



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Division of Brownfields Remediation and Reuse  
Northern Bureau of Field Operations  
7 Ridgedale Avenue  
Cedar Knolls, NJ 07927-1112  
973-631-6401

JON S. CORZINE  
Governor

cc: Admin  
Return  
Bldg.  
NOV 23 2009  
Mount Olive  
Mark N. Mauriello  
Acting Commissioner  
Tip Clark's Office

November 19, 2009

Eugene Torres  
118 Waterloo Road  
Budd Lake, NJ 07828

Re: **No Further Action Letter and Covenant Not to Sue**  
Remedial Action Type: Unrestricted Use for the Area of Concern:  
**550 gallon No. 2 Fuel Oil Underground Storage Tank (UST)**  
29 Fire Tower Road, Mount Olive, Morris County  
Block 1300, Lot 59  
Preferred ID: 447668, Activity Ref #: BFO 070001  
Case ID: 07-05-02-1100-16, File ID: 14-27-245

Dear Mr. Torres:

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 Eugene Torres did not withhold any information from the Department. This action is based upon information in the Department's case file and Eugene Torres's certified report received September 13, 2007 and the addenda received September 30, 2008 and August 4, 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, Eugene Torres 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 associated contaminated soils only**, and no other areas. Post excavation sample analytical results were below the cleanup criteria developed for the site. Ground water was not encountered during excavation activities.

CONDITIONS

Pursuant to N.J.S.A. 58:10B-12o, Eugene Torres 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 his 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.

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 certified Remedial Action Report received September 13, 2007 and the addenda received September 30, 2008 and August 4, 2009 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 either any person with the legal obligation to comply with any condition in this No Further Action Letter has failed to do so.

This Covenant Not to Sue, which the Department has executed in duplicate, shall take effect immediately once the person who undertook the remediation has signed and dated the Covenant Not to Sue in the lines supplied below and the Department has received one copy of this document with original signatures of the Department and the person who undertook the remediation.

By: Eugene Torres

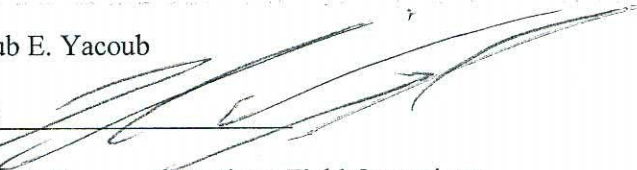
Signature: \_\_\_\_\_

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

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

NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

By: Yacoub E. Yacoub

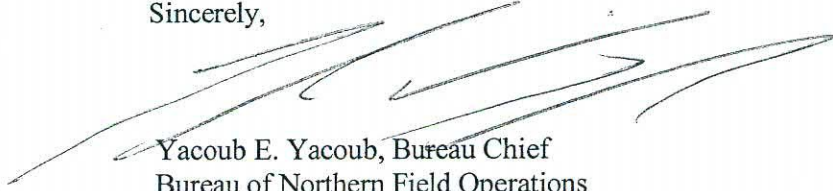
Signature: 

Bureau Chief, Bureau of Northern Field Operations

Dated: 11-19-09

Thank you for your attention to these matters. If you have any questions, please contact Amy DaSilva at (973) 656-4433.

Sincerely,

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

c: Mount Olive Municipal Clerk  
204 Flanders-Drakestown Road, PO Box 450  
Budd Lake, NJ 07828  
Mount Olive Health Department  
204 Flanders-Drakestown Road, PO Box 450  
Budd Lake, NJ 07828  
CORE Environmental Services, LLC  
74 Fredon-Marksboro Road  
Newton, NJ 07860  
David Norrie & Associates, Esq.  
500 International Drive, Suite 125  
Budd Lake, NJ 07828  
Ms. Denise Torres  
24 Mulberry Lane  
Mount Arlington, NJ 07856  
Current Resident  
29 Fire Tower Road  
Budd Lake, NJ 07828  
File # 14-27-245