

POGUST GOODHEAD, LLC

James A. Barry, Esq.
NJ Attorney ID: 027512008
jbarry@pogustgoodhead.com
505 S. Lenola Rd., Suite 126
Moorestown, New Jersey 08057
T: (856) 724-2335

Attorneys for Plaintiffs and the Putative Class

RAYMOND CAVAGNARO and
DIANE CAVAGNARO, on behalf of
themselves, and all others similarly
situated,

Plaintiffs,

v.

SHIELDALLOY METALLURGICAL
CORPORATION, AMG CRITICAL
MINERALS, N.V., TRC COMPANIES,
INC.; ABC Corporations (1-10), DEF
Corporations (1-10), and JOHN and/or
JANE DOES (1-10),

Defendants.

SUPERIOR COURT OF NEW JERSEY
GLOUCESTER COUNTY
LAW DIVISION

Docket No.:

CIVIL ACTION

**PLAINTIFFS' CLASS ACTION
COMPLAINT AND JURY DEMAND
FOR TRIAL**

Plaintiffs Raymond Cavagnaro and Diane Cavagnaro, by counsel and on behalf of themselves and other similarly situated, individually and as class representatives, for their Class Action Complaint against Defendants Shieldalloy Metallurgical Corporation (“SMC”); AMG Critical Materials N.V. (“AMG”); and TRC Companies, Inc. (“TRC”) (collectively “Defendants”), alleges, upon information and belief, as follows:

INTRODUCTION

1. This is a class action filed by Plaintiffs Raymond Cavagnaro and Diane Cavagnaro (“Plaintiffs”) on their own behalf and on behalf of all others similarly situated (“Class Members”)

against Defendants for property damages stemming from environmental contamination on and migrating from SMC's site located at 35 South West Boulevard, Newfield, NJ 08344. (hereinafter "Site").

2. Plaintiffs and Class Members are owners of properties within proximity to the Site and suffer from property damages caused by Defendants' discharges of various hazardous substances, including but not limited to chromium, trichloroethene ("TCE"), tetrachloroethene ("PCE"), benzene, toluene, xylene, manganese, lead, antimony, carbon tetrachloride, 1,1-dichloroethane, 1,2-dichloroethane, arsenic, beryllium, cadmium, cyanide, mercury, nickel, nitrate, selenium, vanadium, and boron.

3. By letter dated on or about August 9, 2018, Plaintiffs and the Class Members were notified that their properties were located above groundwater contaminated by Defendants' activities at the Site and, as a result of that contamination, are contained within the boundaries of related Classification Exception Areas ("CEA[s]") for an indeterminate amount of time. (A copy of the letter received by Plaintiffs is attached hereto as Exhibit "A".)

4. The implementation of the CEAs placed deed restrictions upon the properties contained within them and, to comply with N.J.A.C. 13:45a-29.1(d), Plaintiffs and Class Members are now required to disclose the CEAs to potential purchasers if they decide to sell their properties.

5. The ongoing environmental damage and implementation of the CEAs caused by Defendants in connection with their operations at the Site has caused and continues to cause Plaintiffs and the Class Members severe harm and damage by diminishing their quality of life and the value of their respective properties.

THE PARTIES

6. Plaintiffs, Raymond Cavagnaro and Diane Cavagnaro, ("Plaintiffs") are the owners

and current residents of 309 Weymouth Road, Newfield, New Jersey 08344. Plaintiffs obtained their property on or about February 7, 2005.

7. Defendant Shieldalloy Metallurgical Corporation (“SMC”) is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business located at 35 South West Boulevard, Newfield, New Jersey 08344. SMC manufactured specialty steel and super alloy additives, primary aluminum master alloys, metal carbides, powdered metals and optical surfacing products at the Site. As of the date of the filing of this Complaint, SMC owns the Site.

8. Defendant AMG Critical Materials N.V (formerly AMG Advanced Metallurgical Group N.V.) (“AMG”) is a corporation based in the Netherlands with a principal place of business located at 435 Devon Park Drive, Building 200, Wayne, PA 19087. AMG produces and sells engineered specialty metals and mineral products and owns and/or controls several subsidiaries, including SMC. AMG maintains responsibility for remediation of the contamination on and migrating from the Site¹.

9. Defendant TRC Companies, Inc. (“TRC”) is a corporation organized and existing under the laws of the State of Delaware, with corporate headquarters located at 21 Griffin Road North, Windsor, Connecticut 06095, and several offices located throughout New Jersey. TRC is an environmental services company that, per an agreement with SMC and/or AMG, assumed liabilities for portions of the contamination on and migrating from the Site.

10. Defendant ABC Corporations 1 through 20, are the fictitious names of those

¹ AMG Advanced Metallurgical Group, N.V., *Critical Minerals for a Sustainable Planet: AMG Advanced Metallurgical Group, N.V. Annual Report 2022*, at p. 127, March 2023, https://amg-nv.com/wp-content/uploads/AMG-2022-Annual-Report_March-2023.pdf (last accessed June 21, 2024)

manufacturers, distributors, facilitators, environmental consultants, contractors, haulers and successors, predecessors, divisions and subsidiaries thereof who, in any way, contributed to the contamination and/or pollution or concealment of knowledge thereof, or improper remediation thereof, in Newfield, New Jersey, and the surrounding areas, whose identities are not presently known to Plaintiffs.

11. Defendant DEF Corporations 1 through 20, are the fictitious entities of those polluters and contributors who, in any way, contributed to the contamination and/or pollution or concealment of knowledge thereof in Newfield, New Jersey, and the surrounding areas, whose identities are not presently known to Plaintiffs.

12. Defendant John and/or Jane Does 1 through 20, are the fictitious names of those entities or persons, who, in any way, contributed to the contamination and/or pollution or concealment of knowledge thereof in Newfield, New Jersey, and the surrounding areas, whose identities are not presently known to Plaintiffs.

13. At all times relevant hereto, Defendants purposefully availed themselves of and regularly conducted business in New Jersey by way of operations at the Site and had sufficient minimal contacts therewith that maintenance of suit against them in New Jersey does not offend traditional notions of fair play and substantial justice.

JURISDICTION AND VENUE

14. This Court has personal jurisdiction over Defendants as they regularly conduct business in the State of New Jersey.

15. Venue in this Court is proper as Defendants regularly conduct business in Gloucester County and the Site at issue is located in Gloucester County.

FACTUAL ALLEGATIONS

16. The Site comprises of approximately 92.5 acres and is comprised of two parcels, the “SMC Facility” and the “Farm Parcel.”

17. SMC’s historical manufacturing facilities and support areas were operated at the SMC Facility, located at 35 South West Boulevard, in the Borough of Newfield, Gloucester County, New Jersey.

18. The Farm Parcel contains 19.8 acres of farmland located in Vineland, Cumberland County, New Jersey, approximately 2,000 feet southwest of the SMC Facility.

19. SMC purchased the Site in the early 1950s and, from approximately 1955 to 2006, SMC manufactured specialty steel and super alloy additives, primary aluminum master alloys, metal carbides, powdered metals and optical surfacing products at the Site. Production processes also included the use and/or manufacture of chromium metal, chromium oxide, vanadium pentoxide, ferro-vanadium, uranium oxide, thorium oxide, ferro-columbium and columbium nickel.

20. SMC’s general facility operations, product spills, and wastewater discharges at the Site contributed to the contamination on and migrating from the Site.

21. The SMC Facility consists of four areas: (1) the Manufacturing Area; (2) the Undeveloped Plant Property; (3) the By-product Storage Area; and (4) the Lagoon Area.

22. The Manufacturing Area is the former location of a metal degreasing unit, referred to as the Manpro-Vibra Degreasing Unit, which SMC operated and used TCE as a degreasing compound.

23. The Undeveloped Plant Property includes the location of a 1990 spill of chromium wastewater, referred to as the “Tank T12 Chromium Wastewater Spill Area”.

24. The By-product Storage Area was used to store slags and dusts that were generated during SMC's operations at the Site.

25. The Lagoon Area consists of nine lagoons which were formerly used to store wastewater. Untreated wastewater from air pollution control equipment and from a chromium-oxide production operation was discharged into an unlined percolation lagoon, which existed in the location of the nine lagoons, between at least 1963 and 1970.

26. SMC purchased the Farm Parcel in 1970 to construct a groundwater extraction and treatment system.

27. In 1979, SMC began pumping and treating chromium-contaminated groundwater with discharge of purportedly treated water to the Hudson Branch.

28. In May 1982, the New Jersey Department of Environmental Protection ("NJDEP") informed SMC that their pump-and-treat system was insufficient to remedy the known extent of chromium contamination.

29. As a result, in June 1983, NJDEP completed a Potential Hazardous Waste Site Inspection Report that applied the U.S. Environmental Protection Agency's ("USEPA") Hazard Ranking System.

30. In September 1983, the Site was placed on the National Priorities List pursuant to the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") and was therefore deemed a Superfund site.

31. From 1990 to 1991, SMC completed a remedial investigation that concluded that the groundwater, soil, surface water and sediments were contaminated with chromium, various types of volatile organic compounds ("VOCs"), and metals.

32. Given the contamination found at the Site during SMC's remedial investigation, cleanup efforts were and are still being addressed in three phases, or operable units ("OUs"), identified as OU-1 to OU-3.

33. OU-1 addresses non-perchlorate contamination in groundwater.

34. OU-2 addresses non-perchlorate contamination in the soil, sediment, and surface water.

35. OU-3 addresses perchlorate contamination in all media including soil, sediment, surface water, and groundwater.

36. In September 1996, NJDEP issued a Record of Decision ("1996 ROD") for OU-1 with USEPA concurrence.

37. The groundwater samples collected during the remedial investigation for the 1996 ROD contained TCE at over 800 parts per billion ("ppb"), which exceeds NJDEP's Groundwater Quality Standard ("GWQS") of 1 ppb for TCE.

