



**NEW JERSEY DEPARTMENT OF
LAW & PUBLIC SAFETY**

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**NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

Catherine R. McCabe
Commissioner

**FACT SHEET
ALLEGATIONS AND BACKGROUND
AUGUST 2020 ENVIRONMENTAL JUSTICE ACTIONS**

PENICK CORPORATION / UNILEVER UNITED STATES, INC.

Located in Newark, Essex County
Median Household Income: \$35,181 | % Minority: 90.0

The former Penick Corporation/Unilever site is located at 158 Mount Olivet Avenue in Newark. Cleanup activity there indicates that hazardous substances were released into the soil and groundwater over time at this site, including volatile organic compounds (VOCs), polychlorinated biphenyls (PCBs), and metals. Exposure to these hazardous substances has been linked to kidney dysfunction, respiratory tract irritation, and cognitive and neurological effects. Significant groundwater contamination makes this a major natural resource damages (NRD) case. The Penick site is located within the Raritan watershed management region, and provides potable water and aquatic resources to thousands of commercial and residential consumers. DEP seeks damages for the loss and future restoration of natural resources in the region caused by discharge of hazardous substances into the Raritan watershed. Defendants include Penick Corporation, Penick Realty, LLC, Unilever United States, Inc., CPC International, Inc., AMB Property, L.P. and AMB Liberty Logistics Center, LLC.

AMERICAN FABRIC PROCESSORS

Located in Paterson, Passaic County
Median Household Income: \$39,282 | % Minority: 91.0

American Fabric is an apparel manufacturer located at 555 East 31st Street in Paterson, a mixed commercial and residential neighborhood, and operates across from an elementary school. The company's air emissions are from a large boiler and textile processing machines. The company operates under an Air Pollution Control Act permit, which requires annual combustion adjustments to recalibrate the boiler and machines and confirm compliance with air pollution regulations and emissions limits. The company has failed to complete DEP-mandated tests and annual combustion adjustments since 2014, and has ignored subsequent directives to do so. The boiler emits oxides of nitrogen (NOx) and volatile organic chemicals, which contribute to smog and can lead to reduced lung function – especially to those suffering from asthma – and other health problems. In addition to seeking penalties, today's lawsuit seeks an injunction halting operations at American Fabric to protect public health until it performs the required stack test and combustion adjustments. Defendants are American Fabric, and corporate officers David and Jacob Binson.

DEERFIELD ORGANICS

Located in Upper Deerfield Twp., Cumberland County
Median Household Income: \$52,500; % Minority 74%

This complaint involves allegations of illegal dumping at the former Nature's Choice Class B/C recycling facility in Upper Deerfield Township, Cumberland County, owned by Deerfield Organics, Inc. Nature's Choice entered into an Administrative Consent Order (ACO) in 2012 to

correct violations involving tree and leaf recycling -- particularly its failure to remove and properly dispose of residual solid waste. Notwithstanding this ACO, the Complaint alleges that Nature's Choice owner, Nicolas Vene, directed employees to bury waste in a large berm on-site rather than separate and dispose of them properly, which creates unsightly and nuisance-type conditions at the facility. The Complaint also alleges possible stormwater violations on the site, which could in turn lead to discharges and contamination of nearby surface and groundwaters. The defendants include Deerfield, Nature's Choice, Harvest Garden State, LLC, Nicholas Vene, and Deerfield Manager David Hitchcock. The State is seeking orders to comply with ACO terms and the terms of the Class B/C permit, to correct violations of the Solid Waste Management Act and Water Pollution Control Act, and to pay appropriate statutory civil penalties.

THREE LITTLE MASON PROPERTIES

Little Mason Properties, LLC is the owner or previous owner of a number of contaminated properties in Hillside, Newark, and South Orange, and has failed to remediate the contamination at each. These properties have a history of violations of New Jersey's underground storage tank (UST) regulations. The State is filing separate complaints for the three following sites, including against Little Mason and managing member Irfan Hassan:

1576 MAPLE SITE AND ROAD RUNNER FUEL SITE

Located in Hillside, Union County
Median Household Income: \$70,079 | % Minority: 80.6

