



# State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Contaminated Site Remediation & Redevelopment  
Bureau of Enforcement and Investigations

PHILIP D. MURPHY  
*Governor*

SHAWN M. LATOURETTE  
*Commissioner*

TAHESHA L. WAY  
*Lt. Governor*

Mail Code 401-06U  
P.O. Box 420  
Trenton, New Jersey 08625-0420  
Tel: (609)633-1480

**IN THE MATTER OF**

**GOTTHELF KNITTING MILLS INC SITE**  
**677 MYRTLE AVENUE**  
**BOONTON TOWN**  
**MORRIS COUNTY**  
**PROGRAM INTEREST NO. G000042728**  
**LSR110001 & OSA160001**

**ADMINISTRATIVE CONSENT ORDER**

**AND**

**ITCA PARTNERS,**  
**LIMITED PARTNERSHIP**

**AND**

**GOTTHELF KNITTING MILLS, INC**

This Administrative Consent Order is issued pursuant to the authority vested in the Department of Environmental Protection of the State of New Jersey ("Department") by N.J.S.A. 13:1D-1 through 19, the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 to -23.11z ("Spill Act"), the Industrial Site Recovery Act, N.J.S.A. 13:1K-6 to -13 ("ISRA"), and duly delegated to the Assistant Director of the Enforcement and Information Support Element, pursuant to N.J.S.A. 13:1B-4, and pursuant to the authority vested in the Administrator of the New Jersey Spill Compensation Fund ("Administrator") pursuant to the Spill Act..

## FINDINGS

1. The Gotthelf Knitting Mills Inc site is located at 677 Myrtle Avenue and is also known as Block 72.01, Lot 2.01, on the tax maps of the Boonton Town, Morris County, New Jersey, which the Department refers to as Program Interest Number G000042728 ("Site"). The Site and all other areas to which any hazardous substance discharged on the Site has migrated, shall hereinafter be referred to as the "Contaminated Site."
2. ITCA Partners, Limited Partnership was formed on October 2, 1998, and is a limited partnership organized and existing under the laws of the State of New Jersey. Its principal

address is 20 Laurel Hill Road, c/o Alexander Gotthelf, Registered Agent, Mountain Lakes, NJ 07046.

3. Gotthelf Knitting Mills, Inc. (“GKM”) was a New Jersey registered corporation established in 1953, with a principal business address of 607-677 Myrtle Avenue, Boonton, NJ 07005. The power of attorney relating to GKM, including this Administrative Consent Order, is maintained by Alexander Gotthelf.
4. ITCA Partners, Limited Partnership (“ITCA”) is the current owner of the Site and, therefore is a person in any way responsible for any hazardous substance discharged at the Site pursuant to the Spill Act, and a person responsible for conducting remediation pursuant to the Site Remediation Reform Act, N.J.S.A. 58:10C-2.
5. GKM was the operator of an industrial establishment at the Site and a person responsible for conducting the remediation pursuant to the Site Remediation Reform Act, N.J.S.A. 58:10C-2.
6. Ida Gotthelf was the owner of an industrial establishment and a person responsible for conducting the remediation pursuant to the Site Remediation Reform Act, N.J.S.A. 58:10C-2.

#### Gotthelf Knitting Mills, Inc. Industrial Establishment

7. On May 5, 1997, GKM submitted an ISRA General Information Notice to the Department to report its January 1, 1997, cessation of operations. The Department assigned ISRA case number E97196 to this ISRA triggering event.
8. On July 23, 1997, the Department issued a No Further Action Letter (“NFA”) for the GKM industrial establishment and ISRA case number E97196.
9. On March 9, 2005, GKM filed a Certificate of Dissolution Without Assets with the State of New Jersey. The power of attorney relating to GKM, including this Administrative Consent Order, is maintained by Alexander Gotthelf.

