



State of New Jersey

Department of Environmental Protection

Bureau of Northern Field Operations
7 Ridgedale Avenue
Cedar Knolls, NJ 07927
Phone: 973-631-6401
Fax: 973-656-4440

Jon S. Corzine
Governor



June 29, 2009

Peter Cross
16 Aldersgate Circle
Budd Lake, NJ 07828

Re: **No Further Action Letter and Covenant Not to Sue**
Unrestricted Use for the Area of Concern: 550-gallon No. 2 Fuel Oil Underground Storage Tank (UST)
Cross Residence
Block 8101, Lot 10
16 Aldersgate Circle, Mount Olive, Morris County
Preferred ID: 435217, Activity Ref #: BFO 070001
Communication Center #: 06-10-03-1201-33, File ID: 14-27-237

Dear Mr. Cross:

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 you did not withhold any information from the Department. This action is based upon information in the Department's case file and your final certified report dated May 3, 2007. 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, you 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 not encountered during remedial activities.

NO FURTHER ACTION CONDITIONS

Pursuant to N.J.S.A. 58:10B-12o, you and any other person who was liable for the cleanup and removal costs, and remains liable pursuant to the Spill Compensation and Control 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 final certified Remedial Action Report dated May 3, 2007 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, 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: Peter Cross

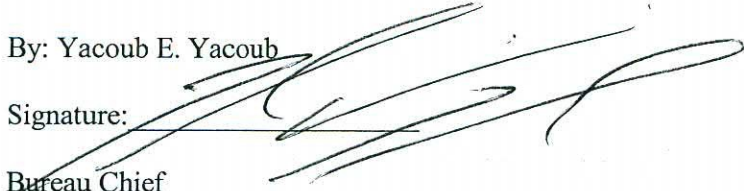
Signature: _____

Title: _____

Dated: _____

NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By: Yacoub E. Yacoub

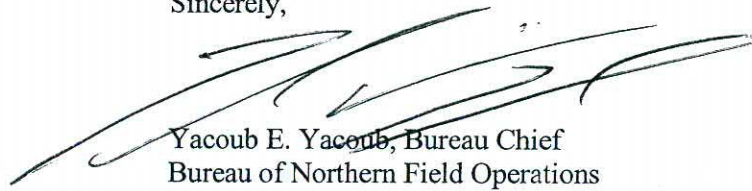
Signature: 

Bureau Chief

Dated: 06-29-09

Thank you for your attention to these matters. If you have any questions, please contact **Victoria Potucek** at (973) 656-4442.

Sincerely,


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

c: The Entech Group, Inc.
Mount Olive Township Clerk's Office
Mount Olive Health Department
File # 14-27-237