38. TCE is a known human carcinogen and acute (short-term) and chronic (long-term) inhalation exposure to TCE can affect the human central nervous system, causing symptoms such as dizziness, headaches, confusion, euphoria, facial numbness, and weakness. Liver, kidney, immunological, endocrine, and developmental effects have also been reported in humans and epidemiological studies have linked TCE exposure to be associated with cancers of the kidney, liver, cervix, and lymphatic system.²

² U.S. Environmental Protection Agency, *Trichloroethylene*, June 2019, <https://www.epa.gov/sites/default/files/2016-09/documents/trichloroethylene.pdf> (Last Accessed: June 21, 2024); see also Agency for Toxic Substances and Disease Registry, *ToxFAQs™ for Trichloroethylene*, June 21, 2020, <https://www.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?faqid=172&toxid=30#:~:text=The%20Department%20of%20Health%20and,by%20all%20routes%20of%20exposure> (Last Accessed: June 21, 2024).

39. Other groundwater samples collected at and/or near the Site contained the following VOCs above their respective GWQS: PCE, 1,1-dichloroethene, 1,2-dichloroethane, benzene, toluene and xylene.

40. PCE is a probable human carcinogen. Effects resulting from acute (short term) high-level inhalation exposure of humans to PCE include irritation of the upper respiratory tract and eyes, kidney dysfunction, and neurological effects such as reversible mood and behavioral changes, impairment of coordination, dizziness, headache, sleepiness, and loss of consciousness. The primary effects from chronic (long term) inhalation exposure are neurological, including impaired cognitive and motor neurobehavioral performance, and may also cause adverse effects in the kidney, liver, immune system, and hematologic system, and on development and reproduction. Studies of people exposed in the PCE have also found associations with several types of cancer, including bladder cancer, non-Hodgkin lymphoma, and multiple myeloma.³

41. Benzene is a known human carcinogen. Acute (short-term) inhalation exposure of humans to benzene may cause drowsiness, dizziness, headaches, as well as eye, skin, and respiratory tract irritation, and, at high levels, loss of consciousness. Chronic (long-term) inhalation exposure has caused various blood disorders, including reduced numbers of red blood cells and aplastic anemia. Reproductive effects have been reported for women exposed by inhalation at high levels, and adverse and increased incidence of leukemia (cancer of the tissues that form white blood cells) have been observed in humans exposed to benzene⁴.

³ U.S. Environmental Protection Agency, *Tetrachloroethylene (Perchloroethylene)*, September 2016, <https://www.epa.gov/sites/default/files/2016-09/documents/tetrachloroethylene.pdf> (Last Accessed: June 21, 2024); see also Agency for Toxic Substances and Disease Registry, *Tetrachloroethylene*, October 4, 2015, <https://wwwwn.cdc.gov/TSP/substances/ToxSubstance.aspx?toxid=48> (Last Accessed: June 21, 2024).

⁴ U.S. Environmental Protection Agency, *Benzene*, September 2016, <https://www.epa.gov/sites/default/files/2016-09/documents/benzene.pdf> (Last Accessed: June 21, 2024); see also Agency for Toxic Substances and Disease Registry, *Benzene*, October 14, 2015, <https://wwwwn.cdc.gov/TSP/substances/ToxSubstance.aspx?toxid=14> (Last

42. The groundwater samples collected under the Manufactured and By-Product Storage areas detected total chromium in excess of 100,000 ppb, which exceeds the GWQS of 100 ppb, and other groundwater samples collected at and/or near the Site detected total chromium at 5,030 ppb and hexavalent chromium at 4,000 ppb.

43. Hexavalent chromium, or chromium-6, is a known human carcinogen and exposure may cause adverse health effects including asthma, eye irritation and damage, perforated eardrums, respiratory irritation, kidney damage, liver damage, pulmonary congestion and edema, upper abdominal pain, nose irritation and damage, respiratory and lung cancer, skin irritation, and erosion and discoloration of the teeth.⁵

44. Groundwater samples collected from an upgradient shallow well and various other wells at and/or near the Site detected lead at 262 ppb, which exceeds the GWQS of 10 ppb and the federal drinking water action level of 15 ppb.

45. Groundwater samples collected south of the Lagoon Area at and/or near the Site detected antimony at 2,300 ppb, which exceeds the GWQS of 6 ppb.

46. Other groundwater samples collected on and/or near the Site detected several other types of inorganic contaminants above their respective GWQS, including arsenic, beryllium, cadmium, cyanide, mercury, nickel, nitrate, selenium and silver.

47. Vanadium and boron were also detected in the ground water samples collected at and/or near the Site at concentrations as high as 128,000 ppb and 18,300 ppb, respectively, which exceeds their respective risk-based cleanup levels of 160 ppb and 3,000 ppb.

Accessed: June 21, 2024).

⁵ U.S. Department of Labor, Occupational Safety and Health Administration, *Hexavalent Chromium: Health Overview*, <https://www.osha.gov/hexavalent-chromium/health-effects> (Last Accessed: June 21, 2024); *see also* Agency for Toxic Substances and Disease Registry, *ToxFAQs™ for Chromium*, September 28, 2016, <https://wwwn.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?faqid=61&toxid=17> (Last Accessed: June 21, 2024).

48. On February 1, 2006, SMC, TRC, and NJDEP entered into an ACO (“2006 ACO”), which incorporated previous ACOs executed on October 5, 1988, and amended on August 31, 1989, and September 11, 1992, respectively.

49. The 2006 ACO placed remedial action deadlines to address perchlorate in OU-1 and for the soils, sediments, and surface water for OU-2.

50. In the 2006 ACO, SMC agreed to remediate the perchlorate contamination at and migrating from the site, while TRC agreed to conduct all remedial activities necessary to address all contaminants not including the radioactive contamination and/or perchlorate contamination at and/or migrating from the Site.

51. SMC also agreed in the 2006 ACO that, if TRC failed to conduct and/or complete remediation at the Site, they would be responsible for completion of the remaining remediation for all contaminants throughout all operable units.

52. On September 2, 2008, USEPA sent SMC a Notice of Potential Liability and Request to Perform Supplemental Feasibility Study and Remedial Design (“2008 USEPA Notice”), addressed to then-SMC President, Eric Jackson. Eric Jackson is the current Chief Operating Officer of AMG.

53. The 2008 USEPA Notice advised SMC that, although remediation of groundwater was ongoing per the 1996 ROD under NJDEP’s oversight, it must complete additional remediation.

54. The 2008 USEPA Notice advised SMC that, although NJDEP would continue to be lead agency for the groundwater extraction and treatment system existing at the Site, USEPA would be the lead regulatory and enforcement agency for all other remedial actions relating to the Site.

55. On September 25, 2014, USEPA issued a ROD for OU-2 (“2014 OU-2 ROD”), which addresses the non-perchlorate contamination present in soil, surface water and sediment.

56. The 2014 OU-2 ROD confirmed detections of semi-VOCs, hexavalent chromium, vanadium, and arsenic in several stream bank samples.

57. In 2015, USEPA amended the OU-1 ROD (“2015 ROD Amendment”) related to non-perchlorate groundwater contamination because “...the pace of cleanup associated with the pump-and-treat system is slow (and getting slower), and that the unit cost of treatment is high and getting higher.”

58. USEPA also noted that the 2015 ROD Amendment was necessary because groundwater concentrations at and/or near the Site had been stable at asymptotic levels for over 10 years and “there has been no progress towards meeting cleanup goals.”

59. The 2015 ROD Amendment, therefore, required discontinuation of the operation of the existing groundwater pump and treat system and implementation of new remedial efforts to (1) reduce the VOC and chromium concentrations; (2) degrade the chlorinated VOCs; (3) establish a long-term monitoring program; and (4) implement institutional controls in the form of a CEA that would restrict groundwater use and prohibit activities that could result in human exposure to the hazardous substances that SMC discharged at the Site.

60. In New Jersey, CEAs serve as an institutional control that notifies impacted property owners that ground water pollution caused by a discharge of hazardous substances exists on their property. TRC proposed the first CEAs related to contamination on and migrating from the Site in July 2018.

61. On or about November 10, 2016, the United States filed suit against SMC related to contamination at the Site and lodged a proposed Consent Decree (“2016 Consent Decree”) on the same day.⁶

62. The 2016 Consent Decree confirmed that SMC and TRC entered into a contract effective January 11, 2006 – the date of the 2006 ACO – by which TRC agreed to assume cleanup liability held by SMC with respect to the Site “subject to certain exceptions and exclusions.”

63. The 2016 Consent Decree noted that, while TRC was not a party to the Consent Decree, the United States recognized that “it is the SMC’s intent that TRC will conduct and carry out certain actions pursuant to this Consent Decree.”

64. In the Statement of Work attached to the 2016 Consent Decree, SMC agreed to, among several other tasks identified in the 1996 ROD and amendments thereto, establish a CEA for contaminated groundwater consistent with N.J.A.C. 7:26C-7.3 to restrict groundwater use and prohibit activities that could result in human exposure to the hazardous substances discharged by SMC at the Site.

65. On or about September 22, 2016, Dennis Shea, Esq. signed the 2016 Consent Decree on behalf of SMC with the titles of (1) Secretary and Director of SMC; and (2) Vice President of AMG, with AMG’s current address of 435 Devon Park Drive, Building 200, Wayne, PA 19087.

