



JON S. CORZINE  
Governor

State of New Jersey  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

LISA P. JACKSON  
Commissioner

Division of Remediation Management and Response  
Northern Bureau of Field Operations  
7 Ridgedale Avenue  
Cedar Knolls, New Jersey 07927-1112  
(973) 631-6401

March 27, 2006

Suzanna Cary



*Redacted  
Personal  
Address*

Re: Soil Area of Concern Unrestricted Use No Further Action (NFA) Letter and Covenant Not to Sue  
Area of Concern: 550 gallon Fuel Oil Underground Storage Tank (UST)  
Name: 12 Richards Street  
Block: 4, Lot: 7  
Address: 12 Richards Street, Ogdensburg, Sussex County  
Preferred ID#: 282047  
Activity Number Reference: BFO060001  
Communication Center # 05-11-02-1258-12

Dear Ms. Cary:

Pursuant to N.J.S.A. 58:10B-13.1 and N.J.A.C. 7:29C, the New Jersey Department of Environmental Protection (Department) makes a determination that no further action is necessary for the area of concern as specifically referenced above, except as noted below so long as Suzanna Cary did not withhold any information from the Department. This action is based upon information in the Department's case file and Suzanna Cary's final certified report dated February 7, 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 and accompanying report pursuant to the Technical Requirements for Site Remediation (N.J.A.C. 7:29E) for the removal of one (1) 550 gallon Fuel Oil UST and contaminated soil only on December 8, 2005 and no other areas. Post excavation soil sample analytical results were below the clean-up criteria developed for the site. Ground water was not encountered during the UST removal or remedial activity. The Department reserves its rights to require any person responsible for the contamination at the site, other than Suzanna Cary, 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, Suzanna Cary and any other person who was liable for the cleanup and removal costs, and remains liable pursuant to the Spill Compensation and Control Act (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 number(s) and be sent to: Director, Division of Responsible Party Site Remediation, P. O. Box 28, Trenton, NJ 08925.

## 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 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 the following:

- (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 February 7, 2006 for the real property at 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 any person with the legal obligation to comply with any condition in this No Further Action Letter 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 with original signatures of the Department and the person who undertook the remediation.

Suzanna Cary

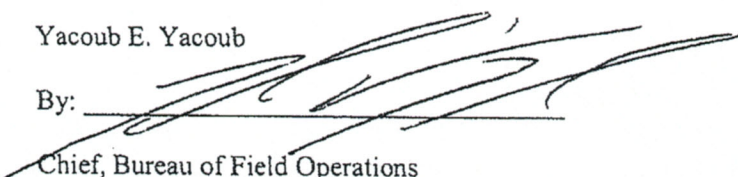
By: \_\_\_\_\_

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

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

NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

Yacoub E. Yacoub

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

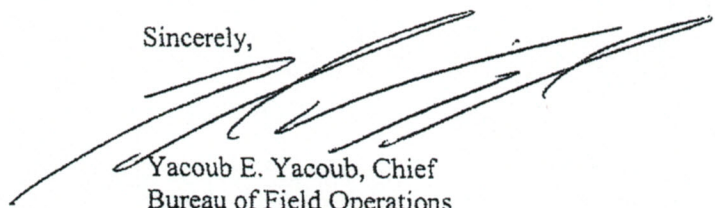
Chief, Bureau of Field Operations

Dated: 03-27-06

Please be advised that in accordance with the "Procedures for Department Oversight of the Remediation of Contaminated Sites" (N.J.A.C. 7:29C et seq) Suzanna Cary is 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 Carol Lynn J. Heck at (973) 931-6401.

Sincerely,

  
Yacoub E. Yacoub, Chief  
Bureau of Field Operations

c: Health Department  
File # 19-16-71  
Core Environmental