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Attorney for Plaintiffs

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SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - CUMBERLAND
COUNTY
DOCKET NO. C -

NEW JERSEY DEPARTMENT :
OF ENVIRONMENTAL PROTECTION, :
THE COMMISSIONER OF THE :
NEW JERSEY DEPARTMENT OF :
ENVIRONMENTAL PROTECTION, and :
THE ADMINISTRATOR OF THE :
NEW JERSEY SPILL COMPENSATION :
FUND, :

Plaintiffs, :

v. :

ENNIS HYMAN, individually; :
HYMAN CONCRETE & CONSTRUCTION, :
LLC; GERALD HYMAN, :
individually; and JOHN DOES :
1 through 99, :

Defendants. :

CIVIL ACTION

VERIFIED COMPLAINT

Plaintiffs, State of New Jersey, Department of Environmental Protection ("DEP" or "Department"), the Commissioner of the New Jersey Department of Environmental Protection ("Commissioner"),

and the Administrator of the New Jersey Spill Compensation Fund ("Administrator"), by way of Verified Complaint against Defendants Ennis Hyman, Hyman Concrete & Construction, LLC, and Gerald Hyman (collectively, "Defendants"), allege as follows:

STATEMENT OF THE CASE

1. Defendant Ennis Hyman has operated an automotive repair facility, known as Hyman's Automotive, at 263 Bridgeton-Fairton Road, also known as Block 28.06 and Lot 30 on the tax map of Fairfield, Cumberland County, New Jersey ("Site") for approximately 17 years. Defendants Gerald Hyman and Hyman's Concrete & Construction, LLC also operate a concrete and construction business at the Site. Defendants are responsible for the discharge of used motor oil and other hazardous substances into the ground surface, and the illegal stockpiling of concrete waste and wood waste.
2. Historically, low-income communities and communities of color across the county have been exposed to disproportionately high and unacceptably dangerous levels of pollution and other environmental hazards. But residents of all communities should receive fair and equitable treatment in matters affecting their environment, community, homes, and health. See, e.g., Exec. Order No. 23 (April 20, 2018), 50 N.J.R. 1241(b) (May 21, 2018).

3. Defendants' repair, dismantling and storage practices, as well as their improper disposal of hazardous and solid waste, continue to subject the local community to pollution and other environmental hazards. Plaintiffs now seek to hold Defendants responsible for their unauthorized and environmentally unsound activities.
4. This action seeks to enforce and compel compliance with the Solid Waste Management Act, N.J.S.A. 13:1E-1 to -225 ("SWMA"), the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 to -23.24 ("Spill Act"), and the Water Pollution Control Act, N.J.S.A. 58:10A-1 to -69 ("WPCA").
5. In addition, this action seeks the assessment of civil penalties authorized by the SWMA, Spill Act and WPCA.
6. Furthermore, Plaintiffs seek to compel Defendants to remove illegal solid waste located at the Site; cease the burning of solid waste; and completely remediate any hazardous substances and pollutants discharged at the Site, wherever those hazardous substances and pollutants have migrated (the "Contaminated Site").

PARTIES

7. The Department is a principal department in the executive branch of the State of New Jersey with offices at 401 East State Street, Trenton, New Jersey. The Department administers programs and enforces laws and regulations to

conserve the natural resources of the State, to promote environmental protection, and to prevent pollution of the environment of the State. N.J.S.A. 13:1D-9.

8. The Commissioner is the Commissioner of the DEP, N.J.S.A. 58:10A-3, and is vested by law with various powers and authority, including those conferred by the DEP's enabling legislation, N.J.S.A. 13:1D-9. The Commissioner maintains her principal office at 401 East State Street, Trenton, New Jersey.
9. The Administrator is the chief executive officer of the New Jersey Spill Compensation Fund (the "Spill Fund") N.J.S.A. 58:10-23.11j. As the chief executive officer of the Spill Fund, the Administrator is authorized to approve and pay any cleanup and removal costs the Department incurs, N.J.S.A. 58:10-23f.c. and d., and to certify the amount of any claim to be paid from the Spill Fund. N.J.S.A. 58:10-23.11j.d. The Administrator maintains his principal office at 401 East State Street, Trenton, New Jersey.
10. Ennis Hyman is the owner and operator of Hyman's Automotive, an auto repair facility, with its principal place of business at 263 Bridgeton-Fairton Road, Bridgeton, New Jersey 08302. Ennis Hyman has owned and operated Hyman's Automotive at the Site since 2003. See Exhibit A, Certification of Brian Veit.

