



RECEIVED

AUG 29 2006

Department of Environmental Protection

State of New Jersey

ION S. CORZINE
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Remediation Management and Response
Bureau of Southern Field Operations
P.O. Box 407
Trenton, New Jersey 08625-0407
(609) 584-4150
(609) 584-4170 - Fax

LISA P. JACKSON
Commissioner

Janiene E. Baxter
2 Forrest Blend Drive
Titusville, NJ 08560

August 23, 2006

Re: Area of Concern
Unrestricted Use
No Further Action Letter and Covenant Not to Sue
2 Forrest Blend Drive
Block: 99.05 Lot: 1
2 Forrest Blend Drive
Hopewell, Mercer County
Preferred ID #293405 Activity Number Reference: BFO060001
Communication Center #06-06-12-1103-26 File: 11-06-325

Dear Ms. Baxter:

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 area of concern specifically referenced above, except as noted below, 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 July 28, 2006. 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 Remedial Action pursuant to the Technical Requirements for Site Remediation (N.J.A.C. 7:26E) for the 550 gallon heating oil underground storage tank area, and no other areas. The Department reserves its rights to require any person, other than Janiene E. Baxter, 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, 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: Director, Division of Remediation Management and Response, 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 Remedial Action Report dated July 28, 2006, for the real property at the area of concern identified above, payment of compensation for damages to, or loss of, natural resources, 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.

By : Janiene E. Baxter

Signature: _____

Title: _____

Dated: _____

**NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

By: Mark S. Gruzlovic

Signature: 

Title: Acting Bureau Chief

Dated: 8/23/2006

NOTICES

Please be advised that in accordance with the "Department Oversight of the Remediation of Contaminated Sites" (N.J.A.C. 7:26C), you are required to reimburse the Department for oversight of the remediation. The Department will be issuing a bill within the next four months.

Thank you for your attention to these matters. If you have any questions, please contact Kirstin Hahn at 609-584-4171.

Sincerely,



Mark S. Gruzlovic, Acting Bureau Chief
Bureau of Southern Field Operations

c: File #11-06-325
Health Department
Hill

New Jersey Department of Environmental Protection COMMUNICATION CENTER NOTIFICATION REPORT

09.05/11 (cc)

Received: 6/12/2006 11:03:26
Operator: 27

Comm. Center #: 06-06-12-1103-26
Reviewed By: _____

Reporter Type: Facility Rep.
Reported By: GABE MIGNOT
Street Address: 19 BROOKSIDE AVE,

Affiliation: HILL ENVIRONMENTAL
Municipality: Pennington Boro
State: NJ

Incident Category: Other
Location Description: AT

Address: 2 FORREST GLEN DR

Municipality: Hopewell Twp
County: Mercer
State: NJ
Zip Code: 08560
Location Type: Residential
Occurred Date: 06/09/2006
Occurred Time: 09:00 AM

Substance Released: OIL HEATING #2
Amount Released: 0
Units: unknown
Unknown
ID: Known
State: Liquid
CAS#: Incident Status at Time of Report: Terminated
Substance Contained: Yes
HAZMAT: Yes
TCPA: No
Haz Waste:

Incident Type: Underground Storage Tank
Incident Type 2:
Injuries: No
Public Evac: No
Facility Evac: No
Public Exposure: No
Police At Scene: No
Firemen At Scene: No
Dep Requested: No
Road Closure: No
Wind Speed/Direction:
Contamination Of: Land
Watershed:
Other Watershed:
Incident Description: 1/550 GAL UST REMOVED AND CLEAN UP PENDING.

Responsible Party Name: JANINE BAXTER
Responsible Party Phone: 609-730-2826
Responsible Party Street Address: 2 FORREST GLEN DR,
Municipality: Hopewell Twp
County: Mercer
State: NJ
Zip Code: 08560

Officials Notified				
Name	Affiliation	Phone	Date	Time Action
OPR 519	Case Assignment Section HOPEWELL TWP	609-737-3100	06/12/2006	0:00 Notification - Fax
	Water - Central		06/12/2006	0:00 Notification - Fax

Comments:



TOWNSHIP of HOPEWELL

DEPARTMENT of HEALTH Serving Hopewell Borough and Pennington Borough

201 WASHINGTON CROSSING PENNINGTON ROAD, TITUSVILLE, N.J. 08560

TELEPHONE 609-737-0120 / FAX 609-737-2770

July 13, 2006

Gary & Janiene Baxter
2 Forrest Blend Drive
Titusville, NJ 08560

Re: Block 99.05 Lot 1

COPY

Notice of Violation

Case #:

AG-06-12-1103-26

A report of a chemical discharge has been reported to the Health Department by NJDEP.

Township Ordinance 16-7; Public Health Nuisance Code defines any discharge of a pollutant or any condition or conditions, which may cause or threaten any potable or surface waters in the Municipality, to become a public health nuisance.

Therefore, in addition to the discharge abatement requirements to be issued by NJDEP, Hopewell Township requires a water sample for organic compounds from the existing well onsite. A bacteria sample is also recommended. The sample shall be collected immediately by a certified laboratory for limited organic hydrocarbons, using EPA method 524.2.

The laboratory shall immediately notify the Health Department by telephone or fax of any violation(s) of the Safe Drinking Water Standards. A complete report shall be sent by mail within five (5) days of the tests completion. The report should identify the location by block and lot, street address and DEP case number as referenced above.

Information on private well water testing is enclosed.

Your cooperation is appreciated in this matter. Please feel free to call us to discuss abatement of this violation.

Very truly yours,

Gary A. Guarino
Health Officer



TOWNSHIP of HOPEWELL

DEPARTMENT of HEALTH

Serving Hopewell Borough and Pennington Borough

201 WASHINGTON CROSSING PENNINGTON ROAD, TITUSVILLE, N.J. 08560

TELEPHONE 609-737-0120 / FAX 609-737-2770

SECOND NOTICE

September 7, 2006

Gary & Janiene Baxter
2 Forrest Blend Drive
Titusville, NJ 08560

First Notice 7-13-2006

(COPY ATTACHED)

Re: Block 99.05 Lot 1

Notice of Violation

Case #: 06-06-12-1103-26

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Gary A. Guarino
Health Officer



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DEPARTMENT of HEALTH

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Very truly yours,

Gary A. Guarino
Health Officer

10 South Main Street
Pennington, New Jersey 08534
Phone: 609 737-7765
Fax: 609 737-2866
737-2831
www.ntcallaway.com



To: Gary Baxter

From: Tanienne Baxter

Fax:

Pages: 5 (including cover)

Date:

10/24/06

Re:

THIS FACSIMILE TRANSMISSION MAY CONTAIN PRIVILEGED AND CONFIDENTIAL INFORMATION AND IS INTENDED FOR USE ONLY BY THE ADDRESSEE(S) NAMED ABOVE. If you are not the intended recipient, you are hereby notified that any use, dissemination or copying of this transmission is prohibited. If you have received this transmission in error, please notify us immediately by telephone. Thank you.

CHRISTIE'S GREAT ESTATES







