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 Attorney for Plaintiffs

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	:	SUPERIOR COURT OF NEW JERSEY
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION; THE	:	LAW DIVISION - ESSEX COUNTY
COMMISSIONER OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION; and THE	:	DOCKET NO.
ADMINISTRATOR OF THE NEW JERSEY SPILL COMPENSATION FUND,	:	<u>Civil Action</u>
	:	COMPLAINT
Plaintiffs,	:	
v.	:	
LITTLE MASON PROPERTIES, LLC;	:	
SIGNATURE FUEL, INC.;	:	
SANDFORD'S SERVICE, INC.;	:	
WAYNE SANDFORD, individually;	:	
IRFAN HASSAN, individually;	:	
"XYZ COPORATIONS" 1-10 (Names Fictitious); and "JOHN AND/OR	:	
JANE DOES" 1-10 (Names Fictitious),	:	
Defendants.	:	

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

"Commissioner"), and the Administrator of the New Jersey Spill Compensation Fund ("Administrator"), having their principal offices at 401 East State Street in the City of Trenton, County of Mercer, State of New Jersey, by way of Complaint against defendants Little Mason Properties, LLC, Signature Fuel, Inc., Sandford's Service, Inc., Wayne Sandford, Irfan Hassan, XYZ Corporations 1-10, and John and/or Jane Does 1-10 (collectively "Defendants"), allege as follows:

STATEMENT OF THE CASE

1. This is a civil action brought pursuant to the New Jersey Spill Compensation and Control Act ("Spill Act"), N.J.S.A. 58:10-23.11 to -23.24, the Water Pollution Control Act ("WPCA"), N.J.S.A. 58:10A-1 to -20, the Underground Storage of Hazardous Substances Act ("UST Act"), N.J.S.A. 58:10A-21 to -35, and the Site Remediation Reform Act, N.J.S.A. 58:10C-1 to -29 ("SRRRA"), to compel Defendants to remediate the Delta Service Station property located at 451 Irvington Avenue, South Orange, Essex County, and designated as Block 2112, Lot 1 on the Tax Map of the Township of South Orange Village, Essex County ("Site"), and wherever contamination has migrated from the Site ("Contaminated Site"). The Contaminated Site has been identified in the New Jersey Department of Environmental Protection database as Program Interest Number 003934.

2. The Site is located less than 400 feet from the border of Newark, New Jersey's most populous city. The Newark community is 90% non-white and low income, with a median household income of \$35,632.

3. Historically, low-income communities and communities of color across the country have been exposed to disproportionately high and unacceptably dangerous levels of air, water, and soil pollution, with accompanying potential for increased adverse public health impacts. But residents of these Environmental Justice communities deserve 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).

4. As early as 1991, the Site has been used to house a retail gas station.

5. In 1991, DEP was notified that groundwater was entering an underground storage tank (UST) located on the Site. In 1996, sampling confirmed groundwater at the Site was contaminated with hazardous substances, including benzene, toluene, ethylbenzene, xylenes (collectively, "BTEX"), methyl tertiary-butyl ether ("MTBE"), and total volatile organic tentatively identified compounds ("Volatile Organic TICs"), all at levels substantially in excess of the Department's Ground Water Quality Standards.

6. Exposure to those substances poses a danger to human health, including damage to the liver, kidneys, central nervous system, and eyes.

7. Gasoline and its components pose threats to the environment and public health when they enter the soil and groundwater. Gasoline persists in soil for long periods of time, impeding plant growth and threatening birds and mammals with irritation and toxicity. Gasoline also poses a threat to human health, as ingesting gasoline or inhaling gasoline vapors can cause dizziness, headaches, lung irritation and nervous system disruptions. See, e.g., Agency for Toxic Substances and Disease Registry, Public Health Statement for Automotive Gasoline, Center for Disease Control (June 1995), <https://www.atsdr.cdc.gov/phs/phs.asp?id=466&tid=83>.

