

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

SITE REMEDIATION AND WASTE MANAGEMENT PROGRAM

Notice to Receive Interested Party Comments on a Proposed Administrative Consent Order to Recover Cleanup and Removal Costs for the Golddel of Midland Park Site located at 102 Godwin Avenue, Midland Park, Bergen County.

Take notice that the New Jersey Department of Environmental Protection (the Department) hereby gives notice of a proposed Administrative Consent Order concerning the recovery of unreimbursed cleanup and removal costs at the property known as the Golddel of Midland Park site located at 102 Godwin Avenue, Midland Park, Bergen County (Site). The Site is also known and designated as Block 18, Lot 17 on the Tax Map of the Borough of Midland Park, which the Department has designated as Site Remediation Program Interest No. 020211.

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 23.11z, 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 Assistant Director of the Enforcement and Information Support Element within the Site Remediation and Waste Management Program pursuant to N.J.S.A. 13:1B-4, proposes to enter into this Administrative Consent Order with Ebury RE 2, LLC.

Under the terms of the proposed Administrative Consent Order, Ebury RE 2, LLC has agreed to settle their alleged liability to the Department for the Department's unreimbursed cleanup and removal costs through August 17, 2016, by paying the Department \$200,000.00. Ebury RE

2, LLC has also agreed to complete the remediation of the Site and all other areas that the contamination from the Site has emanated. The Department has agreed to file a Warrant of Satisfaction with the Clerk of the Superior Court to remove the First Priority Lien filed against the Site and to provide Ebury RE 2, LLC with a covenant not to sue for cleanup and removal costs prior to August 17, 2016.

It is the intent of the Department and Ebury RE 2, LLC that the Administrative Consent Order constitutes an administrative 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 Administrative Consent Order.

A copy of the proposed Administrative Consent Order is available for inspection at the Department's main office at 401 East State Street, in Trenton, New Jersey and via the Internet at <http://www.state.nj.us/dep/srp/legal/>. 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 comments on the entry of the Administrative Consent Order concerning the remediation of the Site 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 or withhold consent to the entry of the Administrative Consent Order if comments disclose facts or considerations that show that the Administrative Consent Order is inappropriate, improper, or inadequate.

1/30/18
Date

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