

April 11, 2019

Mr. Marc Weinberg  
The Pinnacle Companies  
363 Bloomfield Avenue, Suite 2A  
Montclair, New Jersey 07042

RECEIVED APR 16 2019



Re: 1-7 South Orange Avenue and 9-21 Vose Avenue  
Township of South Orange Village  
PI No. 130833  
Case No. 01-11-17-0021-50  
Permit #130833 – RA SOIL

Dear Mr. Weinberg:

Attached please find the latest biennial protectiveness certification of the soil remedial action permit (RAP) for the above-referenced site. This permit was originally issued in 2010 and reissued in 2018 to conform with the current NJDEP requirements. The RAP is for historic fill at the site that is capped with buildings, asphalt paving and landscaping. Since 2010, the use and conditions of the property have not changed.

I trust this meets your needs.

Sincerely,

**ROUX ASSOCIATES, INC.**



Thomas R. Bugey, LSRP #580659  
Principal Geologist/Vice President

cc: Jeff Mallouk

FILE NAME



**New Jersey Department of Environmental Protection**  
Site Remediation Program

**REMEDIAL ACTION PROTECTIVENESS /  
BIENNIAL CERTIFICATION FORM – SOIL**

☐ LSRP    ☐ Subsurface Evaluator (UHOT)

Date Stamp  
(For Department use only)

**SECTION A. SITE NAME AND LOCATION**

Site Name: New Market Square

List all AKAs: \_\_\_\_\_

Street Address: 1-7 South Orange Avenue and 9-21 Vose Avenue

Municipality: South Orange (Township, Borough or City)

County: Essex County Zip Code: 07079

Program Interest (PI) Number(s): 130833

Case Tracking Number(s) 33614

Municipal Block and Lot Numbers of the entire Site:

1909 Lots 1 and 8

**SECTION B. FEES**

- ☒ Soil Remedial Action Protectiveness/Biennial Certification for a Remedial Action Permit (No fee)  
☐ Soil Remedial Action Protectiveness/Biennial Certification Non-Remedial Action Permit \$375.00

**SECTION C. FEE BILLING CONTACT PERSON**

☐ Changed Since Last Submission Effective Date of Change: \_\_\_\_\_

Business Name: Elias Mallouk Realty Corp

First Name of Contact: Jeff Last Name of Contact: Mallouk

Title: President

Phone Number: (973) 763-8300 Ext.: \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing Address: 12 South Orange Avenue

Municipality: South Orange State: NJ Zip Code: \_\_\_\_\_

Email Address: jmallouk@emrealtycorp.com

**SECTION D. CURRENT OWNER OF THE SITE**

☐ Changed Since Last Submission Effective Date of Change: \_\_\_\_\_

- ☒ If same as Person Responsible for Monitoring the Protectiveness of the Remedial Action (Section K),  
check box and proceed to the next section.

Full Legal Name of the Owner: \_\_\_\_\_

First Name of Contact: \_\_\_\_\_ Last Name of Contact: \_\_\_\_\_

Title: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Ext.: \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Municipality: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Email Address: \_\_\_\_\_

**SECTION E. CURRENT OPERATOR OF THE SITE**

- ☐ Changed Since Last Submission      Effective Date of Change: \_\_\_\_\_
- ☒ If same as Person Responsible for Monitoring the Protectiveness of the Remedial Action (Section K), check box and proceed to the next section.

Full Legal Name of the Operator: \_\_\_\_\_

First Name of Contact: \_\_\_\_\_ Last Name of Contact: \_\_\_\_\_

Title: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Ext.: \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Municipality: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Email Address: \_\_\_\_\_

**SECTION F. CURRENT LESSEE OF THE SITE**

- ☐ Changed Since Last Submission      Effective Date of Change: \_\_\_\_\_
- ☒ If same as Person Responsible for Monitoring the Protectiveness of the Remedial Action (Section K), check box and proceed to the next section.