8. Several homes and a childcare center are located within 200 feet of the Site, as well as another childcare center located within 1,000 feet of the Site. Sampling was performed that indicated no exceedances of indoor air screening levels that would pose an immediate threat were present at off-site structures.

9. In furtherance of environmental justice principles, the Department now seeks to compel Defendants to remediate the hazardous substances that continue to exist on the Contaminated Site.

THE PARTIES

10. The Department, maintaining its principal offices at 401 East State Street, Trenton, Mercer County, New Jersey, is a department within the Executive Branch of the State government vested with the authority to conserve and protect natural resources, protect the environment, prevent pollution, and protect the public health and safety. N.J.S.A. 13:1D-9. Pursuant to the authority vested in the Department by the Department's enabling legislation, the Spill Act, the WPCA, and the UST Act, the Department is empowered to institute legal proceedings to seek injunctive relief and to pursue additional civil penalties in Superior Court.

11. 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, Mercer County, New Jersey.

12. The Administrator is the chief executive officer of the New Jersey Spill Compensation Fund ("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. 58:10-23.11f.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.

13. Defendant Little Mason Properties, LLC ("Little Mason") is a single member, limited liability company organized under the laws of the State of Delaware, with a main business address of 70 Crest Drive, South Orange, Essex County, New Jersey. Little Mason's corporate status was canceled on October 23, 2015 for failure to appoint a registered agent.

14. Defendant Signature Fuel, Inc. ("Signature Fuel") is a corporation organized and existing under the laws of the State of New Jersey, with a principal place of business at 23 Grove Street, 2nd Floor, Elizabeth, Union County, New Jersey.

15. Defendant Sandford's Service, Inc. ("Sandford Service") is a corporation organized under the laws of the State of New Jersey, with a principal place of business at 12 Crestwood Drive, Madison, Morris County, New Jersey. Sandford Service was dissolved on July 10, 2007.

16. Defendant Wayne Sandford is an individual residing in the State of New Jersey, with a principal residence located at 12 Crestwood Drive, Madison, Morris County, New Jersey. Upon information and belief, Wayne Sandford is the individual in charge of day-to-day activities of Sandford Service, with the authority to correct violations of applicable laws and regulations.

17. Defendant Irfan Hassan ("Hassan"), also known as "Arfan Hassan" and "Ifran Hassan," is an individual who resides at 70 Crest Drive, South Orange, Essex County, New Jersey. Hassan is the sole member of Little Mason and the president and registered agent of Signature Fuel. Upon information and belief, Hassan is the individual in charge of day-to-day activities of both Little Mason and Signature Fuel, with the authority to correct violations of applicable laws and regulations.

18. "XYZ Corporations" 1-10, these names being fictitious, are entities with identities that cannot be ascertained as of the filing of this Complaint, certain of which are corporate successors to, predecessors of, insurers of, or are otherwise related to, defendants Little Mason, Signature Fuel, Wayne Sandford, and Hassan, and/or are other dischargers and/or persons "in any way responsible" for the hazardous substances discharged at the Site.

19. "John and/or Jane Does" 1-10, these names being fictitious, are individuals whose identities cannot be ascertained as of the filing of this Complaint, certain of whom are partners, officers, directors, and/or responsible corporate officials of, or are otherwise related to, defendants Little Mason, Signature Fuel, Wayne Sandford, and Hassan, and/or one or more of the XYZ Corporation defendants, and/or are other dischargers and/or persons "in any way responsible" for the hazardous substances discharged at the Site.

SITE OWNERSHIP AND CONTAMINATION HISTORY

20. On January 25, 1991, Herbert Sandford called the Department's Hotline to report that Sandford Service, the owner and operator of several UST systems on the Site regulated pursuant to UST Act and N.J.A.C. 7:14B, had vacuum tested one of its USTs and determined groundwater was entering the tank. The incident was assigned case number 91-1-25-1109-41.

21. At the time of the incident, the Site was jointly owned by Herbert and Wayne Sandford.

22. In approximately February 1992, Sandford Service submitted a UST Closure Plan to the Department for the removal of one 4,000-gallon UST containing unleaded gasoline.

