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cc: Admin
Bldg. Rept

MMS

Mr. Sumant Desai
Samira, Inc.
708 Route 46 East
Kenil, New Jersey 07847



February 17, 2012

Re: Response Action Outcome

Remedial Action Type: Unrestricted Use
Scope of Remediation: AOC # 1: 275 Gallons #2 AST
Case Name: Budd Lake Store Oil Spill
Address: 207 Route 46 East, Budd Lake, New Jersey
Municipality: Mount Olive Township
County: Morris
Block: 4400 Lot: 52
Preferred ID: 514280
Incident #: 09-12-25-2141-36
Well Permit #s: P201002640/P201007624/P201007625

Dear: Mr. Desai:

This Response Action Outcome supersedes the Response Action Outcome dated December 22, 2011 to correct administrative issues. As a Licensed Site Remediation Professional authorized pursuant to N.J.S.A. 58:10C to conduct business in New Jersey, I hereby issue this Response Action Outcome for the remediation of the area of concern specifically referenced above. I personally reviewed and accepted all of the referenced remediation and based upon this work, it is my professional opinion that this remediation has been completed in compliance with the Administrative Requirements for the Remediation of Contaminated Sites-N.J.A.C. 7:26C-6.2(c), that is protective of public health, safety and the environment and full payment has been made for all Department fees and oversight costs pursuant to N.J.A.C.7:26C-4.

This remediation includes the completion of a *Site Investigation, Remedial Investigation and Remedial Action* as defined pursuant to the Technical Requirements for Site Remediation (N.J.A.C.7:26E). My decision in this matter is made upon the exercise of reasonable care and diligence and by applying the knowledge and skill ordinarily exercised by licensed site remediation professionals in good standing practicing in the State at the time these professional services are performed.

As required pursuant to N.J.A.C.7:26C- three electronic copies of all records related to the remediation activities that occurred at this location is being simultaneously filed with the New Jersey Department of Environmental Protection (Department). These records contain all information upon which the decision was based to issue this Response Action Outcome.

By operation of law a Covenant Not to Sue pursuant to N.J.S.A. 58:10B-13.2 applies to this remediation. The Covenant Not to Sue is subject to any conditions and limitations contained herein. The Covenant Not to Sue remains effective only as long as the real property referenced above continues to meet the conditions of this Response Action Outcome.

CONDITIONS

Pursuant to N.J.S.A. 58:10B-12o, Mr. Sumant Desai and any other person who is liable for the cleanup and removal costs, and remains liable pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. shall inform the Department in writing, on a form available from the Department, within 14 calendar days of when its name or address changes. Any notices you submit pursuant to this

paragraph shall reference the above case numbers and shall be sent to: New Jersey Department of Environmental Protection, Bureau of Case Assignment and Initial Notice - Case Assignment Section, P.O. Box 434, Trenton, N.J. 08625.

NOTICES

Well Decommissioning

Pursuant to N.J.S.A.58:4A, any monitoring wells remaining onsite shall be properly decommissioned prior to the termination of the applicable remediation permit. A New Jersey licensed well driller shall decommission the well(s) in accordance with the requirements of N.J.A.C.7:9D-3.1 (et seq.) and submit the decommissioning report on your behalf to the Bureau of Water Systems and Well Permitting. More information about regulations regarding the maintenance and decommissioning of wells in New Jersey can be found at <http://www.nj.gov/dep/watersupply/> For a list of New Jersey licensed well drillers, click on the "reports" button in the left column and select "access the well permit reports." Questions can be emailed to wellpermitting@dep.state.nj.us.

Building Interiors Not Addressed

Please be advised that the remediation that is covered by this Response Action Outcome does not address the remediation of hazardous substances that may exist in building interiors or equipment, including, but not limited to, radon, asbestos and lead. As a result, any risks to human health presented by any building interior or equipment remains. The only exception to this building interior exclusion is the release of petroleum hydrocarbons-diesel range organics from AOC #1 that discharged outside the building from 275 gallons above ground storage tank (AST) that contained heating (#2) oil. A complete building interior evaluation should be completed before any change in use or re-occupancy is considered.

Groundwater Contamination not yet investigated

Groundwater contamination (specifically [trichloroethene and tetrachloroethene]) has been detected at this site that has not been investigated. This aspect of the site was reported to the Department and assigned the Department's Hotline incident number 12-02-17-1033-23. Pursuant to the Technical Requirements for Site Remediation-N.J.A.C.7:26E-4.4(a)1.a remedial investigation of ground water (including a background investigation pursuant to N.J.A.C.7:26E-3.7(g) if an offsite source is being claimed) is required. In order to identify any onsite areas of concern that may be contributing to the noted contamination a Preliminary Assessment (PA) and Site Investigation (SI) (as applicable), pursuant to N.J.A.C.7:26E-3 is required. Pursuant to the Administrative Requirements for Contaminated Site (N.J.A.C.7:26) you are required to hire a licensed site remediation professional and investigate and possibly remediate this discharge. Please note that there is an affirmative obligation to remediate the contamination, within specific regulatory and mandatory time frames, not otherwise determined to be from an offsite source, pursuant to the Spill compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. and the Site Remediation Reform Act, N.J.S.A. 58:10C-1 et seq. Please consult <http://nj.gov/dep/srp/srra/> for additional guidance. Be advised that ground water contamination exists above the Ground Water Quality Standards (N.J.A.C.7:9C-1.7) which may limit ground water use at this site.

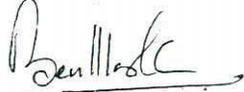
In concluding that this remediation has been completed, I am offering no opinions concerning whether either primary restoration (restoring natural resources to their pre-discharge condition) or compensatory restoration (compensating the citizens of New Jersey for the lost interim value of the natural resources) has been completed.

Pursuant to N.J.S.A. 58:10C-25, the Department may audit this Response Action Outcome and associated documentation up to three years following issuance. Based on a finding by the Department that a Response Action Outcome is not protective of public health, safety and the environment, the

Department can invalidate the Response Action Outcome. In addition, a Department audit following issuance of this document may be initiated at any time if: a) undiscovered contamination is found that should have been addressed by the Response Action Outcome, b) if the Licensed Site Remediation Professional Board conducts an investigation of the Licensed Site Remediation Professional issuing the Response Action Outcome or, c) if the license of that person is suspended or revoked.

Thank you for your attention to these matters. If you have any questions, please contact me at (973) 426-9260

Sincerely,



Benjamin Mark
Licensed Site Remediation Professional #547258

Enclosure(s):

- c: Municipal Clerk, City of Budd Lake, Mount Olive Township, Morris County
Mount Olive Township Health Department
Morris County Environmental Health Act Agency
NJDEP Bureau of Case Assignment and Initial Notice