Full Legal Name of the Lessee: \_\_\_\_\_

First Name of Contact: \_\_\_\_\_ Last Name of Contact: \_\_\_\_\_

Title: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Ext.: \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Municipality: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Email Address: \_\_\_\_\_

**SECTION G. DEED NOTICE/DECLARATION OF ENVIRONMENTAL RESTRICTION (DER) INFORMATION**

1. Provide the filing date of each Deed Notice/DER: 5/18/10
2. For each Deed Notice/DER provide the Book and Page numbers in which the Deed Notice/DER was filed in the county recording office:  
Book and Page Numbers: Book 12255 page 3906
3. Since the Deed Notice/DER was filed or the last submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form, whichever is most recent, did the Municipal Block and Lot number(s) of the Deed Notice/DER change? ..... ☐ Yes ☒ No  
If "Yes," attach a current Tax Map of the property and list the former and new Municipal Block and Lot numbers of the Deed Notice/DER below:  
Former Municipal Block and Lot Number(s): \_\_\_\_\_  
New Municipal Block and Lot Number(s): \_\_\_\_\_
4. Is this form being submitted pursuant to a Soil Remedial Action Permit? ..... ☒ Yes ☐ No  
If "No", submit a completed Soil Remedial Action Permit Application with this form.
5. Did you provide hard copies of this form to the municipal and county clerks for each municipality and county in which the site is located; the local, county and regional health department for each municipality and county in which the site is located; each current owner of the site; each current operator of the site; the Pinelands Commission as applicable; and the Highlands Commission as applicable? ..... ☒ Yes ☐ No
6. Did you provide to NJDEP copies of this form in paper and electronically in Adobe PDF format? ..... ☒ Yes ☐ No
7. Is this Deed Notice/DER for Historic Fill material at the site? ..... ☒ Yes ☐ No  
If "Yes," is the Historic Fill material impacting the ground water at the site? ..... ☐ Yes ☒ No



8. If Historic Fill material is impacting the ground water, has the CEA/WRA Fact Sheet Form been submitted to the NJDEP? ..... ☐ Yes ☐ No ☒ N/A  
If "No," attach a completed CEA/WRA Fact Sheet Form to this form.
9. Have you evaluated all relevant Soil Remediation Standards and guidance related to soil that have been modified subsequent to the filing of the Deed Notice/DER or the last submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form, whichever is more recent? ..... ☒ Yes ☐ No
10. Has the Deed Notice/DER restricted area been accurately mapped on NJ-GeoWeb? ..... ☒ Yes ☐ No  
If "No," then submit a GIS compatible map of the Deed Notice/DER restricted area by email to [srpgis\\_dn@dep.state.nj.us](mailto:srpgis_dn@dep.state.nj.us).

