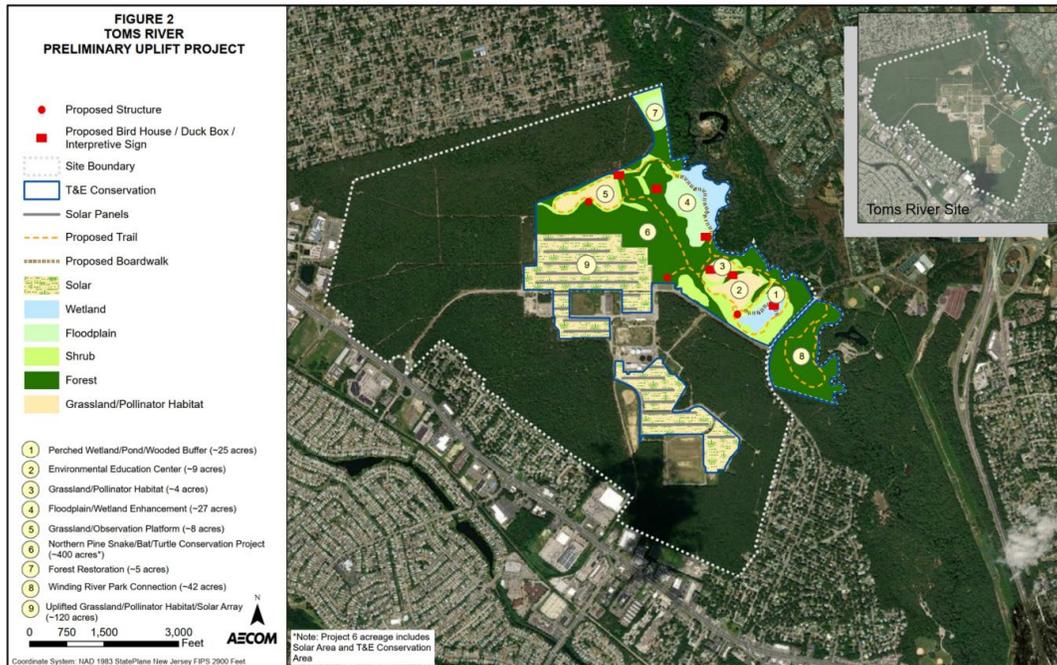


FACT SHEET: December 12, 2022
Ciba Geigy Superfund Site - Toms River, NJ

From the NJ DEP [Settlement Agreement](#)

On December 5, 2022, the New Jersey Department of Environmental Protection (DEP) announced the Natural Resource Damages (NRD) settlement between BASF and the DEP for a Superfund site in Toms River, NJ. At that time, the public was given 30-days to comment by January 6. BASF Corporation (BASF) is a NJ corporation and is the successor to the former Ciba-Geigy. BASF is the settling party to this Natural Resource Damages Settlement Agreement (“Settlement Agreement”)

The discharges that are the subject of this Settlement Agreement occurred at the site of the former Ciba-Geigy Corporation manufacturing facility, also known as the Ciba Geigy Superfund Site, 277 Oak Ridge Parkway, Toms River Township, Ocean County, New Jersey also designated as Block 411, Lot 6.01; Block 411, Lot 6.02; Block 411, Lot 6.03; and Block 409, Lot 62 on the Tax Map of Toms River Township (hereinafter, “Site”). The Site encompasses approximately 1255 acres. The Site and all other areas to which any hazardous substances discharged at or from the Site that have migrated, or are migrating, are collectively referenced hereinafter as the “Contaminated Site.”



Proposal Description from the Settlement Agreement

The proposal calls for a 1,000-acre conservation easement at the site with BASF retaining 255 acres for redevelopment. The conserved area would be used for passive recreation. BASF has agreed that it will

1. arrange for the preservation of approximately 1000 acres of the Property (“Preservation Acreage”) and
2. implement on approximately 375 acres of those 1,000 acres certain ecological uplift restoration projects (“Restoration Projects”). The Preservation Acreage provides groundwater recharge, which together with the Restoration Projects, will offset and compensate for the injuries to natural resources addressed in this Settlement Agreement.