66. On or about July 31, 2018, Patrick Hansen, the Vice President of TRC, submitted CEA Forms to NJDEP (“2018 CEA[s]”) that confirmed the 2018 CEAs are “new CEA[s]” to be

⁶ See *U.S. v. Shieldalloy Metallurgical Corporation*, Dkt. No. 1:16-cv-08418-RBK-KMW.

put in place for an indeterminate amount of time encompassing over 400 properties, including Plaintiffs’.

67. On or about August 9, 2018, Patrick Hansen sent a letter to Plaintiffs via U.S. Mail notifying them that their property is located within the proposed boundaries of the 2018 CEA(s). (*See* Exhibit “A”).

68. On or about June 5, 2020, Yasemin Kunukcu, a Senior Technical Manager for TRC, sent another letter to Plaintiffs via U.S. Mail notifying them that their property is located within the boundaries of the 2018 CEA(s).

69. To comply with N.J.A.C. 13:45a-29.1(d) in any future sale of their properties, Plaintiffs and Class Members within the boundaries of the 2018 CEAs are required to complete a Property Condition Disclosure Form (“Seller Disclosure Form”) that discloses the 2018 CEAs to potential purchasers, thereby reducing the value of Plaintiffs’ and the Class Members’ properties.

70. As a result of the 2018 CEAs, when completing the “Environmental Hazards” section of the Seller Disclosure Form, Plaintiffs and the Class Members are required to:

- a. Disclose they received written notification informing them that their properties are adversely affected, or may be adversely affected, by a condition that exists on, or in the vicinity of, their properties; and
- b. Disclose they are aware of a condition that exists on, or in the vicinity, of their properties which adversely affects, or has been identified as possibly adversely affecting, the quality or safety of the air, soil, water, and/or physical structures present on their properties.

71. As of the date of the filing of this Complaint, SMC owns the Site, remedial activities conducted by Defendants in all three operable units are ongoing, and the remediation of the contamination on and migrating from the Site is, therefore, not complete.

CLASS ACTION ALLEGATIONS

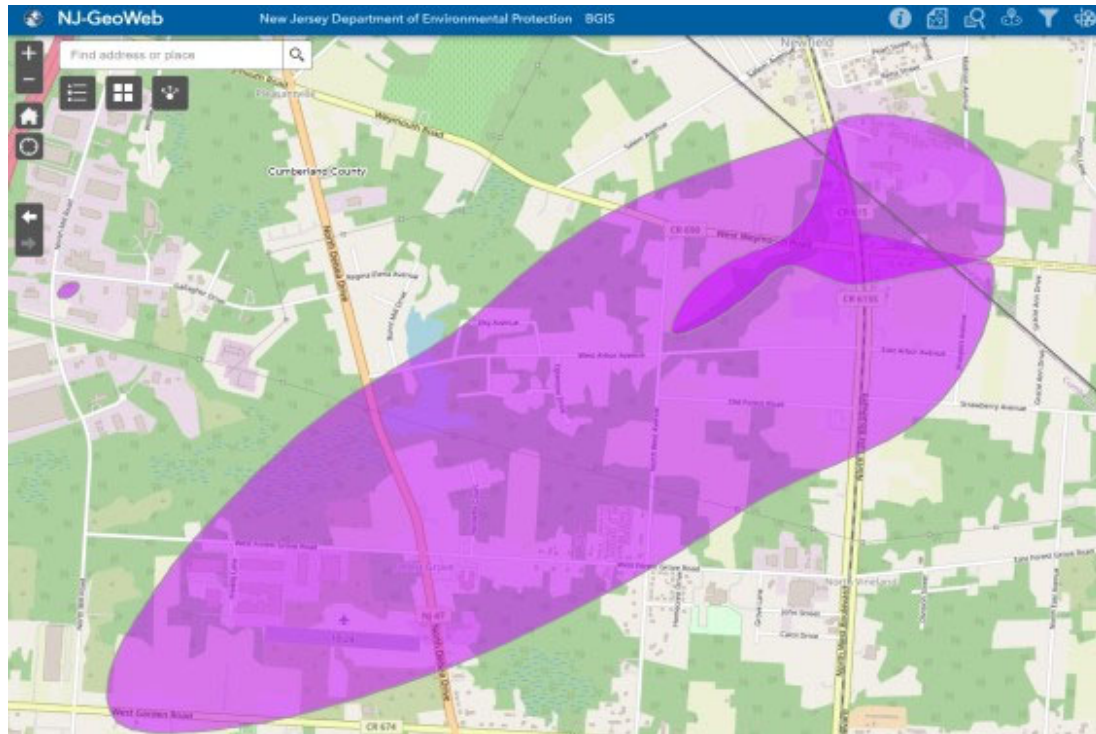
72. Plaintiffs file this Class Action, pursuant to Rule 4:32, on behalf of themselves and other similarly situated Class Members.

73. Plaintiffs seek to certify the following class defined as:

74. **Property Damages Class:**

All persons who own or owned any Residential Property⁷ and/or vacant lots zoned for residential use located within the geographical boundary defined by the 2018 Classification Exception Area(s) identified in the below NJDEP GeoWeb Map (the “Class Area”) at any time during the Class Period, but excluding (i) properties owned by the SMC or employees of SMC, and (ii) properties owned by any federal, state, or local government or any subdivision of such government entities.

⁷ The term “Residential Property” is defined by N.J. Admin. Code § 18:12-2.2(b) and includes ‘dwelling house[s] and the lot or parcel of land on which the dwelling house is situated [where the] dwelling is functionally designed for use and enjoyment by not more than four families and includes residential condominiums.’



75. To the extent revealed by discovery and investigation, there may be additional appropriate classes and/or subclasses from the above class definition which are broader and/or narrower in time or scope.

76. Excluded from the class are Defendants' officers, directors, agents, employees, and members of their immediate families; and the judicial officers to whom this case is assigned, their staff, and the members of their immediate families.

77. Plaintiffs' and Class Members' properties have and continue to be exposed to toxic and hazardous substances at, around, and migrating from the Site.

78. The number of Class Members is so numerous that joining all members is impractical.

79. There are at least 40 Class Members and therefore the Class is sufficiently numerous to warrant certification.

80. There are common questions of law and fact that affect the rights of every Class Member, and the types of relief sought are common to every Class Member. The same conduct by Defendants has injured each Class Member. Common questions of law and/or fact common to all Class Members include, but are not limited to:

- a. Whether Defendants through their acts or omissions, proximately caused hazardous substances to be released at the Site and into the Class Area.
- b. Whether Defendants were grossly negligent and/or negligent in their handling, storing, transporting, use, release, discharge, emission, disposal and/or failure to properly investigate, remediate and abate hazardous substances.
- c. Whether Defendants were grossly negligent and/or negligent in their handling, storing, transporting, use, disposal and/or failure to properly investigate, identify, remediate and abate hazardous substances at the Site and in the Class Area.
- d. Whether Defendants were grossly negligent and/or negligent in their handling, storing, transporting, use, disposal and/or failure to properly disclose the presence of hazardous substances at the Site and in the Class Area.
- e. Whether Defendants violated applicable standards concerning handling, storing, transporting, use, release, discharge, emission, disposal and/or

failure to investigate and remediate the hazardous substances at the Site and in the Class Area.

- f. Whether Defendants releasing, discharging, emitting or depositing of hazardous substances onto and/or under Plaintiffs' and Class Members' properties in the Class Area, or their failure to remove or abate such contaminants from the properties in the Class Area, constitutes a private nuisance.
- g. Whether Defendants' releasing, discharging, emitting or depositing hazardous substances onto and/or under the properties in the Class Area, or their failure to remove such contaminants, constitutes a trespass.
- h. Whether Defendants' releasing, discharging, emitting, or depositing hazardous substances onto and/or under the properties in the Class Area, and/or their failure to remove such contamination, and/or concealing knowledge of same, constitutes an abnormally dangerous, ultrahazardous, and inherently or intrinsically dangerous activity.
- i. Whether Defendants' releasing, discharging, emitting, or depositing hazardous substances onto and/or under the properties in the Class Area, and/or their failure to remove such contamination, and/or concealing knowledge of same, constitutes unjust enrichment.
- j. Whether, as a proximate result of the contamination and exposure to Defendants' hazardous substances, there has been a diminution in value of the properties located within the Class Area.

81. These questions of law and/or fact are common to the Class and predominate over any questions affecting only individual class members.

82. The claims of Plaintiffs are typical of the claims of the Class as required in that all claims are based upon the same factual and legal theories. It is the same conduct by Defendants that has injured each Class Member. The principal issue in this matter involves Defendants' conduct in wrongfully handling, storing, transporting, using, releasing, discharging, emitting, disposing and/or failing to remediate the hazardous substances discharged at the Site, which impacts all Class Members.

83. Plaintiffs will fairly and adequately represent and protect the interests of the Class. Plaintiffs have retained counsel with substantial experience in the prosecution of class actions and environmental litigation in New Jersey. Plaintiffs and their counsel are committed to the vigorous prosecution of this action on behalf of the Class Members and have the financial resources to do so. Neither Plaintiffs nor counsel has any interest adverse to those of the Class.

84. Class certification is appropriate because the prosecution of separate actions by individual members of the Class would create a risk of inconsistent or varying adjudications that would establish incompatible standards of conduct for SMC and/or because adjudications respecting individual members of the Class would, as a practical matter, be dispositive of the interests of the other members or would risk substantially impairing or impeding their ability to prosecute their interests.

85. Plaintiffs and the Class Members have suffered, and will continue to suffer, harm and damages as a result of Defendants' unlawful and wrongful conduct in failing to properly identify, disclose, and remediate hazardous substances that migrated into the Class Area.

