(c)

cc: Admine
Health
Fire Marsh

State of New Jersey

Jon S. Corzine
Governor

Department of Environmental Protection

Bur. of Case Assignment & Initial Notice
401 East State Street
P.O. Box 435
Trenton, NJ 08625-0435
Phone #: 609-292-2943
Fax #: 609-633-1439

Lisa P. Jackson
Commissioner

RECEIVED
SEP 24 2008
Mount Olive Township Clerk's Office

September 18, 2008

Eric Yates
9 Budd Lake Heights Rd
Budd Lake, NJ 07828

Re: **No Further Action Letter and Covenant Not to Sue**
Remedial Action Type: Unrestricted Use
PI Name: 9 Budd Lake Heights Road
Address: 9 Budd Lake Heights Rd
Budd Lake, NJ
Preferred ID: 470299
Activity Number Reference: BFO080001
Communication Center #: 07-02-05-0919-48
Block: 1400 Lot: 20

Dear Mr. Yates:

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 April 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, 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 former 550 gallon underground fuel oil tank area and no other areas.

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.

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 conditional 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 April 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: Eric Yates

Signature:_____

Title:_____

Dated:_____

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: Kirstin Hahn, Bureau Chief

Signature: Kirstin Hahn

Dated: 9/18/08

Thank you for your attention to these matters. If you have any questions, please contact me at (609) 292-1252.

Sincerely,

Kirstin Hahn

Kirstin Hahn, Bureau Chief
Bureau of Case Assignment & Initial Notice

c: Local, County, Regional Health Department(s)
Kirstin Hahn, Bureau Chief
Mayor/Clerk/Town Council, Budd Lake
Tank Masters