



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

P.O. Box 402

MAIL CODE 401-07

Trenton, NJ 08625-0402

TEL: # (609) 292-2885

FAX # (609) 292-7695

CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

BOB MARTIN  
Commissioner

September 30, 2013

Re: Comments Concerning Proposed Consent Judgment and Settlement Agreement  
In the matter of *New Jersey Department of Environmental Protection, et al. v.*  
*Occidental Chemical Corporation et al.*, ESX-L-9868-05 (PASR)  
(The "Passaic River Litigation")

To:

Deborah A. Mans  
NY/NJ Baykeeper  
52 W. Front Street  
Keyport, NJ 07735

Andrea A. Lipuma, Esq.  
Saul Ewing LLP  
750 College Road East, Suite 100  
Princeton, NJ 08540-6617

Timothy I. Duffy, Esq.  
Coughlin Duffy LLP  
350 Mount Kemble Avenue  
Morristown, NJ 07962

Edward Lewis, Esq.  
Fulbright & Jaworski LLP  
1301 McKinney, Suite 5100  
Houston, Texas 77010-3095

Gregory J. Coffey, Esq.  
Coffey & Associates  
310 South Street  
Morristown, NJ 07960

Marylin Jenkins, Esq.  
Edgcomb Law Group  
One Post Street, Suite 2100  
San Francisco, CA 94104

Stephen W. Miller, Esq.  
Hollstein Keting Cattell Johnson &  
Goldstein, P.C.  
Eight Penn Center, Suite 2000  
1628 John F. Kennedy Boulevard  
Philadelphia, PA 19103

Oliver S. Howard, Esq.  
Gable Gotwals  
1100 ONEOK Plaza  
100 West Fifth Street  
Tulsa, OK 74103-4217

Susanne Peticolas, Esq.  
Gibbons P.C.  
One Gateway Center  
Newark, NJ 07102-5310

Eric Rothenberg, Esq.  
O'Melveny & Myers LLP  
Times Square Tower  
7 Times Square  
New York, NY 10036-6524

Lee Henig-Elona, Esq.  
Gordon & Rees LLP  
18 Columbia Turnpike, Suite 220  
Florham Park, NJ 07932

John M. Scagnelli, Esq.  
Scarinci Hollenbeck, LLC  
1100 Valley Brook Avenue  
P.O. Box 790  
Lyndhurst, NJ 07071-0790

Peter J. King, Esq.  
King and Petracca  
51 Gibraltar Drive, Suite 2F  
Morris Plains, NJ 07950-1254

Marty M. Judge, Esq.  
Flaster Greenberg  
1810 Chapel Avenue West  
Cherry Hill, NJ 08002

Mark P. Fitzsimmons, Esq.  
Steptoe & Johnson LLP  
1330 Connecticut Avenue, NW  
Washington, DC 20036-1795

The New Jersey Department of Environmental Protection (the "Department") is in receipt of your comments concerning the proposed settlement in the above-named matter with certain Third-Party Defendants, which was published for public comment in the New Jersey Register on May 6, 2013, and the proposed settlement with certain Defendants, which was published for public comment in the New Jersey Register on July 1, 2013. Copies of the comments are attached to the Department's Response to Comments.

Attached are the following documents:

- 1) Attachment A - Response of the New Jersey Department of Environmental Protection To Comments Received on Proposed Settlements in the Passaic River Litigation
- 2) Attachment B - The Order of the Hon. Sebastian P. Lombardi, J.S.C. setting forth the schedule for briefing and hearing on judicial approval of the proposed settlements

Sincerely,



Catherine A. Tormey, Esq.  
Deputy Advisor to the Commissioner

cc: Hon. Sebastian P. Lombardi, J.S.C.  
Hon. Marina Corodemus, J.S.C. (Ret.), Special Master