FACT SHEET: December 12, 2022
Ciba Geigy Superfund Site - Toms River, NJ

From the [EPA Report on the Superfund Site Clean up](#)

The Site is located in Toms River, Dover Township, Ocean County, New Jersey on approximately 1,350 acres of land (see Figure 1). On-site structures include piping associated with the groundwater collection system, the groundwater treatment plant, and office facilities for remediation personnel. Approximately 320 of the 1,350 acres were developed and used for manufacturing operations, waste treatment, disposal activities, and administrative and laboratory facilities.

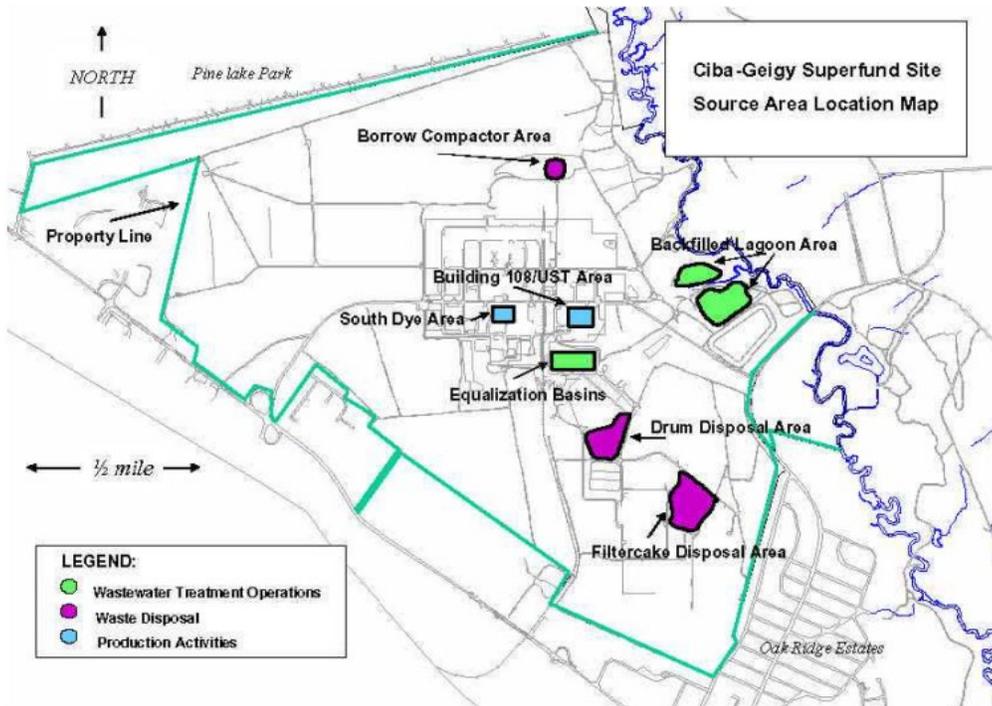


Figure 1 – OU2 Source Areas

23

- The remaining 1030 acres are undeveloped and in its natural state.
- Of the 1,350 acres, 1,240 acres are Dover Township's largest single tract of industrially zoned land. In addition, 72 acres located in Manchester Township are not known to be associated with production or waste disposal and are zoned for residential use. Thirty-nine acres are in Dover Township and are zoned conservation-residential.
- Based on soil sampling, approximately 790 acres are outside the area requiring remediation and no restriction on their future use is necessary. Approximately 440 acres are within, or close to the remediation zone and are not appropriate for residential use. (total 1230)
- Finally, the waste management zone comprises 93 acres, the use of which is restricted to waste management activities. The entire 93-acre facility area is fenced with restricted access and is currently only being used to carry out the Site remedy.

Reason for the cleanup – brief excerpts (see EPA doc)

“A public health evaluation (PHE) in the 1989 OU1 ROD found that the *cancer risks to the future resident consuming groundwater from the site were 1 x 10⁻² (one in 100)* exceeding the NCP risk range of 1 x 10⁻⁶ to 1 x 10⁻⁴ (i.e., one in a million to one in ten thousand) and the noncancer Hazard Index (HI) was 40 (which is 40 times greater than the goal of protection of an HI = 1) if no action were taken. Other routes of exposure such as dermal contact and inhalation were within the risk range of 1 x 10⁻⁴ (cancer risk of 1 in 10,000) to 1 x 10⁻⁶ (cancer risk of 1 in 1,000,000) and the noncancer HI was less than 1. Cancer risks and noncancer HI for recreational exposures to surface water in the Toms River, sediments in the marshland, and inhalation of air from the river or wetland were within or below the risk range and the noncancer HI was less than 1.” (Highlighted *italics* added)

