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

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NEW JERSEY DEPARTMENT OF :  
ENVIRONMENTAL PROTECTION; SHAWN :  
LATOURETTE, ACTING COMMISSIONER :  
OF NEW JERSEY DEPARTMENT OF :  
ENVIRONMENTAL PROTECTION; and THE :  
ADMINISTRATOR OF THE NEW JERSEY :  
SPILL COMPENSATION FUND, :

CIVIL ACTION

**COMPLAINT**

Plaintiffs, :

v. :

SASDELLI OIL COMPANY, INC.; :  
TERRY SASDELLI; VINELAND 820 MAIN :  
ROAD LLC; VINELAND CHESTNUT :  
AVENUE LLC; "XYZ CORPORATIONS" 1 :  
through 10; "JOHN AND/OR JANE :  
DOES" 1 through 10, :

Defendants. :

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Plaintiffs, New Jersey Department of Environmental Protection  
("DEP"), Shawn LaTourette, Acting Commissioner of DEP  
("Commissioner"), and the Administrator of the New Jersey Spill  
Compensation Fund ("Administrator") (collectively, "Department" or  
"Plaintiffs"), by and through their attorney, file this Complaint

against Defendants Sasdelli Oil Company, Inc., Terry Sasdelli, Vineland 820 Main Road, LLC, Vineland Chestnut Avenue LLC, XYZ Corporations 1-10, and John and/or Jane Does 1-10 (collectively "Defendants"), and allege as follows:

**STATEMENT OF THE CASE**

1. This is a civil action to compel Defendants to fully investigate and remediate the hazardous substances discharged at and from the former Main Road Citgo gas station located at 820 North Main Road, Vineland, Cumberland County, New Jersey, and designated as Block 2405, Lot 8 on the Tax Map of the City of Vineland, Cumberland County ("Site").

2. Defendants are current and former owners of the Site and operators of the retail gas station and underground storage tanks ("USTs") from which contaminants have leached into the environment for at least two decades.

3. Soil and groundwater sampling demonstrates that the Site has been contaminated with hazardous substances since at least 2001. Groundwater samples showed the Site is contaminated with hazardous constituents of gasoline such as benzene, toluene, ethylbenzene, xylenes (collectively, "BTEX"), lead, methyl tertiary-butyl ether ("MTBE"), and naphthalene, all at levels exceeding DEP's then Class II-A Groundwater Quality Standards. Further, soil samples revealed contamination with concentrations of BTEX, and naphthalene exceeding DEP's Soil Cleanup Criteria in

effect at the time. And those hazardous substances have since migrated from the Site to include surrounding properties ("Contaminated Site"). Several residences and businesses are located within 300 feet of the Site, while a child-care center is located within 500 feet.

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

5. The Department now seeks to compel Defendants to investigate and remediate the discharges of hazardous substances that continue to exist at the Contaminated Site and pose an ongoing threat to human health and to otherwise comply with and recover relief available under 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, and the Site Remediation Reform Act, N.J.S.A. 58:10C-1 to -29 ("SRRA"), and their applicable regulations.

#### **THE PARTIES**

6. Plaintiff DEP is a principal department within the Executive Branch of the State government and is charged with enforcement of the Spill Act and the WPCA. Pursuant to those statutes, DEP is vested with the authority to institute legal proceedings to seek injunctive relief compelling remediation, to

recover past and future costs, and to pursue additional civil penalties in Superior Court.

7. Plaintiff Commissioner is vested by law with various powers and authority, including those conferred by DEP's enabling legislation, N.J.S.A. 13:1D-9.

8. Plaintiff 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 DEP 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.

9. DEP, the Commissioner, and the Administrator (collectively the "Department") maintain their principal offices at 401 East State Street, Trenton, Mercer County, New Jersey.

10. Defendant Sasdelli Oil Company, Inc. ("Sasdelli Oil") is a corporation organized under the laws of the State of New Jersey, with a main business address of P.O. Box 242, Avalon, Cape May County, New Jersey. Sasdelli Oil owned the Site from approximately December 23, 1986, to October 19, 2005 and, upon information and belief, owned the USTs located on the Site for that period of time.

