

**CITY OF CAMDEN REDEVELOPMENT AGENCY**  
**RESOLUTION SUMMARY**

**Resolution No.: 08-07-24A**

**Resolution Title:**

**Resolution Authorizing an Administrative Settlement Agreement and Order of Consent with the United States Environmental Protection Agency with Regard to a Release of Hazardous Substances, Pollutants or Contaminants at the Pure Earth Recycling Superfund Site Located in Vineland, New Jersey**

**Summary:**

- The United States Environmental Protection Agency (“EPA”) has spent public funds to investigate and respond to a release of hazardous substances, pollutants or contaminants at the Pure Earth Recycling Superfund Site Located in Vineland, New Jersey “the Site”).
- CRA has been named as a potentially responsible party (“PRP”) under the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended, 42 USC §§9601-9675 (“CERCLA”) based on the sole fact that waste from a CRA project property was disposed of at the Site by a third-party contractor.
- Neither CRA nor its third party contractor have been accused of any negligence or wrongdoing.
- As a PRP, CRA can be liable for reimbursement of costs that EPA has incurred in cleaning up the Site.
- Due to fact that the amount of CRA waste that was disposed of at the Site was so small it is eligible for the *de minimis* settlement program.
- Under the *de minimis* settlement CRA would enter into a Settlement Agreement and Order of Consent which provides for a payment by CRA of \$2,046.18 to resolve CRA’s liability arising from the Site.
- The Settlement Agreement provides CRA with a covenant not to sue from the EPA, so that the EPA will not pursue CRA for any of EPA’s additional costs related to the Site.
- The Settlement Agreement also provides CRA with protection against contributing lawsuits by other responsible parties seeking a contribution for costs they have paid.
- The Settlement Agreement will minimize attorney’s fees and other costs that CRA might otherwise incur to resolve these issues.

**Resolution No.: 08-07-24A (cont'd)**

**Purpose of Resolution:**

1. Authorize execution of the Settlement Agreement
2. Authorize payment under the Settlement Agreement
3. Settlement of threatened litigation

**Award Process:**

N/A

**Cost Not To Exceed:**

\$2,046.18

**Total Costs:**

\$2,046.18

**Source of Funds:**

General Operating Funds

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**WHEREAS**, the City of Camden Redevelopment Agency (“CRA”) is charged with the duty of redevelopment throughout the City of Camden (“City”); and

**WHEREAS**, in 2006, as part of its duties, CRA arranged for the disposal of certain waste from a redevelopment project which was transported to the Pure Earth Recycling site (“Site”) in Vineland, New Jersey by a third-party contractor; and

**WHEREAS**, the United States Environmental Protection Agency (“EPA”) has determined there was a release of hazardous substances, pollutants or contaminants (“Release”) at the Site; and

**WHEREAS**, the Site has been designated by the EPA as a Superfund site; and

**WHEREAS**, the EPA has spent more than \$7,000,000.00 in response costs at the Site; and

**WHEREAS**, the EPA has identified potentially responsible parties (“PRP”) for the Release at the Site including various parties that arranged for disposal or treatment of hazardous substance at the Site; and

**WHEREAS**, CRA has been named as a PRP solely because CRA waste was transported to the Site; and

**WHEREAS**, neither CRA nor its third-party contractor have been accused of any negligence or wrongdoing; and

**WHEREAS**, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (“CERCLA”) allows the EPA to seek reimbursement from PRP’s of costs incurred in cleaning up the Site; and

**WHEREAS**, the EPA has determined that CRA was a very small waste contributor and thus designated CRA as a de minimis party; and

**WHEREAS**, EPA has proposed that CRA enter into a Settlement Agreement and Order of Consent which provides for a payment by CRA of \$2,046.18 (the “Settlement Amount”) to resolve CRA’s liability arising from the Site (the “Settlement Agreement”); and

**WHEREAS**, if CRA signs the Settlement Agreement and pays the Settlement Amount, EPA will provide CRA with a covenant not to sue; and

**WHEREAS**, per the covenant not to sue, EPA cannot pursue CRA for any additional costs beyond the Settlement Amount; and

**WHEREAS**, the Settlement Agreement will also protect CRA from lawsuits by other responsible parties seeking contribution (“Contribution Lawsuits”) for costs they have paid; and

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**WHEREAS**, the terms of the Settlement Agreement and the Settlement Amount are non-negotiable; and

**WHEREAS**, if CRA does not sign the Settlement Agreement by August 8, 2024, CRA will lose the protection of the Settlement Agreement, may be sued by the EPA, may face Contribution Lawsuits and will have to pay attorney's fees and other costs to resolve same; and

**WHEREAS**, staff and counsel have reviewed the Settlement Agreement and are recommending the execution of the Settlement Agreement and payment of the Settlement Amount; and

**WHEREAS**, the CRA deems the Settlement Agreement to be in the best interests of CRA.

**NOW, THEREFORE BE IT RESOLVED** by the governing body of CRA that the Interim Executive Director of the CRA is authorized to execute the Settlement Agreement with the EPA; and

**BE IT FURTHER RESOLVED** that the Interim Executive Director is authorized to pay the Settlement Amount of \$2,046.18 to the EPA as settlement of the claims against CRA arising from the Site; and

**BE IT FURTHER RESOLVED** that the Interim Executive Director, or her designee, is hereby authorized and directed to take all actions and execute all documents necessary to carry out the purposes of this resolution.

08-07-24A (cont'd)

ON MOTION OF: **Gilbert Harden, Sr.**

SECONDED BY: **Chritopher Collins**


| COMMISSIONER          | AYES | NAYS | ABSTENTIONS |
|-----------------------|------|------|-------------|
| Christopher Collins   | X    |      |             |
| Derek Davis           | X    |      |             |
| Gilbert Harden, Sr.   | X    |      |             |
| Tasha Gainey-Humphrey | X    |      |             |
| Ian K. Leonard        |      |      |             |
| Jose Javier Ramos     | X    |      |             |
| Maria Sharma          | X    |      |             |

*Maria Sharma*

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Maria Sharma  
Vice Chairperson

ATTEST:



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Olivette Simpson  
Interim Executive Director

The above has been reviewed and approved as to form.

*Mark P. Asselta*

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Mark P. Asselta, Esq.  
Board Counsel