



① Adm.
Bldg. / Fred.

State of New Jersey

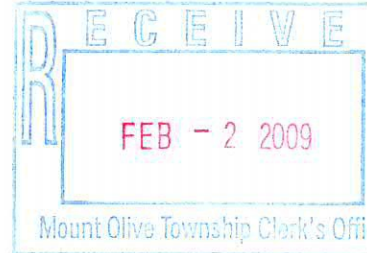
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Brownfields Remediation and Reuse
Northern Bureau of Field Operations
7 Ridgedale Avenue
Cedar Knolls, NJ 07927-1112
973-631-6401

Mark N. Mauriello
Acting Commissioner

JON S. CORZINE
Governor

January 29, 2009

Kenneth Matthews
115 Jennifer Drive
Dalton, PA 18414



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)
15 Budd Lake Heights Road, Mount Olive, Morris County
Block 1400, Lot 22
Preferred ID: 435330, Activity Ref #: BFO 070001
Case ID: 06-01-27-0900-39, File ID: 14-27-243

Dear Mr. Matthews:

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 Kenneth Matthews did not withhold any information from the Department. This action is based upon information in the Department's case file and Kenneth Matthews's final certified report received May 17, 2007 and the addenda received March 25, 2008 and October 30, 2008. 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, Kenneth Matthews 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 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 actions 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, Kenneth Matthews 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.

Well Sealing

Pursuant to N.J.S.A. 58:4A, Kenneth Matthews shall properly seal all monitoring wells installed as part of a remediation that will no longer be used for ground water monitoring. A certified and licensed well driller shall seal the wells in accordance with the requirements of N.J.A.C. 7:9D-3.1 (*et seq.*). The well abandonment forms shall be completed and submitted to the **Bureau of Water Systems & Well Permitting**. Please call (609) 984-6831 for forms and information.

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 Remedial Action Report received May 17, 2007 and the addenda received March 25, 2008 and October 30, 2008 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: Kenneth Matthews


Signature: _____

Title: _____

Dated: _____

NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By: Yacoub E. Yacoub

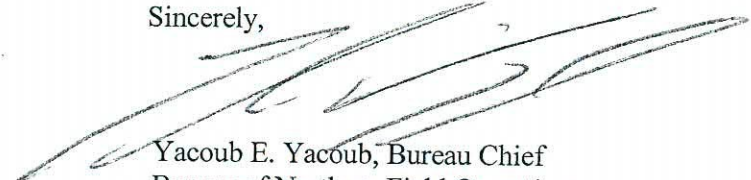
Signature: 

Bureau Chief, Bureau of Northern Field Operations

Dated: 01-29-09

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
Environmental Compliance and Control Inc.
One Emery Avenue
Randolph, NJ 07869
Mr. & Mrs. Dye
15 Budd Lake Heights Road
Budd Lake, NJ 07828
Wiley Environmental, LLC
5 Bear Creek Road
Andover, NJ 07821
Allstate Insurance Company
PO Box 650048
Dallas, TX 75265
Brian Crisafulli, BGWPA
File # 14-27-243