11. Hyman Concrete & Construction, LLC ("Hyman Concrete") is a New Jersey limited liability company that operates a concrete and construction business at 263 Bridgeton-Fairton Road, Bridgeton, New Jersey 08032. Its business address is 23 Park Avenue, Bridgeton, New Jersey 08032.
12. Gerald Hyman is the owner of the Site. Gerald Hyman has also owned and operated Hyman Concrete since 2003. Ibid.

STATEMENT OF FACTS

Hazardous Waste Violations

13. It is unlawful for any person to discharge any pollutant, unless the person has been issued an New Jersey Pollutant Discharge Elimination System ("NJPDDES") permit, or is exempted from requiring a permit under the WPCA. N.J.S.A. 58:10A-6.
14. Defendant Ennis Hyman does not possess a NJPDDES permit; nor is he exempted from the requirement of getting a NJPDDES permit.
15. On August 13, 2018, DEP's Bureau of Hazardous Waste Compliance & Enforcement ("Hazardous Waste C&E") conducted an inspection of the Site and observed the following environmental violations:
 - a. Significant petroleum staining at the base of two unlabeled 275-gallon aboveground used oil storage tanks;

- b. Large volumes of solid waste, including tires, garbage/trash, automotive parts, concrete, and obsolete equipment;
 - c. A large number of junk vehicles parked on unpaved surfaces, which appeared to have discharged fluid onto the soil; and
 - d. Engines and other automotive parts being stored in/on uncovered trailers, which appeared to leak petroleum residues and other fluid onto the soil. See Exhibit A.
16. Hazardous Waste C&E's inspection also revealed that the building on the property was littered with various items including, but not limited to, vehicles, automotive parts, furniture, tires windows, various types of solid waste, and one 55-gallon drum filled with anti-freeze and an unlabeled, open, 5-gallon pail containing oily water. Ibid.
17. On August 23, 2018, Hazardous Waste C&E, Bureau of Water Compliance and Enforcement ("Water C&E"), and Bureau of Solid Waste Compliance and Enforcement ("Solid Waste C&E") conducted a joint inspection of the Site. See Exhibit A.
18. During this inspection, Hazardous Waste C&E observed several additional petroleum discharges throughout the property. Ibid.
19. Hazardous Waste C&E also observed a large pile of "oil dry" near a fence line on the Site, which he believed was done in

lieu of shipping the oil dry off-site for proper disposal.
Ibid.

20. Per the U.S. Agency for Toxic Substances & Disease Registry ("ATSDR"), crude oil, and petroleum products made from crude oil, such as motor oils, contain Total Petroleum Hydrocarbons ("TPH"). TPH released into the environment, including the soil and ground water, are a risk to public health. TPH exposure can affect a person's central nervous system, and also affect the blood, immune system, liver, spleen, kidneys, developing fetus, and lungs. TPH exposure at high levels can even cause death. See Ex. B, ATSDR Public Health Statement Total Petroleum Hydrocarbons.
21. Additional site inspections were conducted by Hazardous Waste C&E on September 19, 2018, and October 25, 2018. See Ex. A.
22. On October 25, 2018, Hazardous Waste C&E observed several additional petroleum discharges throughout the property. Defendant Ennis Hyman informed Hazardous Waste C&E that the new discharges were the result of minor leaks from heavy equipment owned by Gerald Hyman, and used at the Site by Ennis, and leaks from junk vehicles being stacked on trailers for removal from the Site. Hazardous Waste C&E also noted that approximately 40 to 50 junk vehicles had been removed from the Site since the August 18, 2018 site inspection. Ibid.

