



State of New Jersey

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF AIR AND HAZARDOUS MATERIALS ENFORCEMENT
BUREAU OF HAZARDOUS WASTE & UST COMPLIANCE AND ENFORCEMENT
MAIL CODE 09-03
P.O. BOX 420
TRENTON NJ 08625-0420
Tel (609) 943-3019
Fax.(609) 292-3970

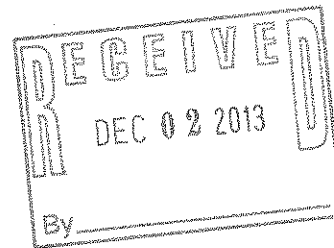
BOB MARTIN
Commissioner

CERTIFIED MAIL/RRR
7011 2970 0003 7284 9060

November 22, 2013

Mr. James Damato, Attorney
UNION TWP BOARD OF EDUCATION
2369 Morris Ave
Union, NJ 07083

RE: SETTLEMENT AGREEMENT
ADMINISTRATION BUILDING & GARAGE
2369 Morris Ave
Union, NJ 07083
EA ID #: NEA130001 - 000449



Dear Mr. Damato:

Enclosed is a Settlement Agreement prepared by the New Jersey Department of Environmental Protection (Department) pursuant to the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., issued in order to resolve violations of the Underground Storage of Hazardous Substances Act, N.J.S.A. 58:10A-21 et seq., the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq., the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and/or the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. These violations were cited in a 'Notice of Violation' (NOV) recently issued to the above-referenced facility.

Enclosed are three (3) duplicate original Settlement Agreement documents in the above referenced matter. Upon receipt, please have them signed and returned to 9 Ewing Street, Mail Code 09-03, P.O. Box 420, Trenton, NJ 08625-0420 within fifteen (15) days. The Department will, in turn, execute the Agreement and return one to your attention along with the payment invoice(s).

Should you have any questions or require additional clarification, please contact Ms. Jenna Provost of my staff at (609) 672-1309.

Sincerely,

Michael R. Hastry, Chief
Bureau of Hazardous Waste & UST Compliance and Enforcement

Enclosure



State of New Jersey

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IN THE MATTER OF

UNION TOWNSHIP BOARD OF
EDUCATION
ADMINISTRATION BUILDING &
GARAGE
2369 Morris Ave
Union, NJ 07083

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SETTLEMENT AGREEMENT

EA ID # NEA130001 - 000449

1. This Settlement Agreement is entered into pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection ("Department") by N.J.S.A. 13:1D-1 et seq., and the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., the Underground Storage of Hazardous Substances Act, N.J.S.A. 58:10A-21 et seq., the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq., and duly delegated to the Chief, Bureau of Hazardous Waste & UST Compliance and Enforcement pursuant to N.J.S.A.13:1B-4.
2. UNION TOWNSHIP BOARD OF EDUCATION owns and/or operates an onsite fuel dispensing system located at 2369 Morris Ave, Union, NJ 07083 .
3. UNION TOWNSHIP BOARD OF EDUCATION maintains on-site "underground storage tank (UST) systems" as defined by N.J.A.C. 7:14B-1.6, consisting of one (1) – 2,500 gallon unleaded gasoline; one (1) – 6,000 gallon light diesel fuel USTs and associated appurtenances. UST Registration ID # 000449.
4. Pursuant to N.J.A.C. 7:14B-1.6, all grades of gasoline and diesel fuel are defined as "Motor Fuel" which are further defined as "Hazardous Substances".
5. UNION TOWNSHIP BOARD OF EDUCATION also maintains a minor source general air permit for onsite Stage 1 air equipment. The GP-014 is effective until 5/27/14. Air Permit ID# H8894.
6. As the result of a compliance evaluation(s) conducted on April 26, 2013, the Department has determined that UNION TOWNSHIP BOARD OF EDUCATION failed to comply with applicable requirements as follows:

Requirement: Pursuant to N.J.A.C. 7:14B-15.1 the facility must maintain financial assurance.

Description of Noncompliance: The owner/operator was not maintaining financial assurance. At the time of the inspection the financial assurance policy had expired on 4/1/13. A new policy was not effective until 6/12/13.

7. The Department therefore alleges that UNION TOWNSHIP BOARD OF EDUCATION is liable for civil administrative penalties for the above referenced violation(s) pursuant to the Underground Storage of Hazardous Substances Act, N.J.S.A. 58:10A-21 et seq., and/or the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq., and the regulations promulgated pursuant thereto, specifically N.J.A.C. 7:14B-1 et seq., The Department may compromise its claim for a maximum civil administrative penalty and settle this matter in accordance with N.J.A.C. 7:14-8.3.
8. The Department and UNION TOWNSHIP BOARD OF EDUCATION conducted a telephone conversation on November 15, 2013 and have agreed to settle this matter in accordance with the following terms:
 - a. The Department has determined that the above violation(s) have been corrected and thus is willing to accept a reduced penalty as follows. UNION TOWNSHIP BOARD OF EDUCATION agrees to operate in compliance with all applicable regulations and permits.
 - b. In full settlement of the aforementioned violation(s) and/or enforcement action(s), UNION TOWNSHIP BOARD OF EDUCATION shall pay a penalty of **\$5,000.00** by check made payable to "Treasurer, State of New Jersey" and remit to the Division of Revenue at the address stated on the enclosed invoice within thirty (30) calendar days from the date of full execution of this Settlement Agreement.
 - c. If UNION TOWNSHIP BOARD OF EDUCATION fails to pay the above penalty in accordance with the terms and conditions of this Settlement Agreement, then this Settlement Agreement shall become a final order and the full penalty, along with costs and interest calculated pursuant to N.J. Court Rule 4:42, shall be immediately due and owing. The Department may bring a summary action in the Superior Court to collect such penalty pursuant to R.4:67-6, R.4:70 and/or file this Settlement Agreement as a judgment under the Penalty Enforcement Law, N.J.S.A. 2A:58-1 et seq. and forward to a Collection Agency.
 - d. Nothing in this Settlement Agreement shall preclude the Department from taking enforcement actions against UNION TOWNSHIP BOARD OF EDUCATION for violations not set forth in this Settlement Agreement.
 - e. Nothing in this Settlement Agreement restricts the ability of the Department to raise the above findings in other proceedings, specifically including, but not limited to, proceedings pursuant N.J.A.C. 7:14B, Revocation of Underground Storage Tank Registration, N.J.A.C. 7:27-8.16. Revocation of Air permits or Certificates and N.J.S.A. 13:1E-126 et seq., (commonly referred to as A-901).

f. This Settlement Agreement shall be effective upon execution by both parties.

NJ Department of Environmental Protection

DATE: _____

BY: _____

**Michael R. Hastry, Chief
Bureau of Hazardous Waste & UST Compliance
and Enforcement**

UNION TOWNSHIP BOARD OF EDUCATION

DATE: _____

BY: _____

Mr. James Damato, Attorney