23. On June 20, 1992, Tri State Environmental Contracting, an environmental contractor hired on behalf of Sandford Service, called the Department's Hotline to report that on June 16, 1992, Sandford Service removed a 4,000-gallon UST containing gasoline. The Department assigned the case number 92-6-20-1414-17.

24. On June 22, 1994, an anonymous caller called the Department's Hotline to report that Sandford Service had stockpiled the soil excavated from the 1992 tank removal on the Site. The Department assigned the case number 94-6-22-1036-09.

25. In approximately September 1994, Sandford Service submitted a UST Closure Plan to the Department for the removal of a second 4,000-gallon gasoline UST.

26. On August 19, 1996, the Department received a groundwater sampling report from Envirotech Consultants, an environmental contractor hired on behalf of Sandford Service, documenting the results of a July 15, 1996 groundwater sampling event conducted on the Site ("August 1996 Report").

27. In the August 1996 Report, Envirotech Consultants reported observing the sheen and odor of gasoline on the ground water during the July 15, 1996 groundwater sampling event.

28. The August 1996 Report stated that on July 11, 1996, Envirotech Consultants had obtained a soil boring at the area of the former UST excavation area. The boring was visually examined and inspected with a photoionization detector ("PID"). The August 1996 Report noted visual and olfactory evidence of gasoline contaminated soil in the boring and observed elevated PID readings at a maximum of 1,500 parts per million ("ppm").

29. The August 1996 Report also stated that several contaminants were detected in the sampled groundwater, including concentrations of benzene, toluene, ethylbenzene, xylenes, MTBE, and volatile organic TICs at 3,300 parts per billion ("ppb"), 11,000 ppb, 1,500 ppb, 10,600 ppb, 1,100 ppb and 25,500 ppb, respectively, in excess of the Department's Ground Water Quality Standards. Specifically, Department Ground Water Quality Standards are set at 1.0 ppb for benzene, 600 ppb for toluene, 700

ppb for ethylbenzene, 1,000 ppb for xylenes, 70 ppb for MTBE, and 500 ppb for volatile organic TICs.

30. On April 25, 2000, P&R Maintenance, an environmental contractor hired on behalf of Sandford Service, called the Department's Hotline to report that Sandford Service had removed a UST of an undisclosed size and had encountered a suspected release of gasoline from that UST. The Department assigned the case number 00-04-25-1002-02.

31. On January 3, 2005, the Department received a "Progress Report" from Environmental Resolutions, Inc., an environmental contractor hired on behalf of Sandford Service ("Environmental Resolutions"), dated December 29, 2004 (the "2004 Report").

32. The 2004 Report stated that Environmental Resolutions had sampled the soil at the Site on August 1, 2000 and December 14, 2000, and detected benzene and xylenes in the soil at maximum concentrations of 3.8 ppm and 210 ppm, respectively. This concentration of benzene is in excess of the Department's Impact to Ground Water criterion of 0.005 ppm and Residential Direct Contact Cleanup Criterion of 2.0 ppm, while the concentration of xylenes is in excess of the Department's Impact to Ground Water Soil Cleanup Criteria of 19 ppm.

33. The 2004 Report also stated that Sandford Service sampled the groundwater at the Site three times between May 26, 2004 and October 11, 2004, and detected benzene, toluene,

ethylbenzene, xylenes, MTBE and tertiary-butyl alcohol ("TBA") at the maximum concentrations of 1,400 parts per billion ("ppb"), 18,000 ppb, 3,300 ppb, 15,000 ppb, 15,000 ppb, and 6,000 ppb, respectively. Each of these concentrations far exceeds the Department's Ground Water Quality Standards of 1.0 ppb for benzene, 600 ppb for toluene, 700 ppb for ethylbenzene, 1,000 ppb for xylenes, 70 ppb for MTBE, and 100 ppb for TBA. Furthermore, the concentrations of benzene, ethylbenzene, xylenes and MTBE triggered the requirement for a vapor intrusion investigation to determine if the groundwater contamination was also impacting the indoor air of nearby structures.

