defendant Friends Gas in the amount of \$1,750.00, as reflected in the Penalty Assessment Worksheets attached to the AONOCAPA.

41. On or about August 28, 2019, Defendant Hassan received the AONOCAPA on behalf of Defendant Friends Gas and called the Department to discuss it.
42. Defendant Friends Gas did not request an administrative hearing, and on or about September 18, 2019, 21 days after Defendant Friends Gas's receipt of the AONOCAPA, the AONOCAPA became a final agency order against Friends Gas.
43. Defendant Friends Gas did not appeal the final agency order.
44. Defendant Friends Gas is obligated to comply with the terms of the final agency order and pay the \$1,750.00 civil administrative penalty.
45. Defendant Friends Gas subsequently designated a Class A/B operator as required by the final agency order.
46. To date, Defendant Friends Gas has not paid the \$1,750.00 civil administrative penalty.

FIRST COUNT

Violation of the Spill Act

47. The Department repeats each allegation of Paragraphs 1 through 46 above as though set forth in their entirety herein.
48. Any person who discharges a hazardous substance, or is in any way responsible for any hazardous substance, shall be liable, jointly and severally, without regard to fault, for all cleanup and removal costs no matter by whom incurred,

- N.J.S.A. 58:10-23.11g.c.(1), except as otherwise provided in N.J.S.A. 58:10-23.11g12, which is not applicable here.
49. Defendants are "persons" as defined by N.J.S.A. 58:10-23.11b.
50. Under the Spill Act, the Department may bring an action in the Superior Court for injunctive relief, N.J.S.A. 58:10-23.11u.b.(1), for its unreimbursed investigation, cleanup and removal costs, including the reasonable costs of preparing and successfully litigating the action, N.J.S.A. 58:10-23.11u.b.(2), and for any other unreimbursed costs the Department incurs under the Spill Act, N.J.S.A. 58:10-23.11u.b.(5).
51. Gasoline is a "petroleum product," which is a "hazardous substance" under N.J.S.A. 58:10-23.11b.
52. The November 2000 gasoline leak constitutes a "discharge" under N.J.S.A. 58:10-23.11b.
53. Defendant Sterling American is a "discharger" or a "person in any way responsible" as the operator of the Site at which hazardous substances were discharged, and a person "in any way responsible" as the owner of the Site at the time hazardous substances were discharged there, and is therefore liable, jointly and severally, without regard to fault, for all cleanup and removal costs the Department has incurred, and will incur, from the discharge of hazardous substances at the Site. N.J.S.A. 58:10-23.11g.c.(1).

54. Defendant Crown Gas, as a purchaser of the Site that knew or should have known about the contamination at the time of its acquisition, is a person "in any way responsible" for hazardous substances, and is therefore liable, jointly and severally, without regard to fault, for all cleanup and removal costs the Department has incurred, and will incur, from the discharge of hazardous substances at the Site. N.J.S.A. 58:10-23.11g.c.(1).
55. Defendant Friends Gas, as a purchaser of the Site that knew or should have known about the contamination at the time of its acquisition, is a person "in any way responsible" for hazardous substances, and is therefore liable, jointly and severally, without regard to fault, for all cleanup and removal costs the Department has incurred, and will incur, from the discharge of hazardous substances at the Site. N.J.S.A. 58:10-23.11g.c.(1).
56. Defendant Little Mason, as a purchaser of the Site that knew or should have known about the contamination at the time of its acquisition, is a person "in any way responsible" for hazardous substances, and is therefore liable, jointly and severally, without regard to fault, for all cleanup and removal costs the Department has incurred, and will incur, from the discharge of hazardous substances at the Site. N.J.S.A. 58:10-23.11g.c.(1).

57. Irfan Hassan, as a person who owned and controlled Little Mason and Friends Gas, is a person "in any way responsible" for discharged hazardous substances, and is therefore liable, jointly and severally, without regard to fault, for all cleanup and removal costs Plaintiffs have incurred, and will incur, from the discharge of hazardous substances at the Site. N.J.S.A. 58:10-23.11g.c.(1).
58. XYZ Corporations, 1-10, are persons "in any way responsible" for discharged hazardous substances and are therefore liable, jointly and severally, without regard to fault, for all cleanup and removal costs the Department has incurred, and will incur, from the discharge of hazardous substances at the Site. N.J.S.A. 58:10-23.11g.c.(1).
59. John and/or Jane Does, 1-10, are persons "in any way responsible" for discharged hazardous substances and are therefore liable, jointly and severally, without regard to fault, for all cleanup and removal costs the Department has incurred, and will incur, from the discharge of hazardous substances at the Site. N.J.S.A. 58:10-23.11g.c.(1).