#### Prospect Street Ground Water Contamination Area

10. In December 2000, tetrachloroethylene (“PCE”) contamination was detected in a private potable well at 1 Prospect Street, Montville Township, Morris County when a strange odor was noticed to be coming from the kitchen-tap. The Montville Township Health Department conducted sampling and confirmed contamination of PCE.
11. The Montville Township Health Department conducted further investigation which revealed that approximately 30 potable wells around Prospect Street showed concentrations of contaminants, including chlorinated solvents and cis-1,2-dichloroethene, above their respective New Jersey Drinking Water Maximum Contaminant Levels.

12. The contaminated potable wells constituted an Immediate Environmental Concern under N.J.A.C. 7:26E-1.8, requiring immediate steps to address the risk to public health.
13. The Department created an activity in its New Jersey Environmental Management System (“NJEMS”) database to track what it refers to as the Prospect Street Ground Water Contamination Area under Program Interest Number G000060824.
14. By 2002, all residents with impacted potable wells within the Prospect Street Ground Water Contamination Area were connected to the public water system using public funds. By the end of 2004, all potable wells within the Prospect Street Ground Water Contamination Area were sealed using public funds.
15. From approximately 2009 to 2015, the Department conducted an Unknown Source Investigation (“USI”) to determine the origin of the contamination affecting potable wells within the Prospect Street Ground Water Contamination Area.
16. On May 4, 2011, the Department notified ITCA of its determination that the Site was a source of the potable well contamination within the Prospect Street Ground Water Contamination Area.
17. On June 2, 2011, the Department notified ITCA that it had rescinded its July 23, 1997, NFA letter issued for the GKM industrial establishment based upon the Department’s April 2011 Site Investigation Report and the observation of floor drains within the onsite building that were not reported in GKM’s 1997 ISRA cessation of operations preliminary assessment report.
18. On June 9, 2011, while reserving all rights and defenses, ITCA retained a LSRP and submitted a Confirmed Discharge Notification (“CDN”) to the Department. A preliminary assessment (“PA”) and site investigation (“SI”) were performed between 2011 and 2012 to evaluate the areas of concern at the Site. The findings of the PA/SI process were summarized in a Preliminary Assessment/Site Investigation Report dated June 2012.

#### Remediation Activities by ITCA

19. From 2012 through 2023, ITCA conducted investigation activities to evaluate and fully delineate the environmental conditions of the Contaminated Site.
20. From February 2013 through April 2014, LSRP Thomas Bambrick, on behalf of ITCA, conducted a vapor intrusion investigation of the on-site building (607 Myrtle Avenue). The vapor intrusion investigation demonstrated that a complete vapor intrusion pathway was present based on concentrations of PCE and trichloroethene (“TCE”) at concentrations above the Department’s respective Non-Residential Indoor Air Screening Levels (“NRIASL”) in effect at the time. The Department created activity OSA 140001 in its NJEMS database to track the vapor intrusion concern.

21. On July 9, 2015, LSRP Thomas Bambrick installed a sub-slab depressurization system (“SSDS”) to address the vapor intrusion concern at the on-Site building.
22. On January 21, 2016, LSRP Thomas Bambrick collected indoor air samples from the on-site building. The results of this sampling event were below the Department’s NRIASL for PCE and TCE, demonstrating that the SSDS is working. On April 20, 2016, the Department closed OSA Activity 140001 based upon these results.

#### The Department’s Cleanup and Removal Costs

23. On March 25, 2019, the Department provided ITCA via email, with an invoice in the amount of \$747,469.10 for the Department’s unreimbursed clean-up and removal costs incurred related to the Prospect Street Ground Water Contamination Area.
24. On April 12, 2019, ITCA submitted to the Department a request for an adjudicatory hearing related to the Department’s March 25, 2019, email to ITCA and the Department’s unreimbursed clean-up and removal costs.
25. On September 11, 2020, the Department notified ITCA via letter, that the Department was seeking payment in the amount of \$1,009,662.11 for the Department’s unreimbursed clean-up and removal costs related to the Prospect Street Ground Water Contamination Area.
26. On October 8, 2020, ITCA submitted to the Department a request for an adjudicatory hearing related to the Department’s September 11, 2020, letter to ITCA and the Department’s unreimbursed clean-up and removal costs.
27. On December 18, 2020, the Department filed a complaint in Superior Court bearing the docket number MRS-L-002626-20 against GKM and ITCA, seeking reimbursement for the Department’s clean-up and removal costs related to the Prospect Street Ground Water Contamination Area.
28. On August 27, 2021, GKM and ITCA filed an answer with affirmative defenses.