34. On January 31, 2006, Wayne Sandford transferred the Site to Signature Fuel.

35. On August 8, 2008, the Department received a Vapor Intrusion Investigation Report from Signature Fuel, dated August 2, 2008 ("VI Report").

36. The VI Report stated that Signature Fuel had sampled the indoor air at two neighboring properties - 410 Irvington Avenue and 461 Irvington Avenue, an off-site childcare center and a children's clothing store, respectively. No indoor air samples exceeded the Department's Indoor Air Screening Levels.

37. To date, a complete vapor intrusion investigation has not been conducted at the Site.

38. On November 4, 2009, the Department received a document purporting to be a remedial investigation report ("RIR") from Signature Fuel ("2009 Report").

39. The 2009 Report did not meet the requirements of an RIR outlined in the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-4.9.

40. The SRRA required the responsible parties to complete the remedial investigation for the entire Contaminated Site and submit a RIR to the Department by May 7, 2014, pursuant to N.J.S.A. 58:10C-27.

41. To date, a complete RIR for the Contaminated Site has not been submitted to the Department.

42. The 2009 Report stated that Signature Fuel sampled the groundwater at the Site on August 22, 2008, and detected concentrations of benzene, ethylbenzene, xylenes and MTBE at 1,100 ppb, 2,200 ppb, 3,630 ppb and 1,800 ppb, respectively. These concentrations still far exceed the Department's Ground Water Quality Standards of 1.0 ppb for benzene, 700 ppb for ethylbenzene, 1,000 ppb for xylenes, and 70 ppb for MTBE.

43. On January 21, 2013, Signature Fuel retained a licensed site remediation professional ("LSRP"), Sameh Habib, as required by the SRRA and N.J.A.C. 7:26C-2.3(a)(1-2).

44. On June 24, 2015, Signature Fuel transferred the Site to Little Mason.

45. On February 5, 2018, Signature Fuel released Sameh Habib as LSRP for the Site.

46. To date, Defendants have not retained another LSRP for the Site.

47. The person responsible for conducting the remediation is also required, pursuant to N.J.A.C. 7:26C-4.9(a), to pay all fees invoiced by the Department.

48. To date, Defendants have not paid Annual Remediation Fund fees for the Site for fiscal years 2013 through 2019, totaling \$23,400.

49. Prior to the passage of the SRRA, Defendant Signature Fuel was assessed \$23,989.95 in UST Oversight Fees to be paid to the Department.

50. To date, Signature Fuel has not paid any UST Oversight Fees.

51. Pursuant to the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-14.2(b)(9), Defendants were required to submit a public participation plan with a schedule and an initial remediation cost review, as well as establish a remediation trust fund.

52. To date, Defendants have not submitted a public participation plan with a schedule or an initial remediation cost review, and have not established a remediation trust fund.

FIRST COUNT

Violation of the Spill Act

53. Plaintiffs repeat each allegation of paragraphs nos. 1 through 52 above as though set forth in their entirety herein.

54. Any person who discharges a hazardous substance, or is in any way responsible for any hazardous substance, shall be liable, jointly and severally, without regard to fault, for all cleanup and removal costs no matter by whom incurred, N.J.S.A. 58:10-23.11g.c.(1), except as otherwise provided in N.J.S.A. 58:10-23.11g12, which is not applicable here.

55. Defendants are "persons" within the meaning of N.J.S.A. 58:10-23.11b.

56. Defendant Wayne Sandford is a "discharger" and a person "in any way responsible" as the owner of the Site at the time hazardous substances were discharged there, and is therefore responsible, jointly and severally, without regard to fault, for all cleanup and removal costs no matter by whom incurred. N.J.S.A. 58:10-23.11g.c.(1).

