



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CATHERINE R. McCABE
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

Site Remediation and Waste Management Program
Division of Enforcement, Technical & Financial Support
Enforcement & Information Support Element
Mail Code 401-06A
PO Box 420
Trenton, NJ 08625-0420

JOHN ZUCCARELLI
STONY BROOK HOLDINGS - JOHN ZUCCARELLI ESTATE
18903 SE FEDERAL HWY
TEQUESTA, FL 33469

NOTICE OF VIOLATION

EA ID #: BEA180001 - 009150

Name: National Waste Disposal Inc Former
Location: 440 - 442 Whitesville Rd, 149a Whitesville Rd
Jackson Twp, Ocean County, New Jersey
PI #: 009150

You are hereby notified that during a compliance review conducted on May 22, 2018 the Department of Environmental Protection (DEP or the Department) identified violations of the New Jersey Spill Compensation and Control Act (N.J.S.A. 58:10-23 et seq.), and the regulations promulgated thereunder.

This **NOTICE** is issued based on facts observed by or known to the Department's representative issuing this **NOTICE**, to warn you of the violations listed below.

DESCRIPTION OF VIOLATIONS

Requirement: Pursuant to N.J.A.C. 7:14B- 9.1(d), any underground storage tank system which is out of service for greater than 12 months without complying with the requirements of N.J.A.C. 7:14B-9.1(c) shall be closed in accordance with N.J.A.C. 7:14B-9.2 through 9.3. [N.J.A.C. 7:14B-9.1(d)]

Description of Noncompliance: Failure to close a tank system after it has been out of service for more than 12 months without the approval of the Department.

Requirement: Pursuant to N.J.A.C. 7:26C- 2.3(a)1 & 2, upon the occurrence of any of the events listed in N.J.A.C. 7:26C-2.2(a), the person who is responsible for conducting the remediation at a site pursuant to N.J.A.C. 7:26C-1.4(a) shall hire a licensed site remediation professional and within 45 days shall notify the Department of the name and license information and the scope of remediation, including the number of contaminated areas of concern and impacted media. [N.J.A.C. 7:26C- 2.3(a)1 & 2]

Description of Noncompliance: Failure to hire a licensed site remediation professional upon the occurrence of one of the events listed in N.J.A.C. 7:26C-2.2(a), and to provide the required information to the Department within 45 days as required.

PURPOSE OF THIS NOTICE - This is intended to serve as a **NOTICE** to you, to warn you of the above violations, in order to provide you with an opportunity to investigate the matter and take corrective action to address the identified violations. This **NOTICE does not** constitute a formal enforcement order, a final agency action or a final legal determination that a violation has occurred. Therefore, this **NOTICE** may not be appealed or contested.

Neither the issuance of this **NOTICE** nor any corrective actions taken by you to address the violations cited, precludes the State of New Jersey or any of its agencies from initiating future enforcement action (including issuance of a formal enforcement order and the assessment of penalties) with respect to the violations listed above or for any other violations. In the event the Department determines to pursue future formal enforcement action, you will then be provided with an opportunity to appeal or contest such action. The above violations are subject to penalties of up to \$50,000.00 per day/offense in civil administrative penalties as per the Spill Compensation and Control Act.

Please be advised that it is recommended that you, or your licensed site remediation professional to be retained, check the Department's Data Miner report at <https://www13.state.nj.us/DataMiner> to determine all due dates applicable to this matter and to determine if other violations exist that are not covered by this NOV and warrant immediate corrective action.

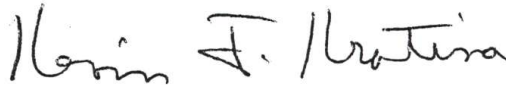
RESPONDING TO THIS NOTICE – Corrective actions taken in response to this **NOTICE** can affect the Department's determination on the need for or severity of any potential future enforcement action in this matter. The Department may consider any actions you take in response to this **NOTICE** as part of its determination 1) on whether to initiate future formal enforcement action for this site/matter and, 2) on the amount of any penalty that may be assessed in future enforcement actions. Please see the Corrective Action(s) section below regarding actions you may undertake to address violations identified in this **NOTICE**:

CORRECTIVE ACTION(S) FOR VIOLATIONS IN THIS NOTICE

1. Permanently close the tank system and perform a Site Investigation: as a first priority.

2. Hire a licensed site remediation professional and notify the Department of the name and license information and the scope of remediation, including the number of contaminated areas of concern and impacted media. [N.J.A.C. 7:26C- 2.3(a)1 & 2]

IF YOU HAVE QUESTIONS REGARDING THIS NOTICE, the actions recommended, or if you would like to describe actions taken to address the identified violations, please contact the Duty Officer in the Compliance and Assistance section of the Bureau of Enforcement and Investigations at 609-633-1480.



Date: May 22, 2018

Kevin F. Kratina, Assistant Director
Enforcement and Information Support Element

Additional Resources

Site Remediation Website <http://www.nj.gov/dep/srp/>

Site Remediation Regulations <http://www.nj.gov/dep/srp/regs/>

Site Remediation List of LSRPs http://www.nj.gov/dep/srp/srra/lrsp/lrsp_list.htm