#### Spill Fund Claim

29. On March 25, 2020, ITCA submitted a Spill Fund Damage Claim to the Department’s Environmental Claim Administration related to the Prospect Street Ground Water Contamination Area.

#### Remedial Investigation Report Extension Requests and Timeframe Adjustment

30. On February 16, 2017, ITCA submitted a Remedial Timeframe Notification Form to the Department wherein it requested to lengthen the timeframe to submit the remedial investigation report from March 19, 2017, to March 19, 2020. The Department approved this request.

31. On August 20, 2019, ITCA submitted a Remedial Timeframe Notification Form to the Department wherein it requested to extend the regulatory timeframe for submitting the remedial investigation report from March 19, 2020, to March 19, 2022. The Department approved this request.
32. On January 19, 2022, ITCA submitted a Remedial Timeframe Notification Form to the Department wherein it requested to extend the mandatory timeframe for submitting the remedial investigation report from March 19, 2022, to June 17, 2023. The Department approved this request.
33. On April 27, 2023, ITCA submitted a Remedial Timeframe Notification Form to the Department wherein it requested to extend the mandatory timeframe for submitting the remedial investigation report from June 17, 2023, to December 17, 2025. The Department approved this request.

#### Settlement Discussions

34. The Department determined that the Site was a source of groundwater contamination within the Prospect Street Ground Water Contamination Area. The Department created activity OSA 160001 in its NJEMS database for the immediate environmental concern. ITCA reserved its rights and defenses with respect to the Department's determination regarding the Prospect Street Ground Water Contamination Area and has not yet submitted the Immediate Environmental Concern Contaminant Source Control Report.
35. As part of settlement discussions, ITCA has advised the Department that it will not meet the due date of December 17, 2025, to submit the remedial investigation report.
36. To resolve the Department's Complaint in Superior Court (Docket No. MRS-L-002626-20), ITCA and the Department entered settlement discussions and have agreed to settle this matter as follows:
37. The Department has corrected all report submittal due dates in its NJEMS database.
38. Within thirty (30) days of the entry of this ACO, ITCA shall establish a Remediation Trust Fund (RFS) in the amount of \$956,560.00 pursuant to N.J.A.C. 7:26C-5.
39. Within thirty (30) days of the entry of this ACO, ITCA shall submit the 1 percent annual remediation funding source surcharge in the amount of \$9,565.60 and ITCA shall continue to pay the 1 percent remediation funding source surcharge annually pursuant to N.J.A.C. 7:26C-5.9.
40. Without any admission of fact, fault, or liability, ITCA agrees to remediate, pursuant to this Administrative Consent Order, all hazardous substances, hazardous wastes, and pollutants discharged at the Site, while reserving all of its rights to seek cost recovery against other potentially responsible parties including, but not limited to, those identified by the

Department in the USI for all costs it has expended on the investigation and remediation of same.

41. In exchange for ITCA executing and complying with all terms set forth in this Administrative Consent Order, the Department has agreed to settle the claims asserted against ITCA and GKM in the Department's Complaint in Superior Court bearing Docket number MRS-L-002626-20.

**NOW, THEREFORE, IT IS ORDERED AND AGREED AS FOLLOWS:**

**Payment of Department's Cleanup and Removal Costs**

42. Within 60 days after the effective date of this Administrative Consent Order, ITCA shall pay to the Department a total amount of \$260,000, as reimbursement for the Department's \$891,159.70 in past cleanup and removal costs incurred through June 13, 2023 as a result of the discharge of hazardous substances and pollutants at or emanating from the Site, including the cleanup and removal costs related to the Prospect Street Groundwater Contamination Area. Payment shall be made by check payable to "Treasurer, State of New Jersey", and shall be sent along with a copy of the enclosed invoice to: New Jersey Department of Treasury, Division of Revenue and Enterprise Services, P.O. Box 417 Trenton, NJ 08646-0417.