57. Defendant Sandford Service is a "discharger" and a person "in any way responsible" as the owner of the UST at the time of discharge and the operator of the Site at the time hazardous substances were discharged there, and is therefore responsible, jointly and severally, without regard to fault, for

all cleanup and removal costs no matter by whom incurred. N.J.S.A. 58:10-23.11g.c.(1).

58. Defendant Little Mason, as a purchaser of the previously contaminated Site that knew or should have known about the contamination at the time of its acquisition, is a person "in any way responsible" for the hazardous substances, and is therefore liable, jointly and severally, without regard to fault, for all cleanup and removal costs no matter by whom incurred. N.J.S.A. 58:10-23.11g.c.(1).

59. Defendant Signature Fuel, as a purchaser of the previously contaminated Site that knew or should have known about the contamination at the time of its acquisition, is a person "in any way responsible" for the hazardous substances, and is therefore liable, jointly and severally, without regard to fault, for all cleanup and removal costs no matter by whom incurred. N.J.S.A. 58:10-23.11g.c.(1).

60. Defendant Hassan, as a person who owned and controlled Little Mason and Signature Fuel, is a person "in any way responsible" for the hazardous substances, and is therefore liable, jointly and severally, without regard to fault, for all cleanup and removal costs no matter by whom incurred. N.J.S.A. 58:10-23.11g.c.(1).

61. XYZ Corporations 1-10, who could not be identified as of the filing of this complaint, are persons "in any way responsible"

for discharged hazardous substances and are therefore liable, jointly and severally, without regard to fault, for all cleanup and removal costs no matter by whom incurred. N.J.S.A. 58:10-23.11g.c.(1).

62. John and/or Jane Does 1-10, who could not be identified as of the filing of this complaint, are persons "in any way responsible" for discharged hazardous substances and are therefore liable, jointly and severally, without regard to fault, for all cleanup and removal costs no matter by whom incurred. N.J.S.A. 58:10-23.11g.c.(1).

63. The Department may bring an action in the Superior Court for injunctive relief, N.J.S.A. 58:10-23.11u.b.(1); for a civil penalty not to exceed \$50,000.00 per day for each violation, with each day's continuance of the violation constituting a separate violation, N.J.S.A. 58:10-23.11u.d; and for any other unreimbursed costs the Department incurs under the Spill Act, N.J.S.A. 58:10-23.11u.b.(5).

64. The Administrator is authorized to bring an action in the Superior Court for any unreimbursed costs paid from the Spill Fund pursuant to N.J.S.A. 58:10-23.11q.

WHEREFORE, Plaintiffs pray that this Court:

- A) Enter declaratory judgment against the Defendants, compelling them to perform any further cleanup of the Contaminated Site in conformance with the SRRA,

N.J.S.A. 58:10C-1 to -29, and all other applicable laws and regulations;

- B) Enter declaratory judgment against the Defendants, jointly and severally, without regard to fault, for all cleanup and removal costs Plaintiffs will incur as a result of the discharge of hazardous substances at and from the Contaminated Site;
- C) Impose a civil penalty of up to \$50,000 per day for each violation of N.J.S.A. 58:10-23.11 to -23.24.;
- D) Order Defendants to remit \$23,400 in Annual Remediation Fund fees;
- E) Order defendant Signature Fuel to remit \$23,989.95 in UST Oversight Fees;
- F) Award Plaintiffs their costs and fees incurred in this action;
- G) Award Plaintiffs any other relief this Court deems appropriate; and
- H) Reserve the right to bring a claim in the future for natural resource damages arising out of the discharge of hazardous substances at the Site.

SECOND COUNT

Violation of the Water Pollution Control Act  
(against Defendants Sandford Service and Wayne Sandford)

65. Plaintiffs repeat each allegation of paragraphs nos. 1 through 64 above as though fully set forth in their entirety herein.

66. Defendants Sandford Service and Wayne Sandford are "persons" within the meaning of N.J.S.A. 58:10A-3.

67. The unauthorized discharge of pollutants is a violation of the WPCA for which any person who is the discharger is strictly liable, without regard to fault. N.J.S.A. 58:10A-6a.