#### SECTION H. LAND USE, CHANGES, AND DISTURBANCES

1. Site Use(s) at the time the Deed Notice/DER was Filed (*check all that apply*)
- |   |  |   |                                       |
|---|--|---|---------------------------------------|
| <input type="checkbox"/> Industrial             | <input type="checkbox"/> Child Care Facility | <input type="checkbox"/> Park or Recreational Use | <input type="checkbox"/> Other: _____ |
| <input checked="" type="checkbox"/> Residential | <input type="checkbox"/> Hospital            | <input type="checkbox"/> Vacant                   |                                       |
| <input checked="" type="checkbox"/> Commercial  | <input type="checkbox"/> Landfill            | <input type="checkbox"/> Government Facility      |                                       |
| <input type="checkbox"/> School                 | <input type="checkbox"/> Agricultural        | <input type="checkbox"/> Road/Right of Way        |                                       |
2. Current Site Use(s) (*check all that apply*)
- |   |  |   |                                       |
|---|--|---|---------------------------------------|
| <input type="checkbox"/> Industrial             | <input type="checkbox"/> Child Care Facility | <input type="checkbox"/> Park or Recreational Use | <input type="checkbox"/> Other: _____ |
| <input checked="" type="checkbox"/> Residential | <input type="checkbox"/> Hospital            | <input type="checkbox"/> Vacant                   |                                       |
| <input checked="" type="checkbox"/> Commercial  | <input type="checkbox"/> Landfill            | <input type="checkbox"/> Government Facility      |                                       |
| <input type="checkbox"/> School                 | <input type="checkbox"/> Agricultural        | <input type="checkbox"/> Road/Right of Way        |                                       |
3. Intended Future Site Use(s), If Known (*check all that apply*)
- |   |  |   |  |
|---|--|---|--|
| <input type="checkbox"/> Industrial             | <input type="checkbox"/> Child Care Facility | <input type="checkbox"/> Park or Recreational Use | <input type="checkbox"/> Future site use unknown |
| <input checked="" type="checkbox"/> Residential | <input type="checkbox"/> Hospital            | <input type="checkbox"/> Vacant                   | <input type="checkbox"/> Other: _____            |
| <input checked="" type="checkbox"/> Commercial  | <input type="checkbox"/> Landfill            | <input type="checkbox"/> Government Facility      |  |
| <input type="checkbox"/> School                 | <input type="checkbox"/> Agricultural        | <input type="checkbox"/> Road/Right of Way        |  |
4. Describe the current site operations and the status of any planned future land use(s) for the site, particularly if the proposed use is residential, school, or licensed child care facility:
- The site is improved with a 3 story building along South Orange Avenue occupied by commercial stores and a 4-story and 6-story residential building.
5. Since the Deed Notice/DER was filed or the last submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form, whichever is most recent, has the site use changed to residential, school, or licensed child care facility? ..... ☐ Yes ☒ No
- If "Yes," indicate the type of remedy used:
- ☐ Presumptive Remedy pursuant to the NJDEP's Presumptive Remedies for Soil Contamination at Schools, Child Care Centers, and Residences. [N.J.A.C. 7:26E- 5.3]  
Briefly describe the presumptive remedy:
- ☐ Alternate Remedy pre-approved by the NJDEP. Attach a copy of the NJDEP's pre-approval letter.
- ☐ Unrestricted Use Remedy
6. Has there been a zoning change or is a zoning change pending? ..... ☐ Yes ☒ No
- If "Yes," briefly describe the zoning change or the pending zoning change:

7. Have you conducted periodic inspections pursuant to N.J.A.C. 7:26C-7.8(b)2 to determine if disturbances of the Remedial Action/engineering control(s) have taken place since the Deed Notice/DER was filed or the last submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form, whichever is more recent? ..... ☒ Yes ☐ No

*If "Yes," attach all inspection reports/logs that have been completed since the last submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form.*

8. Have disturbances of the Remedial Action/engineering control(s) taken place since the Deed Notice/DER was filed or the last submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form, whichever is more recent? ..... ☐ Yes ☒ No

If "Yes," :

- a) Provide the following information:

Date of Disturbance: \_\_\_\_\_ Duration of Disturbance: Months \_\_\_\_\_ Days \_\_\_\_\_

Date NJDEP Hotline contacted: \_\_\_\_\_ Hotline Incident Number assigned: \_\_\_\_\_

Describe the disturbance:

- b) Was the Remedial Action/engineering control(s) restored to the conditions stated in the Deed Notice/DER? ..... ☐ Yes ☐ No

If "No," briefly describe the reasons why:

Check the appropriate box(es) to indicate if any of the following have rendered the Remedial Action/engineering control(s) **not** protective of public health, safety and of the environment (check all that apply):

- ☐ An evaluation all relevant Soil Remediation Standards and guidance related to soil that have been modified subsequent to the filing of the Deed Notice/DER or the last submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form, whichever is more recent;
- ☐ A change in property use since the Deed Notice/DER was filed;
- ☐ A zoning change or the pending zoning change;
- ☐ Land disturbance(s) of the engineering control(s).