WHEREFORE, Plaintiffs request judgment in their favor:

- A) Ordering the Defendants, jointly and severally, without regard to fault, to reimburse the Department for any and all cleanup and removal costs the Department has incurred as a result of

the discharge of hazardous substances at the Site,
with applicable interest;

- B) Entering declaratory judgment against the Defendants, jointly and severally, without regard to fault, for all cleanup and removal costs the Department will incur as a result of the discharge of hazardous substances at and from the Site;
- C) Entering declaratory judgment against the Defendants, compelling them to perform any further cleanup of the hazardous substances at the Contaminated Site in conformance with SRRA, N.J.S.A. 58:10C-1 to -29, and all other applicable laws and regulations;
- D) Awarding the Department its costs and fees incurred in this action; and
- E) Awarding the Department any other relief this Court deems appropriate.
- F) Reserving the right to bring a claim against Defendants in the future for natural resource damages arising out of the discharge of hazardous substances at the Site.

SECOND COUNT

Violation of the Water Pollution Control Act

60. The Plaintiffs repeat each allegation of Paragraphs 1 through 59 above as though set forth in their entirety herein.
61. Defendant Sterling American is a "person" within the meaning of N.J.S.A. 58:10A-3.
62. The release of gasoline causing soil contamination constitutes a "discharge" under the WPCA as a pollutant was released "onto land or into wells from which it might flow or drain into [the waters of the State]." N.J.S.A. 58:10A-3(e).
63. The unauthorized discharge of pollutants is a violation of the WPCA for which any person who is the discharger is strictly liable, without regard to fault. N.J.S.A. 58:10A-6a.
64. The Commissioner has incurred, and will incur, costs and damages because of the discharge of pollutants at the Contaminated Site.
65. The costs and damages the Commissioner has incurred, and will incur, for the Contaminated Site are recoverable within the meaning of N.J.S.A. 58:10A-10c.(2) to (4).
66. The Commissioner may bring an action in the Superior Court for injunctive relief, N.J.S.A. 58:10A-10c.(1); for the reasonable costs of any investigation, inspection, or monitoring survey which led to the establishment of the

violation, including the costs of preparing and litigating the case, N.J.S.A. 58:10A-10c.(2); and reasonable costs incurred by the State in removing, correcting, or terminating the adverse effects on water quality resulting from any unauthorized discharge of pollutants for which action under this subsection may have been brought, N.J.S.A. 58:10A-10c.(3); and the actual amount of any economic benefits accruing to the violator from any violation, including savings realized from avoided capital or noncapital costs resulting from the violation, the return earned or that may be earned on the amount of avoided costs, any benefits accruing as a result of a competitive market advantage enjoyed by reason of the violation, or any other benefit resulting from the violation, N.J.S.A. 58:10A-10c.(5).

WHEREFORE, the Commissioner requests that this Court:

- A. Permanently enjoin Defendant Sterling American by requiring Defendant Sterling American to remove, correct, or terminate the adverse effect upon water quality resulting from any unauthorized discharge of pollutants;
- B. Enter an order assessing Defendant Sterling American, without regard to fault, the reasonable costs for any investigation, inspection, or monitoring survey, which

led to establishment of the violation, including the costs of preparing and litigating the case;

C. Enter declaratory judgment against Defendant Sterling American, without regard to fault, assessing all reasonable costs that will be incurred for any investigation, inspection, or monitoring survey, which led, or will lead, to establishment of the violation, including the costs of preparing and litigating the case;

D. Enter an order assessing Defendant Sterling American, without regard to fault, all reasonable costs incurred for removing, correcting or terminating the adverse effects upon water quality resulting from any unauthorized discharge of pollutants at the Site;

E. Enter declaratory judgment against Defendant Sterling American, without regard to fault, assessing all reasonable costs that will be incurred for removing, correcting, or terminating the adverse effects upon water quality resulting from any unauthorized discharge of pollutants at the Site;

F. Enter an order assessing Defendant Sterling American, without regard to fault, the actual amount of any economic benefits they have accrued, including any savings realized from avoided capital or noncapital

costs, the return they have earned on the amount of avoided costs, any benefits Defendant Sterling American has enjoyed as a result of a competitive market advantage, or any other benefit they have received as a result of having violated the WPCA.

- G. Enter declaratory judgment against Defendant Sterling American, without regard to fault, assessing Defendant Sterling American the actual amount of any economic benefits that will accrue to them, including any savings to be realized from avoided capital or noncapital costs, the return to be earned on the amount of avoided costs, any benefits that will accrue as a result of a competitive market advantage Defendant Sterling American has enjoyed, or any other benefit that will accrue as a result of having violated the WPCA;
- H. Award the Commissioner her costs and fees in this action; and
- I. Award the Commissioner such other relief as this Court deems appropriate.
- J. Reserving the right to bring a claim against Defendant Sterling American in the future for natural resource damages arising out of the discharge of hazardous substances at the Site.

THIRD COUNT

Violation of the UST Act and Enforcement of Final Agency Order

67. The Department repeats each allegation of Paragraphs Nos. 1 through 66 above as though set forth in their entirety herein.
68. To date, Defendant Friends Gas has not complied with the requirement of the final agency order to pay the \$1,750.00 civil administrative penalty.
69. Pursuant to N.J.S.A. 58:10-23.11u.c.(3), the rate of interest shall be that established by the New Jersey Supreme Court for the interest rates on judgments, as forth in the Rules Governing the Courts of the State of New Jersey.
70. Pursuant to R. 4:42-11(a), judgments for the payment of money shall bear simple interest.
71. Pursuant to R. 4:67-6, the Department is entitled to the entry of a court order enforcing the final agency order, which requires Defendant Friends Gas to comply with the UST Act and its implementing regulations, and to pay a civil administrative penalty, plus interest.