11. Defendant Terry Sasdelli is an individual residing in the State of North Carolina, with a principal residence located at 124 Boulder Way, Asheville, Buncombe County, North Carolina. Terry

Sasdelli is the president of Sasdelli Oil. Upon information and belief, Sasdelli is the individual in charge of day-to-day activities of Sasdelli Oil, with the authority to correct violations of applicable laws and regulations. Upon information and belief Sasdelli operated the USTs located on the Site for at least part of the time between December 23, 1986 and October 19, 2005.

12. Defendant Vineland 820 Main Road, LLC ("Vineland 820 Main Road") is a limited liability company organized and existing under the laws of the State of Delaware, with a main business address of 1624 Newport Gap Pike, Wilmington, New Castle County, Delaware. Vineland 820 Main Road owned the Site from approximately October 19, 2005, to July 3, 2012 and, upon information and belief, owned and operated the USTs located on the Site for at least part of that time.

13. Defendant Vineland Chestnut Avenue LLC ("Chestnut Avenue") is a limited liability company organized and existing under the laws of the State of New Jersey, with a main business address of 1624 Newport Gap Pike, Wilmington, New Castle County, Delaware. Chestnut Avenue has owned the Site from approximately July 3, 2012 to present.

14. "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 Sasdelli Oil, Terry Sasdelli, Vineland 820 Main Road, and Chestnut Avenue, and/or are other dischargers and/or persons in any way responsible for the hazardous substances discharged at the Site.

15. "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 Sasdelli Oil, Terry Sasdelli, Vineland 820 Main Road, and Chestnut Avenue, 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.

#### **GENERAL ALLEGATIONS**

16. On December 23, 1986, Sasdelli Oil acquired the Site from Peter and Mary Marcacci.

17. On May 27, 1988, Terry Sasdelli submitted an annual UST Registration Form to DEP for nine USTs located at the Site, listing Sasdelli Oil as the owner of the USTs and himself as the operator.

18. From 1986 until 1998, Sasdelli Oil and Terry Sasdelli submitted annual UST Registrations to DEP listing themselves as the owner and operator, respectively, of the USTs located on the Site. Upon information and belief, however, Sasdelli Oil and Terry

Sasdelli actually owned and operated the USTs, respectively, until 2005.

19. On April 10, 1989, Terry Sasdelli submitted an annual UST Registration Form to report that USTs numbered 1 through 3 of the nine tanks had been filled with foam and abandoned in place. DEP later determined that USTs 1 through 3 were removed on or about October 17, 2013 (discussed below).

20. On November 25, 2003, MIG Environmental Consulting, LLC ("MIG Environmental"), an environmental consultant, reported to DEP the results of an investigation of the Site it performed on behalf of a prospective purchaser, which were compiled into an October 30, 2003 Preliminary Remedial Investigation report. DEP assigned case number 03-11-25-1123-22.

21. Upon information and belief, Inderpreet Singh was, and has remained, the principal officer of MIG Environmental, Chestnut Avenue, and Vineland 820 Main Road since at least 2003.

22. The investigation of the Site included the collection of soil and groundwater samples by MIG Environmental, which occurred on November 3, 2001. Subsequent to the collection of the samples, they were sent to QC Laboratories in Southampton, PA to determine whether any hazardous substances were present in the soil or groundwater on the Site.

23. The November 3, 2001 soil samples revealed several hazardous substances, including concentrations of benzene,

toluene, ethylbenzene, xylenes, and naphthalene in the soil up to 85.3 parts per million ("ppm"), 657 ppm, 303 ppm, 987 ppm, and 116 ppm, respectively, all exceeding DEP's Impact to Groundwater Soil Cleanup Criteria of 1 ppm, 500 ppm, 100 ppm, 67 ppm, and 100 ppm in effect at the time, respectively. The concentration of benzene detected in the soil also exceeded DEP's Non-Residential Direct Contact Soil Cleanup Criterion of 13 ppm in effect at the time.

