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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

\_\_\_\_\_  
UNITED STATES OF AMERICA, )  
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL )

PROTECTION, THE COMMISSIONER OF THE )  
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL )  
PROTECTION, and ADMINISTRATOR, NEW JERSEY )  
SPILL COMPENSATION FUND, )

Plaintiffs, )

v. )

Civ. Action No. 3:24-cv-8946 )

NL INDUSTRIES, INC., )  
OLD BRIDGE TOWNSHIP, NEW JERSEY, )  
ATLANTIC BATTERY CO., INC., ATLANTIC )  
RICHFIELD CO., BIXON LIQUIDATION CORP., )  
C&D TECHNOLOGIES, INC., CLARIOS, LLC, )  
CROWN BATTERY MANUFACTURING CO., )  
EAST PENN MANUFACTURING CO., E.I. DU PONT )  
DE NEMOURS AND CO. (N/K/A EIDP, INC.), )  
ENERSYS DELAWARE, INC., FMC CORP., )  
GOULD ELECTRONICS INC., HONEYWELL )  
INTERNATIONAL, INC., JOE KRENTZMAN & )  
SON, INC., JOHNSON CONTROLS, INC., RAE )  
STORAGE BATTERY CO., RIO TINTO )  
MINERALS INC., RIO TINTO METALS LIMITED, )  
RIO TINTO PLC, TIFFEN ACQUISITION CORP., )  
TIFFEN CO., LLC, WIMCO METALS, INC., )  
YUASA BATTERY, INC., )

Defendants. )

NOTICE OF LODING CONSENT DECREE

Please Take Notice that the United States of America, by authority of the Attorney General of the United States and through the undersigned attorneys, and acting at the request of the Administrator of the United States Environmental Protection Agency, the United States Department of the Interior, and the National Oceanic and Atmospheric Administration, is lodging with the Court, pending

solicitation and consideration of public comments, a proposed Consent Decree between the United States, the New Jersey Department of Environmental Protection (“NJDEP”), the Commissioner of the New Jersey Department of Environmental Protection, and the Administrator of the New Jersey Spill Compensation Fund (collectively, the “State Plaintiffs”), and NL Industries, Inc., Old Bridge Township, New Jersey, Atlantic Battery Co., Inc., Atlantic Richfield Co., Bixon Liquidation Corp., C&D Technologies, Inc., Clarios, LLC, Crown Battery Manufacturing Co., East Penn Manufacturing Co., EnerSys Delaware, Inc., E. I. du Pont de Nemours and Co., (n/k/a EIDP, Inc.), FMC Corp., Gould Electronics Inc., Honeywell International, Inc., Joe Krentzman & Son, Inc., Johnson Controls, Inc., Rae Storage Battery Co., Rio Tinto Minerals Inc., Rio Tinto Metals Limited, Rio Tinto plc, Tiffen Acquisition Corp., Tiffen Co., LLC, Wimco Metals, Inc., and Yuasa Battery, Inc., (collectively “Defendants”), under Sections 106, 107(a) and 113 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9606, 9607(a) and 9613 (“CERCLA”), the Spill Compensation and Control Act (the “Spill Act”), N.J.S.A. 58:10-23.11 through -23.24, the Water Pollution Control Act, N.J.S.A. 58:10A-1 through -20, and the Solid Waste Management Act, N.J.S.A. 13:1E-1 through –227, resolving claims at the Raritan Bay Slag Superfund Site in Old Bridge Township and the Borough of Sayreville, New Jersey (“Site”). The proposed Consent Decree also would resolve claims between the same parties in

the related case *NL Industries, Inc. et al. v. Old Bridge Township, et al.*, Civil Action No. 13-cv-3493 MAS (D. New Jersey), and is being lodged in that case as well.

Consistent with Section 122(d)(2) of CERCLA, 42 U.S.C. § 9622(d)(2), 28 C.F.R. § 50.7, the Department of Justice will publish in the Federal Register a notice of the lodging of this proposed Consent Decree. The notice will solicit public comments on the proposed Consent Decree for a period of sixty (60) days from the date of publication in the Federal Register. NJDEP, in accordance with N.J.S.A 58:10-23.11e2 of the Spill Act will publish notice of the proposed Consent Decree in the New Jersey Register and on NJDEP's website for a period of 60 days. After the close of the comment period, the United States and State Plaintiffs will consider the comments received, if any, and will move for entry of the Consent Decree unless comments disclosed facts or considerations indicating that the proposed Consent Decree is unfair, unreasonable, or inconsistent with the purposes of CERCLA, 42 U.S.C. §§ 9601 et seq. Accordingly, the United States requests that the Court take no action on the proposed Consent Decree at this time. After the conclusion of the comment period, the United States will file with the Court any comments received, as well as responses to the comments and, at that time, if appropriate, file a Motion to Enter the Consent Decree.

Accordingly, the United States and State Plaintiffs request that the Court take no action with respect to the lodged Consent Decree until the United States,

joined by any other parties, moves for entry of the Proposed Consent Decree or otherwise advises the Court.

Respectfully Submitted,

Date: 09/04/2024

ON BEHALF OF THE UNITED STATES

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s/ Mae Bowen  
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CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2024, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, District of New Jersey by using the CM/ECF system and also by electronic mail by agreement to any non-participants. I certify that all participants in the case are being serviced either by electronic mail or CM/ECF.

s/ Mae Bowen  
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