

PUBLIC NOTICE

**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF NATURAL RESOURCE RESTORATION**

**NOTICE TO RECEIVE INTERESTED PARTY COMMENTS ON PROPOSED
CONSENT JUDGMENT IN THE MATTER OF NJDEP V. EXXONMOBIL
CORPORATION, DKT NO. GLO-L-000297-19**

LOCATED IN THE STATE OF NEW JERSEY

TAKE NOTICE that the New Jersey Department of Environmental Protection, its Commissioner, and the Administrator of the New Jersey Spill Compensation Fund (collectively “NJDEP”) hereby give notice of a proposed settlement of claims for damages to natural resources at the site described below, referred to as the “Lail Site”:

The former Lail Property, consisting of approximately 12.46 acres owned by ExxonMobil, is located at Berkeley Road (CR-678), Block 403, Lot 1.04 in the Township of East Greenwich and Block 106.3, Lot 2.01 in the Borough of Paulsboro, Gloucester County (the “Lail Property”), and the approximately 16-acre, tidally-influenced embayment adjacent to the Lail Property, which embayment is a natural resource of the State. The overall Lail Site includes, collectively, the Lail Property as well as all areas to which any hazardous substances and pollutants, including polychlorinated biphenyls (PCBs), discharged at or from the Lail Property have migrated. The Site has been designated as Site Remediation Program Interest No. G00006032.

Consistent with its authorities as the trustee of New Jersey’s natural resources and under the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a, et seq. (Spill Act), NJDEP filed legal action against Exxon Mobil Corporation (hereinafter the “Settling Party”) alleging that the Settling Party is liable to the public for injuries to the natural resources of the State due to

discharges of hazardous substances at and emanating from the Lail Site. Following two years of extensive litigation, during which time NJDEP consulted with internal and external experts as to the nature, extent, and valuation of the natural resource damages at issue, the parties entered a court-ordered mediation overseen by a former New Jersey judge. The mediation resulted in the Settling Party's agreement to resolve its alleged liability to the public for injuries to the natural resources of the State, including, but not limited to, groundwater, soils, sediments, surface water, and biota resulting from discharges of hazardous substances and pollutants at or from the Lail Property by paying a total of \$9.5 million in natural resource damages to NJDEP.

NJDEP hereby proposes to enter a Consent Judgment with the Settling Party to effectuate this settlement. The proposed Consent Judgment is limited to the settlement of natural resource damage claims alleged by NJDEP in the underlying litigation and does not address any remaining obligations that the Settling Party may have to conduct or complete the remediation of all discharges of hazardous substances at or emanating from the Lail Site. The Settling Party has previously investigated and remediated hazardous substances at the Site, including through removal actions conducted in 1996 and between 2008 and 2010. The initial 1996 removal action involved the removal of drums containing hazardous substances that had been identified on and adjacent to the Property for which NJDEP issued a No Further Action letter. Later removal actions took place between 2008 and 2010 and involved the excavation of more than 86,000 cubic yards of contaminated soils and sediment, and mitigation intended to reestablish certain terrestrial and aquatic vegetation. The effectiveness of this remedial work in lowering PCB levels at the Site as well as the health of the reestablished vegetation were monitored through 2019. Environmental data and sampling results at and surrounding the Site, including surface water and sediment results south and north of Interstate Highway 295, were reviewed by NJDEP and do not suggest that

elevated levels of PCBs have migrated from the Site into Mantua Creek beyond Interstate Highway 295 towards the Delaware River.

In consideration of the aforementioned environmental sampling, data, prior removal and mitigation activities, and the nature, extent, and valuation of the natural resource damages at issue, NJDEP, as trustee of these natural resources, believes that the proposed settlement terms are fair, reasonable, faithful to the intent of the Spill Act, and in the public interest. All settlement funds recovered, less the costs of suit, legal, and administrative fees, will be held in NJDEP's dedicated natural resource damage account subject to legislative appropriation for specific natural resource restoration activities in accordance with the New Jersey State Constitution, Article VIII, Section 2, Paragraph 9. NJDEP intends to conduct public outreach and engagement in the consideration and selection of restoration activities to be pursued with funds recovered by this settlement.

It is the intent of the NJDEP and the Settling Party that this Consent Judgment constitutes an administratively approved settlement within the meaning of 42 U.S.C. §9613(f)2 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §§ 9601 et seq., for the purpose of providing protection from contribution actions or claims for matters addressed in this Consent Judgment.

A copy of the proposed Consent Judgment is available for inspection virtually via the internet at <http://www.nj.gov/dep/nrr/settlements/index.html> and physically via the NJDEP Office of Record Access at 401 East State Street, Trenton, New Jersey. Requests to inspect a physical copy of the proposed Consent Judgment should be directed to records.custodian@dep.nj.gov. Interested persons may submit comments on the entry of this Consent Judgment to David Bean, Chief, NJDEP Office of Natural Resource Restoration, 501 East State Street, Mail Code 501-03,

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 Judgment if comments received disclose facts or considerations that demonstrate that the Consent Judgment is inappropriate, improper, or inadequate.

Dated: July 22, 2022

Shawn M. LaTourette
Commissioner of Environmental Protection