

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

OFFICE OF NATURAL RESOURCE RESTORATION

Notice to Receive Interested Party Comments on Proposed Settlement Agreement for Natural Resource Damages, *In the Matter of Kinder Morgan, Inc. and Related Entities.*

TAKE NOTICE that the New Jersey Department of Environmental Protection and the Administrator of the New Jersey Spill Compensation Fund (“Department”) hereby give notice of a proposed Natural Resource Damages Settlement Agreement (Settlement Agreement) concerning injuries to natural resources resulting from discharges at the following properties:

- a. The Nuodex Site, designated as Block 93, Lot 100.01 (formerly Block 93, Lot 100, Block 62, Lot 2, and Block 62, Lot 3), Block 93, Lot 100.02 (formerly part of Block 93, Lot 100), Block 83, Lot 1, and Block 99, Lot 10 on the tax maps of Woodbridge Township, Middlesex County, New Jersey;
- b. The former Coastal Oil of New York Company Bayonne Terminal Site, located at the foot of 5th Avenue and formerly designated as Block 431, and currently designated as Block 475, on the tax maps of the City of Bayonne, Hudson County, New Jersey;
- c. The former Kalama Chemical Incorporated Site, located at 290 River Road and designated as Block 50.01, Lot 1 and Block 50.02, Lot 1 on the tax maps of the City of Garfield, Bergen County, New Jersey;
- d. The former Tenneco Oil Company/Atlantic Coast Harrison Terminal Site, located at 1 Harrison Avenue and designated as Block 66, Lot 1 on the tax maps of Town of Harrison, Hudson County, New Jersey; and
- e. The former Tenneco Oil Company/Center Point/Stratus Center Newark Terminal Site, located at 678 Doremus Avenue and designated as Block 5066, Lots 30 and 30.01 on the tax maps of the City of Newark, Essex County, New Jersey (collectively, “the Sites”).

NJDEP proposes to enter into this Settlement Agreement with Kinder Morgan, Inc. and Related Entities (“Kinder Morgan”).

Under the proposed Settlement Agreement, Kinder Morgan has agreed to settle its alleged liability to the Department for natural resource injuries resulting from the discharge of contaminants at and emanating from the Sites by performing, at its sole expense, the Headgates Dam Removal Project, which includes (1) the replacement and relocation of a section of the Bridgewater Township 54 inch sanitary sewer line; (2) the replacement of the Raritan Water Power Canal; and (3) the removal of the Headgates Dam, located in Hillsborough Township, Somerset County. The Headgates Dam Removal Project will improve migratory fish passage, water quality and aquatic habitat on the Raritan River and compensate the State of New Jersey for injuries to Natural Resources caused by the discharges of hazardous substances at the Sites.

Also, within 30 days of the effective date of the Settlement Agreement, Kinder Morgan shall pay \$100,000 to the Department for the Office of Natural Resource Restoration's costs of assessing damages to natural resources at the Sites and in overseeing the Settlement Agreement.

This Settlement Agreement 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 Settlement Agreement.

A copy of the proposed Settlement Agreement is available for inspection via the internet at <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 Settlement Agreement should be directed to records.custodian@dep.nj.gov. Interested persons may submit comments on the entry of this Settlement Agreement to Dave Bean, NJDEP, Office of Natural Resource Restoration, 501 East State Street, Mail Code 501-01, P.O. Box 420, 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 Settlement Agreement if comments received disclose facts or considerations that show that the Settlement Agreement is inappropriate, improper or inadequate.

Date

Dave Bean, Chief
Office of Natural Resource Restoration