

R E S O L U T I O N #2023 – 01

RESOLUTION OF THE OCEAN COUNTY MAYORS' ASSOCIATION, COUNTY OF OCEAN, STATE OF NEW JERSEY, SUPPORTING THE EFFORTS OF THE TOMS RIVER MAYOR AND COUNCIL TO HAVE THE PROPOSED CIBA-GEIGY SETTLEMENT MODIFIED TO PROVIDE GREATER BENEFITS FOR ALL THOSE DIRECTLY AFFECTED WHETHER WITH HEALTH IMPACTS, ECONOMIC IMPACTS OR ENVIRONMENTAL IMPACTS.

WHEREAS, the New Jersey Department of Environmental Protection (“DEP”) announced on December 2022, a draft settlement with BASF Corporation in the matter of Ciba-Geigy Toms River Superfund Site

WHEREAS, following a full and thorough review of the New Jersey Department of Environmental Protection’s settlement agreement with BASF Corporation for damages to natural resources at the Ciba-Geigy Corp. site in Toms River Township, the Township Mayor and Council have voiced their opposition to the settlement and are calling for extensive modifications, and

WHEREAS, the Toms River Township Mayor and Council, in a strongly worded resolution to Gov. Murphy, DEP Commissioner Shawn M LaTourette, and State Legislators and others, noted that the proposed settlement does not go far enough to hold BASF financially accountable for the still unhealed injuries their operations inflicted on the local environment, economy and public health, and

WHEREAS, the now defunct Ciba-Geigy Corp., and before that Toms River Chemical, whose parent company is now BASF, was responsible for the discharge of hazardous substances into the environment over the course of about five decades during the manufacture of dyes, pigments, resins, epoxy additives, and other operations at the approximately 1,255 acre site off Route 37 in Toms River Township, and

WHEREAS, accordingly to Toms River Township, under the proposed settlement, BASF escapes paying any monetary penalties because the NJDEP surrendered any claims for statutory natural resource damages, which it first sought in a lawsuit purportedly instituted by the Attorney General in 2007, and

WHEREAS, Toms River Township is calling for a remaining 250 acres of the site or a significant portion thereof, to be deeded to the Township for perpetual preservation, so long as BASF remains responsible for the cost of ongoing remediation, and

WHEREAS, Toms River Township also is calling on the creation of a fund to be paid by BASF and administered by a trustee appointed by the Township to compensate victims of the cancer cluster, in addition to requiring an exhibit at the proposed environmental center on the property that would comprehensively document the damage the pollution caused to the environment, the health of residents, and the negative impact on the community which would be created and maintained by a committee of academics, environmentalists and residents and generously funded by BASF.

WHEREAS, along with the Township of Toms River, Save Barnegat Bay, a community based 501(c)(3) organization whose mission is to restore and protect the Barnegat Bay and its ecosystem, has also expressed serious concerns with both the DEP’s settlement process and substance.

NOW, THEREFORE, BE IT RESOLVED, that the Ocean County Mayors’ Association in the County of Ocean, State of New Jersey supports the efforts of the Toms River Mayor and Council to have the proposed Ciba-Geigy settlement modified to provide greater benefits for all those directly affected whether with health impacts, economic impacts or environmental impacts.

BE IT FURTHER RESOVLED, that the Ocean County Mayors’ Association in the County of Ocean, State of New Jersey requests the New Jersey Department of Environmental Protection to:

1. Conduct a Public Information Session to allow for public questions and comments with responses from the DEP.
2. Extend the public comment period for 20 days after the Public Information Session to allow for informed public participation in the proposed settlement.
3. To create a depository at the Ocean County Library, along with digital access through the NJDEP containing all documentation related to the condition of the Ciba-Geigy site, along with all permits concerning

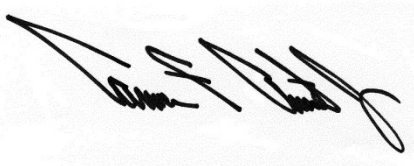
discharges, reports of all work completed on the landfills and all monitoring information for the Toms River, its tributaries and adjacent wetlands prior to the requested public information hearing.

4. To publish all monitoring information concerning the status of the Toms River, its surface waters, sediments, and adjacent wetlands from the border of Manchester Township to Barnegat Bay and the Atlantic Ocean and continue to monitor to the next three years.
5. To establish a public information plan to provide current and all future updated information regarding the status of all actions taken concerning the remediation of the site along with opportunity for public involvement.

BE IT FURTHER RESOLVED, by the Ocean County Mayors' Association, County of Ocean, State of New Jersey that a copy of this resolution shall be forwarded to Governor Murphy, Senate President Scutari, Assembly Speaker Coughlin, Senator Menendez, Senator Booker, Congressman Van Drew, Congressman Kim, Congressman Smith, Senator Connors, Senator Holzapfel, Senator Thompson, Senator Singer, Assemblyman Rumpf, Assemblywoman Gove, Assemblyman Catalano, Assemblyman McGuckin, Assemblyman Clifton, Assemblyman Kean, Assemblyman Thomson, Assemblyman Sauickie, NJDEP Commissioner Shawn M. LaTourette, NJDEP Deputy Commissioner Sean D. Moriarty, Ocean County Board of Commissioners, and all Ocean County Mayors.

CERTIFICATION

I, Carmen F. Amato, Jr., Secretary of the Ocean County Mayors' Association do hereby certify that the foregoing is a true copy of a resolution duly adopted at an Ocean County Mayors' Association regular business meeting held on the 25th day of January, 2023.

A handwritten signature in black ink, appearing to read 'Carmen F. Amato Jr.', written over a light gray rectangular background.

Carmen F. Amato Jr.
Secretary Ocean County Mayors' Association
Mayor – Township of Berkeley