

MEMORANDUM OF AGREEMENT APPLICATION FOR NON-RESIDENTIAL PROPERTIES

This Memorandum of Agreement application has been developed so that any party interested in conducting a cleanup at a non-residential property can obtain oversight from the Department. The party and/or the party's authorized agent, interested in conducting the cleanup activities must complete this application in its entirety. The Department can not process any application unless all the requested information is completed and all questions are answered to the satisfaction of the Department. The application **must have an original signature and be notarized**. Once completed the application must be submitted to the following address:

**Division of Remediation Support
Bureau of Risk Management, Initial Notice & Case Assignment
401 East State Street, PO Box 434
Trenton, NJ 08625-0434**

Attention: Bureau Chief, Bureau of Risk Management, Initial Notice & Case Assignment

Answer all questions as completely as possible. If you have any questions when completing this form, it is recommended that you contact the Case Assignment Section at (609) 292-2943 between the hours of 8:00 AM and 5:00 PM for assistance.

This application is for a Memorandum of Agreement which may be granted pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter "the Department") by N.J.S.A. 13:1D-1 et seq. and N.J.S.A. 58:10B et seq. and the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. and duly delegated to the Bureau Chief, Division of Remediation Support, Bureau of Risk Management, Initial Notice & Case Assignment pursuant to N.J.S.A. 13:1B-4.

This application is to be used as a formal request for Department oversight of cleanup activities, conducted in accordance with the Technical Rules for Site Remediation (N.J.A.C. 7:26E et seq.) and pursuant to the Procedures for Department Oversight of the Remediation of Contaminated Sites (N.J.A.C. 7:26C et seq.)

The Department will review the application and will respond in writing, as to whether the application is administratively complete. If the application is incomplete the deficiencies shall be listed. If the application is complete, the applicant will be deemed to have entered into an Agreement by rule pursuant to N.J.A.C. 7:26C-3.3.

Upon the applicant's receipt of the Department's written acceptance of the applicant's offer to conduct the remediation, the applicant has a memorandum of agreement with the Department that includes:

1. The application;
2. The Department's written acceptance; and
3. The following provisions:
 - i. The applicant shall pay the Department's oversight costs pursuant to N.J.A.C. 7:26C-9 and this obligation continues, for those oversight costs that have accrued prior to termination, after the Department's termination of the memorandum of agreement.
 - ii. The applicant shall conduct all remediation pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E.

Additional information about the Underground Storage Tank Finance Act as well as the above referenced regulations can be found on the Internet at www.state.nj.us/dep/srp.

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Incident Number: 090501113055 Date: May 1, 2009

A. Current Use: Agricultural _____ Industrial _____ Undeveloped _____ Commercial _____
Other Quarry

B. Site Name Millington Quarry Incorporated
Street Address 135 Stonehouse Road
Zip Code 07920
Municipality Bernards Township County Somerset
Tax Block and Lot Number(s) Block 6001 Lot 6
Latitude 40° 40' 48" Longitude 74° 32' 27" Acreage 190 acres
Geographic Boundaries The Passaic River and NJT Railroad borders the site to the north and east.
Stonehouse Road is along the western boundary and residential dwellings along the southern
boundary.
EPA ID # (if applicable) NJD098257439

C. Who will be executing this Agreement?
Name Millington Quarry, Inc. and Tilcon New York, Inc.
Affiliation Site Owner/Lessee & Business Operator of the Site
Address Same
City _____ State _____ Zip Code _____
State of Incorporation _____ Corp. Status _____
Phone (908)542-0055/(973)366-7741 Email Address _____

D. What is the purpose for entering into this Agreement? (for example: to obtain either a "Whole Site" or "Area of Concern" NFA, demonstrate an offsite source exists, Brownfields re-development, DER or CEA amendments, etc). Attach additional sheet if needed:
Assess the quality of non-native Fill Material brought into the quarry to pad the high slope as
mandated by the quarry reclamation plan approved by the municipality.

