



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Contaminated Site Remediation & Redevelopment
Bureau of Enforcement and Investigations
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PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

SHAWN M. LATOURETTE
Commissioner

VIA ELECTRONIC MAIL

242 Nevins, Inc.
c/o Marino Mazzei
3 Hill Pond Lane
Rumson, New Jersey 07760

VIA ELECTRONIC MAIL

Arpa Plaza, L.L.C.
c/o Mark Adjmi
463 Seventh Ave – 4th Floor
New York, New York 10018

VIA ELECTRONIC MAIL

SB Yankee Realty, LLC
c/o Salvatore Inzerillo
60 Lyman Place
Staten Island, New York 10304

Re: Public Notice for Adjusted Direct Oversight Administrative Consent Order
Arpa Plaza
472 Neptune Avenue
Long Branch, Monmouth County
PI#: 300974
Case #:07-08-21-1304-49, 06-06-20-1505-39

Dear Mr. Marino Mazzei, Mr. Mark Adjmi and Mr. Salvatore Inzerillo:

Enclosed please find the Public Notice to be posted in relation to the above referenced Site. A Public Notice is required pursuant to the Site Remediation Reform Act, N.J.S.A.58:10C-27g(2) prior to the Department executing an Administrative Consent Order (ACO) that adjusts the provisions of Direct Oversight (see N.J.A.C. 7:26C-14.2(b)). The ACO for this Site is to resolve all enforcement matters associated with the failure to complete a remedial investigation by March 1, 2019, complete a remedial action February 28, 2024, and comply with Direct Oversight.

Pursuant to the Site Remediation Reform Act, N.J.S.A.58:10C-27g(2), the Department may modify Direct Oversight requirements by publishing a written determination that modifications to Direct Oversight are in the public interest and protective of public health and safety and the environment. The Department will post the enclosed written determination and proposed modifications to Direct Oversight on its website within the next 5 business days and solicit public comments during a 30-day public comment period. You may view the posting at <https://www.nj.gov/dep/srp/legal/>.

The Department may not execute an Adjusted Direct Oversight ACO until any received public comments are considered and at least for 60 days after posting public notice.

Should the Department receive public comments indicating that the proposed adjustments to Direct Oversight are not in the public interest and protective of public health and safety and the environment, the Department will consider those comments and advise you of the Department's determination to enter into an Adjusted Direct Oversight ACO or not.

Should you have any questions please contact Matthew Bralynski at (609) 940-4755 or email at matthew.bralynski@dep.nj.gov.

Sincerely,

Ann H. Wolf, Assistant Director
Enforcement and Information Support Element

Enclosure: Public Notice

C: Matthew Bralynski, BEI
Andrew Verdone, DAG
John-Patrick Curran, Attorney
John Gulino, Attorney
David Yudelson, Attorney

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

CONTAMINATED SITE REMEDIATION & REDEVELOPMENT PROGRAM

Notice to Receive Interested Party Comments on proposed Modifications to the Direct Oversight Requirements for the Arpa Plaza Site at 472 Neptune Avenue in Long Branch, Monmouth County, Department Program Interest Number 300974.

Take notice that the New Jersey Department of Environmental Protection (the “Department”) hereby gives notice of proposed modifications of the requirements for Direct Oversight under N.J.S.A. 58:10C-27c. and N.J.A.C. 7:26C-14.2(b). The Department is providing public notice of the proposed modifications in accordance with the Site Remediation Reform Act (SRRA) at N.J.S.A. 58:10C-27.g.(2) and upon the determination that the adjustments set forth herein are in the public interest and protective of public health and safety and the environment.

The property referenced above is in Direct Oversight because the parties responsible for conducting the referenced remediation have violated one or more statutory, mandatory, and/or expedited site-specific remediation timeframes established pursuant to the SRRA (N.J.S.A.58:10C-1 et. seq). Specifically, failure to submit a remedial investigation report by the mandatory timeframe of March 1, 2019, and failure to submit a remedial action report by the mandatory timeframe of February 28, 2024. To address these violations and demonstrate adjustments to Direct Oversight are in the public interest and protective of public health and safety and the environment, 242 Nevins, Inc., SB Yankee Realty, LLC, and Arpa Plaza, L.L.C. (Ordered Parties) have agreed to (a) return to compliance by retaining a Licensed Site Remediation Professional (LSRP), (b) submit a Public Participation Plan, (c) submit an LSRP certified Remediation Cost Review, (d) execute an Administrative Consent Order (ACO) and (e) post a

