

## **PUBLIC NOTICE**

### **ENVIRONMENTAL PROTECTION**

### **SITE REMEDIATION AND WASTE MANAGEMENT PROGRAM**

### **OFFICE OF NATURAL RESOURCE RESTORATION**

#### **Notice to Receive Interested Party Comments on Proposed Judicial Consent Order in the Matter of *New Jersey Department of Environmental Protection, et al. v. Atlantic Richfield Co., et al.*, No. 08-CIV-00312**

**Take notice** that the New Jersey Department of Environmental Protection (Department) hereby gives notice of a proposed Judicial Consent Order concerning a settlement regarding a service station located at 439 Lake Avenue, Woodbridge Township, Middlesex County, New Jersey (the “HP Delta Site”). The settlement is with Getty Properties Corp. (GPC), which can be contacted via its attorneys, John McMeekin II, Esq. and Susan Dean, Esq. of Rawle & Henderson LLP, 1339 Chestnut Street, 16th Floor, Philadelphia, Pennsylvania 19107; Third-Party Defendants H.P. Delta, Inc. (“HP Delta, Inc.”), Harbans Singh, and Gurmail Singh, who can be contacted via their attorney Stuart J. Lieberman, Esq. of Lieberman & Blecher, P.C, 10 Jefferson Plaza, Suite 400, Princeton, New Jersey 08540; Third-Party Defendant Robert Melecci (“Melecci”), who can be contacted via his attorney James D. Bride, Esq. of Leary Bride Mergner & Bongiovanni, 7 Ridgedale Avenue, Cedar Knolls, New Jersey 07927; and Third-Party Defendant Dhandi Transport, Inc. (“Dhandi”), which can be contacted via its attorney Lila Wynne of Marshall, Dennehey, Warner, Coleman & Goggin, 15000 Midlantic Drive, Suite 200, P.O. Box 5429, Mount Laurel, New Jersey 08054. HP Delta, Inc., Harbans Singh, Gurmail Singh, Melecci, and Dhandi are referred to collectively as “Third-Party Defendants.”

The Department instituted this lawsuit in June 2007 against nearly 50 companies alleging that they were responsible for contamination of waters of the State of New Jersey with the gasoline additive methyl tertiary butyl ether (MTBE). The defendants include MTBE manufacturers and refiners and major-brand marketers of gasoline containing MTBE. The defendants also include companies within the chain of distribution of gasoline containing MTBE in the State of New Jersey. The Department has identified over 6,000 sites where MTBE has been detected in the waters of the State. The State seeks monetary damages as well as cleanup of the MTBE in the waters of the State. One of the aforementioned sites is the HP Delta Site. On or around April 12, 2011, GPC filed a Third-

Party Complaint against the Third-Party Defendants relating to the HP Delta Site. The Third-Party Defendants have denied the allegations of the Third-Party Complaint. This Judicial Consent Order concerns the HP Delta Site only and no other aspects of the above-captioned case or the MTBE Litigation.

Under the proposed Judicial Consent Order, Melecci and HP Delta, Inc. agree to settle alleged liability by collectively paying \$1,000,000.00 to the Department, and Dhandi agrees to pay \$350,000.00 to the Department. Pursuant to a separate, but related Judicial Consent Order, GPC has agreed to settle alleged liability for damages, past cleanup and removal costs, and injunctive relief by paying \$13,500,000.00 to the Department. This separate payment to the Department by GPC, is material and necessary consideration for this Judicial Consent Order. Upon receipt of the consideration from Melecci, HP Delta, Inc., Dhandi, and GPC, Plaintiffs will agree not to otherwise take judicial, administrative, or other action against GPC or the Third-Party Defendants related to the discharge of MTBE and/or gasoline at and from the HP Delta Site prior to the Effective Date of the Judicial Consent Order. The Department will also file a warrant of satisfaction with the Clerk's Office of the Superior Court of New Jersey to satisfy a 2016 lien in the amount \$2,000,067.46 (DJ 134696-16) on the HP Delta Site and Robert Melecci, personally.

Pursuant to the Judicial Consent Order, GPC and the Third-Party Defendants would fully and forever release, covenants not to sue, and agree not to otherwise take judicial, administrative, or other action against each other related to the discharge of MTBE and/or gasoline at and from the HP Delta Site prior to the Effective Date of the Judicial Consent Order.

The Judicial Consent Order 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 Judicial Consent Order.

A copy of the proposed Judicial Consent Order is available for inspection via the internet at <http://www.nj.gov/dep/srp/legal/> and <http://www.nj.gov/dep/nrr/settlements/index.html> 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 Judicial Consent Order should be directed to [records.custodian@dep.nj.gov](mailto:records.custodian@dep.nj.gov).

Written comments on the entry of this Judicial Consent Order may be submitted electronically to [MTBESettlement@dep.nj.gov](mailto:MTBESettlement@dep.nj.gov), referencing “HP Delta Site MTBE Settlement” in the subject line of the e-mail. Electronically submitted comments must be provided as portable document format (PDF) files. Alternatively, comments may be submitted in hard copy to:

Office of Record Access  
NJDEP  
Attn: HP Delta Site MTBE Settlement Comments  
P.O. Box 420, Mail Code 401-06Q  
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 Judicial Consent Order if comments received disclose facts or considerations that show that the Judicial Consent Order is inappropriate, improper or inadequate.