

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

SITE REMEDIATION AND WASTE MANAGEMENT PROGRAM

Notice to Receive Interested Party Comments on Proposed Consent Decree

Regarding the Hercules, Inc. Gibbstown Plant Superfund Site in Gloucester

County, New Jersey, *In the Matter of the United States of America, New Jersey*

Department of Environmental Protection, and the Administrator of the New Jersey Spill

Compensation Fund v. Hercules, L.L.C.

TAKE NOTICE that the New Jersey Department of Environmental Protection and the Administrator of the New Jersey Spill Compensation Fund (“NJDEP”) hereby give notice of a proposed Consent Decree concerning the cleanup and removal of hazardous substances resulting from alleged discharges at the Hercules, Inc. Gibbstown Plant Superfund Site, located at 50 Market Street in Gibbstown, Gloucester County, New Jersey, identified on the current tax map of the town of Greenwich Township at Block 8, Lot 10.01 (the “Property”).

NJDEP proposes to enter into this Consent Decree with Hercules, LLC (“Settling Defendant”).

Under the proposed Consent Decree, the Settling Defendant shall finance and perform the remediation at the Property and wherever contamination discharged there has migrated. Settling Defendant agrees to settle its alleged liability to the NJDEP for the NJDEP’s past cleanup and removal costs through the effective date of the Consent Decree, by paying NJDEP \$129,036.16. Settling Defendant agrees to settle its alleged liability to the EPA for the EPA's past remediation costs through the effective date of the Consent Decree, by paying the EPA \$143,943.54. Settling Defendant agrees to secure financial assurance for the benefit of the EPA in the amount of \$10,650,000 for the estimated cost of the remediation. Settling Defendant also agrees to secure financial assurance for the benefit of NJDEP in the amount of \$650,000 for the estimated cost of the future operation and maintenance associated with the remediation at the Property. NJDEP

would, among other things, provide Settling Defendant 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 Settling Defendant of its obligations under the Consent Decree. The proposed Consent Decree does not resolve Settling Defendant's alleged liability for injuries to natural resources and/or natural resource damages resulting from discharges at the Property.

This Consent Decree would constitute 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 proposed Consent Decree.

A copy of the proposed Consent Decree is available for inspection via the internet at <http://www.nj.gov/dep/srp/legal/> 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 Consent Decree should be directed to records.custodian@dep.nj.gov. Interested persons may submit comments on the entry of this Consent Decree electronically (preferred) to kevin.kratina@dep.nj.gov or by mail to Kevin F. Kratina, Assistant Director, NJDEP, Enforcement and Information Support Element, Site Remediation and Waste Management Program, 401 East State Street, Mail Code 401-06A, P.O. Box 420, Trenton, NJ 08625-0420. All comments must be submitted within 60 calendar days of the date of this public notice. NJDEP will consider all comments received and may decide to withdraw or withhold consent to the entry of the Consent Decree if comments received disclose facts or considerations that show that the Consent Decree is inappropriate, improper or inadequate.