

ENVIRONMENTAL PROTECTION

SITE REMEDIATION PROGRAM

Notice to Receive Interested Party Comments on Proposed Consent Judgment to Recover Cleanup and Removal Costs for the Elite Cleaners Site in Toms River Township, Ocean County

TAKE NOTICE that the New Jersey Department of Environmental Protection (Department) hereby gives notice of a proposed Consent Judgment concerning recovery of unreimbursed cleanup and removal costs resulting from discharges at the Elite Cleaners property located at 1515 Highway 37 East, Toms River Township, Ocean County (Site). The Site is also known and designated as Block 1085.02, Lot 5, on the Tax Map of Toms River Township, which the Department has designated as Site Remediation Program Interest No. G000062662.

The Department, under the authority of the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et seq. (the Spill Act), proposes to enter into this Consent Judgment with TR5 Associates, LLC and its members (Settling Plaintiffs), and Daniel and Naftali Heller, individuals (Settling Third Party Defendants).

Under the proposed Consent Judgment, the Settling Plaintiffs have agreed to settle their alleged liability to the Department for unreimbursed cleanup and removal costs and Natural Resource Damages resulting from discharges of hazardous substances at the Site by payment of \$125,000 to the Department. The Settling Third Party Defendants shall pay the Department the sum of \$5,000, in reimbursement for past cleanup and removal costs, future cleanup and removal costs and Natural Resource Damages.

It is the intent of the Department, the Settling Plaintiffs and the Settling Third-Party Defendants that this Consent Judgment constitutes a judicially approved settlement within the

meaning of N.J.S.A. 58:10-23.11f(b) of the Spill Act and 42 U.S.C. § 9613(f)2 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1984, 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.

Copies of the proposed Consent Judgment are available for inspection at the Department's main office at 401 East State Street, in Trenton, New Jersey, and via the internet at www.nj.gov/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, P.O. Box 420, Mail Code 401-06Q, Trenton, NJ 08625-0420 or via email at records.custodian@dep.state.nj.us.

Field Code Changed

Interested persons may submit comments on the entry of this Consent Judgment to:

Kevin Kratina, Assistant Director
New Jersey Department of Environmental Protection
Site Remediation Program/ Enforcement & Information Support Element
Mail Code: 401-06A
PO Box 420
Trenton, NJ 08625-0420

All comments must be submitted within 30 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 Consent Judgment if comments received disclose facts or considerations which show that the Consent Judgment is inappropriate, improper or inadequate.

Date

Kevin Kratina, Assistant Director
Enforcement & Information Support Element
Site Remediation Program