



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Brownfields Remediation and Reuse
Northern Bureau of Field Operations
7 Ridgedale Avenue
Cedar Knolls, NJ 07927-1112
973-631-6401

JON S. CORZINE
Governor

Mark N. Mauriello
Acting Commissioner

August 11, 2009

Michael Giannantonio
9 Taft Road
Hewitt, NJ 07421

Re: **No Further Action Letter and Covenant Not to Sue**
Remedial Action Type: Unrestricted Use for the Area of Concern:
550 gallon No. 2 Fuel Oil Underground Storage Tank (UST)
9 Taft Road, West Milford, Passaic County
Block 1609, Lot 2
Preferred ID: 464650, Activity Ref #: BFO 080001
Case ID: 07-12-06-1050-09, File ID: 16-15-322

Dear Mr. Giannantonio:

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 No Further Action Letter and Covenant Not to Sue for the remediation of the area of concern specifically referenced above so long as Michael Giannantonio did not withhold any information from the Department. This action is based upon information in the Department's case file and Michael Giannantonio's certified report received April 7, 2008 and the addenda received February 19, 2009 and July 27, 2009. In issuing this 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 No Further Action Letter and to maintain the benefits of the Covenant Not to Sue, Michael Giannantonio as well as each subsequent owner, lessee and operator must comply with the conditions noted below.

By issuance of this No Further Action Letter, 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 **removal of one (1) 550 gallon No. 2 Fuel Oil Underground Storage Tank (UST) system only**, and no other areas. Post excavation sample analytical results were below the cleanup criteria developed for the site. Ground water was encountered during the course of the remedial actions and the analytical results were below the Ground Water Quality Standards, N.J.A.C. 7:9C.

CONDITIONS

Pursuant to N.J.S.A. 58:10B-12o, Michael Giannantonio 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 his name or address changes. Any notices submitted pursuant to this paragraph shall reference the above case numbers and shall be sent to: Office of Initial Notice and Case Assignment - Case Assignment Section, Oversight Resources Allocation 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.

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 certified Remedial Action Report received April 7, 2008 and the addenda received February 19, 2009 and July 27, 2009 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 either any person with the legal obligation to comply with any condition in this No Further Action Letter has failed to do so.

This Covenant Not to Sue, which the Department has executed in duplicate, shall take effect immediately once the person who undertook the remediation has signed and dated the Covenant Not to Sue in the lines supplied below and the Department has received one copy of this document with original signatures of the Department and the person who undertook the remediation.

By: Michael Giannantonio

Signature: _____

Title: _____

Dated: _____

NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By: Yacoub E. Yacoub

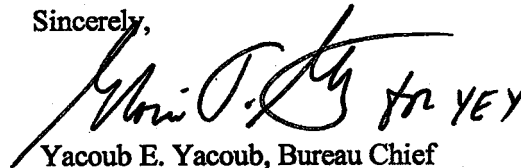
Signature:  for YEY

Bureau Chief, Bureau of Northern Field Operations

Dated: 8/11/2009

Thank you for your attention to these matters. If you have any questions, please contact Amy DaSilva at (973) 656-4433.

Sincerely,

 for YEY
Yacoub E. Yacoub, Bureau Chief
Bureau of Northern Field Operations

c: West Milford Municipal Clerk
1480 Union Valley Road
West Milford, NJ 07480
West Milford Health Department
1480 Union Valley Road
West Milford, NJ 07480-1303
Water Resource Technologies, Inc.
2 Kanouse Road
Newfoundland, NJ 07435
H2M Group
119 Cherry Hill Road, Suite 200
Parsippany, NJ 07054
File # 16-15-322

Application # 8273

West Milford Health Dept.
CH 2859
MAR 01 2010

TOWNSHIP OF WEST MILFORD
DEPARTMENT OF HEALTH

APPLICATION FOR A PERMIT TO **INSTALL**
ALTER WATER PUMP AND SUPPLY

RECEIVED

Owner's Name Mr & Mrs Michael Giannantonio

Mailing Address 9 Taft Road Hewitt Phone [REDACTED]

