



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BRMINCA - Initial Notice Section

401 East State Street

P.O. Box 435

Trenton, NJ 08625-0435

Phone #: 609-633-1464

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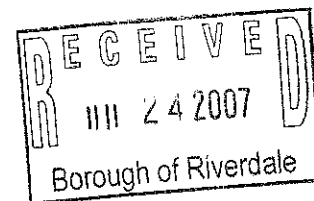
JON S. CORZINE  
Governor

LISA P. JACKSON  
Commissioner

JUL 20 2007

Mr. Joseph Dunleavy  
NJ Department of Military & Veterans Affairs  
PO Box 340  
101 Eggert Crossing Road  
Trenton, NJ 08625

Re: Area of Concern [one 550-gallon and one 10,000-gallon #2 heating oil USTs]  
Unrestricted Use  
No Further Action Letter and Covenant Not to Sue  
Riverdale Armory & OMS  
107 Newark-Pompton Turnpike, Riverdale, NJ  
Program Interest #: 000681  
Activity Number: USR060001, Document Title: N03-2786 INS  
Block #: 26 Lot #: 23 & 24



Dear Mr. Dunleavy:

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 areas of concern specifically referenced above, except as noted below, so long as the New Jersey Department of Military & Veterans Affairs did not withhold any information from the Department. This action is based upon information in the Department's case file and the New Jersey Department of Military & Veterans Affairs' final certified report dated August 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 Site Investigation pursuant to the Technical Requirements for Site Remediation (N.J.A.C. 7:26E) for the removal of one 550-gallon, one 10,000-gallon #2 heating oil underground storage tank systems and no other areas. The Department reserves its rights to require any person 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, the New Jersey Department of Military & Veterans Affairs 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: Bureau of Risk Management, Initial Notice and Case Assignment - Case Assignment Section, Division of Remediation Support, 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 report dated August 2006 for the real property at the areas 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:

- (a) 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: \_\_\_\_\_

Signature: \_\_\_\_\_

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

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

**NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

By: Ronald T. Corcoran

Signature: 

Title: Assistant Director,  
Oversight Resources Allocation Element

Dated: 7/17/07

Thank you for your attention to these matters. If you have any questions, please contact Jacqueline Williams at (609) 777-1911

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald T. Corcory". The signature is fluid and cursive, with a large initial "R" and "C".

Ronald T. Corcory, Assistant Director  
Oversight Resources Allocation Element

C: Municipal Clerk, Riverdale  
Jacqueline Williams, Case Manager  
Chun-Ti Huang, BEM Systems, Inc