24. The November 3, 2001 groundwater samples also revealed several hazardous substances, including concentrations of benzene, toluene, ethylbenzene, xylenes, lead, MTBE, and naphthalene up to 31,400 parts per billion ("ppb"), 52,400 ppb, 5,080 ppb, 24,240 ppb, 839 ppb, 1,150 ppb, and 475 ppb, respectively, all exceeding DEP's Class II-A Ground Water Quality Standards ("GWQS") of 1.0 ppb, 1,000 ppb, 700 ppb, 40 ppb, 10 ppb, 70 ppb, and 300 ppb in effect at the time, respectively.

25. On or about October 19, 2005, Sasdelli Oil transferred ownership of the Site to Vineland 820 Main Road.

26. On February 23, 2007, Vineland 820 Main Road submitted an annual UST Registration Form. The form only listed USTs numbered 4 through 9 of the nine USTs located on the Site. The Form stated that USTs numbered 4 through 9 were taken out of service in December 1998.

27. On October 3, 2007, DEP informed Vineland 820 Main Road that it must close the six out-of-service USTs. Vineland 820 Main



Road submitted a Closure Notification Form for USTs 4 through 9 on October 16, 2007. DEP approved a Notice of Intent to Close Permit on October 18, 2007 and assigned permit # N07-5936.

28. On or around March 19, 2008, MIG Environmental submitted a UST Closure Report to DEP on behalf of Vineland 820 Main Road. In the UST Closure Report, MIG Environmental reported to DEP that it had overseen the removal of six USTs at the Site.

29. On October 7, 2010, DEP sent a Notice of Deficiency letter to Vineland 820 Main Road regarding the 2008 UST Closure Report. DEP directed Vineland 820 Main Road to horizontally and vertically delineate all media to determine the depth and surface area of the contamination existing on the Site and conduct a groundwater investigation based on exceedances of the Impact to Groundwater Soil Cleanup Criteria reported in the 2003 Preliminary Remedial Investigation Report.

30. On April 28, 2009, MIG Environmental conducted groundwater sampling at the Site on behalf of Vineland 820 Main Road, the results of which were compiled into a report ("April 2009 Sampling Report").

31. The April 2009 Sampling Report identified several hazardous substances in the groundwater, including concentrations of benzene, toluene, ethylbenzene, and xylenes up to 30,000 ppb, 76,000 ppb, 7,000 ppb, and 42,000 ppb, respectively, all exceeding

DEP's GWQS of 1.0 ppb, 600 ppb, 700 ppb, and 1,000 ppb in effect at the time, respectively.

32. Previously, in October 2005, DEP published a Vapor Intrusion Guidance document to assist the regulated community in complying with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E, and properly assessing vapor intrusion ("VI") pathways. In March 2007, DEP published a table detailing the Vapor Intrusion Groundwater Screening Levels ("VIGWSL"). Under SRRA, the licensed site remediation professional shall apply any available and appropriate technical guidelines concerning site remediation as issued by DEP. N.J.S.A. 58:10C-14c(3).

33. The April 2009 Sampling Report identified concentrations of benzene and xylenes exceeding the VIGWSL of 15 ppb and 7,000 ppb in effect at the time, respectively, triggering the requirement for a VI investigation to be performed.

34. Defendants were required to perform a VI Investigation within 150 days of the April 28, 2009 trigger date, pursuant to N.J.A.C. 7:26E-1.15(c). To date, Defendants have failed to perform a VI Investigation.

35. On July 13, 2009, MIG Environmental conducted further groundwater sampling at the Site on behalf of Vineland 820 Main Road that it compiled in another report ("July 2009 Sampling Report").

36. The July 2009 Sampling Report identified concentrations of benzene, toluene, ethylbenzene, xylenes, MTBE, and tertiary-butyl alcohol ("TBA") in the groundwater up to 23,000 ppb, 16,000 ppb, 4,300 ppb, 20,900 ppb, 93 ppb, and 100 ppb, respectively, all exceeding the GWQS of 1.0 ppb, 600 ppb, 700 ppb, 1,000 ppb, 70 ppb, and 100 ppb in effect at the time, respectively. In addition, the concentrations of benzene, xylenes, and MTBE exceeded the VIGWSL of 15 ppb, 7,000 ppb, and 78 ppb in effect at the time, respectively, again triggering the requirement for a VI investigation to be performed.

37. On August 4 and 5, 2011, MIG Environmental conducted additional groundwater sampling at the Site on behalf of Vineland 820 Main Road that it compiled into another report ("2011 Sampling Report").

