

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

SITE REMEDIATION AND WASTE MANAGEMENT PROGRAM

Notice to Receive Interested Party Comments on a Proposed Consent Judgment for the Remediation of and to Recover Cleanup and Removal Costs on the Site Known as 3 New York Avenue, Jersey City, Hudson County.

Take notice that the New Jersey Department of Environmental Protection (the Department) hereby gives notice of a Consent Judgment concerning the remediation and recovery of unreimbursed cleanup and removal costs at the site known as the Galaxy Recycling Site located at 3 New York Avenue, Jersey City Hudson County (Site). The Department has designated the Site as Site Remediation Program Interest No. 459020.

The Department, under the authority of N.J.S.A. 13:1D-1 through 19, and by the authority of the Spill Compensation and Control Act (Spill Act), N.J.S.A. 58:10-23.11 through 23.24, the Site Remediation Reform Act, N.J.S.A. 58:10C-1 through 29, and pursuant to the authority vested in the Administrator of the New Jersey Spill Fund and the authority delegated to the Director of the Enforcement, Technical and Financial Support Division within the Site Remediation and Waste Management Program pursuant to N.J.S.A. 13:1B-4, proposes to enter into this Consent Decree with 3-25 New York Ave. Corp.

Under the terms of the proposed Consent Judgment, 3-25 New York Ave. Corp. shall perform the remediation of the Site if the prospective purchaser of the Site, Devan Propco, LLC, acquires title but fails to conduct the remediation. Through a separate Administrative Consent Order executed between the Department and Devan Propco, LLC, Devan Propco, LLC agrees to pay the Department the amount of \$285,000 to resolve 3-25 New York Ave. Corp.'s alleged liability for past costs to the Department through the effective date of the Consent Judgment. The Department would, among other things, agree to provide 3-25 New York Ave. Corp. with a covenant not to sue for all past cleanup and removal costs and all future cleanup and removal costs conditioned upon the satisfactory performance by Devan Propco, LLC of their obligations under their Administrative Consent Order.

It is the intent of the Department and 3-25 New York Ave. Corp. that the Consent Judgment constitutes 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 Consent Judgment.

A copy of the Consent Judgment is available for inspection at the Department's main office at 401 East State Street, in Trenton, New Jersey and via the Internet at www.nj.gov/dep/srp/settlements. A copy of the Department's files concerning the Property 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 comments on the entry of the Consent Judgment concerning the remediation of the Property to Kevin F. Kratina, Assistant Director, NJDEP, Site Remediation and Waste Management Program, Enforcement and Information Support Element, 401 East State Street, PO Box 420 - Mail Code 401-06A, Trenton, NJ 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 consent to the entry of the Consent Judgment if comments disclose facts or considerations that show that the Consent Judgment is inappropriate, improper, or inadequate.

JAN 10 2020

Date



Kevin F. Kratina, Assistant Director
Enforcement & Information Support Element
Site Remediation and Waste Management Program