23. Based upon Hazardous Waste C&E's observations on October 25, 2018, it issued to Defendants, in writing, the following compliance recommendations:

- a. Leaking vehicles should only be stored on paved surfaces or the vehicles should be drained of all fluids before being stored on unpaved surfaces;
- b. Vehicles should only be stacked on paved surfaces;
- c. Petroleum discharges should be remediated immediately;
- d. All leaking equipment should be repaired or must be stored in a manner which prevents leaks to unpaved surfaces;
- e. No automotive repairs should be conducted on unpaved surfaces;
- f. All containers storing product or waste should be labeled; and
- g. Used oil should be sent off-site for recycling using a DEP approved solid waste transporter. Ibid.

24. Because Defendants failed to take corrective actions, the Department issued a Notice of Violation ("NOV") to Defendants on January 31, 2019, identifying the following violations:

- a. N.J.A.C. 7:1E-1.11(a) - Discharge of a hazardous substance;

- b. N.J.A.C. 7:26A-6.4(d)3 - Failure of used oil generator to ensure containers or aboveground tanks used to store used oil are in good condition and not leaking;
 - c. N.J.A.C. 7:26A - 6.4(d)4 - Failure of used oil generator to comply with used oil labeling/marketing requirements; and
 - d. N.J.A.C. 7:26A-6.4(d)5 - Failure of used oil generator to comply or initiate response to releases. Ibid.
25. The NOV recommended that Defendants take the following corrective actions within 30 days of receipt of the NOV:
- a. Excavate and send all contaminated soil to an approved solid waste facility for proper recycling/disposal;
 - b. Ship the contents of the two 275-gallon aboveground used oil storage tanks and several containers to an approved used oil recycling facility, and test and repair the leaking tanks and containers as necessary prior to placing them back into service; and
 - c. Label all containers and tanks containing used oil with the words "Used Oil." Ibid.
26. The NOV also recommended that Defendants hire a licensed site remediation professional ("LSRP") to determine the extent of the petroleum contamination at the Site and to oversee the remedial activities. Ibid.

27. Defendants failed to respond to the NOV and, on March 6, 2019, Hazardous Waste C&E conducted another inspection of the Site, which revealed:

- a. that one 55-gallon drum of contaminated soil had been collected from the Site;
- b. that while Defendants had made progress on removing junk vehicles, general trash, and solid waste from the Site, little progress had been made on remediating the previously identified petroleum discharges;
- c. the presence of several new petroleum discharges, which were not present at the time of his October 25, 2018 Site inspection;
- d. a leaking valve on a 275-gallon tank containing "#2 Fuel Oil";
- e. several unlabeled containers;
- f. vehicles and leaking equipment being stored on unpaved surfaces; and
- g. evidence that vehicle repairs were being conducted on unpaved surfaces. Ibid.

28. Hazardous Waste C&E also suspected that rather than properly excavate and dispose of the contaminated soil, Defendants instead regraded or added additional soil to cover the previous identified discharges. In fact, only one 55-gallon drum of petroleum contaminated soil had been collected, which

did not equate to the amount of soil contaminated from the discharges; and that the size of a pile of soil on the property had been greatly reduced. Ibid.

29. The Department served an Administrative Order and Notice of Civil Administrative Penalty Assessment ("AONOCAPA") to Defendants on August 2, 2019, for the violations observed during the Department's previous inspections, and assessing \$13,400 in administrative penalties. Ibid.

30. The AONOCAPA cited Defendants for the following environmental violations:

a. N.J.A.C. 7:1E-1.11(a) - Discharge of a hazardous substance;

b. N.J.A.C. 7:26A-6.4(d)3 - Failure of used oil generator to ensure containers or aboveground tanks used to store used oil are in good condition and not leaking;

c. N.J.A.C. 7:26A - 6.4(d)4 - Failure of used oil generator to comply with used oil labeling/marketing requirements; and

d. N.J.A.C. 7:26A-6.4(d)5 - Failure of used oil generator to comply with or initiate a response to releases. Ibid.

