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cc: admin

# State of New Jersey

Department of Environmental Protection

Jon S. Corzine  
Governor

Lisa P. Jackson  
Commissioner

Bureau of Northern Field Operations  
7 Ridgedale Avenue  
Cedar Knolls, NJ 07927  
Phone #: 973-631-6401  
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May 14, 2008

Rocco Gaudio  
15 Delbar Dr  
Budd Lake, NJ 07828

## NOTICE OF DEFICIENCY

Re: 15 Delbar Dr  
Mount Olive Twp, Morris County  
SRP PI# G000038865  
Activity Number Reference: BFO000001  
Communication Center #: 99-04-21-1037-30  
BFO File # 14-27-094

Dear Mr. Gaudio:

The New Jersey Department of Environmental Protection (Department) not received the Remedial Investigation Report required pursuant to the Memorandum of Agreement (MOA) effective on May 18, 1999 and the Technical Requirements for Site Remediation at N.J.A.C. 7:26E (Tech Rule).

### Deficiencies

The Department has completed its review of your file and identified the following deficiencies:

Description of Deficiency: Pursuant to N.J.A.C. 7:26C-3.3(a)3iii, failure to conduct remediation in accordance with N.J.A.C. 7:26E.

Description of Deficiency: Pursuant to N.J.A.C. 7:26E-4.4(h)3i, failure to delineate the vertical and horizontal extent of ground water contamination and the sources of ground water contamination, including free and residual product.

Description of Deficiency: Pursuant to N.J.A.C. 7:26E-4.4(h)3vi, failure to properly sample potable and supply wells which are suspected to be contaminated.

**Corrective Actions**

To correct these deficiencies please take the following actions or make the required submittals within the timeframes indicated:

1. Comply with rule/regulation within 60 days after receipt of this notice by addressing the matters below. [N.J.A.C. 7:26E-1]
2. Submit a Remedial Investigation Work Plan within 60 days after receipt of this notice for completing the required groundwater investigation. [N.J.A.C. 7:26E-4]
3. Submit a Remedial Investigation Work Plan within 60 days after receipt of this notice for sampling the potable well at this site and the neighbor's home at 10 Delbar Drive. [N.J.A.C. 7:26E-4]

The need to complete these investigations was explained in the Department's letters dated June 3, 2002 and November 28, 2005 as well as during a site meeting with you on May 8, 2007. To date the results of these required investigations have not been received.

Note that if deficiencies included herein are not addressed to the Department's satisfaction within the specified time period the Department may terminate the MOA pursuant to N.J.A.C. 7:26C-3.3(c)2-4. Subsequent to MOA termination the Department may initiate enforcement action pursuant to the Spill Compensation and Control Act.

If you require copies of Department Guidance Documents or applications, many of these are available on the internet <http://www.state.nj.us/dep/srp>. If you have any questions regarding this matter contact Deborah Cowell Case Manager, at (973) 656-4429, or at DEBORAH.COWELL@dep.state.nj.us, prior to the date indicated.

Sincerely,



Dave Oster, Section Chief  
Bureau of Northern Field Operations

cc: BFO File Number: 14-27-094  
Health Department(s)  
Clerkl, Mount Olive Twp  
Consultant