



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

August 7, 2009

Daniel Petrozzo  
119 Stedwick Dr  
Budd Lake, NJ 07828

Re: **No Further Action Letter and Covenant Not to Sue**

Remedial Action Type: Unrestricted Use

PI Name: 119 Stedwick Drive

Address: 119 Stedwick Dr

Mount Olive, Morris County

Preferred ID: 452511

Activity Number Reference: BFO070001

Communication Center #: 06-07-14-1044-46

BFO File # 14-27-250

B 7801 L 3

Dear Daniel Petrozzo:

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 November 18, 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 550 UST and no other areas. Ground water was sampled and results revealed that all compounds were below the Ground Water Quality Standards (N.J.A.C. 7:9 C).

## **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 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: Bureau of Case Assignment and Initial Notice- Case Assignment Section, P.O. Box 434, Trenton, N.J. 08625-0434.

You as well as each subsequent owner, lessee and operator (collectively Successors) shall comply with each of the following:

### Well Decommissioning

Pursuant to N.J.S.A. 58:4A, 119 Stedwick Drive shall properly decommission 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 decommission 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 "[wellpermitting@dep.state.nj.us](mailto:wellpermitting@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 final certified report dated November 18, 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 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: Daniel Petrozzo

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

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

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

**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

By: Yacoub Yacoub, Bureau Chief

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

Dated: 8/14/09 \_\_\_\_\_

Thank you for your attention to these matters. If you have any questions, please contact Thomas Mcclachrie at (973) 656-4428.

Sincerely,

A handwritten signature in black ink, appearing to read "Yacoub Yacoub". The signature is fluid and cursive, with the first name being more prominent than the second.

Yacoub Yacoub, Bureau Chief  
Bureau of Northern Field Operations

c: BFO File Number: 14-27-250  
Local, County, Regional Health Department(s)  
Thomas Mcclachrie, Case Manager  
Mayor/Clerk/Town Council, Mount Olive  
Care