E. Provide a detailed description of the scope of the remediation for which Department oversight is being requested (areas of concern, media impacted, how it will be addressed, etc). Attach additional sheet if needed:
Assess the quality and remediate if necessary the non-native Fill Material, which was brought onto
the site through 2008 to pad the quarry slopes as mandated in the municipal reclamation plan. Fill
Material will be sampled in accordance with a Department approved Remedial Investigation
Workplan. Remediation if required will consist of implementing Institutional Controls and
Engineering Controls if warranted.

F. Select which phase(s) of the cleanup process are to be performed and what document(s) are to be submitted. A proposed schedule must be provided for each of the phases for which oversight is being requested.

REMEDIAL PHASE	DOCUMENTS	Projected Submittal Date
<input type="checkbox"/> Preliminary Assessment	<input type="checkbox"/> Preliminary Assessment Report	_____
<input type="checkbox"/> Site Investigation	<input type="checkbox"/> Site Investigation Report	_____
<input type="checkbox"/> Remedial Investigation	<input checked="" type="checkbox"/> Remedial Investigation Workplan	April 2009
<input type="checkbox"/> Remedial Action	<input checked="" type="checkbox"/> Remedial Investigation Report	December 2009
	<input type="checkbox"/> Remedial Action Selection Report	_____
	<input checked="" type="checkbox"/> Remedial Action Workplan	March 2010
	<input checked="" type="checkbox"/> Remedial Action Report	March 2011

G. Current Site Owner(s)

Name(s) Millington Quarry, Inc
 Firm Millington Quarry, Inc. Telephone # 908-542-0055
 Street Address 135 Stonehouse Road
 Municipality Bernards Township State NJ Zip Code 07920

H. Current Business Operator(s)

Name(s) Tilcon New York, Inc.
 Firm Tilcon New York, Inc.
 Telephone # 973-366-7741 Street Address 625 Mt. Hope Road
 Municipality Wharton State New Jersey Zip Code 07885

I. Current Business Owner(s) (if different than question Part G. or H.)

Name(s) _____
 Firm _____ Telephone # _____
 Street Address _____
 Municipality _____
 State _____ Zip Code _____

J. Provide the information requested below on the previous owners of the site and the entities who operated at the site.

Name	Owner or Operator	From	To
<u>Tilcon New York, Inc.</u>	<u>Tilcon New York, Inc./Operator</u>	<u>1999</u>	<u>Present</u>
<u>Millington Quarry, Inc.</u>	<u>Millington Quarry, Inc./Owner</u>	<u>1978</u>	<u>Present</u>
<u>Millington Quarry, Inc.</u>	<u>Millington Quarry, Inc./Operator</u>	<u>1978</u>	<u>1999</u>
<u>Houdaille Quarry</u>	<u>Houdaille Industries, Inc.</u>	<u>1956</u>	<u>1978</u>
<u>North Jersey Quarry Co.</u>	<u>Schmitt Family</u>	<u>1930</u>	<u>1956</u>
<u>Morris County Crushed Stone Co</u>	<u>Schmitt Family</u>	<u>1895</u>	<u>1930</u>

- K. For those former Owner(s) and/or Operator(s) identified above (in paragraph H), give a brief discussion of all operations at the site, including but not limited to types of operations, materials used, waste generated and waste disposal techniques.

The subject property is a basalt trap rock quarry that occupies approximately 190 acres. Historical documents indicate the Schmidt Family started the quarry in 1895 which was known as the North Jersey Quarry Co. In the 1950's Houdaille Industries acquired the site and continued quarry operations. The property was purchased by Millington Quarry, Inc. in 1978, which operated the site until 1999. In 1999 the Quarry assets were sold to Tilcon; while the property ownership was retained by Millington Quarry, Inc.

- L. Are there currently or have there ever been any notices on the deed, which constitute a Declaration of Environmental Restriction (DER) pursuant to N.J.A.C. 7:26E-1 et seq.?

Yes ____ No X Unknown ____

If yes, please state the name of the site as it was identified in the DER, the address, lot and block and EP ID number (if applicable) associated with the site.

- M. Are there currently, or have there ever been, any above or below ground storage tanks at the site?

Yes X No ____ Unknown ____

- N. Did the discharge impact groundwater?

