



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bureau of Case Assignment and Initial Notice
401 East State Street
P.O. Box 435
Trenton, NJ 08625-0435
Phone #: 609-292-2943
Fax #: 609-984-6836



cc: Admin Bldg.

MARK N. MAURIELLO
Acting Commissioner

JON S. CORZINE
Governor

OCT 7 2009

Mr. Mark J. Salisbury
Mohawk Oil Company
1 West Main Street
Chester, NJ 07930

Re: No Further Action Letter and Covenant Not to Sue

Unrestricted Use for the Areas of Concern [two 8,000-gallon unleaded gasoline, one 8,000-gallon diesel fuel USTs - the NFA does not include Case # 96-09-09-1134-17]
H K K Superservice Incorporation
236 Route 206, Flanders, Morris County
Block #: 5300 Lot #: 17
Preferred ID: 012562, Activity Reference Number: USR090001, TMS #: N09-6702 INS

Dear Mr. Salisbury:

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 areas of concern specifically referenced above so long as Mohawk Oil Company did not withhold any information from the Department. This action is based upon information in the Department's case file and Mohawk Oil Company's final certified report dated March 18, 2009. 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, Mohawk Oil Company 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 Site Investigation pursuant to the Technical Requirements for Site Remediation (N.J.A.C. 7:26E) for the removal of two 8,000-gallon unleaded gasoline, one 8,000-gallon diesel fuel underground storage tank system and no other areas. Specifically, this No Further Action Letter does not incorporate case #96-09-09-1134-17. The Department reserves its rights to require any person responsible for the contamination at the site to address Natural Resource Injuries.

NO FURTHER ACTION CONDITION

Pursuant to N.J.S.A. 58:10B-12o, Mohawk Oil Company 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: Bureau of Case Assignment and Initial Notice - Case Assignment Section, Enforcement and Assignment Element, P.O. Box 28, Trenton, N.J. 08625.

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 final certified report dated March 18, 2009 for the real property at the areas 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:

- (a) 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 : _____

Signature: _____

Title: _____

Dated: _____

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: Kirstin Hahn

Signature: 

Title: Bureau Chief

Dated: 10/7/09

Thank you for your attention to these matters. If you have any questions, please contact Jacqueline Williams, Case Manager at (609) 777-1911.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirstin Hahn". The signature is written in a cursive, flowing style.

Kirstin Hahn, Bureau Chief
Bureau of Case Assignment and Initial Notice

- C Mount Olive Township Health Department
Municipal Clerk, Mount Olive
Morris County Office of Health Management
Jacqueline Williams, Case Manager
Donald Kakas, BOMM
Joachim Karger, Applied Earth Solutions, Inc