

Lawmakers Criticize Ciba Deal

By **Chris Lundy** - January 9, 2023



Photo courtesy Mavic Air/YouTube

TOMS RIVER – The State Senate and Assembly members that oversee Toms River said that the proposed Ciba-Geigy settlement does not go far enough to protect residents from development or to punish the corporation for its poisoning of local land and waters.

“This deal seems more like a slap on the wrist than punishment for despicable corporate malfeasance,” said Senator Jim Holzapfel (R-10th). “The Ciba site has been a primary source of stress, concern and even health problems for residents, and this shocking arrangement only adds insult to injury. It is appalling that this proposal was crafted without any input from local elected officials or families who have lived in fear of the water in their taps and under their feet.”

According to a settlement announced by the State Department of Environmental Protection, about 1,000 acres would be preserved. Of this, approximately 790 acres will be maintained as open space and will include restoration projects. The remaining 210 acres will be set aside for pollinator habitat and solar energy production.

There would be trails, a boardwalk, and an environmental education center. The project could break ground as soon as spring of 2023 and be open to the public in phases over the next five years.

Senator Holzapfel, Assemblyman Greg McGuckin, and Assemblyman John Catalano (R-10th) are upset by a portion of the proposal which would see BASF, the current owner of the site, surrender approximately 1,000 acres for preservation. The company has insisted the land has essentially no value, and won \$17 million from Toms River taxpayers in a property tax appeal.

“By their own assessment, the value, what is BASF really giving, a lopsided deal, and I’m not con

The superfund site is on 1,255 acres of land between Route 37 and Oak Ridge Parkway, west of Garden State Parkway. The lawmakers said they worry that the remaining 255 acres under the proposed agreement could end up being developed.



This is an artist's rendering of what Ciba-Geigy could look like in five years. (Image courtesy BASF)

"This leaves the door open for future projects that would give BASF an opportunity to make more on this settlement," said Assemblyman McGuckin. "The township is seeking to be granted control of the 255-acre parcel, and we agree that would be the best way to ensure responsible stewardship of a site that has created so many problems for Toms River neighborhoods.

"Before any agreement is finalized, BASF should be forced to give up any and all interest in the land that has been spoiled and devalued by the reckless actions of the previous corporate owners and disregard for the environment and families of Toms River," McGuckin said.

Ciba once manufactured dyes and other chemicals, and was one of the region's largest employers. They were also dumping waste directly into the water and the ground, and burying drums of toxic chemicals. Many people attribute the area's cancer cluster to its operation. The property changed hands several times over its history and is now owned by German company BASF.

"For more than a half century, Toms River officials and residents have been coping with this massive superfund site in their midst," said Assemblyman Catalano. "It is unthinkable that DEP and BASF would get together and hash out a deal without including the people who have been – and will be – most affected by the poisons recklessly discarded without a plan to protect nearby communities.

"Considering the anxiety and inconvenience caused by negligent activities on the corporate property, Toms River deserves a seat at the table. No settlement can be taken seriously if the innocent victims of this environmental catastrophe are not represented in the process," Catalano continued. "Some residents have gotten sick due to polluted water in wells on their properties, and tainted groundwater from the site continues to flow under some local neighborhoods. For those reasons alone, it is clear the proposed resolution comes up woefully short. Toms River residents deserve better from DEP."

Mayor Maurice Hill had previously said the preservation of open space is great news and he appreciated the remediation of the pollution and making the site safe for public access. However, he had three requests to take it further:

1. Given the devastation that Ciba-Geigy's cancer cluster wreaked on Toms River families, the proposed environmental center should be required to include an exhibit that comprehensively documents the damage the pollution has caused, the negative economic impact on the community, and how Toms River residents should be appropriately compensated, all generously funded by BASF.

2. The remaining 255 acres of the site, or a significant portion thereof, should be deeded to Toms River Township for perpetual preservation, so long as BASF remains responsible for the cost of ongoing remediation.
3. A fund to compensate the victims of the cancer cluster should be set up by BASF and administered by a trustee appointed by the Township.

Ciba-Geigy opened in 1952 and closed in 1990. It became an Environmental Protection Agency Superfund Site in 1983. The settlement with the State DEP will not impact the situation with the federal EPA.

BASF assumed responsibility for the site in 2010 through corporate acquisitions. When BASF acquired Ciba, the property was undergoing remediation efforts such as excavation and capping of contaminated areas and the pumping and treatment of contaminated groundwater, the DEP said.

How To Comment

Comments about the settlement may be submitted electronically at onrr@dep.nj.gov. Comments will be accepted until February 3.

There is a way to comment on the settlement on the DEP's site as well. The proposed settlement agreement between BASF and the DEP can be found here: nj.gov/dep/nrr/settlements/index.htm.

For more information on the EPA's remediation process, visit cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.cleanup&id=0200078#Status

For information from the EPA on site background and cleanup progress, visit cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.cleanup&id=0200

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