

PUBLIC NOTICE

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

CONTAMINATED SITE REMEDIATION AND REDEVELOPMENT

OFFICE OF NATURAL RESOURCE RESTORATION

Notice to Receive Interested Party Comments on Proposed Consent Decree in the Matter of *United States, et al. v. NL Industries, Inc., et al.*, regarding the Raritan Bay Slag Superfund Site in Old Bridge Township and Sayreville Borough, Middlesex County, 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 or Department) seek comments on a proposed Consent Decree that would resolve certain claims asserted by the Department and the United States (on behalf of the United States Environmental Protection Agency (EPA), the United States Department of the Interior (DOI), and the National Oceanic and Atmospheric Administration (NOAA)) against NL Industries, Inc., Old Bridge Township, New Jersey, Atlantic Battery Co., Inc., Atlantic Richfield Co., Bixon Liquidation Corp., C&D Technologies, Inc., Clarios, LLC, Crown Battery Manufacturing Co., East Penn Manufacturing Co., Enersys Delaware, Inc., E. I. du Pont de Nemours and Co. (n/k/a EIDP, Inc.), FMC Corp., Gould Electronics Inc., Honeywell International, Inc., Joe Krentzman & Son, Inc., Johnson Controls, Inc., Rae Storage Battery Co., Tiffen Acquisition Corp., Tiffen Co., LLC, Rio Tinto Minerals Inc., Rio Tinto Metals Limited, Rio Tinto plc, Wimco Metals, Inc., and Yuasa Battery, Inc. (collectively, Defendants), regarding the Raritan Bay Slag Superfund Site in Old Bridge Township and the Borough of Sayreville, Middlesex County, New Jersey (Site). The Department has designated the Site as Site Remediation Program Interest No. 514709.

The Site is located on the southern shore of Raritan Bay in Old Bridge Township and the Borough of Sayreville. Lead is the principal contaminant of concern and the primary sources of contamination are slag from blast furnace bottoms from lead smelting operations and battery casings. The remediation of the Site is being conducted by EPA.

Under the proposed Consent Decree, a total of \$151 million will be paid to the United States and NJDEP by Defendants, as well as settling Federal and State agencies. From the \$151 million, EPA will receive \$132.3 million as reimbursement for past costs and to pay for the remaining cleanup work at the Site, and \$18.7 million will go towards reimbursement of assessment costs and the restoration of injured natural resources to be jointly performed by the Federal Trustees, NOAA and DOI, and the State Trustee, NJDEP.

In exchange, Defendants will receive covenants not to sue under Sections 106, 107(a) and 113 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9606, 9607(a) and 9613 (CERCLA), the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 through -23.24 (Spill Act), the Water Pollution Control Act, N.J.S.A. 58:10A-1 through -20, and the Solid Waste Management Act, N.J.S.A. 13:1E-1 through -227, for the Site. The proposed Consent Decree will also resolve any contribution claims against the United States on behalf of the General Services Administration and the Department of Defense, including but not limited to the U.S. Army and the U.S. Army Corps of Engineers. The proposed Consent Decree will also resolve claims asserted in a separate action captioned *NL Industries, Inc. v. Old Bridge Township, et al.*, Civil Action No. 13-cv-03493 MAS (D. New Jersey).

It is the intent of NJDEP, the United States, and Defendants that the proposed Consent Decree will constitute a judicially approved settlement within the meaning of the relevant portions of the Spill Act (N.J.S.A. 58:10-23.11f.a(2)(b)) and of CERCLA (42 U.S.C. § 9613(f)(2)) for

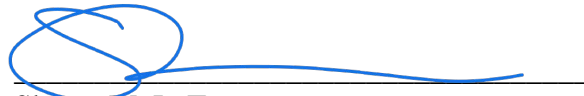
purposes of providing protection from contribution actions or contribution claims related to the matters addressed in the proposed Consent Decree, all to the full extent provided for in N.J.S.A. 58:10-23.11f.a(2)(b) and 42 U.S.C. § 9613(f)(2).

The U.S. Department of Justice (DOJ) is also publishing notice of the proposed Consent Decree in the Federal Register. Comments submitted to NJDEP will be shared with DOJ for consideration and need not be resubmitted to DOJ. Similarly, comments submitted to DOJ will be shared with NJDEP for consideration and need not be resubmitted to NJDEP.

A copy of the proposed Consent Decree is available for inspection virtually at <https://www.nj.gov/dep/nrr/settlements/index.html> and <https://dep.nj.gov/srp/settlements> 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 Decree should be directed to records.custodian@dep.nj.gov. Interested persons may submit comments on the proposed Consent Decree (1) via email to Frank DeFeo at Frank.Defeo@dep.nj.gov or to the Office of Natural Resource Restoration at onrr@dep.nj.gov or (2) by mail to Frank DeFeo, Director, NJDEP, Division of Enforcement and Financial Operations, Contaminated Site Remediation and Redevelopment, 401 East State Street, Mail Code 401-06K, P.O. Box 420, Trenton, NJ 08625-0420 or to NJDEP, Office of Natural Resource Restoration, Attn: Stacey MacEwan, Director, 501 East State Street, Mail Code 501-03, P.O. Box 420, Trenton, NJ 08625-0420. Commenters should include “Comment on Proposed Raritan Bay Slag Consent Decree” in the subject line of their email or their letter. 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 propose modifications to, or to withdraw or withhold consent to the entry of, the proposed Consent Decree

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

Dated: September 9, 2024



Shawn M. LaTourette
Commissioner of Environmental Protection