38. The 2011 Sampling Report identified concentrations of benzene, toluene, ethylbenzene, xylenes, TBA, trichloroethylene ("TCE"), and Tetrachloroethylene ("PCE") in the groundwater up to 17,900 ppb, 110,000 ppb, 36,800 ppb, 183,000 ppb, 1,080 ppb, 2.8 ppb, and 26.9 ppb, respectively, all exceeding the GWQS of 1.0 ppb, 600 ppb, 700 ppb, 1,000 ppb, 100 ppb, 1.0 ppb, and 1.0 ppb in effect at the time, respectively. In addition, the concentrations of benzene, xylenes, TCE, and PCE exceeded the VIGWSL of 15 ppb, 7,000 ppb, 1.0 ppb, and 1.0 ppb in effect at the time,

respectively, again triggering the requirement for a VI investigation.

39. MIG Environmental also conducted sampling at a nearby off-site monitoring well (Monitoring Well-6). The 2011 Sampling Report identified concentrations of benzene, toluene, and xylenes in the groundwater within Monitoring Well-6 up to 119 ppb, 794 ppb, and 2,000 ppb, respectively, all exceeding the GWQS of 1.0 ppb, 600 ppb, and 1,000 ppb in effect at the time, respectively. Monitoring Well-6 is located across N. Main Rd. from the Site at 821 N. Main Road, Vineland, New Jersey.

40. On March 6, 2012, MIG Environmental submitted an Initial Receptor Evaluation ("IRE") for the Site to DEP.

41. The IRE identified the past discovery of "free product," which is gasoline floating on the surface of the groundwater, also known as light non-aqueous phase liquid ("LNAPL") on January 25, 2008.

42. Defendants were required to report the LNAPL to the Department by March 24, 2008, within 60 days of its discovery, but failed to do so. See N.J.A.C. 7:26E-1.10(b)(1). Although the LNAPL was identified in the IRE, Defendants did not satisfy the reporting requirements outlined at N.J.A.C. 7:26E-1.10(b)(1) until May 28, 2020.

43. Specifically, N.J.A.C. 7:26E-1.10(b)(1) provides that Defendants were required to report the presence of LNAPL to the

Department on a form available on the Department's website at [www.nj.gov/dep/srp/srra/forms](http://www.nj.gov/dep/srp/srra/forms), which includes Site identification information, a summary of the information describing the type of LNAPL observed and how the LNAPL was discovered, the name of the responsible entity and a certification statement, and the name of the licensed site remediation professional and a certification statement.

44. In the context of site remediation, regulatory timeframes establish the deadlines for specific remedial actions, while mandatory timeframes, when missed, establish when a Site enters compulsory direct oversight. See N.J.A.C. 7:26C-14.2(b) and N.J.S.A. 58:10C-27.a(2).

45. Requirements under compulsory direct oversight include, but are not limited to, hiring a licensed site remediation professional ("LSRP") within 14 days after the Site enters direct oversight, and, within 90 days, establishing and maintaining a remediation trust fund, submitting a cost review, submitting a proposed public participation plan, and submitting a feasibility study to DEP. See N.J.A.C. 7:26C-14.2(b)

46. Under N.J.A.C. 7:26E-4.10(a)2ii(1), Defendants were required to complete an RI for the delineation of LNAPL, initiate implementation of an LNAPL interim remedial measure ("IRM"), initiate monitoring, and submit an LNAPL RI and IRM Report to DEP

by the regulatory timeframe of March 1, 2010, two years after the discovery of the LNAPL.

47. To avoid direct oversight, Defendants were required to submit the LNAPL IRM, initiate monitoring, and submit an LNAPL RI and IRM Report by the mandatory timeframe of March 1, 2012, two years after the regulatory timeframe. See 7:26C-3.3(b)(4). To date, Defendants have failed to complete an RI for the delineation of LNAPL, initiate implementation of an LNAPL IRM, initiate monitoring, and submit an LNAPL RI and IRM Report to DEP.

48. The IRE further acknowledged that the requirement for a VI investigation had been triggered, but noted that a VI investigation had not yet been conducted.