68. Defendant Sandford Service, as the operator of the Site at the time pollutants were discharged there, is a "discharger" and is therefore strictly liable, without regard to fault. N.J.S.A. 58:10A-6a.

69. Defendant Wayne Sandford, as a person who owned and controlled Sandford Service at the time of discharge, is a "discharger" and is therefore strictly liable, without regard to fault. N.J.S.A. 58:10A-6a.

70. The Commissioner may bring an action in the Superior Court for injunctive relief, N.J.S.A. 58:10A-10c.(1); for a civil penalty not to exceed \$50,000.00 per day for each violation, with each day's continuance of the violation constituting a separate violation, N.J.S.A. 58:10A-10e.; and for the reasonable costs of

any investigation, inspection, or monitoring survey which led to the establishment of the violation, including the costs of preparing and litigating the case, N.J.S.A. 58:10A-10c.(2).

WHEREFORE, the Commissioner prays that this Court:

- A. Permanently enjoin Defendants Sandford Service and Wayne Sandford by requiring them to remove, correct, or terminate the adverse effect upon water quality resulting from any unauthorized discharge of pollutants;
- B. Impose a civil penalty of up to \$50,000 per day for each violation of N.J.S.A. 58:10A-1 to -73.;
- C. Award the Commissioner her costs and fees in this action; and
- D. Award the Commissioner such other relief as this Court deems appropriate; and
- E. Reserve the right to bring a claim in the future for natural resource damages arising out of the discharge of hazardous substances at the Site.

THIRD COUNT

Enforcement Against Defendants Hassan and Wayne Sandford

(Individually)

71. Plaintiffs repeat each allegation of paragraph nos. 1 through 70 above as though set forth in their entirety herein.

72. Upon information and belief, Defendant Hassan is the sole member of Little Mason and the president and registered agent of Signature Fuel.

73. As the sole member of Little Mason and president of Signature Fuel, Defendant Hassan is responsible for ensuring that both entities comply with applicable laws and regulations including the Spill Act, WPCA, the UST Act, SRRA, and the regulations promulgated thereunder, and the common law.

74. Under Defendant Hassan's control, Little Mason and Signature Fuel have not taken the necessary action to remediate the Contaminated Site.

75. Specifically, as a result of Defendant Hassan's inaction, Little Mason and Signature Fuel have failed to hire a new LSRP, complete a RIR, complete a vapor intrusion investigation, submit a public participation plan with a schedule, submit an initial remediation cost review, establish a remediation trust fund, remit annual remediation fund fees dating back to 2013, and remit UST Oversight Fees.

76. Upon information and belief, Defendant Wayne Sandford is the sole member of Sandford Service.

77. As the sole member of Sandford Service, Defendant Wayne Sandford is responsible for ensuring that Sandford Service complies with applicable laws and regulations including the Spill

Act, WPCA, the UST Act, SRRA, and the regulations promulgated thereunder, and the common law.

78. Under Defendant Wayne Sandford's control, Sandford Service has not taken the actions necessary to remediate the Contaminated Site.

79. Specifically, as a result of Defendant Wayne Sandford's inaction, Sandford Service has failed to hire a new LSRP, complete a RIR, complete a vapor intrusion investigation, submit a public participation plan with a schedule, submit an initial remediation cost review, establish a remediation trust fund, remit annual remediation fund fees dating back to 2013, and remit UST Oversight Fees.

80. "Corporate officials" who exercise complete control over corporate entities responsible for statutory violations, including the Spill Act, WPCA, the UST Act, and SRRA, and who abuse the corporate forms of such entities, are themselves liable for such statutory violations.

81. As the sole member of Little Mason and president of Signature Fuel, Defendant Hassan is liable under the Spill Act and is in violation of SRRA obligations.

82. As the sole member of Sandford Service, Defendant Wayne Sandford is liable under the Spill Act and WPCA and is in violation of SRRA obligations.