This complaint involves two sites across the street from one another. The 1576 Maple Site consists of a two-story building that contains occupied residential and commercial units located at 1576 Maple Avenue. In 2010, DEP responded to a report of petroleum substances seeping into the basement. In 2014, DEP discovered elevated levels of dry cleaning chemicals TCE and PCE in the indoor air of the building, as well as an off-site building located at 1586 Maple Avenue. Exposure to these substances has been linked to kidney dysfunction, respiratory tract irritation, and cognitive and neurological effects. DEP determined the indoor air contamination resulted from vapors traced to a groundwater plume of PCE and TCE contamination caused by discharges from Astro Cleaners, a dry cleaning business that once operated at 1576 Maple. State-led mitigation efforts have since rendered the property safe for occupancy, but groundwater remediation is still necessary. The Road Runner Fuel Site is a former gas station and current service station located at 1601 Maple Avenue -- directly across the street from the 1576 Maple Site. The UST system has been out of service for more than year, but has not been removed as required by law. The owners also failed to submit a remedial investigation report related to a 2013 discharge. DEP seeks to compel Little Mason and Hassan to: (1) complete remediation of both sites; (2) pay treble damages for failure to comply with a Spill Act Directive; (3) reimburse DEP for cleanup costs (currently in excess of \$880,000); (4) remove USTs at the Road Runner Fuel Site and (5) pay penalties for violations at both sites. Defendants include Astro Cleaners, Inc.; 1576 Maple Avenue Associates, LLC; Eight Copeland Road Group, LLC; 1601 Maple Holdings, LLC; and Road Runner Fuel Services, LLC.

FRIENDS GAS STATION

Located in Newark, Essex County
Median Household Income: \$35,181 | % Minority: 90.0

This case involves a gas station located at 185-187 Pennsylvania Avenue in Newark. In 2000, DEP received a report of gasoline-contaminated soil relating to four USTs abandoned in 1996. In 2010, the property was purchased by Friends Gas, another company that was managed by Hassan. Little Mason bought the property from Friends Gas for a nominal amount in 2015. None of the series of owners or operators has submitted a site investigation report, remedial investigation report, or remedial action report, which are the steps required by statute and regulation to address such contamination. The State’s claims are brought under the Spill Act, Water Pollution Control Act, and UST Act claims. Defendants include Little Mason, Hassan, and Friends Gas.

DELTA GAS STATION

Located in South Orange, Essex County
Median Household Income: \$76,836 | % Minority: 41.7

This matter concerns a Delta gas station facility located on property owned by Little Mason at 451 Irvington Avenue in South Orange. There have been three confirmed gasoline discharges at the site, dating back to 1991. The violations that underlie today’s suit include failure to submit a remedial investigation report by the 2014 deadline, failure to comply with direct oversight, failure to hire a Licensed Site Remediation Professional (LSRP), and failure to pay annual remediation fees (2013-2018, \$20,080). There is also a \$24,000 lien on the property for past due Annual Remediation Fees. The State’s claims today are brought under, among other statutes, the Spill Act and the Water Pollution Control Act. Defendants include current owner Little Mason, and former owners Signature Fuel, Wayne Sandford, and Sandford Service.

THREE UNDERGROUND STORAGE TANK (UST) CASES

A key environmental justice concern involves contamination from abandoned underground storage tanks and tanks not removed properly. The potential impacts can be serious, including soil and groundwater contamination and/or chemical vapor intrusion into local homes. These lawsuits target three sites where defendants have failed to remove abandoned tanks or to conduct required investigations to ensure that remaining or removed tanks did not lead to contamination.

ADOLFO AUTO REPAIR

Located in Paterson, Passaic County
Median Household Income: \$39,282 | % Minority: 91.0

The Adolfo Auto Repair site is located in Paterson, on the south corner of Market Street and Rosa Parks Boulevard. The site is still in use as an auto repair facility, and is located in a mixed residential and commercial area. Owner Adolfo Gonzalez installed USTs in approximately 1967.

The USTs had no secondary containment or leak detection systems, which are required to prevent the risk of discharges. Mr. Gonzalez removed the USTs in 1998, but failed to conduct a site investigation to rule out discharge of hazardous substances. Since the removal, DEP repeatedly issued letters regarding violations at the Site, to no avail. The State seeks to compel Mr. Gonzalez to pay civil penalties, and to hire a remediation professional to both investigate and perform any required remediation at the site.