49. On or about July 3, 2012, Vineland 820 Main Road transferred ownership of the Site to Chestnut Avenue. Since acquiring the Site, Chestnut Avenue has continued to own the Site and remains the current owner of the Site.

50. On May 16, 2013, David Pry, an LSRP retained by Vineland 820 Main Road, submitted a Notice of Intent to Close Form to DEP for USTs 1 through 3. A Notice of Intent to Close Permit was approved by DEP on May 23, 2013 and assigned permit # N13-9030.

51. On May 22, 2013, Vineland 820 Main Road submitted an annual UST Registration Form to DEP for USTs 1 through 3, listing Vineland 820 Main Road as the owner and operator of all three USTs.

52. MIG Environmental conducted additional sampling on October 17, 2013, which it included in a Permit-By-Rule Application submitted to DEP on behalf of Vineland 820 Main Road on July 5, 2016 ("PBR Application"). In the PBR Application, MIG Environmental reported that sampling results identified concentrations of benzene, ethylbenzene, and xylenes in the soil up to 6.8 ppm, 146 ppm, and 886 ppm, respectively, all exceeding DEP's Impact to Groundwater Soil Cleanup Criteria of 1.0 ppm, 100 ppm, 67 ppm in effect at the time, respectively. The concentration of benzene also exceeded the Non-Residential Direct Contact Soil Remediation Standard of 5.0 ppm in effect at the time.

53. On January 19, 2017, Inderpreet Singh submitted an annual UST Registration Form on behalf of Vineland 820 Main Road, stating that USTs 1 through 3 were removed on October 17, 2013.

54. On September 21, 2017, DEP issued a notice of violation ("NOV") to Vineland 820 Main Road for failure to complete a Remedial Investigation ("RI") and submit an RI Report to DEP by the regulatory timeframe of March 1, 2017, which is established by virtue of the earliest applicable requirement to remediate pursuant to N.J.A.C. 7:26C-2.2 having occurred between May 7, 1999 and March 1, 2010. See N.J.A.C. 7:26E-4.10(a)2ii(1).

55. To avoid direct oversight, Defendants were further required to complete an RI for the contaminated Site and submit an RI Report to DEP by the mandatory timeframe of March 1, 2019 as

required pursuant to the SRRA and its implementing regulations, N.J.A.C. 7:26E-4.10(a)2, and N.J.A.C. 7:26C-3.3(b)5. To date, Defendants have failed to complete an RI for the Contaminated Site and submit an RI Report to DEP.

56. Having failed to submit an LNAPL RI & IRM Report and an RI report for the Contaminated Site by their respective mandatory timeframes, Defendants are required to comply with the requirements of direct oversight, pursuant to N.J.A.C. 7:26C-14.2(b) and N.J.S.A. 58:10C-27.a(2). To date, Defendants have failed to comply with the requirements of Direct Oversight.

57. Defendants Vineland 820 Main Road and Chestnut Avenue have also failed to pay all annual remediation fees invoiced by DEP as required pursuant to N.J.A.C. 7:26C-4.9(a). Annual remediation fees are assessed to persons responsible for conducting remediation at a contaminated site as required by N.J.A.C. 7:26C-4.3.

58. Several attempts were made by DEP to advise Defendants of their remedial responsibilities. DEP sent a letter to Vineland 820 Main Road on December 30, 2011 advising it of its responsibility to remediate the Site, a letter to the Site addressed to all responsible entities on January 27, 2012 reminding them that they are required to complete an IRE, and a compliance assistance e-mail to MIG Environmental on March 3, 2012.



59. The hazardous substances discharged by Terry Sasdelli and Sasdelli Oil on the Site threaten public health and the environment.

60. Several residences and businesses are located within 300 feet of the Site, while a child-care center is located within 500 feet.

61. Gasoline and its components pose threats to the environment and public health when they enter the soil and groundwater. The chemical constituents of gasoline persist in soil for long periods of time, threatening plant and animal life and human health when ingested or inhaled.

62. Hazardous substances discharged to soil and groundwater from can also travel through soil, and the resulting vapor can intrude into human-occupied spaces that are either currently on the Site, or might be constructed at the Site in the future, and that are located wherever contaminated groundwater has migrated, posing an inhalation threat.