Location as above Block 1609 Lot 2

No. of Realty Improvements install new pump/weld & extend casing

Installation for other than dwelling Number or gallonage

Installer's name SLATER WELL DRILLING Phone number 973-738-1977

Installer's address 2007 GREENWOOD LAKE TURNPIKE HEWITT NJ

Size of casing 6 Depth of casing 72 Static water level 4 Size & type of pump (H.P.) 5

G.P.M. of pump 10 Depth of well 72 Depth pump to be set 62

Remarks and/or variances required extend 6" steel install submersible pump

Date 2/24/2010 Signed [Signature] performed by 0999

TOWNSHIP OF WEST MILFORD

Permit No **8273**

DEPARTMENT OF HEALTH

PERMIT TO INSTALL A WATER PUMP AND SUPPLY

Permission is granted to.....*Francis Giammarino*.....

Applicant's Name

Address.....*9 Main Rd*..... Block.....*1109*..... Lot.....*2*.....

for.....*100 gallon tank*..... or other.....

No. of dwelling units

Specify type or gallonage

Installer's Name.....*C. Giammarino*..... Tel. #.....*1-800-751-1997*.....

Installer's Address.....*201 Village Lane, West Milford, NJ 07411*.....

Date.....*3/2/10*.....

.....*[Signature]*.....

Department of Health Inspector



WEST MILFORD
HEALTH DEPT.

1609/2

R OCT 20 2008
RECEIVED

JON S. CORZINE
Governor

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Brownfields Remediation and Reuse
Northern Bureau of Field Operations
7 Ridgedale Avenue
Cedar Knolls, NJ 07927-1112
973-631-6401

LISA P. JACKSON
Commissioner

October 16, 2008

Michael Giannantonio
9 Taft Road
Hewitt, NJ 07421

NOTICE OF DEFICIENCY

Re: Remedial Action Report (RAR) for 9 Taft Road
9 Taft Road, West Milford, Passaic County
PI # 464650
Incident # 07-12-06-1050-09
File # 16-15-322

Dear Mr. Giannantonio :

The New Jersey Department of Environmental Protection (Department) acknowledges receipt on April 7, 2008 of the Remedial Action Report (RAR) submitted pursuant to Spill Compensation & Control Act at N.J.S.A. 58:10-23.11 et seq. (Spill Act) and the Technical Requirements for Site Remediation at N.J.A.C. 7:26E.

Deficiencies

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

1. Description of Deficiency: Pursuant to N.J.A.C. 7:26E-3.13(c)7, failure to include information for each monitoring well sampled for each ground water sampling event in the Site Investigation Report.

Corrective Actions

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

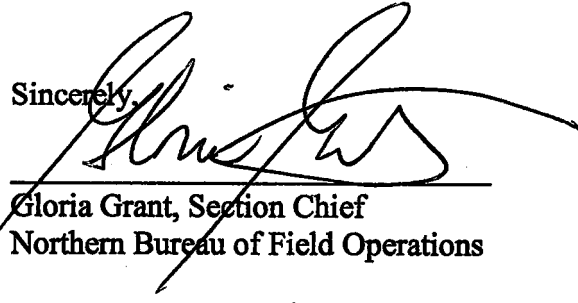
1. The construction of the temporary well utilized for the December 19, 2007 groundwater sample shall be documented, including without limitation, the total depth of well, length of casing, screen length and slot size, and the type of equipment utilized for purging. In addition, include the purge information including the initial depth to water, as well as the sampling depth to water, and the total volume purged. Information regarding the presence of sheen, product and odors should be submitted. It appears from the site map that the on-site

potable well is approximately 10' from the former tank; therefore, please provide the construction details of the potable well. Construction details of the potable well may be available from the local Building Department or through the Division of Water Supply, Bureau of Water Systems & Well Permitting. The Bureau of Water Systems & Well Permitting can be reached at (609) 984-6831. Comply with the requirement within 60 days after receipt of this notice. [N.J.A.C. 7:26E-3.13(c)7]

Note that if deficiencies included herein are not addressed to the Department's satisfaction within the specified time period the Department will consider them to be violations and may assess penalties pursuant to N.J.A.C. 7:26C-10.