A copy of the check and the invoice shall be submitted to: Frank A. DeFeo, Director, Division of Enforcement & Financial Operations, Contaminated Site Remediation & Redevelopment, New Jersey Department of Environmental Protection, 401 East State Street, Mail Code 401-06E, P.O. Box 420, Trenton, New Jersey 08625-0420.

**Remediation**

43. ITCA shall remediate the entire Contaminated Site, including all discharges at the Site discovered during the remediation as the Department directs, pursuant to N.J.A.C. 7:26C-14.2(b)1, and according to this Administrative Consent Order, the Brownfield and Contaminated Site Remediation Act, N.J.S.A.58:10B-1 to -31, the Industrial Site Recovery Act Rules, N.J.A.C. 7:26B, the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C, and the Technical Requirements for Site Remediation, N.J.A.C. 7:26E.
44. Within 30 days after the Effective Date of this Administrative Consent Order, ITCA shall notify the Department of the name and license information of the licensed site remediation professional hired to conduct and oversee the remediation of the immediate environmental concern (OSA160001).
45. Within 30 days after the Effective Date of this Administrative Consent Order, ITCA shall withdraw its April 12, 2019, and its October 8, 2020, requests for adjudicatory hearings and its March 25, 2020, Spill Fund Damages Claim.

46. ITCA shall maintain a licensed site remediation professional for the remediation of the entire Contaminated Site, pursuant to N.J.A.C. 7:26C-14.2(b)1.
47. ITCA shall ensure that each licensed site remediation professional involved in the remediation of the entire Contaminated Site makes all submissions concerning the remediation required by the Department simultaneously to the Department and to ITCA.
48. By August 22, 2025, ITCA shall submit to the Department an Immediate Environmental Concern Contaminant Source Control Report pursuant to N.J.A.C. 7:26E-1.11(a)8.
49. By December 1, 2026, ITCA shall submit to the Department a remedial investigation report, pursuant to N.J.A.C. 7:26E-4.9, based upon a remedial investigation of the entire Contaminated Site conducted pursuant to N.J.A.C. 7:26E-4.
50. By December 1, 2037, which considers the Department's February 1, 2021, Notice of Rule Waiver pursuant to Executive Order 103, ITCA shall complete the implementation of all remedial actions and obtain all applicable remedial action permits for the entire Contaminated Site.
51. By December 1, 2037, ITCA shall submit to the Department a final remedial action report pursuant to N.J.A.C. 7:26E-5.8 and a Response Action Outcome, pursuant to N.J.A.C. 7:26C-6.2, based upon the implementation of remedial actions at the entire Contaminated Site.
52. GKM is the subject of a pending ISRA matter for case number E97196 due to the Department's June 2, 2011, rescission of the No Further Action letter. The ISRA case remains open until a Response Action Outcome is issued for the Industrial Establishment/entire Contaminated Site pending compliance with any remedial action permits, if applicable.

#### **Annual Remediation Fees and Oversight Costs**

53. ITCA shall pay, by the due date printed on any invoice, annual remediation and/or oversight costs, pursuant to N.J.A.C. 7:26C-4.9. Payment shall be made by mail to the address listed on the invoice.

#### **Remediation Funding Source and Annual Surcharge When in Full Compliance**

54. ITCA shall submit annually to the Department, calculated from the date that the initial RFS is submitted, a LSRP-certified detailed remediation cost review along with the Remediation Cost Review and RFS/FA form, pursuant to N.J.A.C. 7:26C-5.10.
55. ITCA shall establish and maintain a remediation funding source in the form of a letter of credit, line of credit, surety bond, a remediation trust fund, or an environmental insurance policy pursuant to N.J.A.C. 7:26C-5 in an amount equal to the LSRP-certified detailed remediation cost review referenced in Paragraph 56.

