



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

Unregulated Heating Oil Tank Program
401 East State Street, 6th floor
P.O. Box 028
Trenton, NJ 08625-0028
Phone #: 609-292-1251
Fax #: 609-777-1914

Stephen Gertner
203 Lock Street
Phillipsburg, NJ 08865

May 13, 2010

Re: Area of Concern: One 2,000-gallon #2 Heating Oil Underground Storage Tank System
Unrestricted Use - No Further Action Letter and Covenant Not to Sue
Block 2723 - Lot 2
203 Lock Street
Phillipsburg, Warren County
Program Interest #: 527857, Activity Number: CSP100001
Communications Center Number: 10-03-26-0930-35

Dear Mr. Gertner:

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 May 6, 2010. 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 Investigation and Remedial Action pursuant to the Technical Requirements for Site Remediation (N.J.A.C. 7:26E) for the area of concern specifically referenced above and no other areas.

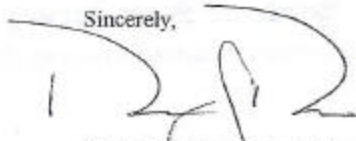
NO FURTHER ACTION CONDITIONS

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 your name or address changes. Any notices submitted pursuant to this paragraph shall reference the above case numbers and shall be sent to: Site Remediation Program, P.O. Box 28, Trenton, NJ 08625.

By operation of law a Covenant Not to Sue pursuant to N.J.S.A. 58:10B-13.1 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 Conditional No Further Action Letter.

Thank you for your attention to these matters. If you have any questions, please contact Gary Sanderson, Program Coordinator, at (609) 633-0544.

Sincerely,



Kenneth J. Kloof, Administrator
Office of Brownfield Reuse

- c: Municipal Clerk, Phillipsburg
- Valerie Bogart, ADS Environmental Incorporated
- Claude Mitchell, Warren County Health Department
- Gary Sanderson, NJDEP/OBR/Unregulated Heating Oil Tank Program