31. The AONOCAPA required Defendants to take the following corrective actions within 30 days of receipt of the AONOCAPA:

a. Excavate and send all contaminated soil to an approved solid waste facility for proper recycling/disposal;

- b. Ship the contents of the two 275-gallon aboveground used oil storage tanks and several containers to an approved used oil recycling facility, and test and repair the leaking tanks and containers as necessary prior to placing them back into service; and
 - c. Label all containers and tanks containing used oil with the words "Used Oil." Ibid.
32. The AONOCAPA also required Defendants to hire a LSRP to determine the extent of petroleum contamination on-site and directly oversee the clean-up. Ibid.
33. Hazardous Waste C&E conducted additional Site inspections on September 13, 2019, and January 21, 2020. The inspections revealed that Defendants had failed to take any of the corrective actions required by the AONOCAPA. In fact, additional junk vehicles had been brought onto the Site, and additional petroleum discharges were observed. Ibid.
34. On April 17, 2020, the DEP Site Remediation Program ("SRP") assigned the Site case number PI-845756.

Solid Waste Violations

35. It is unlawful for any person to construct or operate a solid waste facility ("SWF") without first obtaining a Solid Waste Facility Permit ("SWF Permit") from the Department. N.J.A.C. 7:26-2.8.(f)

36. Defendants do not possess a SWF Permit authorizing them to operate a SWF or store solid waste at the Site. See Exhibit C, Certification of Eric McDermott.
37. During compliance inspections conducted on August 23, 2018, and February 20, 2020, Solid Waste C&E observed piles of concrete and wood debris on the Site. Ennis Hyman told McDermott that the concrete and wood debris was used as forms for his brother, Gerald Hyman's concrete business. Based on this evidence, Solid Waste C&E issued an NOV to Defendant Ennis Hyman on March 3, 2020, for the following environmental violations:
- a. N.J.A.C. 7:26-2.8(f) - constructing or operating a solid waste facility without a SWF permit; and
 - b. N.J.S.A. 13:1E-9 - failure to comply with any provision of the SWMA by improperly disposing of solid waste and illegally storing solid waste materials. Ibid.
38. The NOV requested Ennis Hyman take the following corrective actions to comply with the SWMA:
- a. Remove all solid waste from the Site and properly transport the waste to an approved solid waste facility within 30 days of receipt of the NOV; and
 - b. Comply with the SWMA and the regulations promulgated pursuant thereto, within 30 days of receipt of the NOV. Ibid.

FIRST COUNT

Violation of the Water Pollution Control Act
(Defendants Ennis Hyman and Gerald Hyman)

39. Plaintiffs incorporate paragraphs 1 - 38 of this Verified Complaint as if fully set forth, herein.
40. The WPCA authorizes the Commissioner to proceed in a summary manner for injunctive and other relief for any violation of the WPCA or of any code, rule, regulation adopted, permit issued, or order issued pursuant thereto. N.J.S.A. 58:10A-10.
41. Pursuant to N.J.S.A. 58:10A-6, it is unlawful for any person to discharge any pollutant, unless the person has been issued an NJPDES permit, or is exempted from requiring a permit under the WPCA.
42. Defendants Ennis Hyman and Gerald Hyman do not possess an NJPDES permit; nor are they exempted from requiring a NJPDES permit.
43. Oil and other petroleum-based fluids meet the definition of "pollutant" under N.J.S.A. 58:10A-3(n).
44. The leaking of oil and other petroleum fluids meets the definition of "discharge" under N.J.S.A. 58:10A-3(e).
45. Defendants Ennis Hyman and Gerald Hyman unlawfully discharged hazardous pollutants within the State of New Jersey in violation of N.J.S.A. 58:10A-6.