56. ITCA shall pay, by the due date printed on any invoice, the annual one percent remediation funding source surcharge, pursuant to N.J.A.C. 7:26C-14.2(b)5 and N.J.A.C. 7:26C-5.9. Payment shall be mailed to the address listed on the invoice.

**Stipulated Penalties and Other Enforcement**

57. ITCA shall pay stipulated penalties in the amount of \$1,000 per day to the Department for failure to comply with any provision of this Administrative Consent Order.
58. Stipulated penalties shall begin to accrue on the first calendar day after the applicable due date or noncompliance, and not at the time the Department gives notice of the violation or non-compliance to ITCA or issues a demand for stipulated penalties. Stipulated penalties shall continue to accrue through the final day of correction of the violation or non-compliance. The Department does not have to provide notice of the violation or non-compliance for the stipulated penalties to begin to accrue.
59. Within 30 days after ITCA's receipt of a written demand from the Department for stipulated penalties, ITCA shall submit a check made payable to "Treasurer, State of New Jersey," along with the applicable invoice enclosed with the demand, to the Division of Revenue and Enterprise Services at the address stated on the invoice. ITCA shall also simultaneously mail a photocopy of the check and the payment invoice to the Department at the address: Assistant Director, Enforcement and Information Support Element, Contaminated Site Remediation & Redevelopment, New Jersey Department of Environmental Protection, Mail Code 401-06A, P.O. Box 420, Trenton, New Jersey 08625-0420.
60. The payment of stipulated penalties does not alter ITCA's responsibility to complete all requirements of this Administrative Consent Order.
61. If ITCA does not comply with any part of this Administrative Consent Order, including without limitation, does not pay stipulated penalties, the Department may take any action it is authorized to take, including without limitation, issuing an administrative order, assessing a civil administrative penalty, filing of a summary action in the Superior Court of New Jersey pursuant to R. 4:67 and R. 4:70 to enforce this Administrative Consent Order as a final order, enforcing this Administrative Consent Order as an order issued by the Department pursuant to the Spill Act, and issuing a Spill Act directive, conducting the remediation itself and recovering three times the Department's costs, and taking any other action.
62. The Department's removal of any direct oversight adjustments in this Administrative Consent Order shall not limit the Department from taking any other action for ITCA's violation or non-compliance with any provision of this Administrative Consent Order.



### **Plaintiffs' Covenants**

63. In consideration of the payment ITCA is making pursuant to paragraph 44 above, the Department covenants not to sue and agrees not to otherwise take administrative action of any kind, whether under statute (including CERCLA and the Spill Act), regulation or common law (including assertion of a lien) against ITCA for reimbursement of Past Cleanup and Removal Costs.

### **Contribution Protection**

64. This Administrative Consent Order, when fully executed, will constitute an administrative settlement within the meaning of N.J.S.A. 58:10-23.11f.a.(2)(b) and 42 U.S.C. § 9613(f)(2) for the purpose of providing protection to ITCA from contribution actions for the matters addressed in this Administrative Consent Order. ITCA is entitled, upon fully satisfying its obligations under this Administrative Consent Order, to protection from contribution actions or claims for the matters addressed in this Administrative Consent Order.
65. The Department, in accordance with N.J.S.A. 58:10-23.11e2, arranged for written notice of the Administrative Consent Order to all other potentially responsible parties of whom the Department had notice as of the date the Department published notice of the proposed Administrative Consent Order in this matter in the New Jersey Register.
66. At the end of the 60-day comment period required under N.J.S.A. 58:10-23.11e2, the Department will sign this Administrative Consent Order unless, as a result of the notice of this Administrative Consent Order, the Department receives information that discloses facts or considerations that indicate to it, in its sole discretion, that the Administrative Consent Order is inappropriate, improper or inadequate.