43-45 SOUTH CENTER STREET, LLC (ORANGE AUTOMOTIVE)

Located in Orange, Essex County
Median Household Income: \$38,578 | % Minority: 94.6

This property, located at 43-45 South Center Street in Orange, is the site of four 2,000-gallon gasoline USTs, and one 275-gallon waste oil UST. DEP determined that the site owners have failed to comply with regulations governing underground storage tanks, including those that prohibit the discharge of contaminants into the ground. In 2019, DEP ordered the site owner to clean up the property, complete all outstanding remedial requirements, pay fees and costs, and pay a \$40,000 civil administrative penalty. Because the defendants did not do so, the State now seeks to enforce that Final Agency Order. Defendant is site owner 43-35 South Center Street, LLC.

HEBA AUTO REPAIR

Located in Jersey City, Hudson County
Median Household Income: \$65,923 | % Minority: 79.0

Decades ago, the DEP's Spill Hotline received anonymous calls reporting the removal of a gasoline UST without permits, at the site of the Heba Auto Repair facility located at 111-113 Tonnelle Avenue, in Jersey City. Fathi and Alia Hassanein owned the property at the time. The callers reported that after the UST was removed, the site was filled with gasoline-contaminated soil. Removal of the UST triggered an obligation to conduct a remedial investigation and submit a site investigation report to the DEP. Fathi and Alia Hassanein failed to do so. In November 2019, DEP served Fathi and Alia Hassanein with a Notice of Violation, demanding payment of a fine and commencement of corrective action. DEP has not received a response. The State now seeks to compel the defendants to perform required corrective actions and pay civil penalties. Defendants are Fathi Hassanein and Alia Hassanein.

HYMAN'S AUTOMOTIVE AND HYMAN CONCRETE & CONSTRUCTION, LLC

Located in Fairfield Township, Cumberland County
Median Household Income: \$31,044 | % Minority: 67%

This property is located at 263 Bridgeton Fairton Road, Fairfield Township, Cumberland County, just outside Bridgeton. An unlicensed automotive recycling facility has been operating on the property for several years. Investigations have confirmed that oil and other hazardous fluids have leaked from junked vehicles into the ground and possibly the water supply, threatening wells

and drinking water of nearby properties. Piles of wood and concrete waste are also illegally stored on the site, and there is evidence of unlawful open burning, which contributes to air pollution and related health risks. DEP seeks to compel the defendants to perform required corrective actions, remediate the site, and pay civil penalties for their failure to properly operate and remediate. The Defendants include Ennis Hyman, Gerald Hyman, and Hyman Concrete & Construction, LLC.

125 MONITOR STREET JC, LLC

Located in Jersey City, Hudson County
Median Household Income: \$65,923 | % Minority: 79.0

This property is located at 125 Monitor Street in Jersey City. The Property was developed in the early 1900s, and is the former site of a number of industrial businesses (including an engine refurbishing business) through the years, whose operations have resulted in soil and groundwater contamination at the site. Currently, a six-story abandoned warehouse sits on the site. In April 2019, a purchaser, 125 Monitor St JC, LLC, entered into an Administrative Consent Order (ACO) with DEP to remediate the property after closing. After purchasing the property, 125 Monitor St JC, LLC, breached that agreement. DEP now seeks to compel 125 Monitor St JC, LLC to abide by the terms of the ACO and pay civil penalties. The Defendant is 125 Monitor St JC, LLC.

ELIZABETH BOLT & NUT

Located in Elizabeth, Union County
Median Household Income: \$46,975 | % Minority: 86.7

Elizabeth Bolt & Nut Manufacturing was an industrial facility owned and operated for more than 30 years by Edwin and Rose Haskell, the principals of Stemple Corporation. The site is located at 43-49 South Spring Street in Elizabeth next to the Elizabeth River; directly across South Spring Street is a residential neighborhood. Site investigations have determined the property is contaminated with excessive levels of lead and petroleum products, among other pollutants, and also contains an unlawfully abandoned underground storage tank. Although this was known by the time the Stemple Corporation sold the property, the Complaint alleges that neither the seller nor the buyer complied with their duties under the Industrial Site Recovery Act. Today's complaint names as defendants the Estate of Rose Haskell and subsequent purchaser Aquaserv Bottled Water Service Inc. The State contends that Stemple Corporation and Ms. Haskell are liable under the Spill Act for failing to comply with clean-up obligations before selling the contaminated property, and failing to disclose their knowledge of the contamination. The State also contends that Aquaserv is liable under the Spill Act as the owner of the property, and because it acquired the property without performing a sufficient environmental investigation. In addition to remediation of the property, DEP seeks the imposition of statutory penalties against the defendants.