WHEREFORE, Plaintiffs demand judgment in their favor:

- a. Finding Defendants Ennis Hyman and Gerald Hyman in violation of the WPCA for unlawfully discharging pollutants;
- b. Directing Defendants Ennis Hyman and Gerald Hyman to submit to the Department, within 30 days, a plan to bring the site and any operations conducted on the site, within complete compliance with the WPCA;
- c. Directing Defendants Ennis Hyman and Gerald Hyman to comply with the plan within 30 days of the Department's approval of the plan;
- d. Directing Defendants Ennis Hyman and Gerald Hyman to hire an LSRP to investigate and determine the extent of contamination at the Contaminated Site by conducting a preliminary assessment and site inspection, and obtain a Response Action Outcome for the entire Contaminated Site pursuant to N.J.A.C. 7:26E and N.J.A.C. 7:26C;
- e. Requiring Defendants Ennis Hyman and Gerald Hyman to pay penalties pursuant to N.J.S.A. 58:10A-10.e for these Defendants' continuing failure to comply with the requirements of the WPCA;
- f. Requiring Defendants Ennis Hyman and Gerald Hyman to pay all costs associated with this action; and
- g. Such other relief as the court deems just and proper.

SECOND COUNT

Violation of the Solid Waste Management Act
(Defendants Ennis Hyman and Gerald Hyman)

46. Plaintiffs incorporate paragraphs 1 - 45 of this Verified Complaint as if fully set forth, herein.
47. The SWMA authorizes the Commissioner to proceed in a summary manner for injunctive and other relief for any violation of the SWMA or of any code, rule, regulation adopted, permit issued, or order issued pursuant thereto. N.J.S.A. 13:1E-9(d).
48. Regulations promulgated pursuant to the SWMA:
- a. Prohibit the discharge of a hazardous substance, N.J.A.C. 7:1E-1.11(a);
 - b. Require used oil generators to label of all containers and tanks containing used oil with the words "Used Oil" N.J.A.C. 7:26A-6.4(d)(4); and
 - c. Require used oil generators to clean up and properly manage any discharge of used oil or other hazardous substances, N.J.A.C. 7:26A-6.4(d)5.
49. Oil and other petroleum products are defined as "hazardous substances" pursuant to N.J.A.C. 7:1E-1.7.
50. Defendants Ennis Hyman and Gerald Hyman discharged used motor oil and/or other petroleum products and hazardous substances onto the site in violation of N.J.A.C. 7:1E-1.11(a); failed

to properly label containers and tanks containing used oil and other hazardous substances in violation of N.J.A.C. 7:26A-6.4(d)(4); and failed to clean up and properly manage the discharges of used oil and other hazardous substances in violation of N.J.A.C. 7:26A-6.3(d)(3).

WHEREFORE, Plaintiffs demand judgment in their favor:

- a. Finding Defendants Ennis Hyman and Gerald Hyman in violation of the SWMA for unlawfully discharging, storing, and labeling hazardous substances, and for improperly remediating soil contaminated by the hazardous substances;
- b. Directing Defendants Ennis Hyman and Gerald Hyman to submit to the Department, within 30 days, a plan to bring the site and any operations conducted on the site, within complete compliance with the SWMA;
- c. Directing Defendants Ennis Hyman and Gerald Hyman to comply with the plan within 30 days of the Department's approval of the plan;
- d. Requiring Defendants Ennis Hyman and Gerald Hyman to pay penalties pursuant to N.J.S.A. 13:1E-9(f) for Defendants' continuing failure to comply with the requirements of the SWMA;

- e. Awarding Plaintiffs compensatory damages for any loss or destruction of wildlife, fish or aquatic life, as authorized by N.J.S.A. 13:1E-9(d)(4);
- f. Requiring Defendants Ennis Hyman and Gerald Hyman to pay all costs associated with this action;
- g. Reserving the right to bring a claim against these Defendants in the future for natural resource damages arising out of the discharge of hazardous substances and pollutants at the site; and
- h. Such other relief as the court deems just and proper.

THIRD COUNT

**Violation of the Solid Waste Management Act
(Defendants Ennis Hyman, Hyman Concrete, and Gerald Hyman)**

- 51. Plaintiffs incorporate paragraphs 1 - 50 of this Verified Complaint as if fully set forth, herein.
- 52. Regulations promulgated pursuant to the SWMA further prohibit the operation of a solid waste disposal facility and disposal of solid waste without first obtaining a Solid Waste Facility Permit from the Department. N.J.A.C. 7:26-2.8(e) - (f).
- 53. Concrete and wood debris meets the definition of "solid waste" under N.J.A.C. 7:26-1.6.
- 54. Defendants Ennis Hyman, Hyman Concrete and Gerald Hyman unlawfully disposed of, and stored concrete and wood debris,

and other solid waste at the site in violation of N.J.A.C. 7:26-2.8(e) - (f) without a SWF Permit.