63. Many adverse health effects of gasoline are due to individual chemicals in gasoline, mainly BTEX.

64. Exposure to BTEX compounds - benzene, toluene, ethylbenzene, xylenes - poses a danger to human health, including damage to the liver, kidneys, central nervous system, and eyes.

65. Benzene is a known human carcinogen and is associated with increased incidences of leukemia.

66. For two decades, Defendants have ignored their shared responsibility to investigate and remediate the hazardous substances that to exist on the Site, thus presenting an on-going threat to the health of the public and the environment.

**COUNT I**

**Violation of the Spill Act  
(All Defendants)**

67. Plaintiffs incorporate each of the preceding paragraphs as if set forth fully herein.

68. 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.

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

70. Defendant Terry Sasdelli is a discharger and a person in any way responsible as the operator of the USTs located at the Site at the time hazardous substances were discharged therefrom, 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).

71. Defendant Sasdelli Oil is a discharger and a person in any way responsible as the owner of the Site and the owner of the USTs located at the Site at the time hazardous substances were discharged from the USTs, 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).

72. Defendant Vineland 820 Main Road, 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).

73. Defendant Chestnut Avenue, 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).

74. 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).

75. 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).

76. Defendants as persons in any way responsible for the hazardous substances, are also persons responsible for conducting the remediation. N.J.A.C. 7:26C-1.3.

77. As a persons responsible for conducting the remediation, Defendants were required to pay all annual remediation fees invoiced by the DEP pursuant to N.J.A.C. 7:26C-4.9(a).

78. To date, Defendants Vineland 820 Main Road and Chestnut Avenue have not paid all annual remediation fees invoiced to them by the Department.

79. The DEP 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 DEP incurs under the Spill Act, N.J.S.A. 58:10-23.11u.b.(5).

80. 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,** the Department demands judgment against the Defendants for violation of the Spill Act and requests that this Court:

- a. Enter an order compelling Defendants to remediate the Contaminated Site in conformance with the SRRRA, N.J.S.A. 58:10C-1 to -29, and all other applicable laws and regulations;
- b. Find Defendants liable, jointly and severally, without regard to fault, for all cleanup and removal costs DEP has incurred and will incur as a result of the discharge of hazardous substances at and from the Site;
- c. Order Defendants to comply with compulsory Direct Oversight (see N.J.A.C. 7:26C-14.2(b)) and to enter into an Administrative Consent Order with DEP to memorialize the requirements of Direct Oversight and to set compliance timeframes for future submissions required under the applicable laws and regulations;
- d. Impose a civil penalty of up to \$50,000 per day for each violation of the Spill Act pursuant to N.J.S.A. 58:10-23.11u;

- e. Order Vineland 820 Main Road and Chestnut Avenue to remit outstanding Annual Remediation Fund fees;
- f. Award the Department its costs and fees incurred in this action;
- g. Award such other relief as the Court finds necessary and proper; and
- h. Reserve the Department's right to bring a claim in the future for natural resource damages arising out of the discharge of hazardous substances at the Site.

**COUNT II**

**Violation of the Water Pollution Control Act  
(Defendants Terry Sasdelli and Sasdelli Oil Company, Inc.)**

81. Plaintiffs incorporate each of the preceding paragraphs as if set forth fully herein.

82. Defendants Terry Sasdelli and Sasdelli Oil are "persons" within the meaning of N.J.S.A. 58:10A-3.

83. 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.

84. Defendant Terry Sasdelli, as the operator of the USTs at 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.

85. Defendant Sasdelli Oil, as the owner of the USTs at 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.

86. Under the WPCA, the Commissioner may bring an action in the Superior Court for injunctive relief, N.J.S.A. 58:10A-10(c)(1); for the reasonable costs of any investigation, inspection, or monitoring 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); and reasonable costs the State has incurred or will incur in removing, correcting, or terminating the adverse effects on water quality resulting from any unauthorized discharge of pollutants for which action under this subsection may have been brought, N.J.S.A. 58:10A-10c.(3); and the actual amount of any economic benefits accruing to the violator from any violation, including savings realized from avoided capital or noncapital costs resulting from the violation, the return earned or that may be earned on the amount of avoided costs, any benefits accruing as a result of a competitive market advantage enjoyed by reason of the violation, or any other benefit resulting from the violation, N.J.S.A. 58:10A-10c.(5).