86. A class action is superior to other available methods for the fair and efficient adjudication of the controversy.

87. Absent a class action, most Class Members likely would find the cost of litigating their claims to be prohibitive and will have no effective remedy at law. The class treatment of common questions of law and fact is also superior to multiple individual actions or piecemeal litigation in that it conserves the resources of the courts and the litigants and promotes consistency and efficiency of adjudication.

88. Class certification is also appropriate because this Court can designate particular claims or issues for class-wide treatment and may designate one or more subclasses.

89. Maintenance of this action as a class action is a fair and efficient method for adjudication of this controversy. It would be impracticable and undesirable for each Class Member who has suffered harm to bring a separate action.

90. In addition, the maintenance of separate actions would place a substantial and unnecessary burden on the courts and could result in inconsistent adjudications, while a single class action can determine, with judicial economy, the rights of all Class Members.

91. The monetary damages sought on behalf of the Class are readily calculated and attributable to Class Members.

92. Plaintiffs and the Class Members were not in any way responsible for the discharged hazardous substances and resulting CEA(s) subject of this action.

COUNT I
PRIVATE NUISANCE

93. Plaintiffs repeat all of the allegations set forth in the preceding paragraphs as if fully set forth herein.

94. Defendants' past, present and/or continuing acts and/or omissions constitute a nuisance in that it used, have used, and/or continue to use the Site in a manner, or otherwise acted in a manner, that has resulted in an unreasonable burden and interference on the Plaintiffs and the Class Members in the form of inconvenience, annoyance, and discomfort incidental to exposure to SMC's hazardous substances.

95. Defendants' release, discharge, handling, storage, transportation, processing, disposal and failure to identify, disclose and remediate their hazardous substances constitutes a nuisance in that it has used and/or continues to use its property, or otherwise acted in a manner, that has resulted in an unreasonable burden and interference on the property rights of Plaintiffs and the Class Members including but not limited to, the rightful use and quiet enjoyment thereof, the ability to gain and profit economically from the property and damage and stigma to said property.

96. Defendants' past, present and/or continuing activities, acts and/or omissions at and near the Site constitute a private nuisance resulting in unreasonable interference with Plaintiffs' and the Class Members' right to the exclusive use and quiet enjoyment of their properties through the migration of hazardous substances onto and/or under their properties and the surrounding environment, thereby exposing Plaintiffs' and the Class Members' properties to hazardous substances and substantially interfering with Plaintiffs' and the Class Members' free use and quiet enjoyment of their properties.

97. Defendants' past, present and/or continuing acts and/or omissions, resulting in the discharge of hazardous substances onto and/or under and/or failure to remove or properly investigate and remediate those hazardous substances, and allowing such contamination to migrate onto Plaintiffs' and the Class Members' properties and surrounding environment, constitutes a

nuisance in that Defendants used the Site, or otherwise acted in a manner, that has unreasonably interfered with Plaintiffs' and the Class Members' property interests.

98. Defendants' contamination presently impacts Plaintiffs and the Class Members, causes a diminution in their respective property values, is a blight on Plaintiffs' and Class Members' community, causes annoyance, interference and inconvenience and deprives Plaintiffs of their free use and quiet enjoyment of their property, including, but not limited to, the inability to fully use, enjoy and recreate on their outdoor spaces, and freely perform certain work and repairs on their property.

99. In the alternative, Defendants' release, discharge, disposal of and/or failure to remove hazardous substances from residential areas, including Plaintiffs' and the Class Members' property, violates applicable standards and/or regulations, which constitutes a nuisance.

100. Defendants knew that the invasion of contaminants onto and/or under Plaintiffs' and the Class Members' properties was substantially certain to result from their respective actions and/or omissions, as aforesaid.

101. This interference with Plaintiffs' and the Class Members' use and quiet enjoyment of their property is substantial, unreasonable, unwarranted, and unlawful.

102. As a result of Defendants' respective wrongful acts and omissions as described above, Plaintiffs' and the Class Members' properties have suffered exposure to hazardous substances causing annoyance, inconvenience, discomfort, displacement, and economic loss for which damages are justified.

103. As a direct and proximate result of Defendants' respective misconduct as described above, Plaintiffs and the Class Members have suffered and continue to suffer economic losses and the loss of value to their property and other damages.

104. The nuisance that Defendants created is a continuing nuisance in that it has continued and remains unabated while remediation at the Site is ongoing as of the filing of this Complaint.

105. Separate and apart from acting negligently, at all relevant times Defendants, caused injury and damages to the Plaintiffs and Class Members and/or their properties through acts and omissions committed with actual malice and/or accompanied by a wanton and willful disregard of property owners which foreseeably might be impacted by such acts or omissions.

106. Defendants, despite their knowledge of the serious environmental effects associated with hazardous substances released, discharged, stored, handled, processed, disposed, emitted, and failed to properly investigate and remediate said contaminants from the surrounding environment, while failing to warn residents of the migration of such contaminants.

107. As a direct and proximate result of the acts and omissions of Defendants, Plaintiffs and the Class Members lost the beneficial use, quiet enjoyment and exclusive possession of their property, suffered inconvenience, annoyance, aggravation, and/or disruption of daily activities resulting in a loss in the quality of their lives; and their property has declined in value as a result of the contamination, stigma and specter of contamination in the future.

WHEREFORE, Plaintiffs demand judgment against Defendants, their principals, agents, employees, servants and/or representatives for compensatory damages, interest, economic and non-economic damages, punitive damages, cost of suit and such other relief as the Court may deem just and equitable.

COUNT II
STRICT LIABILITY

108. Plaintiffs repeat and re-allege all of the allegations set forth in the preceding paragraphs as if fully set forth herein.

109. Defendants, by generating, discharging, releasing, emitting, and dispersing hazardous substances into the Class Area, and allowing those contaminants and pollutants to remain in the environment, and/or concealing knowledge of same, have engaged in abnormally dangerous, ultrahazardous, and inherently or intrinsically dangerous activities for which it and its successors are strictly liable to the Plaintiffs and the Class Members.

110. The risks posed by Defendants' release(s), and failure to properly investigate, delineate, identify, disclose, and remediate their hazardous substances in a densely populated area could not be eliminated by the exercise of reasonable care and no safe way exists to dispose of toxic waste by simply releasing it onto land in such a populated area.

111. There is no safe way to dispose of, and allow to remain, the hazardous substances in the Class Area, which is in a densely populated area, given the volumes of hazardous substances found on and migrating from the Site.

112. The discharges of, and failure to properly remediate, dangerous hazardous substances into the environment is a critical societal problem in New Jersey, and thus, the value of Defendants' activities, if any, is substantially outweighed by the serious health and environmental problems caused by them.

113. Separate and apart from acting negligently, Defendants, at all relevant times, caused injury and damages to the Plaintiffs and Class Members and/or their properties through acts and

omissions committed with actual malice and/or accompanied by a wanton and willful disregard of property owners who foreseeably might be impacted by such acts or omissions.

114. Defendants, despite their knowledge of the serious health and environmental effects associated with exposure to the hazardous substances it released, discharged, stored, handled, processed, disposed, emitted, and failed to properly investigate identify, disclose, and remediate said contaminants from the surrounding environment, while failing to warn residents of the dangers of such contaminants.

115. As a direct and proximate result of the acts and omissions of Defendants, Plaintiffs and the Class Members lost the beneficial use, quiet enjoyment and exclusive possession of their properties, and suffered inconvenience, annoyance, aggravation, and/or disruption of daily activities resulting in a loss in the quality of their lives; and Plaintiffs' and the Class Members' properties in the Class Area have declined in value as a result of the contamination, stigma and specter of contamination in the future.

WHEREFORE, Plaintiffs demand judgment against Defendants, their principals, agents, employees, servants and/or representatives for compensatory damages, interest, economic and non-economic damages, punitive damages, cost of suit and such other relief as the Court may deem just and equitable.

COUNT III
TRESPASS

116. Plaintiffs repeat and re-allege all of the allegations set forth in the preceding paragraphs as if fully set forth herein.

117. Defendants' respective wrongful conduct, as set forth above, resulted in the direct physical invasion of Plaintiffs' and the Class Members' properties by hazardous and toxic

substances contaminating their properties and the surrounding environment at concentrations above safe levels, requiring remediation.

118. Defendants, by generating, discharging, releasing, emitting and dispersing hazardous substances into the Class Area, and by failing to properly remediate and allowing those contaminants and pollutants to remain in the environment, and/or concealing knowledge of same, caused the direct physical invasion of Plaintiffs' and the Class Members' properties by hazardous and toxic substances contaminating their properties and the surrounding environment at concentrations above safe levels, requiring remediation.

119. The hazardous and toxic substances continue to contaminate Plaintiffs' and the Class Members' properties, thereby exposing Plaintiffs' and the Class Members' properties to the hazardous substances.

120. The invasion and exposure to Defendants' hazardous substances is ongoing and continuous.

121. The presence of hazardous substances on Plaintiffs' and the Class Members' properties is unauthorized and unreasonable.

122. Defendants have not sought or obtained Plaintiffs' and the Class Members' consent to place or store their substances and wastes onto and/or under Plaintiffs' and the Class Members' properties.

123. As a direct and proximate result of Defendants' misconduct as set forth herein, Plaintiffs and the Class Members have suffered and continue to suffer economic losses, loss of use and quiet enjoyment of their property; annoyance, discomfort, and inconvenience; the loss of value to their properties and other damages.

124. Separate and apart from acting negligently, Defendants, at all relevant times, caused damage to the Plaintiffs and the Class Members and/or their properties through acts and omissions committed with actual malice and/or accompanied by a wanton and willful disregard of property owners who foreseeably might be impacted by such acts or omissions.

