



ⓐ

cc: Adm.  
Bdy.

CHRIS CHRISTIE  
Governor  
KIM GUADAGNO  
Lt. Governor

**State of New Jersey**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Bureau of Underground Storage Tanks  
401 East State Street  
P.O. Box 433  
Trenton, NJ 08625-0433  
Phone #: 609-292-8761  
Fax #: 609-777-4285

BOB MARTIN  
Acting Commissioner

Edward W. Henke, P.G.  
Project Manager  
Shell Oil Products U.S.  
5595 Wylmoor Drive  
Norcross, GA 30093



Re: **No Further Action (NFA) Letter**

Note: Soils Only NFA and Covenant Not to Sue Correspondence was previously issued on July 9, 2001

Remedial Action Type: **Unrestricted Use** for the three 10,000-gallon gasoline underground storage tanks (UST's), one 10,000-gallon diesel UST, one 500-gallon waste oil UST, the former oil-water separator leach field and seepage pit, the former septic system, two hydraulic lifts and associated appurtenances for:

Shell Service Station #100137  
35 Route 46 East and Old Budd Lake Road  
Budd Lake, Morris County  
Block 4102, Lot 1  
Program Interest #: 011078  
Activity Number: USR000001  
Case #: 84-05-21-05N  
KCSL #: NJD986580843  
UST Closure #: C00-0832  
Well Permit #'s: MW-15 (25-50851), MW-16 (25-61055), MW-17 (25-61054) and MW-18 (25-00063728)

Dear Mr. Henke:

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) issues this No Further Action Letter for the remediation of the areas of concern specifically referenced above, so long as Shell Oil Products U.S. did not withhold any information from the Department. This action is based upon information in the Department's case file and Shell Oil Products U.S.'s final certified Remedial Action Progress Report dated August 27, 2009. In issuing this No Further Action Letter, the Department has relied upon the certified representations and information provided to the Department. To remain in compliance with the terms of this No Further Action Letter, Shell Oil Products U.S. as well as each subsequent owner, lessee and operator must comply with the conditions noted below.

By issuance of this No Further Action Letter, 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 three 10,000-gallon gasoline underground storage tanks (UST's), one 10,000-gallon diesel UST, one 500-gallon waste oil UST, the former oil-water separator leach field and seepage pit, the former septic system, two hydraulic lifts, associated appurtenances and no others. The Department reserves its rights to require any person responsible for the contamination at the site to address Natural Resource Injuries.

The Department reserves, and this No Further Action Determination is without prejudice to, all rights against Shell Oil Products U.S. with respect to liability for costs, injunctive relief, and damages (including primary and compensatory restoration damages) for injury to, destruction of, or loss of natural resources and for the costs of any natural resource assessments. The Department further reserves, and this No Further Action Determination is without prejudice to, all rights against Shell Oil Products U.S. with respect to liability for costs, injunctive relief, and damages related to MTBE contamination, and this letter in no way limits any potential liability for any and all costs, injunctive relief, and damages available to the Department being sought in the United States District Court for the District of New Jersey, in the case captioned NJDEP et al. v. Amerada Hess Corp. et al., C.A. No. 3:07-5284, and now currently pending in the United States District Court for the Southern District of New York, captioned as In Re; Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation, MDL No. 1358.

#### **NO FURTHER ACTION CONDITIONS**

Pursuant to N.J.S.A. 58:10B-12o, Shell Oil Products U.S. 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 Case Assignment and Initial Notice – Case Assignment Section, P.O. Box 434, Trenton, N.J. 08625-0434.

Shell Oil Products U.S. as well as each subsequent owner, lessee and operator (collectively Successors) shall comply with each of the following:

##### Well Decommissioning

Pursuant to N.J.S.A. 58:4A, Shell Service Station 100137 shall properly decommission all monitoring wells installed as part of a remediation that will no longer be used for ground water monitoring. A New Jersey licensed well driller shall decommission the wells in accordance with the requirements of N.J.A.C. 7:9D-3.1 (et seq.). After the well has been decommissioned by a New Jersey licensed well driller, the well driller is required to submit a copy of the decommissioning report on your behalf to the Bureau of Water Systems and Well Permitting. Please note that only a New Jersey licensed well driller may perform this work. 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](mailto:wellpermitting@dep.state.nj.us)".

Direct Billing

Please be advised that in accordance with the "Department Oversight of the Remediation of Contaminated Sites" (N.J.A.C. 7:26C), Shell Oil Products U.S. 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 Gerald M. Hahn at (609) 984-7844.

Sincerely,



Joseph P. Eaker, Acting Section Chief  
Bureau of Underground Storage Tanks

c: Gerald M. Hahn, Case Manager, BUST/NJDEP  
Frank Wilpert, Mt. Olive Township Health Dept  
Peter Summers, Morris County Office of Health Management  
Morris County Planning Board  
Municipal Clerk, Mount Olive Township  
Julian Davies, Sovereign Consulting, Inc.