

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

CONTAMINATED SITE REMEDIATION & REDEVELOPMENT PROGRAM

Notice to Receive Interested Party Comments on proposed Modifications to the Direct Oversight Requirements for the Des Champs Labs Incorporated Industrial Establishment at 66 Okner Parkway, in Livingston Township, Essex County, Department Program Interest Number G000042636, Case #s LSR170001 & OSA180001.

Take notice that the New Jersey Department of Environmental Protection (the “Department”) hereby gives notice of proposed modifications of the requirements for Direct Oversight under N.J.S.A. 58:10C-27c. and N.J.A.C. 7:26C-14.2(b). The Department is providing public notice of the proposed modifications in accordance with the Site Remediation Reform Act (SRRA) at N.J.S.A. 58:10C-27.g.(2) and upon the determination that the adjustments set forth herein are in the public interest and protective of public health and safety and the environment.

The property referenced above is in Direct Oversight because the parties responsible for conducting the referenced remediation have violated one or more statutory, mandatory, and/or expedited site-specific remediation timeframes established pursuant to the SRRA (N.J.S.A.58:10C-1 et. seq). Specifically, Nicholas Des Champs, Rebecca Des Champs, and Munters Corporation failed to comply with the requirements for direct oversight after missing the March 1, 2012 mandatory timeframe for submitting the Preliminary Assessment Report, Site Investigation Report and Initial Receptor Evaluation, the March 1, 2019 mandatory timeframe for submitting the Remedial Investigation Report, and the December 7, 2019 mandatory timeframe for submitting the IEC Source Control Report. To address these violations and demonstrate adjustments to Direct Oversight are in the public interest and protective of public health and safety and the environment, Nicholas Des Champs, Rebecca Des Champs, and Munters Corporation (Ordered Parties) have agreed to (a) return

to compliance by retaining a Licensed Site Remediation Professional (LSRP), (b) submit a Public Participation Plan, (c) submit an LSRP certified Remediation Cost Review, (d) execute an Administrative Consent Order (ACO) and (e) post a Remediation Funding Source (excluding a Self-Guarantee) to financially guarantee the completion of the cleanup within the timeframes established pursuant to an ACO. In addition, and as part of the overall settlement of this matter, Nicholas Des Champs, Rebecca Des Champs, and Munters Corporation have agreed to reimburse the Department \$273,240.00 toward Department costs previously incurred for this Contaminated Site. Under the terms of the ACO the following proposed adjustments to Direct Oversight would be made:

- 1) The Preliminary Assessment Report was submitted on September 7, 2021;
- 2) The Site Investigation Report was submitted on June 1, 2022;
- 3) The Initial Receptor Evaluation was submitted on June 1, 2022;
- 4) The IEC Source Control Report shall be submitted by the revised mandatory timeframe of September 7, 2023;
- 5) The Remedial Investigation Report shall be submitted by the revised mandatory timeframe of September 7, 2027;
- 6) If the above due dates are met, additional proposed Direct Oversight adjustments are earned as follows:
 - a) The Ordered Parties may proceed with the remediation without prior Department approval;
 - b) The Ordered Parties may pay annual remediation fees in lieu of Direct Oversight costs for LSR170001;
 - c) The Ordered Parties would not be required to submit a Feasibility Study;
 - d) The Ordered Parties would not be required to submit a Direct Oversight Summary Report; and

e) The LSRP retained by the Ordered Parties may select the protective remedy, rather than the Department doing so.

7) The Remedial Action Report shall be submitted by the revised regulatory timeframe of September 7, 2029.

Should the Ordered Parties fully comply with the terms of the ACO, additional adjustments to Direct Oversight under #6 above may be granted, allowing the case to proceed in a manner consistent with the intent of the SRRA and the Licensed Site Remediation Professional Program with the exception that the Ordered Parties shall continue to post a Remediation Funding Source. The Remediation Funding Source is based on an Annual Remediation Cost Review certified by an LSRP and is required until the remediation is completed with the LSRP retained to complete the remediation issuing either (a) an unrestricted use Response Action Outcome (RAO) or (b) either a limited restricted use or restricted use RAO that includes requirements to comply with an approved Remedial Action Permit.

Should the Ordered Parties fail to comply with the proposed adjusted Direct Oversight terms of the ACO, the Ordered Parties would have agreed as conditions of the ACO (a) that the terms of compliance revert back to full compliance with all provisions of Direct Oversight, (b) to pay stipulated penalties, (c) that the Department may draw down on the Remediation Funding Source to conduct the cleanup, and (d) that the Department may enforce the ACO in Superior Court as a final order.

Based on the ACO terms, an effective method mitigating vapor impacts at the Contaminated Site, and no other known impacts to public health at this time, the Department is making a determination that this proposed Direct Oversight modification is in the public interest and protective of public health and safety. With the Ordered Parties agreeing to the proposed terms and with a financial commitment established as a Remediation Funding Source, Department resources are best utilized by allowing this matter to proceed without direct Department oversight and instead under an

LSRP who is obligated to ensure the remediation being conducted is protective of public health and the environment.

In accordance with the SRRA at N.J.S.A. 58:10C-27.g.(2), the information noted above serves as the Department's written determination of and rationale for the proposed modifications to the requirements of Direct Oversight. The action set forth herein shall not be effective until at least 60 calendar days from the date of this notice.

A copy of the Department's files concerning the Site is available for review by contacting the Office of Record Access, NJDEP, PO Box 420, Mail Code 401-06Q, Trenton, NJ 08625-0420 or via e-mail at records.custodian@dep.nj.gov.

Interested persons may submit written comments on the proposed adjustments to Direct Oversight to Gillian Schwert, Enforcement Manager, NJDEP, Contaminated Site Remediation and Redevelopment Program, Bureau of Enforcement and Investigation, 401 East State Street, PO Box 420 - Mail Code 401-06U, Trenton, NJ 08625-0420 or electronically at Gillian.Schwert@dep.nj.gov.

All comments must be submitted within 30 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 proposed adjustments to Direct Oversight if comments disclose facts or considerations that show that the adjustments to Direct Oversight are inappropriate, improper, inadequate, or not protective of public health and safety and the environment.

The action set forth herein shall not be effective until at least 60 calendar days from the date of this notice.