Remediation Funding Source (excluding a Self-Guarantee) to financially guarantee the completion of the cleanup within the timeframes established pursuant to an ACO. In addition, the Ordered Parties have agreed to pay a penalty to resolve past remediation timeframe violations. Under the terms of the ACO the following proposed adjustments to Direct Oversight would be made:

- 1) The Remedial Investigation Report shall be submitted by October 1, 2025, with no extension;
- 2) If the above due date is met, additional proposed Direct Oversight adjustments are earned as follows:
 - a) The Ordered Parties may proceed with the remediation without prior Department approval;
 - b) The Ordered Parties may pay annual remediation fees in lieu of Direct Oversight costs;
 - c) The Ordered Parties would not be required to submit a Feasibility Study;
 - d) The Ordered Parties would not be required to submit a Direct Oversight Summary Report; and
 - e) The LSRP(s) retained by the Ordered Parties may select the protective remedy, rather than the Department doing so.
- 3) The Remedial Action Report shall be submitted by May 1, 2028, with no extension.

Should the Ordered Parties fully comply with the terms of the ACO, additional adjustments to Direct Oversight under #2 above may be granted, allowing the case to proceed in a manner consistent with the intent of the SRRA and the Licensed Site Remediation Professional Program with the exception that the Ordered Parties shall continue to post a Remediation Funding Source. The Remediation Funding Source is based on an Annual Remediation Cost Review certified by an

LSRP and is required until the remediation is completed with the LSRP retained to complete the remediation issuing either (a) an unrestricted use Response Action Outcome (RAO) or (b) either a limited restricted use or restricted use RAO that includes requirements to comply with an approved Remedial Action Permit.

Should the Ordered Parties fail to comply with the proposed adjusted Direct Oversight terms of the ACO, the Ordered Parties would have agreed as conditions of the ACO (a) that the terms of compliance revert back to full compliance with all provisions of Direct Oversight, (b) to pay stipulated penalties, (c) that the Department may draw down on the Remediation Funding Source to conduct the cleanup, and (d) that the Department may enforce the ACO in Superior Court as a final order.

Based on the ACO terms and no known impacts to public health at this time, the Department is making a determination that this proposed Direct Oversight modification is in the public interest and protective of public health and safety. With the Ordered Parties agreeing to the proposed terms and with a financial commitment established as a Remediation Funding Source, Department resources are best utilized by allowing this matter to proceed without direct Department oversight and instead under an LSRP who is obligated to ensure the remediation being conducted is protective of public health and the environment.

In accordance with the SRRA at N.J.S.A. 58:10C-27.g.(2), the information noted above serves as the Department's written determination of and rationale for the proposed modifications to the requirements of Direct Oversight. The action set forth herein shall not be effective until at least 60 calendar days from the date of this notice.

Nothing in this public notice affects 242 Nevins, Inc., SB Yankee Realty, LLC, and Arpa Plaza, L.L.C. potential liability and obligations to the State Trustee, the Department or its Commissioner regarding natural resource injuries or damages.

A copy of the Department's files concerning the Site is available for review by contacting the Office of Record Access, NJDEP, PO Box 420, Mail Code 401-06Q, Trenton, NJ 08625-0420 or via e-mail at records.custodian@dep.nj.gov.

Interested persons may submit written comments on the proposed adjustments to Direct Oversight to Matthew Bralynski, Enforcement Manager, NJDEP, Contaminated Site Remediation & Redevelopment Program, Bureau of Enforcement and Investigation, 401 East State Street, PO Box 420 - Mail Code 401-06U, Trenton, NJ 08625-0420 or electronically at matthew.bralynski@dep.nj.gov.

All comments must be submitted within 30 calendar days of the date of this public notice. The Department will consider all comments received and may decide to withdraw or withhold consent to the proposed adjustments to Direct Oversight if comments disclose facts or considerations that show that the adjustments to Direct Oversight are inappropriate, improper, inadequate, or not protective of public health and safety and the environment.

The action set forth herein shall not be effective until at least 60 calendar days from the date of this notice.