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State of New Jersey

Department of Environmental Protection

James E. McGreevey
Governor

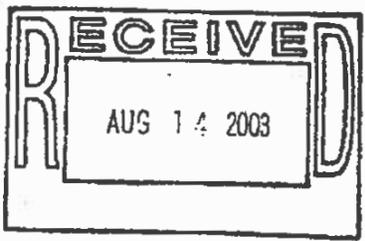
Bradley M. Campbell
Commissioner

Bureau of Risk Management Initial Notice & Case Assignment
ISRA Initial Notice
P.O. Box 435
401 East State Street
Trenton, NJ 08625-0435
(609) 633-0708

Mr. Donald V. Biase
Biase Associates
22 Oak Drive
Roseland NJ 07068

AUG 08 2003

Re: Amended Entire site, Unrestricted Use
No Further Action Letter and Covenant Not to Sue
Industrial Establishment: Peerless Tube Company
Address: 58-76 Locust Avenue,
Bloomfield, Essex County
Block 126 Lot 100,
Block 129 Lots 60, 70
ISRA Case # E20020167
ISRA Transaction: Bankruptcy
Negative Declaration Affidavit dated: April 4th, 2003



Dear Mr. Biase:

This No Further Action Determination supercedes the Department's May 2, 2003 No Further Determination for the same case and address as referenced above.

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 industrial establishment specifically referenced above, except as noted below, so long as Donald V. Biase did not withhold any information from the Department. This action is based upon information in the Department's case file and Donald V. Biase's final certified report dated April 4th, 2003. 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 Preliminary Assessment, Site Investigation, pursuant to the Technical Requirements for Site Remediation (N.J.A.C. 7:26L) for the industrial establishment. 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-12c, Donald V. Biase, Biase Associates, 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: Director, Division of Responsible Party Site Remediation, P.O. Box 28, Trenton, N.J. 08625.

Post-it® Fax Note	7671	Date	# of pages ▶ 3
To	ERIC MEYER	From	D. BIASE
Co./Dept.		Co.	
Phone #		Phone #	
Fax #	908-427-8949		

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 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 Negative Declaration affidavit dated April 4, 2003 signed by Donald V. Biase for the real property at the industrial establishment identified above, including payment of compensation for damages to, or loss of, natural resources and the 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:

- (a) any person with the legal obligation to comply with any condition in this No Further Action Letter has failed to do so;
- or
- (b) any person with the legal obligation to maintain or monitor any engineering or institutional control 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.

Name: _____

Signature: _____

Title: _____

Dated: _____

NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Name: Mark J. Pedersen, Bureau Chief

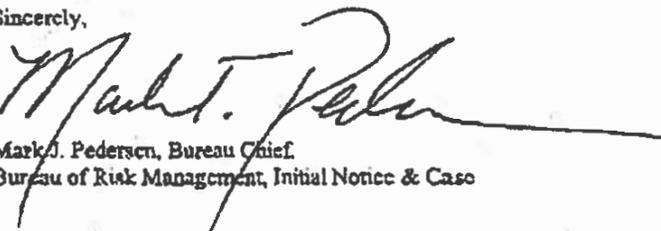
Signature: 

Dated: 8/8/03

Please be advised that pollution in the ground water at this site exists above the Ground Water Quality Standards (N.J.A.C. 7:9-6) which may limit ground water use at this site. It has been determined that this contamination is from a source unrelated to this site. This contamination is from the Peckless Tube Company site located at 71 Locust Ave, Block 152, Lot 10, ISRA Case E20030289.

Thank you for your attention to these matters. If you have any questions, please contact Prasad Rao at DhanuPrasad.Rao@dep.state.nj.us or (609) 292-0019.

Sincerely,



Mark J. Pedersen, Bureau Chief
Bureau of Risk Management, Initial Notice & Case

c: Eric Myer, PMK Group
Dr. Michael Festa, Essex County Health Department
Prasad Rao, BRMINCA