WHEREFORE, Plaintiffs demand judgment in their favor:

- a. Finding Defendants Ennis Hyman, Hyman Concrete and Gerald Hyman in violation of the SWMA for unlawfully disposing of solid waste and operating a solid waste facility without a SWF Permit;
- b. Directing Defendants Ennis Hyman, Hyman Concrete and Gerald Hyman to submit to the Department, within 30 days, a plan to bring the site and any operations conducted on the site, within complete compliance with the SWMA;
- c. Directing Defendants Ennis Hyman, Hyman Concrete and Gerald Hyman to comply with the plan within 30 days of the Department's approval of the plan;
- d. Requiring Defendants Ennis Hyman, Hyman Concrete and Gerald Hyman to pay penalties pursuant to N.J.S.A. 13:1E-9(f) for these Defendants' continuing failure to comply with the requirements of the SWMA;
- e. Awarding Plaintiffs compensatory damages for any loss or destruction of wildlife, fish or aquatic life, as authorized by N.J.S.A. 13:1E-9(d)(4);
- f. Requiring Defendants Ennis Hyman, Hyman Concrete and Gerald Hyman to pay all costs associated with this action; and

g. Such other relief as the court deems just and proper.

FOURTH COUNT

Violation of the Spill Act
(Defendants Ennis Hyman and Gerald Hyman)

55. Plaintiffs incorporate paragraphs 1 - 54 of this Verified Complaint as if fully set forth, herein.
56. Under the Spill Act, any person who discharges a hazardous substance, or is in any way responsible for any hazardous substances, shall be liable, jointly and severally, without regard to fault, for all cleanup and removal costs the Department has incurred and will incur as a result of a hazardous substance discharge. N.J.S.A. 58:10-23.11g(c).
57. Defendants Ennis Hyman and Gerald Hyman are "persons" within the meaning of N.J.S.A. 58:10-23.11b.
58. The Department has incurred, or may incur, cleanup and removal costs for the remediation at the Site.
59. The Administrator may approve appropriations from the Fund for the hazardous substance existing at the Site.
60. The costs that the Department and the Administrator have incurred, or may incur, for the contamination at the Site are "cleanup and removal costs" within the meaning of N.J.S.A. 58:10-23.11b.
61. Any person who discharges a hazardous substance, or is in any way responsible for any hazardous substances, shall be

liable, jointly and severally, without regard to fault, for all cleanup and removal costs and the Department and the Administrator have incurred and may incur as a result of a hazardous substance discharge. N.J.S.A. 58:10-23.11g(c).

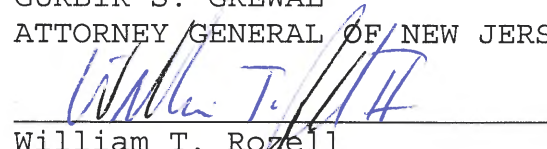
62. Defendants Ennis Hyman and Gerald Hyman unlawfully discharged used oil and other hazardous substances at the site, in violation of the Spill Act.
63. In addition, Defendant Gerald Hyman, as the owner of the Site at the time hazardous substances were discharged there, is a person in any way responsible for any hazardous substance and is therefore liable, jointly and severally, without regard to fault, for all cleanup and removal costs incurred by the Department and Administrator pursuant to the Spill Act, N.J.S.A. 58:10-23.11g(c)(1), and for the completion of the remediation pursuant to the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1 to -31 and the Site Remediation Reform Act, N.J.S.A. 58:10C-1 to -29.
64. In addition, the Spill Act authorizes the Commissioner to proceed in a summary manner for injunctive and other relief for any violation of the Spill Act or of any code, rule, regulation adopted, permit issued, or order issued pursuant thereto. N.J.S.A. 58:10-23.11u.a and b.