87. Defendants Terry Sasdelli and Sasdelli Oil's respective ownership and operation of the USTs from which the discharge of pollutants occurred and failure to remediate the discharge

conferred economic benefits on Defendants Terry Sasdelli and Sasdelli Oil, as well as upon the members of Sasdelli Oil as responsible corporate officials. Upon information and belief, the benefits include but are not limited to, savings realized from avoided capital or noncapital costs necessary to conduct remediation of the discharge from the USTs, the return earned on the amount of avoided costs, and benefits accruing as a result of a competitive market advantage enjoyed by reason of Defendants Terry Sasdelli and Sasdelli Oil's failure to remediate the Site.

**WHEREFORE,** the Department demands judgment against the Defendants for violation of the WPCA and requests that this Court:

- a. Permanently enjoin Defendants Terry Sasdelli and Sasdelli Oil by requiring them to remove, correct, or terminate the adverse effect upon water quality resulting from any unauthorized discharge of pollutants;
- b. Enter an order requiring defendants Terry Sasdelli and Sasdelli Oil, without regard to fault, to pay DEP for its reasonable costs incurred for any investigation, inspection, or monitoring survey, which led to establishment of the violation, including the costs of preparing and litigating this case;
- c. Find defendants Terry Sasdelli and Sasdelli Oil liable, without regard to fault, and assessing all reasonable costs that have been and will be incurred for any



investigation, inspection, or monitoring survey, which led, or will lead, to establishment of the violation, including the costs of preparing and litigating the case;

- d. Enter an order requiring defendants Terry Sasdelli and Sasdelli Oil, without regard to fault, to pay DEP all reasonable costs has incurred and will incur removing, correcting, or terminating the adverse effects upon water quality resulting from any unauthorized discharge of pollutants at the Site;
- e. Impose a civil penalty of up to \$50,000 per day for each violation of N.J.S.A. 58:10A-1 to -73;
- f. Award the Department its costs and fees in this action;
- g. Award the Department such other relief as the Court finds necessary and proper;
- h. Reserve the Department's right to bring a claim in the future for any economic benefits that have or will accrue to Defendants, including any savings to be realized from avoided capital or noncapital costs, the return to be earned on the amount of avoided costs, any benefits that will accrue as a result of a competitive market advantage Defendants enjoyed, or any other benefit that will accrue as a result of having violated the Act pursuant to N.J.S.A. 58:10A-10c(5); and

- i. 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.

**COUNT III**

**Unjust Enrichment  
(All Defendants)**

88. Plaintiffs incorporate each of the preceding paragraphs as if set forth fully herein.

89. Defendants have failed to perform or fund the remediation required to address the contamination at the Site.

90. Defendants Vineland 820 Main Road and Chestnut Avenue have failed to pay all annual remediation fees invoiced by DEP.

91. Having avoided performing or funding the remediation required to address the contamination at the Site that they are statutorily responsible for, Defendants have been unjustly enriched.

92. Having not paid Annual Remediation fees for the Site for fiscal years 2016 through 2021, as required by pursuant to N.J.A.C. 7:26C-4.9(a), Defendants Vineland 820 Main Road and Chestnut Avenue have been unjustly enriched.

**WHEREFORE,** the Department demands that this Court enter judgment against Defendants and requests that this Court:

- a. Find that Defendants have been unjustly enriched as a result of failing to perform or fund the remediation required to address the contamination at the Site;
- b. Find that Defendants Vineland 820 Main Road and Chestnut Avenue have been unjustly enriched as a result of failing to remit Annual Remediation fees for the Site;
- c. Order Defendants Vineland 820 Main Road and Chestnut Avenue to remit all outstanding Annual Remediation Fees to the Department;
- d. Enter judgment against Defendants for all other compensatory and consequential damages; and
- e. Award the Department such other relief as the Court finds necessary and proper.

GURBIR S. GREWAL  
ATTORNEY GENERAL OF NEW JERSEY

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

Dated: May 7, 2021

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

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

Dated: May 7, 2021

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

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

Dated: May 7, 2021