



(c)

cc: Admin
Bldg.

State of New Jersey

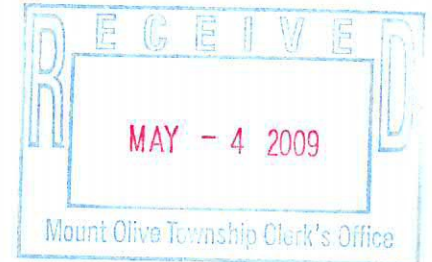
Department of Environmental Protection

Mark N. Mauriello
Acting Commissioner

Jon S. Corzine
Governor

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

April 29, 2009



Samual G. Mauro
704 Principal Point Avenue
Henderson, NV 89012

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)
10 Indian Lane
Block: 8700 Lot: 22
Address: 10 Indian Lane, Mount Olive, Morris County
Preferred ID: 281441
Activity Number Reference: BFO060001
Communications Center Number: 05-06-16-1106-31

Dear Mr. Mauro:

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 Samual G. Mauro did not withhold any information from the Department. This action is based upon information in the Department's case file and Samual G. Mauro's final certified report dated July 31, 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, Samual G. Mauro 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 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, Samuel G. Mauro 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 SEALING

Pursuant to N.J.S.A. 58:4A, Samuel G. Mauro 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".

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 July 31, 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 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 : Samuel G. Mauro

Signature: _____

Title: _____

Dated: _____

**NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

By: Yacoub E. Yacoub

Signature: _____

Title: Bureau Chief

Dated: 04-29-09

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: 14-27-211
Mount Olive and Morris County Health Department(s)
Municipal Clerk, Mount Olive
Care Environmental Remediation Services, Inc.