125. Defendants, despite their knowledge of the serious health and environmental effects associated with exposure to hazardous substances, released, discharged, stored, handled, processed, disposed, emitted, and failed to properly investigate and remediate said contaminants from the surrounding environment, while failing to warn residents of the migration of such contaminants.

126. Defendants, despite orders from environmental regulators and its knowledge of the serious health and environmental effects associated with exposure to such contaminants, and despite orders from environmental regulators, masked the true extent of contamination, thereby enabling them to avoid taking all appropriate steps to properly remediate the hazardous substances, or to mitigate the dangers created by such contaminants in the Class Area.

WHEREFORE, Plaintiffs demand judgment against Defendants, their principals, agents, employees, servants and/or representatives for compensatory damages, interest, economic and non-economic damages, punitive damages, cost of suit and such other relief as the Court may deem just and equitable.

COUNT IV
GROSS NEGLIGENCE

127. Plaintiffs repeat and re-allege all of the allegations set forth in the preceding paragraphs as if fully set forth herein.

128. Defendants, at all times material hereto, acted through their officers, employees, and agents, who in turn acted in the scope of their authority and employment in furtherance of the business of Defendants.

129. As a direct and proximate result of Defendants' grossly negligent acts and omissions, as aforesaid, extensive contamination has been documented on Plaintiffs' and Class Members' properties in the Class Area.

130. At all relevant times, Defendants knew, or should have known, that the hazardous and toxic substances released, emitted, and discharged from its operations were contaminating the soil and groundwater of the Class Area and would eventually migrate onto and/or under Plaintiffs' and Class Members' properties and surrounding environment.

131. As a direct and proximate result of Defendants' misconduct as set forth herein, Plaintiffs and the Class Members have suffered and continue to suffer economic losses, loss of use and quiet enjoyment of their property; annoyance, discomfort, and inconvenience; the loss of value to their property and other damages.

132. At all relevant times, Defendants had a duty to operate, and/or remediate the Site in a reasonable, safe and prudent manner, so as to safeguard those foreseeable persons, including Plaintiffs, and the Class Members present in the Class Area, from property damage caused by the discharge of hazardous substances into the environment which migrated onto and/or under said properties and to warn the owners of said properties of the dangers and existence of those hazardous substances.

133. At all relevant times, Defendants breached their duties of care by failing to safely and properly remove and remediate their hazardous substances and failed to advise or warn

Plaintiffs and the Class Members of the discharges and migration of hazardous substances onto and/or under their properties.

134. Defendants failed to use reasonable care to safeguard those residing on nearby properties from damage, including Plaintiff and Class Members within the Class Area.

135. As a result of grossly negligent acts and omissions, contamination was documented as being present on and/or under Plaintiffs' and the Class Members' properties, and in the surrounding area, and the community within the Class Area.

136. The acts and omissions of Defendants in failing to timely and adequately disclose, contain and remediate the hazardous substances discharged at the Site and migrating off-site was a significant contributing factor to Plaintiffs' and Class Members' properties becoming impacted by these hazardous substances thereby causing damage to said properties in the Class Area and infringing on Plaintiffs' and the Class Members' quality of life and quiet enjoyment of their property.

137. As a direct and proximate result of Defendants' acts and omissions, Plaintiffs and the Class Members lost the beneficial use, quiet enjoyment and exclusive possession of their property, and suffered inconvenience, annoyance, aggravation, and/or disruption of daily activities resulting in a loss in the quality of their lives and their properties have declined in value as a result of the contamination, stigma and specter of contamination in the future.

138. Separate and apart from acting negligently, at all relevant times the Defendants, caused damage to the Plaintiffs and Class Members and/or their properties through acts and omissions committed with actual malice and/or accompanied by a wanton and willful disregard of property owners who foreseeably might be impacted by such acts or omissions.

139. Defendants, despite their knowledge of the serious health and environmental effects associated with exposure to the hazardous substances, released, discharged, stored, handled,

processed, disposed, emitted, and failed to properly contain, investigate, and remediate said contaminants from the surrounding environment, while failing to warn residents of the migration of such contaminants.

140. Defendants, despite their knowledge of the serious health and environmental effects associated with exposure to such contaminants, and despite orders from environmental regulators, masked the true extent of contamination, thereby enabling them to avoid taking all appropriate steps to properly remediate the hazardous substances, or to mitigate the dangers created by such contaminants in the Class Area.

WHEREFORE, Plaintiffs demand judgment against Defendants, their principals, agents, employees, servants and/or representatives for compensatory damages, interest, economic and non-economic damages, punitive damages, cost of suit and such other relief as the Court may deem just and equitable.

COUNT V
NEGLIGENCE

141. Plaintiffs repeat and re-allege all of the allegations set forth in the preceding paragraphs as if fully set forth herein.

142. Defendants, at all times material hereto, acted through their officers, employees, and agents, who in turn acted in the scope of their authority and employment in furtherance of the business of Defendants.

143. As a direct and proximate result of Defendants' acts and omissions, as aforesaid, extensive contamination has been documented on and/or under Plaintiffs' and Class Members' properties located in the Class Area.

144. At all relevant times, Defendants knew, or should have known, that the hazardous substances released, emitted, and discharged from its operations were contaminating the Class Area and would eventually enter onto and/or under Plaintiffs' and Class Members' properties and the surrounding environment.

145. As a direct and proximate result of Defendants' misconduct as set forth herein, Plaintiffs and the Class Members have suffered and continue to suffer economic losses, loss of use and quiet enjoyment of their property; annoyance, discomfort, and inconvenience; the loss of value to their property and other damages.

146. At all relevant times, Defendants had a duty to operate, and/or remediate, the Site in a reasonable, safe and prudent manner, so as to safeguard those foreseeable property owners in the Class Area from property damage caused by the discharge of hazardous and toxic substances into the environment which migrated onto and/or under said properties and to warn the owners of said properties of the dangers and existence of said discharges and migration.

147. At all relevant times, Defendants knew, or should have known, that the hazardous substances discharged were contaminating the environment at the Site which migrated onto and/or under the surrounding areas, including Plaintiffs' and the Class Members' properties in the Class Area.

148. At all relevant times, Defendants breached their duties of care by failing to safely and properly remove and remediate their hazardous substances and failed to advise or warn Plaintiffs and the Class Members of the dangers migrating from the discharge of hazardous substances into the environment.

149. Defendants failed to use reasonable care to safeguard owners of nearby properties from damage, including Plaintiffs and Class Members within the Class Area.

150. As a result of Defendants' acts and omissions, contamination was documented as being present on, and/or under Plaintiffs and the Class Members' properties and in the surrounding area.

151. Defendants' acts and omissions in failing to timely and adequately disclose, contain and remediate the hazardous substances discharged at the Site, was a significant contributing factor to contamination migrating onto and/or under Plaintiffs' and Class Members' properties in the Class Area thereby causing damage to said properties and infringing on Plaintiffs' and Class Members' quality of life and quiet enjoyment of their properties.

152. As a direct and proximate result of the acts and omissions of Defendants, Plaintiffs and the Class Members lost the beneficial use, quiet enjoyment and exclusive possession of their property, and suffered inconvenience, annoyance, aggravation, and/or disruption of daily activities resulting in a loss in the quality of their lives; and Plaintiffs' and the Class Members' properties in the Class Area have declined in value as a result of the contamination, stigma and specter of contamination in the future.

153. Separate and apart from acting negligently, Defendants, at all relevant times, caused damage to the Plaintiffs and Class Members and/or their properties through acts and omissions committed with actual malice and/or accompanied by a wanton and willful disregard of property owners who foreseeably might be harmed by such acts or omissions.

154. Defendants, despite their knowledge of the serious health and environmental effects associated with exposure to the hazardous substances it released, discharged, stored, handled, processed, disposed, emitted, and failed to properly contain, investigate and remediate said contaminants from the surrounding environment, while failing to warn residents of the migration of such contaminants.

155. Defendants, despite their knowledge of the serious health and environmental effects associated with exposure to such contaminants, and despite orders from environmental regulators, masked the true extent of contamination, thereby enabling them to avoid taking all appropriate steps to properly remediate the hazardous substances, or to mitigate the dangers created by such contaminants in the Class Area.

WHEREFORE, Plaintiffs demand judgment against Defendants, their principals, agents, employees, servants and/or representatives for compensatory damages, interest, economic and non-economic damages, punitive damages, cost of suit and such other relief as the Court may deem just and equitable.

COUNT VI
UNJUST ENRICHMENT

156. Plaintiffs repeat and re-allege all of the allegations set forth in the preceding paragraphs as if fully set forth herein.

157. Defendants, at all times material hereto, acted through their officers, employees, and agents, who in turn acted in the scope of their authority and employment in furtherance of the business of Defendants.

158. Defendants have been enriched by their acts and omissions, which allowed hazardous substances to be discharged onto and/or under Plaintiffs' and the Class Members' properties in the Class Area.

159. These acts and omissions allowed Defendants to save hundreds, thousands, and millions of dollars in costs that they should have expended in order to properly contain and control the hazardous substances on and migrating from the Site.

160. Defendants lack any legal justification for permitting their hazardous substances to migrate from their property and enter onto and/or under Plaintiffs' and the Class Members' properties in the Class Area at Plaintiffs' and the Class Members' expense.

161. No other remedy at law can adequately compensate Plaintiffs and the Class Members for the damages occasioned by Defendants' conscious choice to use hazardous substances at the Site, and release and discharge such substances which migrated onto and/or under Plaintiffs and Class Members' properties in order to save the expenses of properly disposing of, controlling and containing such hazardous substances.