If you require copies of Department Guidance Documents or applications, many of these are available on the internet at <http://www.state.nj.us/dep/srp>. If you have any questions regarding this matter contact your Case Manager, Amy DaSilva, at (973) 656-4433, or at amy.dasilva@dep.state.nj.us, prior to the date indicated.

Sincerely,



Gloria Grant, Section Chief
Northern Bureau of Field Operations

c: West Milford Municipal Clerk
1480 Union Valley Road
West Milford, NJ 07480
West Milford Health Department
1480 Union Valley Road
West Milford, NJ 07480-1303
Water Resource Technologies, Inc.
2 Kanouse Road
Newfoundland, NJ 07435
H2M Group
555 Preakness Avenue
Totowa, NJ 07512
File # 16-15-322

1609-2

DEC 11 2007



State of New Jersey

JON S. CORZINE
Governor

Department of Environmental Protection

LISA P. JACKSON
Commissioner

Kenneth Hawkswell
1480 Union Valley Rd
West Milford, NJ 07480

December 7, 2007

**SUSPECTED HAZARDOUS SUBSTANCE DISCHARGE NOTIFICATION NJDEP CASE
NUMBER: 07-12-06-1050-09**

The New Jersey Department of Environmental Protection, Site Remediation Program, has received verbal notification of an incident that may have resulted in a discharge of a hazardous substance within your jurisdiction.

Pursuant to N.J.S.A. 13.1K-15 et seq., (P.L. 1984, c. 210) "Hazardous Substance Discharge - Reports and Notices Act" and N.J.A.C. 7:1E-5.1 et seq., "Hazardous Substance Discharge: Reports and Notices", attached is a copy of our Incident Notification Form which contains details of the suspected discharge. Further information concerning this incident may be obtained by contacting:

CASE ASSIGNMENT SECTION
Site Remediation
609-292-2943

Please refer to the above "NJDEP CASE NUMBER" in all correspondence concerning this incident.

A handwritten signature in cursive script, appearing to read "David H. Kerr".

DAVID H. KERR, COMMUNICATIONS OFFICER
BUREAU OF COMMUNICATIONS AND RESPONSE

Attachment

**New Jersey Department of Environmental Protection
COMMUNICATION CENTER NOTIFICATION REPORT**

Received: 12/6/2007 10:50:09

Comm. Center #: 07-12-06-1050-09

DEC 11 2007

Operator: 4

Reviewed By: _____

Reporter Type: Other

Reported By: MARY PETIX

Affiliation: WATER RESOURCE

Phone: [REDACTED]

Street Address: 2 KANOUSE,

Municipality: West Milford Twp

State: NJ

Incident Category: Other

Location Description: RESID

Address: 9 TAFT RD

Municipality: West Milford Twp

County: Passaic

State: NJ

Zip Code:

Location Type: Residential

Occurred Date: 12/06/2007 Occurred Time: 10:30 AM

Substance Released: OIL FUEL

Amount Released:

Units:

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: REMOVAL OF 1-550 UST. CLEANUP PENDING

Responsible Party Name: MIKE GIANNENTONIO

Responsible Party Phone: [REDACTED]

Responsible Party Street Address: 9 TAFT RD,

Municipality: West Milford Twp

County: Passaic

State: NJ

Zip Code:

Officials Notified

Name	Affiliation	Phone	Date	Time	Action
	Case Assignment Section		12/06/2007	0:00	Notification - Fax
OPER STRATON	WEST MILFORD TWP	973-728-2800	12/06/2007	10:54	Notification - A310

Comments: