

## **PUBLIC NOTICE**

### **ENVIRONMENTAL PROTECTION**

### **OFFICE OF NATURAL RESOURCE RESTORATION**

### **SITE REMEDIATION AND WASTE MANAGEMENT PROGRAM**

**Notice to Receive Interested Party Comments on Proposed Consent Order** in the Bankruptcy Matter *In re: Tri Harbor Holdings Corporation (f/k/a Aceto Corporation), et al.*, Case No. 19-13448 (VFP).

**Take notice** that the New Jersey Department of Environmental Protection (Department) hereby gives notice of a proposed Consent Order in the bankruptcy matter entitled *In re: Tri Harbor Holdings Corporation (f/k/a Aceto Corporation), et al.*, Case No. 19-13448 (VFP) concerning claims for, among other things, natural resource damages, remediation, and costs and assessment, asserted against Arsynco, Inc. (Arsynco) in connection with the Berry's Creek Study Area (BCSA) operable unit portion of the Ventron/Velsicol Superfund Site, located in Bergen County, New Jersey and a 12.3-acre parcel of property located at 511 13th Street in Carlstadt, New Jersey formerly owned by Arsynco. The Arsynco Liquidating Debtors include Tri Harbor Holdings Corporation (f/k/a Aceto Corporation), Tri Harbor Chemical Holdings LLC (f/k/a Aceto Agricultural Chemicals LLC, f/k/a Aceto Agricultural Chemical Corporation), Tri Harbor Realty LLC (f/k/a Aceto Realty LLC), Kavod Pharmaceuticals LLC (f/k/a Rising Pharmaceuticals, LLC, f/k/a/ Rising Pharmaceuticals, Inc.), Kavod Health LLC (f/k/a Rising Health, LLC), Kavris Health LLC (f/k/a Acetris Health, LLC), KAVACK Pharmaceuticals LLC (f/k/a PACK Pharmaceuticals, LLC), Arsynco, Inc., and Acci Realty Corp.

As of February 22, 2021, the Arsynco bankruptcy estate has approximately \$538,965.64 in distributable assets available for distribution to holders of allowed general unsecured claims.

The Department proposes entering into the Consent Order with the Arsynco Liquidating Debtors; the United States of America, on behalf of the United States Environmental Protection Agency (EPA), the United States Department of Commerce acting through the National Oceanic and Atmospheric Administration (NOAA), and the United States Department of the Interior (DOI); and the Berry's Creek Study Area Cooperating PRP Group (BCSA PRP Group).

Under the proposed Consent Order, the Department and the United States, on behalf of DOI and NOAA (NRD Trustees) shall have an allowed general unsecured claim in the amount of \$8,215,000 for natural resource damages. Any distribution resulting from such claim shall be made to DOI for deposit into an interest bearing DOI special account for the BSCA and may only be disbursed by unanimous agreement of all the NRD Trustees as set forth in the Consent Order. The United States shall also have an allowed general unsecured claim in the amount of \$9,566,000 for EPA's past and future response costs. The allowed general unsecured claims will be paid on a pro-rata basis from the distributable assets remaining in the Arsynco bankruptcy estate at the time the Consent Order is approved by the bankruptcy court.

This Consent Order would constitute a judicially approved settlement under the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11f(b), and the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9613(f)(2), for the purpose of providing protection from contribution actions or claims for matters addressed in this Consent Order.

A copy of the proposed Consent Order is available for inspection via the internet at <https://www.nj.gov/dep/nrr/settlements/index.html> and <http://www.nj.gov/dep/srp/legal/> and at the Department's Office of Records Access, 401 East State Street, Trenton, New Jersey. Requests

to inspect a paper copy of the proposed Consent Order should be directed to [records.custodian@dep.nj.gov](mailto:records.custodian@dep.nj.gov).

Interested persons may submit comments on the entry of this Consent Order to Dave Bean, Chief, NJDEP, Office of Natural Resource Restoration, 501 East State Street, Mail Code 501-04, P.O. Box 420, Trenton, New Jersey 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 Consent Order if comments received disclose facts or considerations that show that the Consent Order is inappropriate, improper, or inadequate.