

**FOR IMMEDIATE RELEASE**

August 16, 2023

## **NJDEP Finalizes Agreement with BASF to Perform Natural Resource Projects**

### ***Settlement Resolves State Natural Resource Damage Claims Related to the Ciba-Geigy Superfund Site in Toms River***

**TRENTON** – The New Jersey Department of Environmental Protection (NJDEP) and BASF Corp. have reached a revised, final settlement agreement that secures natural resource restoration and resolves state-based natural resource damage claims for natural resource injuries at and related to the Ciba-Geigy Superfund Site in Toms River, Ocean County.

Under the settlement, BASF will permanently preserve approximately 1,000 acres thereby protecting groundwater resources in perpetuity, compensating the public for historic groundwater injury caused by Ciba-Geigy. In addition, to compensate the public for historic ecological injuries caused by Ciba-Geigy, BASF will fully design and implement nine natural resource restoration projects on 375 acres of the preserved land. Routine community engagement will help determine the design of the restoration projects, including the proposed environmental education center, walkways, and natural resource interpretative aids, to ensure their design promotes public awareness of natural resources benefits and enable meaningful and direct public access. The final settlement is available at: <https://dep.nj.gov/cgrestitution/>

#### **Revisions to the Final Agreement**

The DEP published notice of the proposed settlement on December 5, 2022, and extended the public comment period twice to allow for additional public participation, including a DEP-hosted public engagement session in Toms River on March 13, 2023. The DEP accepted public comments through April 5, 2023, for a total of 120 days, and has posted a response to relevant comments on its dedicated [webpage](#).

The DEP is grateful to the public for its participation and comments. The DEP reviewed and considered all public comments and made changes to the finalized agreement in an effort to be responsive stated public concerns. These modifications include:

- The finalized agreement increases the amount paid to the DEP's Office of Natural Resource Restoration from \$100,000 to \$500,000 for natural resource damage assessment and project oversight costs.
- Additional land, encompassing a total 50 acres, that was originally part of the remaining BASF-controlled parcel, has been designated for conservation, environmental compliance, and public access.
- BASF is obligated to provide adequate funding for long-term maintenance of the restoration projects outlined in the agreement, and that maintenance period has now been extended from 10 years to 20 years.
- BASF will remain legally responsible for all the restoration projects unless and until the DEP approves the transfer of this obligation.

The DEP has now determined that the finalized agreement is fair, reasonable, faithful to the intent of the applicable statutes, and in the public interest and will move forward with the settlement, as revised.

#### **About the Ciba-Geigy Superfund Site**

The 1,255-acre property at 277 Oak Ridge Pkwy. is the site of the former Ciba-Geigy Corp., a specialty chemicals business that began chemical manufacturing operations in 1952. This manufacturing included the production of industrial dyes, pigments, epoxy resins, and plastics. Production ended in 1990, and all operations ceased in 1996. As a



result of discharges of hazardous substances, the site was placed on the National Priorities List in 1983 as a Superfund site under the jurisdiction of the U.S. Environmental Protection Agency (EPA).

BASF acquired the site while remedial activities were ongoing and continues these remediation efforts today. Remediation activities include excavation and capping of contaminated source areas and the pumping and treatment of contaminated groundwater. All necessary measures have been and continue to be taken under an EPA remediation process to ensure the site is protective of human health and the environment. The agreement will not impact any of BASF's remaining remediation obligations.

### **About Natural Resource Restoration**

The State's natural resource restoration policy objectives are twofold: 1) Primary restoration requiring that injured natural resources be returned to the same quality, quantity, function, and value that existed prior to the injury, and 2) Compensatory restoration requiring that compensation is provided for the period of time that natural resources remained injured.

Compensation can take the form of monetary payment, land preservation, ecological restoration projects in various forms, or potentially a combination of these. When practicable, DEP pursues natural resource injury assessment and restoration through a voluntary collaborative process with responsible parties. Through voluntary negotiated settlements, the DEP can ensure more expedient natural resource restoration activities, providing more immediate and direct compensation to the public, and avoiding the delay, uncertainty, and expense of litigating natural resource injury claims before the courts.



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