WHEREFORE, Plaintiffs demand judgment in their favor:

- a. Finding Defendants Ennis Hyman and Gerald Hyman in violation of the Spill Act for unlawfully discharging hazardous substances;
- b. Directing Defendants Ennis Hyman and Gerald Hyman to hire and maintain an LSRP to investigate, determine the extent of contamination, and conduct remediation for the entire Contaminated Site pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E and the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C;
- c. Directing Defendants Ennis Hyman and Gerald Hyman to reimburse the Department, without regard to fault, jointly and severally, for all cleanup and removal costs the Plaintiffs have incurred, for the remediation at the Contaminated Site, with applicable interest;
- d. Entering declaratory judgment against Defendants Ennis Hyman and Gerald Hyman, without regard to fault, for any cleanup and removal costs and damages the Plaintiffs will incur for the remediation at the Site;
- e. Ordering Defendants Ennis Hyman and Gerald Hyman to post a remediation funding source pursuant to N.J.A.C. 7:26C-5 to guarantee the remediation of the Contaminated Site;
- f. Requiring Defendants Ennis Hyman and Gerald Hyman to pay all costs associated with this action;

- g. Reserving the right to bring a claim against Defendants in the future for natural resource damages arising out of the discharge of hazardous substances and pollutants at the site; and
- h. Such other relief as the court deems just and proper.

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY



William T. Rozell
Deputy Attorney General

DATED: 8/26/20

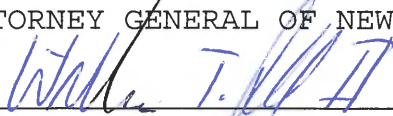
DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, the Court is advised that William T. Rozell, Deputy Attorney General, is hereby designated as trial counsel for plaintiff DEP in this action.

CERTIFICATION REGARDING OTHER PROCEEDINGS AND PARTIES

Undersigned counsel hereby certifies, in accordance with R. 4:5-1(b)(2), that the matters in controversy in this action are not the subject of any other pending or contemplated action in any court or arbitration proceeding known to Plaintiffs at this time, nor is any non-party known to Plaintiffs at this time who should be joined in this action pursuant to R. 4:28, or who is subject to joinder pursuant to R. 4:29-1. If, however, any such non-party later becomes known to Plaintiff, an amended certification shall be filed and served on all other parties and with this Court in accordance with R. 4:5-1(b)(2).

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY



William T. Rozell
Deputy Attorney General

DATED: 8/26/20

CERTIFICATION OF COMPLIANCE WITH RULE 1:38-7(C)

Undersigned counsel further certifies that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with R. 1.38-7(b).

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY



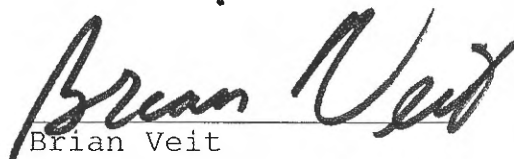
William T. Rozell
Deputy Attorney General

DATED: 8/26/20

VERIFICATION

Brian Veit, by way of certification, states that:

1. I am an Environmental Specialist 2 with the Bureau of Hazardous Waste Compliance & Enforcement for the New Jersey Department of Environmental Protection.
2. I have read the Verified Complaint.
3. I certify that all factual allegations contained in paragraphs 13 through 33 of the Verified Complaint are true and correct.
4. I am aware that if the foregoing statements made by me are willfully false, I may be subject to punishment.


Brian Veit

Dated: _____

8/12/20

VERIFICATION

Eric McDermott, by way of certification, states that:

1. I am an Environmental Specialist with the Bureau of Solid Waste Compliance & Enforcement for the New Jersey Department of Environmental Protection.
2. I have read the Verified Complaint.
3. I certify that all factual allegations contained in paragraphs 34 through 37 of the Verified Complaint are true and correct.
4. I am aware that if the foregoing statements made by me are willfully false, I may be subject to punishment.


Eric McDermott

Dated: 9/11/20