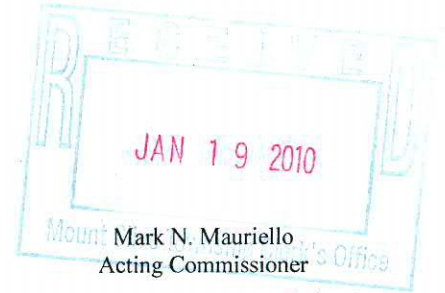




State of New Jersey

Department of Environmental Protection

Jon S. Corzine  
Governor



Brownfields Remediation & Reuse Element  
Northern Bureau of Field Operations  
7 Ridgedale Avenue  
Cedar Knolls, NJ 07927-1112  
(973)-631-6401

cc: Alain Bldg.

January 12, 2010

Raymond Ostrom  
17 Sunset Drive  
Budd Lake, NJ 07828

Re: **No Further Action Letter and Covenant Not to Sue**

Unrestricted Use for the  
Area of Concern: 550 gallon #2 Fuel Oil Underground Storage Tank (UST)  
Ostrom Residence  
Block: 3604 Lot: 4  
Address: 17 Sunset Drive, Mount Olive, Morris County  
Preferred ID: 279596  
Activity Number Reference: BFO060001  
Communications Center Number: 05-06-28-1034-14

Dear Mr. Ostrom:

Pursuant to N.J.S.A. 58:10B-13.1 and N.J.A.C. 7:26C, the New Jersey Department of Environmental Protection (Department) issues this No Further Action Letter and Covenant Not to Sue for the remediation of the area of concern specifically referenced above so long as Raymond Ostrom did not withhold any information from the Department. This action is based upon information in the Department's case file and Raymond Ostrom's final certified report dated November 30, 2005. In issuing this No Further Action Letter and Covenant Not to Sue, the Department has relied upon the certified representations and information provided to the Department. To remain in compliance with the terms of this No Further Action Letter and to maintain the benefits of the Covenant Not to Sue, Raymond Ostrom as well as each subsequent owner, lessee and operator must comply with the conditions noted below.

By issuance of this No Further Action Letter, the Department acknowledges the completion of a Remedial Action pursuant to the Technical Requirements for Site Remediation (N.J.A.C. 7:26E) for the **removal of one (1) 550 Gallon No. 2 Fuel Oil Underground Storage Tank (UST) system and contaminated soil only**, and no other areas. Post excavation sample analytical results were below the cleanup criteria developed for the site. Ground water was sampled during the course of the remedial action and the analytical results were below the Ground Water Quality Standards, N.J.A.C. 7:9C.

## CONDITIONS

Pursuant to N.J.S.A. 58:10B-12o, Raymond Ostrom and any other person who was liable for the cleanup and removal costs, and remains liable pursuant to the Spill Act, shall inform the Department in writing within 14 calendar days whenever its name or address changes. Any notices submitted pursuant to this paragraph shall reference the above case numbers and shall be sent to: Office of Initial Notice and Case Assignment - Case Assignment Section, Oversight Resources Allocation Element, P.O. Box 28, Trenton, N.J. 08625.

## WELL DECOMMISSIONING

Pursuant to N.J.S.A. 58:4A, Raymond Ostrom shall properly seal all monitoring wells installed as part of a remediation that will no longer be used for ground water monitoring. A New Jersey licensed well driller shall seal the wells in accordance with the requirements of N.J.A.C. 7:9D-3.1 (et seq.). After the well has been decommissioned by a New Jersey licensed well driller, the well driller is required to submit a copy of the decommissioning report on your behalf to the Bureau of Water Systems and Well Permitting. Please note that only a New Jersey licensed well driller may perform this work. More information about regulations regarding the maintenance and decommissioning of wells in New Jersey can be found at <http://www.nj.gov/dep/watersupply/>. For a list of New Jersey licensed well drillers, click on the “reports” button in the left column and select “access the well permit reports.” Questions can be emailed to “[well\\_permitting@dep.state.nj.us](mailto:well_permitting@dep.state.nj.us)”.

## COVENANT NOT TO SUE

The Department issues this Covenant Not to Sue (Covenant) pursuant to N.J.S.A. 58:10B-13.1. That statute requires a Covenant not to sue with each no further action letter. However, in accordance with N.J.S.A. 58:10B-13.1, nothing in this Covenant shall benefit any person who is liable, pursuant to the Spill Compensation and Control Act (Spill Act), N.J.S.A. 58:10-23.11, for cleanup and removal costs and the Department makes no representation by the issuance of this Covenant, either express or implied, as to the Spill Act liability of any person.

The Department covenants, except as provided in the preceding paragraph, that it will not bring any civil action against:

- (a) the person who undertook the remediation;
- (b) subsequent owners of the subject property;
- (c) subsequent lessees of the subject property; and
- (d) subsequent operators at the subject property;

for the purposes of requiring remediation to address contamination which existed prior to the date of the Remedial Action Report dated November 30, 2005 for the real property at the area of concern identified above, payment of compensation for damages to, or loss of, natural resources, for the restoration of natural resources in connection with the discharge on the property, or payment of cleanup and removal costs for such additional remediation.

Pursuant to N.J.S.A. 58:10B-13.1d, this Covenant does not relieve any person from the obligation to comply in the future with laws and regulations. The Department reserves its right to take all appropriate enforcement for any failure to do so.

The Department may revoke this Covenant at any time after providing notice upon its determination that any person with the legal obligation to comply with any condition in this No Further Action Letter has failed to do so;

This Covenant, which the Department has executed in duplicate, shall take effect immediately once the person who undertook the remediation has signed and dated the Covenant in the lines supplied below and the Department has received one copy of this document bearing original signatures of the Department and the person who undertook the remediation.

By : Raymond Ostrom

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Dated: \_\_\_\_\_

**NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

By: Yacoub E. Yacoub


Signature: \_\_\_\_\_

Title: Bureau Chief

Dated: 01-12-10

Thank you for your attention to these matters. If you have any questions, please contact **Brent Vonroth at (973) 656-4431**

Sincerely,

  
Yacoub E. Yacoub, Bureau Chief  
Northern Bureau of Field Operations

c: BFO File Number: 14-27-208  
Mount Olive and Morris County Health Department(s)  
Municipal Clerk, Mount Olive  
Care Environmental Remediation Services, Inc.  
Triassic Technology Inc.