Where to find more information

Proposed Natural Resource Damages Settlement with BASF Corporation in the Matter of Ciba Geigy Toms River Superfund Site, Published in the New Jersey Register on December 5, 2022
Posted: December 5, 2022

- [Public Notice of Draft Natural Resource Damages Settlement Agreement - https://www.nj.gov/dep/nrr/settlements/20221205-draft-settlement-agreement-basf-notice.pdf](https://www.nj.gov/dep/nrr/settlements/20221205-draft-settlement-agreement-basf-notice.pdf)
- [Draft Natural Resource Damages Settlement Agreement - https://www.nj.gov/dep/nrr/settlements/202105-draft-settlement-agreement-basf.pdf](https://www.nj.gov/dep/nrr/settlements/202105-draft-settlement-agreement-basf.pdf)
- Electronic comments can now also be submitted via email. Commenters should provide their name and submit electronic comments to: onrr@dep.nj.gov.

Comments from local elected officials in Toms River for a stronger settlement response.
https://patch.com/new-jersey/tomsriver/ciba-geigy-settlement-cant-overlook-cancer-cluster-toms-river-mayor?utm_term=article-slot-2&utm_source=newsletter-daily&utm_medium=email&utm_campaign=newsletter

DEP Commissioner LaTourette was the attorney for Essex Chemical NRD case that gutted the NRD program - <https://law.justia.com/cases/new-jersey/appellate-division-unpublished/2012/a0367-10.html>

EPA Report on the Site - <https://semspub.epa.gov/work/02/550256.pdf>

Media

<https://www.njspotlightnews.org/2022/12/dep-draft-settlement-to-transform-polluted-toms-river-site-into-preserve/>

<https://www.sierraclub.org/new-jersey/blog/2020/10/ciba-geigy-pollution-still-threat-half-done-long-way-go>

Press coverage on Conservation Easements

Article from Reuters and the use of Conservation Easements lowers the clean-up standards.
<https://www.reuters.com/investigates/special-report/usa-pollution-conservation-easements/>

Book written <https://www.amazon.com/Toms-River-Story-Science-Salvation/dp/055380653X>

FACT SHEET: December 12, 2022
 Ciba Geigy Superfund Site - Toms River, NJ

Information found in the tickler files of Save Barnegat Bay on the following page

Sep-05-00 10:10A Theresa Lettman
 07/21/2000 14:43 7327970664

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#00-241

RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY REQUESTING THE MAYOR AND TOWNSHIP COMMITTEE OF THE TOWNSHIP OF DOVER TO REQUIRE SUBSEQUENT TO THE CLEAN-UP OF THE CIBA GEIGY PROPERTY IN DOVER TOWNSHIP, NEW JERSEY THAT THE PROPERTY BE RESTRICTED TO USE FOR RECREATIONAL PURPOSES ONLY

WHEREAS, the Township Council of the Township of Manchester has been advised that the Ciba Geigy property site located in Dover Township, New Jersey shall be cleaned by use of Alternative 5 On-Site Ex-Situ Bioremediation with and addition of Off-Site Treatment/Disposal of Drummed Material, with no thermal treatment; and

WHEREAS, it is anticipated that the use of this Alternative will clean the Ciba Geigy site and prepare it for future use; and

WHEREAS, the Township Council of the Township of Manchester requests of the Township of Dover that they restrict the property, subsequent to its clean-up, for use for recreational purposes only.