WHEREFORE, Plaintiffs pray that this Court:

- A. Enter declaratory judgment against Defendants Hassan and Sandford, compelling them to perform any further cleanup of the Contaminated Site in conformance with SRRA, N.J.S.A. 58:10C-1 to -29, and all other applicable laws and regulations;
- B. Impose a civil penalty of up to \$50,000 per day for each violation of N.J.S.A. 58:10-23.11 to -23.24.;
- C. Order Defendants Hassan and Sandford to remit \$23,400 in Annual Remediation Fund fees;
- D. Order Defendant Hassan to remit \$23,989.95 in UST Oversight Fees;
- E. Award Plaintiffs their costs and fees incurred in this action;
- F. Award Plaintiffs any other relief this Court deems appropriate; and
- G. Reserve the right to bring a claim in the future for natural resource damages arising out of the discharge of hazardous substances at the Site.

GURBIR S. GREWAL  
ATTORNEY GENERAL OF NEW JERSEY  
Attorney for Plaintiffs

Dated: August 27, 2020

By: S/ Willis A. Doerr  
Willis A. Doerr  
Deputy Attorney General

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, the Court is advised that Willis A. Doerr, Deputy Attorney General, is hereby designated as trial counsel for plaintiffs in this action.

R. 4:5-1(b)(2) CERTIFICATION REGARDING OTHER PROCEEDINGS AND PARTIES

Undersigned counsel certifies that the matters in controversy in this action are currently not the subject of any other pending action in any court or arbitration proceeding known to the State at this time, nor is any non-party known to the State 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 matter or non-party later becomes known to plaintiffs, an amended certification will be filed and served upon all other parties and filed with this Court in accordance with R. 4:5-1(b)(2).

GURBIR S. GREWAL  
ATTORNEY GENERAL OF NEW JERSEY  
Attorney for Plaintiffs

Dated: August 27, 2020

By: S/ Willis A. Doerr  
Willis A. Doerr  
Deputy Attorney General

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

I certify 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  
Attorney for Plaintiffs

Dated: August 27, 2020

By: S/ Willis A. Doerr  
Willis A. Doerr  
Deputy Attorney General

# Civil Case Information Statement

## Case Details: ESSEX | Civil Part Docket# L-005700-20

**Case Caption:** NJ DEP'T OF ENV'TL P ROTECTION VS  
LITTLE MASON P

**Case Initiation Date:** 08/27/2020

**Attorney Name:** WILLIS A DOERR

**Firm Name:** ATTORNEY GENERAL LAW

**Address:** 25 MARKET STREET PO BOX 93

TRENTON NJ 08625

**Phone:**

**Name of Party:** PETITIONER : NJ Dep't of Env'tl Protection

**Name of Defendant's Primary Insurance Company**

(if known): None

**Case Type:** ENVIRONMENTAL/ENVIRONMENTAL COVERAGE  
LITIGATION

**Document Type:** Complaint

**Jury Demand:** NONE

**Is this a professional malpractice case?** NO

**Related cases pending:** NO

**If yes, list docket numbers:**

**Do you anticipate adding any parties (arising out of same  
transaction or occurrence)?** NO

**Are sexual abuse claims alleged by: NJ Dep't of Env'tl Protection?**  
NO

**Are sexual abuse claims alleged by: Commissioner of NJDEP?** NO

**Are sexual abuse claims alleged by: Administrator of NJ Spill  
Fund?** NO

## THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

**Do parties have a current, past, or recurrent relationship?** NO

**If yes, is that relationship:**

**Does the statute governing this case provide for payment of fees by the losing party?** YES

**Use this space to alert the court to any special case characteristics that may warrant individual  
management or accelerated disposition:**

**Do you or your client need any disability accommodations?** NO

**If yes, please identify the requested accommodation:**

**Will an interpreter be needed?** NO

**If yes, for what language:**

**Please check off each applicable category: Putative Class Action?** NO **Title 59?** NO **Consumer Fraud?** NO

I certify 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 *Rule* 1:38-7(b)

08/27/2020  
Dated

/s/ WILLIS A DOERR  
Signed