



**State of New Jersey**

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BCAIN - Initial Notice Section

401 East State Street  
P.O. Box 435

Trenton, NJ 08625-0435  
Phone #: 609-633-1464  
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LISA P. JACKSON  
Commissioner

APR 21 2008

JON S. CORZINE  
Governor

Michael Gibbs  
EFFEM Services  
100 International Dr  
Mount Olive, NJ 07828

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

Unrestricted Use for the Area of Concern (One 2000 gallon medium diesel fuel No. 2-D UST)  
Information Services International  
Block: 104, Lot: 1  
100 International Drive  
Mount Olive, Morris County  
Preferred ID: 298819, Activity Reference Number: USR070001  
UST # 298819, TMS #N07-5481

Dear Mr. Gibbs:

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 Conditional No Further Action Letter and Covenant Not to Sue for the remediation of the area of concern specifically referenced above so long as Mars Information Services did not withhold any information from the Department. This action is based upon information in the Department's case file and Mars Information Services' final certified report dated August 20, 2007 and all addenda. In issuing this Conditional 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 Conditional No Further Action Letter and to maintain the benefits of the Covenant Not to Sue, Mars Information Services as well as each subsequent owner, lessee and operator must comply with the conditions noted below.

By issuance of this Conditional No Further Action Letter, the Department acknowledges the completion of a Site Investigation pursuant to the Technical Requirements for Site Remediation (N.J.A.C. 7:26E) for the abandonment in place of one 2000 gallon medium diesel fuel No. 2-D underground storage tank (UST) system and no other areas. The Department reserves its rights to require any person responsible for the contamination at the site to address Natural Resource Injuries.

**CONDITIONS**

Pursuant to N.J.S.A. 58:10B-12o, Mars Information Services 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, Enforcement and Assignment 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.

CC: Adm.  
E-mail PT

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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 August 20, 2007 final certified Site Investigation report 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:

- (a) any person with the legal obligation to comply with any condition in this Conditional 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: Michael Gibbs

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

Title: Site Manager

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

**NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

By: Kirstin Pointin-Hahn  
Bureau of Case Assignment and Initial Notice

Signature: Kirstin Hahn

Title: Bureau Chief

Dated: 4/16/08

Thank you for your attention to these matters. If you have any questions, please contact Muriel Kiernan at (609) 633-3855.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirstin Pointin-Hahn". The signature is written in a cursive style with some capital letters.

Kirstin Pointin-Hahn, Bureau Chief  
Bureau of Case Assignment and Initial Notice

C Gregory A. Brown, Eastern Environmental Engineering Services, Inc.  
Municipal Clerk, Mount Olive  
Muriel Kiernan, Case Manager