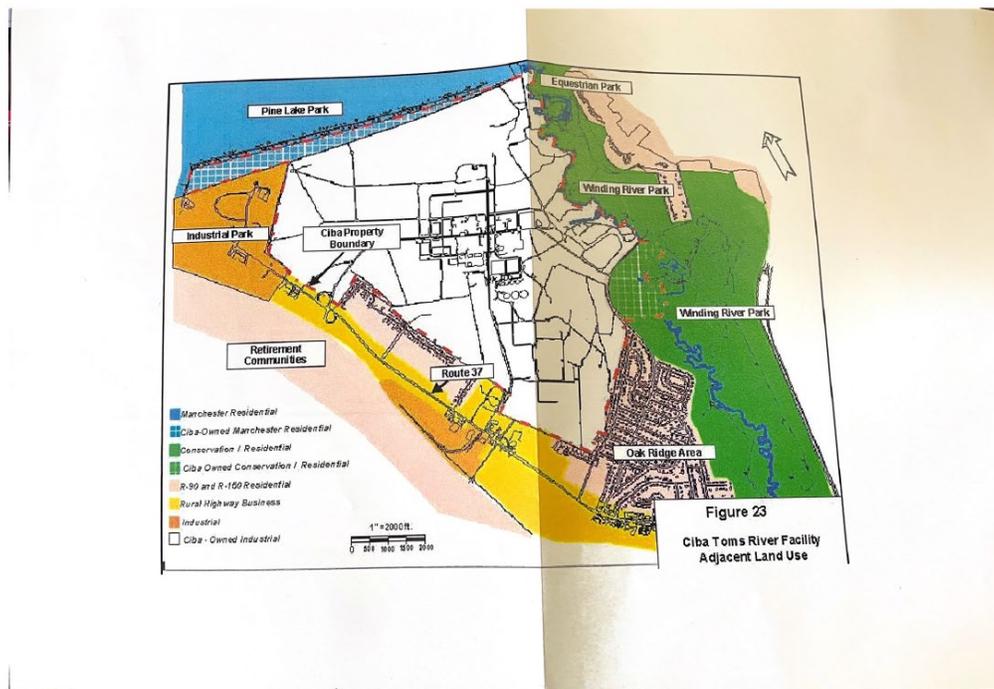
NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Manchester in the County of Ocean, State of New Jersey on this 26th day of July, 2000 as follows:

1. That the Mayor and Township Committee of the Township of Dover take whatever actions may be necessary in order to restrict the Ciba Geigy property in Dover Township, subsequent to its clean-up, for use for recreational purposes only.

CERTIFICATION

I, Marie Pellecchia, Municipal Clerk of the Township of Manchester, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Council at a meeting on the 26th day of July, 2000.

MARIE PELLECCCHIA
 Township Clerk



TIMELINE

From the USEPA documents

- 1952 – Production operations at the Site began in late 1952. At the time, the Site was owned by the Toms River Chemical Company, which was later merged into the Ciba-Geigy Corporation.
- 1970 – 1981 -Site was jointly owned by Ciba-Geigy and Sandoz Corporation.
- 1981 – Sandoz transferred all interest to Ciba-Geigy.
- 2008 – Ciba Geigy was purchased by BASF and all remedial activities are currently BASF’s responsibility.

From the NJDEP documents

- 1983 - The Contaminated Site was placed on the National Priorities List in 1983 as an Environmental Protection Agency (“EPA”)–lead Superfund site.
- 1989 – Civil Action No. 93-4675, which governs the implementation of the April 1989 Record of Decision (ROD)
- 1993 - BASF has been remediating discharges at the Contaminated Site per the first Consent Decree entered December 1, 1993 (as corrected on June 13, 1994)
- 2000 – Civil Action No. 01-4223, which governs the implementation of the September 2000 ROD.
- (2000 – Manchester Township Resolution #00-241) *not from DEP file, but SBB Tickler file***
- 2002 – Second Consent Decree entered March 21, 2002, in Civil Action No. 01-4223 governs the implementation of the September 2000 ROD.
- 2020 – On July 27, 2020, the DEP approved a revised classification exception area (“CEA”) for the Contaminated Site, which notes the extent, estimated duration, and contaminants of concern present in ground water at the Contaminated Site.
- 2021 – In March 2001, the State of New Jersey completed a Public Health Assessment that, among other things, determined that ground water at the Contaminated Site was contained, and that other public health exposure pathways had been interrupted.
- 2022 – Dec 6 DEP NRD Settlement Announced, public comments due Jan 6
- 2023 – Feb 6 date that public comments extended

-----the end-----

*Information organized by Britta Forsberg, Executive Director of Save Barnegat Bay (SBB);
Edited by Karen Argenti (Board Member of SBB), Manchester Resident.*