### **The Department's Reservations**

67. The covenant contained in Paragraph 66 above does not pertain to any matters other than those expressly stated. The Department reserves, and this Administrative Consent Order is without prejudice to, all rights against ITCA concerning all other matters, including the following:
- a. claims based on the ITCA's failure to satisfy any term or provision of this Administrative Consent Order;
  - b. liability arising from the ITCA's past, present or future discharge or unsatisfactory storage or containment of any hazardous substance outside the Site;
  - c. liability for any future discharge or unsatisfactory storage or containment of any hazardous substance by ITCA at the Site;

- d. liability and obligations to the State Trustee, the Department, or its commissioner regarding natural resource injuries, restoration, or damages;
- e. liability for any violation by ITCA of federal or state law that occurs during or after the remediation of the Contaminated Site;
- f. liability for any claim filed against the Spill Fund concerning the Contaminated Site; and
- g. liability for Future Cleanup and Removal Costs related to the Contaminated Site, including the Prospect Street Groundwater Contamination Area.

### **ITCA's Reservations**

- 68. ITCA retains all rights it may have against any other responsible parties for costs and other causes of action related to the remediation of the Contaminated Site detailed in this Administrative Consent Order, including the Prospect Street Groundwater Contamination Area.

### **General Provisions**

- 69. ITCA shall make all submissions required by this Administrative Consent Order to the Department at the address listed in N.J.A.C. 7:26C-1.6(a), except as otherwise indicated in this Administrative Consent Order.
- 70. In addition to the Department's statutory and regulatory rights to enter and inspect the Site, ITCA agrees to allow the Department, and its authorized representatives, access to the Site for the purpose of monitoring ITCA's compliance with this Administrative Consent Order and for the Department to perform any remediation necessary to protect the public health and safety and the environment.
- 71. ITCA agrees to stop conducting all or part of the remediation of the Site under this Administrative Consent Order upon receipt of written notice from the Department that the Department has decided to complete all or part of the remediation itself to protect public health and safety and the environment.
- 72. The Department reserves and this Administrative Consent Order is without prejudice to, all rights against ITCA concerning all other matters.
- 73. Nothing in this Administrative Consent Order shall be construed as precluding the Department from taking any action it deems necessary or appropriate to protect public health and safety and the environment, and to enforce the environmental laws of the State of New Jersey.

74. Nothing in this Administrative Consent Order shall restrict the ability of the Department to raise or make the above findings in any other proceeding.
75. Nothing in this Administrative Consent Order shall be construed to create any rights in, or grant any cause of action to, any person not a party to this Administrative Consent Order.
76. ITCA consents to entry of this Administrative Consent Order and waives its right to request an administrative hearing concerning the terms of this Administrative Consent Order pursuant to N.J.A.C. 7:26C-9.10.
77. ITCA agrees not to contest (a) the authority or jurisdiction of the Department to enter this Administrative Consent Order, and (b) the terms or conditions hereof, except that ITCA does not waive its right to contest the interpretation or application of such terms and conditions in an action or proceeding brought by the Department to enforce this Administrative Consent Order.
78. This Administrative Consent Order shall be binding on any successor, assign, subsidiary, and any of the following appointed pursuant to a proceeding in law or equity: trustee in bankruptcy, or receiver of ITCA or GKM.
79. By executing this Administrative Consent Order, the undersigned representative of ITCA, has the authority to prevent and correct a violation of this Administrative Consent Order.
80. Each undersigned representative of ITCA and the Department certifies that he or she is authorized to enter this Administrative Consent Order, and to execute and legally bind each party to this Administrative Consent Order.
81. This Administrative Consent Order may be signed and dated in any number of counterparts, each of which shall be an original, and such counterparts shall together be one and the same Administrative Consent Order.
82. The Effective Date of this Administrative Consent Order shall be the date that ITCA, GKM, and the Department have executed this Administrative Consent Order.

**NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

DATE: \_\_\_\_\_

By: \_\_\_\_\_  
David E. Haymes, Administrator  
New Jersey Spill Compensation Fund

DATE: \_\_\_\_\_

By: \_\_\_\_\_  
Ann H. Wolf, Assistant Director  
Enforcement and Information Support  
Element

**ITCA PARTNERS, LIMITED  
PARTNERSHIP**

DATE: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**GOTTHELF KNITTING MILLS, INC.**

DATE: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Power of Attorney for GKM