162. Defendants, despite their knowledge of the serious health and environmental effects associated with exposure to such contaminants, and despite orders from environmental regulators, masked the true extent of contamination, thereby enabling them to avoid taking all appropriate steps to properly remediate the hazardous substances, or to mitigate the damages created by such contaminants in the Class Area.

WHEREFORE, Plaintiffs demand judgment against Defendants, their principals, agents, employees, servants and/or representatives for compensatory damages, interest, economic and non-economic damages, punitive damages, cost of suit and such other relief as the Court may deem just and equitable.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R.4:25-4, James A. Barry, Esq. is hereby designated as trial attorney in the above matter.

CERTIFICATION PURSUANT TO RULE 4:5-1 and N.J.S.A. 56:8-1 et. seq.

1. I hereby certify that to my knowledge the matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding.
2. To my knowledge, no other action or arbitration procedure is contemplated.
3. I have no knowledge at this time of the names of any other parties who should be joined in this action.

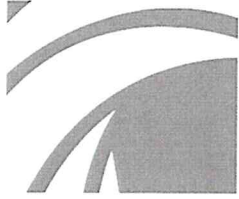
POGUST GOODHEAD, LLC

By: _____
James A. Barry, Esq.
NJ Attorney ID: 027512008
jbarry@pogustgoodhead.com
505 S. Lenola Rd., Suite 126
Moorestown, New Jersey 08057
T: (856) 724-2339

EXHIBIT A



41 Spring Street, Suite 102
New Providence, NJ 07974



908.988.1700 PHONE
908.464.3712 FAX

www.trcsolutions.com

August 9, 2018

RAYMOND & DIANE CAVAGNARO
PO BOX 102
NEWFIELD, NJ 08344

Referenced Property

309 WEYMOUTH RD
Property Block 1002 and Lot 19.010000000000002
Municipality: Newfield; Gloucester County

Re: *SMC OUI Classification Exception Area and Well Restriction Area*

For: Shieldalloy Metallurgical Corporation Superfund Site. (Site)
(a/k/a SMC)
35 South West Boulevard
Newfield, Gloucester County
SRP PI No. 000297
TRC Project 2710ES-112434

To Whom It May Concern:

TRC Environmental Corporation (TRC), the entity responsible for conducting the remediation of selected operable units of the site listed above, is providing this letter and attachments to you per the New Jersey Department of Environmental Protection (NJDEP) requirements for establishing a groundwater Classification Exception Area (CEA) and Well Restriction Area (WRA) at N.J.A.C. 7:26C-7.3(d). The information provided herein relates to a proposed CEA/WRA for existing and projected groundwater contamination from the Site, specifically related to the SMC Operable Unit 1 (OU1) CEA/WRA.

The proposed CEA/WRA extends onto the Referenced Property. The NJDEP's rules require TRC to notify owners and tenants of all properties within the footprint of the proposed CEA/WRA. Based on our information, you are the owner or a tenant of the Referenced Property above.

CEA/WRA Notification

August 9, 2018

Page 2 of 2

Additional details regarding the proposed CEA/WRA are provided in the following attached forms and maps:

- Cover/Certification Form
- Classification Exception Area / Well Restriction Area Fact Sheet Form
- Site Location Map
- CEA Vertical Extent and Cross Section Figure
- CEA Horizontal Extent Figure

What is a CEA/WRA?

A CEA/WRA is an institutional control in a defined area where groundwater quality for specific contaminants have exceeded NJDEP groundwater quality standards. Designated aquifer uses are restricted for the term of the CEA/WRA unless special precautions or treatment is employed prior to groundwater use.

So why are you receiving this notice?

The notice is required so that there is full disclosure and the public can be informed if they want more information. There is no action that you need to take. This information is also being provided to the Newfield Clerk, Vineland Clerk, Cumberland County Clerk, Gloucester County Clerk, Cumberland County Health Department, Gloucester County Health Department, City of Vineland Health Department, the US EPA, and the NJDEP.

If you have any questions regarding this correspondence or remedial activities at the Site, please contact the project director, Mr. Brendan Lazar, at (908) 988-1629, blazar@trcsolutions.com.

Sincerely,

TRC Environmental Corporation



Patrick Hansen

Vice President

2018_08_02 CEA Notification Letter

Enclosures

- c: Mr David Lewis c/o Mr. George Paladino, Shieldalloy Metallurgical Corporation
 Mr. Brendan Lazar, Project Director of TRC
 Borough of Newfield – Clerk
 City of Vineland – Clerk and Health Department
 Gloucester County – Clerk, Health Department
 Cumberland County – Clerk, Health Department
 US EPA
 NJDEP





New Jersey Department of Environmental Protection
Site Remediation Program

COVER/CERTIFICATION FORM

(Submit with Remedial Phase Report, Receptor Evaluation, and CEA Forms)

Date Stamp
(For Department use only)

SECTION A. SITE INFORMATION

Site Name: Shieldalloy Metallurgical Corporation Superfund Site

AKAs: SMC

Street Address: 35 South West Boulevard

Municipality: Newfield, New Jersey (Township, Borough or City)

County: Gloucester Zip Code: 08344

Program Interest (PI) Number(s): SRP PI No. 000297

Case Tracking Number(s) for this submission: _____

Date Remediation Initiated Pursuant to N.J.A.C. 7:26C-2: _____

State Plane Coordinates for a central location at the site: Easting: 345800 Northing: 258250

List current Municipal Block and Lot Numbers of the Site:

Block # <u>1002</u>	Lot #(s) <u>2</u>	Block # <u>1002</u>	Lot #(s) <u>15.01</u>
Block # <u>1002</u>	Lot #(s) <u>15</u>	Block # <u>1002</u>	Lot #(s) <u>16</u>
Block # <u>1002</u>	Lot #(s) <u>3</u>	Block # <u>1002</u>	Lot #(s) <u>3.01</u>
Block # <u>1002</u>	Lot #(s) <u>4</u>	Block # <u>1002</u>	Lot #(s) <u>5</u>

SECTION B. SUBMISSION STATUS

See the attached document for additional block and lot#s.

1. Indicate how the Electronic Data Deliverable (EDD) for this submission is being provided to the NJDEP:

- ☐ Via Email at srpedd@dep.state.nj.us (attach NJDEP confirmation email); or
- ☐ CD (attach to this submission)
- ☒ Not Applicable – No EDD

2. Complete the following Submission and Permit Status Table:

Remedial Phase Documents	N/A	Included in this Submission	Previously Submitted	Date of Submission	Date of Revised Submission	Date of Previous NJDEP Approval	Date of Document Withdrawal
Preliminary Assessment Report	☒	☐	☐				
Site Investigation Report	☒	☐	☐				
Remedial Investigation Report	☐	☐	☒	01/20/2011			
Remedial Action Work Plan	☒	☐	☐				
Remedial Action Report	☒	☐	☐				
Response Action Outcome	☒	☐	☐				
Other Submissions							
Alternative Soil Remediation Standard and/or Screening level Application Form	☒	☐	☐				
Case Inventory Document		☐					
Classification Exception Area / Well Restriction Area (CEA/WRA)	☐	☒	☐	06/19/2018			
Discharge to Ground Water Permit by Rule Authorization Request	☐	☐	☒	03/28/2014		05/06/2014	

IEC Engineered System Response Action Report	☒	☐	☐			
Immediate Environmental Concern Report	☒	☐	☐			
LNAPL Interim Remedial Measure Report	☒	☐	☐			
Public Notification	☐	☒	☐	06/19/2018		
Receptor Evaluation	☐	☒	☐	06/19/2018		
Technical Impracticability Determination	☒	☐	☐			
Vapor Concern Mitigation Report	☒	☐	☐			
Permit Application – list:	☒					
Permit-by-Rule DGW		☐	☒	03/28/2014		05/06/2014
Permit-by-Rule DGW		☐	☒	02/23/2012		04/16/2012
Permit-by-Rule DGW		☐	☒	02/22/2011		05/02/2011
Permit-by-Rule DGW		☐	☒	07/14/2009		11/01/2009
Radionuclide Remedial Action Report	☐	☐	☐			
Radionuclide Remedial Action Workplan	☐	☐	☐			
Radionuclide Remedial Investigation Report	☐	☐	☐			
Radionuclide Remedial Investigation Workplan	☐	☐	☐			

Radiological work is conducted separately from OU-1 and OU-2 and is not within TRC's responsibilities.

