



## State of New Jersey

Department of Environmental Protection

Jon S. Corzine  
Governor

Mark N. Mauriello  
Acting Commissioner

Bureau of Northern Field Operations  
7 Ridgedale Avenue  
Cedar Knolls, NJ 07927  
Phone #: 973-631-6401  
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May 5, 2009



Raymond Ostrom  
17 Sunset Drive  
Budd Lake, NJ 07828

### NOTICE OF DEFICIENCY

Re: 17 Sunset Drive  
Mount Olive, Morris County  
SRP PI# 279596  
Activity Number Reference: BFO060001  
Communication Center #: 05-06-28-1034-14  
BFO File # 14-27-208

Dear Mr. Ostrom :

The New Jersey Department of Environmental Protection (Department) acknowledges receipt on January 25, 2006 of the Remedial Action Report (RAR) submitted pursuant to the Memorandum of Agreement (MOA) effective on February 1, 2006, Spill Compensation & Control Act at N.J.S.A. 58:10-23.11 et seq. (Spill Act), and the Technical Requirements for Site Remediation at N.J.A.C. 7:26E (Tech Rule).

#### **Deficiencies**

The Department has completed its review of your submittal and identified the following deficiencies:

Description of Deficiency: Pursuant to N.J.A.C. 7:26C-3.3(a)3iii, failure to conduct remediation in accordance with N.J.A.C. 7:26E.

Description of Deficiency: Pursuant to N.J.A.C. 7:26E-4.4(a), failure to conduct a Remedial Investigation of ground water when required.

### Corrective Actions

To correct these deficiencies please take the following actions or make the required submittals within the timeframes indicated:

1. Please note that the requirements provided herein shall be addressed prior to the Department's determination of no further actions for the subject property. Comply with rule/regulation within 90 days after receipt of this notice.
2. A remedial investigation of ground water for an area of concern shall be conducted if a soil sample collected from that area of concern within two feet of bedrock contains a contaminant above the applicable soil remediation standard. The RAR states that bedrock was encountered during the excavation activities and the groundwater investigation will be conducted under separate cover by Triassic Technology on behalf of the insurance carrier. The post excavation soil sampling results are below the Department's Soil Cleanup Criteria. However, the Department is unable to grant a No Further Action determination for the soil portion of the remediation until the results of the Ground Water Investigation are received and reviewed. Comply with rule/regulation: within 90 days after receipt of this notice. [N.J.A.C. 7:26E-4.4]

Note that if deficiencies included herein are not addressed to the Department's satisfaction within the specified time period the Department may terminate the MOA pursuant to N.J.A.C. 7:26C-3.3(c)2-4. Subsequent to MOA termination the Department may initiate enforcement action pursuant to the Spill Compensation and Control Act.

If you require copies of Department Guidance Documents or applications, many of these are available on the internet <http://www.state.nj.us/dep/srp>. If you have any questions regarding this matter contact Brent Vonroth Case Manager, at (973) 656-4431, or at Brent.Vonroth@dep.state.nj.us, prior to the date indicated.

Sincerely,

  
Gloria Grant, Section Chief  
Bureau of Northern Field Operations

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