WHEREFORE, the Department demands entry of an order against Defendant Friends Gas:

- A. Finding the Defendant in violation of the final agency order;
- B. Ordering the Defendant, within thirty (30) days after the Court's Order, to pay the civil administrative

penalty in the amount of \$1,750.00, plus interest on the unpaid penalty at the judgment rate commencing on August 23, 2019; and

c. Granting such other relief as the Court deems just and proper.

FOURTH COUNT

Enforcement Against Irfan Hassan (Individually)

72. The Department repeats each allegation of Paragraphs Nos. 1 through 71 above as though fully set forth in their entirety herein.
73. Defendant Irfan Hassan is the owner and registered agent of Friends Gas.
74. Upon information and belief, Defendant Hassan is the sole member of Little Mason.
75. As owner and sole member in control of Friends Gas and Little Mason, respectively, Defendant Hassan is responsible for ensuring that each company complies with New Jersey's environmental laws and regulations.
76. Defendant Hassan, through his companies, Friends Gas and Little Mason, has not remediated the Contaminated Site as required by the Spill Act and SRRA.
77. Defendant Hassan has not caused Friends Gas to: pay all applicable fees and oversight costs as required by the Department pursuant to N.J.A.C. 7:26C-2.3(a)4; submit a

remedial investigation report pursuant to N.J.A.C. 7:26E-4.10; comply with each applicable mandatory timeframe pursuant to N.J.A.C. 7:26C-3.3(a) (in particular the mandatory timeframe for submittal of the initial receptor evaluation report); and comply with the requirements for direct oversight pursuant to N.J.A.C. 7:26C-14.2(b).

78. Defendant Hassan has not caused Friends Gas to pay the UST Act civil administrative penalty assessed in the Friends Gas final agency order from September 2019.

79. "Corporate officials" who exercise complete dominance over corporate entities responsible for statutory violations, including the Spill Act, SRRA, and the UST Act, and who abuse the corporate forms of such entities, are themselves liable for such statutory violations.

80. As owner and controlling member of Friends Gas and Little Mason, Defendant Hassan is liable under the Spill Act and is in violation of SRRA obligations.

81. As owner and controlling member of Friends Gas, Defendant Hassan has violated a final agency order by refusing to pay the civil administrative penalty assessed against Friends Gas.

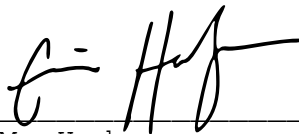
WHEREFORE, the Department seeks entry of an order against Defendant Irfan Hassan, individually:

- A. Ordering the Defendant, jointly and severally, without regard to fault, to reimburse the Department for any and all cleanup and removal costs the Department has incurred from the discharge of hazardous substances at the Site, with applicable interest;
- B. Entering declaratory judgment against the Defendant, jointly and severally, without regard to fault, for all cleanup and removal costs the Department will incur from the discharge of hazardous substances at and from the Site;
- C. Entering declaratory judgment against the Defendant, compelling them to perform any further cleanup of the Site in conformance with SRRA, N.J.S.A. 58:10C-1 to -29, and all other applicable laws and regulations;
- D. Awarding the Department its costs and fees incurred in this action;
- E. Finding the Defendant in violation of the final agency order;
- F. Ordering the Defendant, within thirty days after the Court's Order, to pay the civil administrative penalty in the amount of \$1,750.00, plus interest on the unpaid penalty at the judgment rate commencing on August 23, 2019;

G. Granting such other relief as the Court deems just and proper; and

H. Reserving the right to bring a claim against Defendants in the future for natural resource damages arising out of the discharge of hazardous substances at the Site.

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiffs

By: 
Erin M. Hodge
Deputy Attorney General

Dated: 8/27/20

DESIGNATION OF TRIAL COUNSEL


Pursuant to R. 4:25-4, the Court is advised that Erin M. Hodge, Deputy Attorney General, is hereby designated as trial counsel for plaintiffs in this action.

R. 4:5-1(b)(2) CERTIFICATION REGARDING

OTHER PROCEEDINGS AND PARTIES

Undersigned counsel certifies that the matters in controversy in this action are currently not the subject of any other pending action in any court or arbitration proceeding known to the State at this time, nor is any non-party known to the State at this time who should be joined in this action pursuant to R. 4:28, or who is subject to joinder pursuant to R. 4:29-1. If, however, any such matter or non-party later becomes known to Plaintiffs, an amended certification will be filed and served upon all other parties and filed with this court in accordance with R. 4:5-1(b)(2).

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY

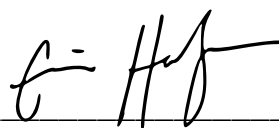
By: 
Erin M. Hodge
Deputy Attorney General

Dated: 8/27/20

CERTIFICATION OF COMPLIANCE WITH RULE 1:38-7(c)

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY

By: 
Erin M. Hodge
Deputy Attorney General

Dated: 8/27/20