SECTION C. SITE USE

Current Site Use: (check all that apply)

- ☒ Industrial
☐ Residential
☐ Commercial
☐ School or child care
☐ Other: _____
- ☒ Agricultural
☐ Park or recreational use
☐ Vacant
☐ Government

Intended Future Site Use, if known: (check all that apply)

- ☐ Industrial
☐ Residential
☐ Commercial
☐ School or child care
☐ Other: _____
- ☐ Park or recreational use
☐ Vacant
☐ Government
☒ Future site use unknown

SECTION D. CASE TYPE: (check all that apply)

- | | |
|--|---|
| ☒ Administrative Consent Order (ACO)
☐ Brownfield Development Area (BDA)
☐ Child Care Facility
☐ Chrome Site (Chromate chemical production waste)
☐ Coal Gas
☐ Due Diligence with RAO
☐ Hazardous Discharge Remediation Fund (HDSRF) Grant/Loan
☐ ISRA | ☐ Landfill (SRP subject only)
☐ Regulated Underground Storage Tank (UST)
☐ Remediation Agreement (RA)/Remediation Certification
☐ School Development Authority (SDA)
☐ School facility
☐ Spill Act Defense – Government Entity
☐ Spill Act Discharge
☐ UST Grant/Loan
☐ Other: _____ |
|--|---|

Federal Case (check all that apply)

- ☐ RCRA GPRA 2020 ☒ CERCLA/NPL ☐ USDOD ☐ USDOE

1. Is the party conducting remediation a government entity? ☐ Yes ☒ No

If "Yes," check one: ☐ Federal ☐ State ☐ Municipal ☐ County

SECTION E. PUBLIC FUNDS

Did the remediation utilize public funds? ☐ Yes ☒ No

If "Yes," check applicable:

- | | | |
|--------------------------------------|--|---|
| ☐ UST Grant | ☐ UST Loan | ☐ Brownfield Reimbursement Program |
| ☐ HDSRF Grant | ☐ HDSRF Loan | ☐ Landfill Reimbursement Program |
| ☐ Spill Fund | ☐ Schools Development Authority | ☐ Environmental Infrastructure Trust |

SECTION F. PERSON RESPONSIBLE FOR CONDUCTING THE REMEDIATION INFORMATION AND CERTIFICATIONFull Legal Name of the Person Responsible for Conducting the Remediation: TRC Companies, Inc.Representative First Name: Patrick Representative Last Name: HansenTitle: Vice President - Complex Projects, Exit Strategy ProgramPhone Number: (215) 562-2122 Ext: _____ Fax: _____Mailing Address: 1601 Market Street Suite 2555City/Town: Philadelphia State: PA Zip Code: 19103Email Address: PHansen@trcsolutions.com

This certification shall be signed by the person responsible for conducting the remediation who is submitting this notification in accordance with Administrative Requirements for the Remediation of Contaminated Sites rule at N.J.A.C. 7:26C-1.5(a).

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein, including all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, to the best of my knowledge, I believe that the submitted information is true, accurate and complete. I am aware that there are significant civil penalties for knowingly submitting false, inaccurate or incomplete information and that I am committing a crime of the fourth degree if I make a written false statement which I do not believe to be true. I am also aware that if I knowingly direct or authorize the violation of any statute, I am personally liable for the penalties.

Signature: *Patrick Hansen*Date: 7/31/2018Name/Title: Patrick Hansen / Vice President**For CEA Submissions:**

☐ Check this box if the person above is also the property owner of the site or their representative. If this person is not the site property owner, please ensure the site property owner's name and address is in the first line of the table in Section E.2 of the Classification Exception Area / Well Restriction Area (CEA/WRA) Fact Sheet Form.

SECTION G. LICENSED SITE REMEDIATION PROFESSIONAL INFORMATION AND STATEMENT

LSRP ID Number: _____

First Name: _____

Last Name: _____

Phone Number: _____

Ext: _____

Fax: _____

Mailing Address: _____

City/Town: _____

State: _____

Zip Code: _____

Email Address: _____

This statement shall be signed by the LSRP who is submitting this notification in accordance with N.J.S.A. 58:10C-14, and N.J.S.A. 58:10B-1.3b(1) and (2).

I certify that I am a Licensed Site Remediation Professional authorized pursuant to N.J.S.A. 58:10C to conduct business in New Jersey. As the Licensed Site Remediation Professional of record for this remediation, I:

[SELECT ONE OR BOTH OF THE FOLLOWING AS APPLICABLE]:

- ☐ directly oversaw and supervised all of the referenced remediation, and/or
☐ personally reviewed and accepted all of the referenced remediation presented herein.

I believe that the information contained herein, and including all attached documents, is true, accurate and complete.

It is my independent professional judgment and opinion that the remediation conducted at this site, as reflected in this submission to the Department, conforms to, and is consistent with, the remediation requirements in N.J.S.A. 58:10C-14.

My conduct and decisions in this matter were made upon the exercise of reasonable care and diligence, and by applying the knowledge and skill ordinarily exercised by licensed site remediation professionals practicing in good standing, in accordance with N.J.S.A. 58:10C-16, in the State of New Jersey at the time I performed these professional services.

I am aware pursuant to N.J.S.A. 58:10C-17 that for purposely, knowingly or recklessly submitting false statement, representation or certification in any document or information submitted to the board or Department, etc., that there are significant civil, administrative and criminal penalties, including license revocation or suspension, fines and being punished by imprisonment for conviction of a crime of the third degree.

LSRP Signature: _____

Date: _____

LSRP Name/Title: _____

Company Name: _____

Completed forms should be sent to:

Bureau of Case Assignment & Initial Notice
 Site Remediation Program
 NJ Department of Environmental Protection
 401-05H
 PO Box 420
 Trenton, NJ 08625-0420



New Jersey Department of Environmental Protection
Site Remediation Program

**CLASSIFICATION EXCEPTION AREA / WELL RESTRICTION
 AREA (CEA/WRA) FACT SHEET FORM**

Date Stamp
 (For Department use only)

SECTION A. SITE INFORMATION

Site Name: Shieldalloy Metallurgical Corporation Superfund Site

Program Interest (PI) Number(s): SRP PI No. 000297

Case Tracking Number(s) for this submission: _____

**This form must be attached to the Cover / Certification Form
 if not submitted through the RIR Online Service**

1. Indicate the reason for submission of this form (*see instructions*):

- ☒ New CEA
 ☐ Revise CEA
 ☐ Reestablish CEA
 ☐ Existing CEA with no changes
☐ CEA for historic fill
 ☐ CEA lift/removal

If you are submitting this form for an existing CEA provide the CEA Subject Item ID: _____

2. Indicate the type of ground water Remedial Action (RA):

- ☒ Natural
 ☐ Active
 ☐ Final RA not yet selected

3. Is this form being submitted with a Remedial Action Permit (RAP) Form (for Soil or Ground Water)? ... ☐ Yes ☒ No

SECTION B. CEA COMPONENT INFORMATION

1. **Contaminant(s):** This CEA/WRA applies only to contaminants above applicable numeric values established by the Ground Water Quality Standards (GWQS), N.J.A.C. 7:9C, listed in the table below. Except for historic fill CEAs based on assumed ground water contamination, list the maximum contaminant value for all ground water data that could be representative of current conditions and is for any well or sampling point used to establish the CEA. The values listed below may or may not be appropriate for use in evaluating plume fate and transport. See form instructions.

Contaminant	Concentration ⁽¹⁾	GWQS ⁽²⁾	SWQS ⁽³⁾	GWSL ⁽⁴⁾
Chromium, total	5030	70	92 water	Not Applicable
Chromium, hexavalent	4000	Not Applicable	Not Applicable	Not Applicable
Trichloroethene	27.7	1	1 water	2'
Manganese	143	50	NA water	Not Applicable
Lead	16	5	5 water	Not Applicable

Notes: ⁽¹⁾ Maximum concentration in Micrograms Per Liter

⁽²⁾ New Jersey Ground Water Quality Standards, N.J.A.C. 7:9C

⁽³⁾ Surface Water Quality Standards, N.J.A.C. 7:9B - Applicable only where contaminants in the CEA may discharge to a surface water body.

⁽⁴⁾ Current NJDEP Vapor Intrusion Ground Water Screening Levels available at
<http://www.nj.gov/dep/srp/guidance/vaporintrusion/>

☒ Check if attaching an Addendum to list additional contaminants and associated information.

2. **CEA Boundaries:** Year of tax map used: 2017

For CEA revisions: ☐ check if CEA Boundary has changed (*See instructions*)

☐ check if Block and Lot numbers have changed (*See instructions*)

List the Block(s) and Lot(s) included in the areal extent of the Classification Exception Area:

Block(s)	Lot(s)	Check if off-site	Block(s)	Lot(s)	Check if off-site
1002	3.01	☐	209	7	☐
1002	4	☐	1002	15.01	☐
1002	1.01	☐	505	23	☐
1002	1	☐	501	24	☒
209	2	☐	501	25	☒

☒ Check if attaching an Addendum to list additional Blocks/Lots and associated information.

Narrative description of proposed CEA:

See detailed narrative in attached CEA/WRA Report. Based on the attenuation modeling from BIOSCREEN, horizontal and vertical extents for the contamination were determined from monitoring and pumping wells sampling data.

Name(s) of the affected Geologic Formation(s)/Unit(s): Bridgeton Formation, Cohansey Formation

Direction of ground water flow: Southwest (If multiple water bearing zones exist within the CEA and/or there is no predominant flow direction, see instructions.)

Ground Water Classification: Class IIA (See instructions and GWQS for classification area information.)

Vertical Depth of CEA: 153 (SC-28D) (ft bgs) and -45.6 (msl).

Horizontal Extent of CEA: 133 Indicate units: ☒ acres or ☐ square feet

3. Projected Term of CEA: (Based on modeling/calculations in the fate and transport description)

Proposed Duration in Years: _____ Anticipated Expiration Date: _____

or ☒ Indeterminate (Review instructions before selecting "Indeterminate.")

4. ATTACH AND/OR SUBMIT THE FOLLOWING: (see instructions for additional information)

Exhibit A: Site Location Maps – USGS Quadrangle Map;

Exhibit B: CEA Map and Cross Section Figure – See N.J.A.C. 7:26C- 7.3(c)1 and 2 and instructions regarding what to include on the map and the cross-section figure.

Exhibit C: GIS Deliverables – CEA Boundary Extent Map. The CEA Boundary Extent Map shall be submitted via email to srpqis_cea@dep.nj.gov. See the instructions for detailed GIS deliverable requirements.