Yes ____ No X Unknown _____

- O. What are the current operations at the site?

The subject property is an operating basalt trap rock quarry.

- P. What are the intended future uses of the site?

The determination of potential future site use will be made after the Remedial Investigation is completed.

- Q. Describe briefly the major types of contaminants found at the site and what media they affect.

One historic sample collected in 2004 contained Benzo(a)Pyrene at a concentration of 0.21 parts per million (ppm), which was below the residential soil criteria at that time. However, that result is above the 2008 Residential Direct Contact Soil Cleanup Standard of 0.20 ppm.

- R. Describe in detail how the contamination came to exist at the site. For example, were there past spills, landfill operations, industrial septic systems, USTs, depositions of fill material, etc.?

Fill soil was brought into the quarry to pad the high cliffs as required by the approved municipal site reclamation plan.

- S. List any civil/criminal actions taken against the owner/operator, managers or officials associated with the site for violations of any environmental laws or statutes.

Check here if no violations or alleged violation []
Date of action _____
Section of law or statute violated _____
Type of enforcement action _____
Description of the violation _____

How was the violation or alleged violation resolved?

- T. List all permits currently held by the applicant for the site. (NJPDES, RCRA, etc.)

NJPDES Storm Water # NJ0002925

- U. Has a Hazardous Discharge Site Remediation Fund Grant or Loan Application been filed with the Department?

Yes _____ No

- V. Has a loan/grant application pursuant to the Underground Storage Tank Finance Act been filed with the Department?

Yes _____ No

- W. Is the site located in a Neighborhood Empowerment Zone as defined in the New Jersey Urban Redevelopment Act?

Yes _____ No Unknown _____

- X. Who will be the contact for all matters of this application?

Name Joseph M. Sorge Title President
Affiliation JM Sorge, Inc. Phone 908-218-0066
Email jmsorge@jmsorge.com
Address 57 Fourth Street City/Town Somerville
County Somerset State NJ Zip Code 08876

- Y. Is the site currently, or has it ever been, under the oversight of any other program within the DEP?

Yes No _____

Yes No

If yes, explain: Case #: 87-12-23-1043; 88-08-24-1502; 94-9-13-1633-13 were from
minor discharges of hazardous substances which were remediated by MQI at the time.

Program Interest # _____ Case Manager NA

Z. Do you consider this site to be a Brownfield as defined below:
Any former or current commercial or industrial site that is currently vacant or underutilized and on which there has been, or there is suspected to have been, a discharge of a contaminant.
OR is the remediation being conducted with the intent to pursue redevelopment?

Yes NO

SIGNATORIES

Millington Quarry, Inc.

Date: 5-1-09 BY: [Signature] Title: President
Signature

GARY A. MAHAN
Print Full Name Signed Above

Date: 5/1/09 BY: [Signature]
Notary Signature (application must be notarized)

ALBA M. PYTELL
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES
MAY 16, 2011

Tilcon New York, Inc.

Date: _____ BY: _____ Title: _____
Signature

Print Full Name Signed Above

Date: _____ BY: _____
Notary Signature (application must be notarized)

If yes, explain: Case #s: 87-12-23-1043; 88-08-24-1502; 94-9-13-1633-13 were from
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Any former or current commercial or industrial site that is currently vacant or underutilized and on which there has been, or there is suspected to have been, a discharge of a contaminant.
OR is the remediation being conducted with the intent to pursue redevelopment?
Yes ___ NO X

SIGNATORIES

Millington Quarry, Inc.

Date: _____ BY: _____ Title: _____
Signature

Print Full Name Signed Above

Date: _____ BY: _____
Notary Signature (application must be notarized)

Tilcon New York, Inc.

Date: 5/01/09 BY: *George W. Thompson* Title: Vice President
Signature

GEORGE W. THOMPSON

Print Full Name Signed Above

Date: MAY 1, 2009 BY: *Candace Mendizabal*
Notary Signature (application must be notarized)

CANDACE Z. MENDIZABAL
Notary Public of New Jersey
My Commission Expires
October 18, 2009