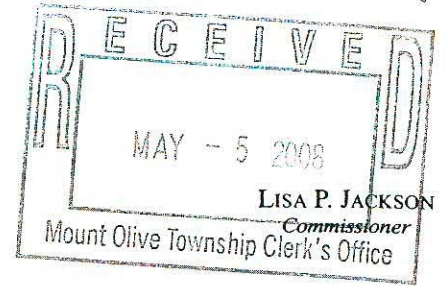




**State of New Jersey**

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Enforcement & Assignment Element  
Child Care/Educational Facility Unit  
PO Box 028  
401 East State St, 5<sup>th</sup> Floor  
Trenton, NJ 08625-0028

JON S. CORZINE  
Governor



APR 30 2008

Harriet Lerner  
Little Lerner Academy  
30 Old Budd Lake Rd  
Mount Olive Twp, NJ 07828

Re: Entire Site  
Unrestricted Use  
No Further Action Letter and Covenant Not to Sue  
Little Learner Academy  
30 Old Budd Lake Road , Mount Olive Township, Morris County  
Preferred ID: 443566, Activity Reference Number: CCF070001  
Block 4100 Lot 118  
DCF Child Care/Educational Facility License #: 14LIT0011  
PWSID# NJ1417382

Dear Mrs. Lerner:

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) makes a determination that no further action is necessary for the remediation of the site, specifically referenced above, except as noted below, so long as Little Learner Academy did not withhold any information from the Department. This action is based upon information in the Department's case file and Little Learner Academy's final certified report dated July 27, 2007. In issuing this No Further Action Determination and Covenant Not to Sue, the Department has relied upon the certified representations and information provided to the Department.

By issuance of this No Further Action Determination, the Department acknowledges the completion of a Preliminary Assessment pursuant to the Technical Requirements for Site Remediation (N.J.A.C. 7:26E) for the entire site. The Department reserves its rights to require any person responsible for the contamination at the site to address Natural Resource Injuries.

**NO FURTHER ACTION CONDITIONS**

As a condition of this No Further Action Determination pursuant to N.J.S.A. 58:10B-12o, Little Learner Academy 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, Division of Remediation Support, 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 report dated July 27, 2007 for the real property at the site 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 Determination 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.

**LITTLE LEARNER ACADEMY**

By: \_\_\_\_\_

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

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

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

**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

By: Ronald T. Corcory Assistant Director

Signature: Ronald T. Corcory

Title: Assistant Director

Dated: 4-28-08

**NOTICES**

Building Interiors Not Addressed

Please be advised that the remediation that is covered by this no further action determination does not address the remediation of hazardous substances that may exist in building interiors or equipment; including, but not limited to, radon, asbestos and lead. As a result, any risks to human health presented by any building interior or equipment remains. To meet the requirements as called for in the Department of Children and Families (DCF) licensing regulation, the Department of Health and Senior Services (DHSS), Indoor Environments Program, should be contacted to determine what steps, if any, are

necessary to address the risks posed by the prior historical use. The DHSS, Indoor Environments Program can be reached at 609-631-6749. DHSS Guidance can be found on the DHSS web site at [www.nj.gov/health/eoh/tsrp](http://www.nj.gov/health/eoh/tsrp). A complete building interior evaluation should be completed before any change in use or re-occupancy is considered.

Child Care/Educational Facility Potable Water Notice

Analytical data has been provided for the potable well at this location. That data demonstrates that the potable water utilized at the Child Care/Educational Facility does not contain contaminants above the Maximum Contaminant Levels (MCLs) established for all contaminants required to be tested pursuant to N.J.A.C. 7:10-5.1 et. seq. for nontransient noncommunity water systems, including radiological contaminants, nitrates and coliform (see attached compliance letter from Bureau of Safe Drinking Water).

Thank you for your attention to these matters. If you have any questions, please contact Michael Taiwo at (609)984-4614 or [Michael.Taiwo@dep.state.nj.us](mailto:Michael.Taiwo@dep.state.nj.us).

Sincerely,



Ronald T. Corcory, Assistant Director  
Enforcement & Assignment Element

Enclosure(s): Compliance Letter from Bureau of Safe Drinking Water

cc: Frank Wilpert, Mount Olive Township Health Department  
Municipal Clerk, Mount Olive Township Clerk  
NJ Department of Children and Families (NJDCF) – Office of Licensing  
NJ Department of Health and Senior Services (NJDHSS), Indoor Environments Program  
Gary D. Lindsay, Local Construction Official  
Betty Jane Boros-Russo, NJDEP-Bureau of Safe Drinking Water  
Michael Taiwo, Case Manager Child Care / Educational Facility Unit  
Ann Jacoby, Child Care / Educational Facility Unit