

PUBLIC NOTICES

ENVIRONMENTAL PROTECTION

SITE REMEDIATION

Notice to Receive Interested Party Comments on Covenant Not to Sue Agreement for Remediation in Union County

Take notice that the New Jersey Department of Environmental Protection (Department) hereby gives notice of a Covenant Not to Sue Agreement concerning remediation resulting from discharges at the property located at 400 Clermont Terrace, Union Township, Union County (Block 606, Lot 3).

The Department, under the authority vested in the Commissioner by N.J.S.A. 13:1D-1 et seq., the Spill Compensation and Control Act, N.J.S.A. 58:10-23-11 et seq. ("Spill Act"), the Industrial Site Recovery Act, N.J.S.A. 13:1K-6 et seq. ("ISRA"), the Site Remediation Reform Act, N.J.S.A. 58:10C-1 et seq. ("SRRRA"), and the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1 et seq. ("Brownfields Act"), proposes to issue the Covenant Not to Sue Agreement to EFG Clermont Terrace, LLC and its affiliates, who can be contacted at General Counsel-EFG Clermont Terrace, LLC, 520 Capitol Mall, Suite 200, Sacramento, California 95814.

Under the proposed Covenant Not to Sue Agreement, EFG Clermont Terrace, LLC and its affiliates have agreed that within 30 days of taking legal title to the property, EFG Clermont Terrace, LLC and its affiliates will establish a remediation funding source to fund the

remediation of the on-site soil contamination. In return for the establishment of a remediation funding source, this Covenant Not Sue Agreement will protect EFG Clermont Terrace, LLC and its affiliates from any consequences resulting from discharges at the property that occurred prior to taking legal title to the property.

This Covenant Not to Sue Agreement does not address the discharges to ground water beneath the site and off-site contamination. The Department will address these two issues separately from this transaction.

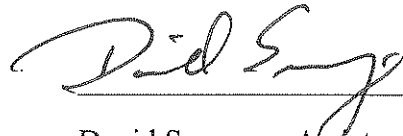
It is the intent of the Department and EFG Clermont Terrace, LLC and its affiliates that the Covenant Not to Sue Agreement constitutes an administratively approved agreement within the meaning of N.J.S.A. 58:10-23.11 f.a.(2)(b), and 42 U.S.C.9613(f)2 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1984, as amended (CERCLA), 42 U.S.C.9601 et seq., for the purpose of providing protection from contribution actions or claims for matters addressed in the Covenant Not to Sue Agreement.

Copies of the proposed Covenant Not to Sue Agreement are available for inspection at the Department's main office at 401 East State Street, in Trenton, NJ and via the Internet at <http://www.nj.gov/dep/srp/legal/>. A copy of the Department's files concerning the property is available for review by contacting the NJDEP-Office of Record Access, 401 East State Street, P.O. Box 420-Mailcode 401-06Q, Trenton, NJ 08625-0420 or via e-mail at records.custodian@dep.state.nj.us.

Interested persons may submit comments on the entry of the Covenant Not to Sue Agreement to Assistant Director Kevin Kratina, NJDEP, Enforcement and Information Support Element, 401 East State Street, PO Box 420, Mailcode 401-06T, Trenton, NJ 08625-0420. 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 entry of the Covenant Not to Sue Agreement if comments received disclose facts or considerations that show that the Covenant Not to Sue Agreement is inappropriate, improper, or inadequate.

Date 1/17/13



David Sweeney, Assistant Commissioner
Site Remediation Program