For revisions, does the attached map differ from the CEA map on NJ-GeoWeb? ☐ Yes ☐ No ☒ N/A

If "Yes or N/A," identify the format of the CEA Boundary Extent Map: ☐ Shape File ☐ CAD File

SECTION C. CURRENT GROUND WATER USE DOCUMENTATION

1. Indicate the year of the most recent well search completed per N.J.A.C. 7:26E-1.14: 2017
2. If this Fact Sheet form is for a revised CEA or an existing CEA with no changes, have new wells been installed since the CEA was established? ☐ Yes ☐ No ☒ N/A
3. Are there any pumping wells (e.g., potable, industrial, irrigation or recovery wells) within the foot print of the CEA? ☒ Yes ☐ No

SECTION D. WELL RESTRICTION INFORMATION

Certain well restrictions relevant to potable ground water use, such as "Double Case Wells", "Sample Potable Wells", and "Evaluate Production Wells", are consistently set within the boundaries of all CEAs established by the NJDEP in Class I and II-A areas (*see instructions*).

1. Are there any other site-specific well restrictions relevant to potable ground water use that should be set within or near the boundaries of the proposed CEA? ☒ Yes ☐ No

If "Yes", describe below any such site-specific well restrictions proposed for this CEA:

Since the groundwater classification is Class II-A, the CEA is also a well restriction area which requires well restrictions per the NJDEP related to double case wells, sample potable wells, and evaluate production wells per N.J.A.C. 7:26C-7.9(a)4 and N.J.A.C. 7:10-5.

SECTION E. PUBLIC NOTIFICATION REQUIREMENTS

See form instructions for notification procedures

1. Indicate which of the following entities have been notified pursuant to N.J.A.C. 7:26C-7.3(d). (*check all that apply*)

- ☒ Municipal and county clerk(s)
☒ Local, county or regional health department(s)
☒ Designated County Environmental Health Act agency (if applicable)
☒ County Planning Board
☐ Pinelands Commission (if applicable)
☒ Owners of real property overlying CEA foot print

2. **List of Names and Addresses** – List below and/or in an attachment, the names/addresses of all persons notified pursuant to N.J.A.C. 7:26C-7.3(d) based on the proposed CEA boundaries. If the site property owner differs from the person responsible for conducting the remediation, enter the site owner's name and address first in below table. See instructions for more information regarding address list and indicating if vapor intrusion was evaluated for properties over the CEA.

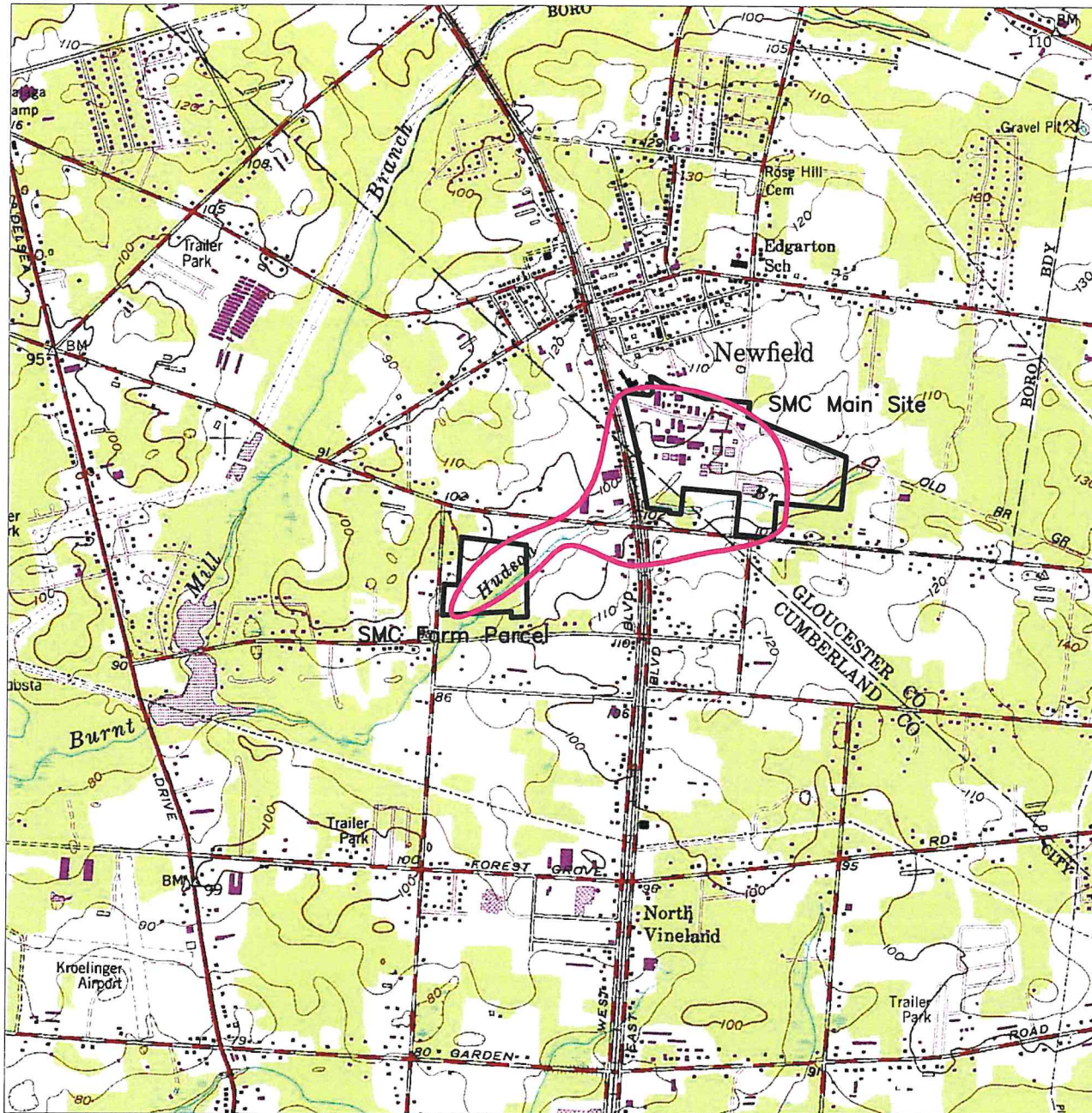
☐ Check here if no volatile contaminants are in the CEA

Entity or Owner Name	Notification Address Used (include applicable block and lot overlying CEA if owner address differs from property address)	Date notification sent	Was property evaluated for vapor intrusion? Check if "Yes"
Shieldalloy Metallurgical Corporation	35 North West Blvd, Newfield, NJ 08344		☐
See attached Appendix C.			☐
			☐
			☐
			☐
			☐
			☐
			☐
			☐
			☐
			☐
			☐
			☐
			☐
			☐
			☐

NJDEP Form Addendum
Blocks and Lots Within SMC OU1 CEA Extent
Shieldalloy Metallurgical Corporation
Newfield, New Jersey

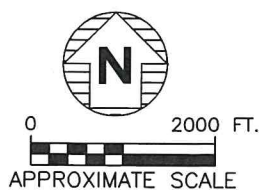
Municipality	Block	Lot	Q Code	Off-site
614	501	24		Yes
614	501	25		Yes
614	501	29		Yes
614	501	35		Yes
614	503	6		Yes
614	505	8		Yes
614	507	1		Yes
614	503	13		Yes
614	503	1.03		Yes
614	505	9		Yes
614	505	23		No
614	503	4		Yes
614	505	10		Yes
614	501	32		Yes
614	503	2		Yes
614	503	3		Yes
614	505	11		Yes
614	502	3		Yes
614	501	33		Yes
614	502	4		Yes
614	505	19		Yes
614	502	6		Yes
614	505	3		Yes
614	501	26		Yes
614	505	4		Yes
614	502	5		Yes
614	505	5		Yes
614	505	6		Yes
614	506	1		Yes
614	501	27		Yes
614	502	1		No
614	502	2		No
614	501	28		Yes
614	501	34		Yes
614	505	7		Yes
614	501	31		Yes
614	501	30		Yes
614	503	1		Yes
614	505	22		Yes

Municipality	Block	Lot	Q Code	Off-site
614	503	1.01		Yes
614	503	1.02		Yes
614	501	32	B01	Yes
805	7004.01	3		Yes
805	7005	2		Yes
805	7005	1		Yes
813	1002	16		Yes
813	1002	3.01		No
813	1002	4		No
813	1002	1.01		No
813	106	18		Yes
813	1002	1		No
813	209	7.02		Yes
813	209	2		No
813	209	8		Yes
813	209	7		No
813	209	5		Yes
813	209	4		Yes
813	1002	15.01		No
813	1002	3		No
813	208	1		Yes
813	106	23		Yes
813	1002	15		No
813	208	2		Yes
813	202	7		Yes
813	208	3		Yes
813	106	20		Yes
813	106	19		Yes
813	1000	20		Yes
813	1003	1		No
813	1002	2		No
813	106	22		Yes
813	106	21		Yes
813	1002	19.01		Yes
813	1002	18		No
813	1002	17		Yes
813	1002	19		Yes
813	1002	5		No
813	202	7.01		Yes



SOURCE: NEWFIELD, N.J. QUADRANGLE, 1953, PHOTOREVISED 1994,
7.5 MINUTE SERIES (USGS TOPOGRAPHIC MAP)

 SITE PROPERTY BOUNDARY
 HORIZONTAL EXTENT OF SMC OU1 CEA

**TRC ENVIRONMENTAL CORP.**

41 Spring Street
New Providence, New Jersey 07974

SITE LOCATION MAP

SHIELDALLOY METALLURGICAL CORPORATION
NEWFIELD, NEW JERSEY

JOB NO.: 112434/2710ES

YS/BR/TH

JULY 2018

EXHIBIT: A