If any of the boxes above are checked the Person Responsible for Monitoring the Protectiveness of the Remedial Action (the permittee/co-permittee) shall modify the Remedial Action, revise the Deed Notice (i.e., submit a Deed Notice Termination Document for the existing Deed Notice/DER and a new Deed Notice for the NJDEP's approval/signature with supporting documentation (i.e., a Remedial Action Report)), and apply for a modification of the Soil Remedial Action Permit as necessary pursuant to N.J.A.C. 7:26C-7.8(d)2.

#### SECTION I. VAPOR INTRUSION

1. Are volatile organic compounds included in the Deed Notice/DER? ..... ☐ Yes ☒ No  
*If "Yes," complete this section, otherwise proceed to the next section*

2. Were there any changes in property use that increased the risk of vapor intrusion? ..... ☐ Yes ☐ No

3. Did you investigate the vapor intrusion pathway? ..... ☐ Yes ☐ No

If "Yes," :

- a) Attach a scaled site map indicating the location of all structures investigated for vapor intrusion.

- b) Did the investigation indicate that an Immediate Environmental Concern (IEC) condition exists? ..... ☐ Yes ☐ No

If "Yes," provide the date of IEC Contaminant Source Control Report: \_\_\_\_\_



- c) Did the investigation indicate that a Vapor Concern (VC) condition exists? ☒ Yes ☐ No  
 If "Yes," provide the date of VC Mitigation Response Action Report: \_\_\_\_\_
- d) Was public notification conducted to notify all applicable parties of the increased vapor intrusion risk? ☐ Yes ☐ No ☐ N/A

4. Provide a written explanation of either how the vapor intrusion pathway was investigated or the reasons for not evaluating the vapor intrusion pathway.

5. Have any vapor intrusion engineering controls/mitigation systems been installed as a result of this soil contamination? ☐ Yes ☐ No

If "Yes," indicate the type of engineering control that was implemented: *(check all that apply)*

- ☐ Subsurface Depressurization System  
☐ Subsurface Ventilation System  
☐ Soil Vapor Extraction System  
☐ HVAC Positive Pressure  
☐ Other (specify): \_\_\_\_\_

Attach the Operation, Maintenance, and Monitoring (OMM) Plan for the vapor intrusion engineering control(s)/mitigation system(s) both in paper and electronically (in "MS Word" file format). The OMM Plan should clearly identify the building(s) and/or structure(s) and vapor intrusion engineering control(s)/mitigation system(s) that are in place (e.g., active or passive), including the address and block and lot of each impacted property.

## SECTION J. FINANCIAL ASSURANCE

1. Does the Remedial Action/ Deed Notice/DER include an engineering control? ☒ Yes ☐ No  
 If "No," proceed to the next section.

2. Are **both** the "Person Responsible for Conducting the Remediation" and the current property owner exempt from establishing Financial Assurance pursuant to N.J.A.C. 7:26C-7.10(c)? ☒ Yes ☐ No

If "Yes," check the exemptions that apply, and then proceed to the next section.

Person Responsible for Conducting the Remediation – Co-Permittee	Current Owner of the Site – Co-Permittee
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- |   |   |
|---|---|
| <input type="checkbox"/> .....            | <input type="checkbox"/> Government entity  |
| <input checked="" type="checkbox"/> ..... | <input checked="" type="checkbox"/> A person not liable pursuant to the Spill Act that purchased contaminated property before May 7, 2009 |
| <input type="checkbox"/> .....            | <input type="checkbox"/> A person that conducted remediation at their primary or secondary residence                                      |
| <input type="checkbox"/> .....            | <input type="checkbox"/> Owner or operator of a child care center   |
| <input type="checkbox"/> .....            | <input type="checkbox"/> Public school or private school  |
| <input type="checkbox"/> .....            | <input type="checkbox"/> Owner or operator of a small business responsible for conducting remediation at the location of the business     |

If "No," - If either entity is not exempt, then establishment of the full amount of the Financial Assurance is required by the non-exempt permittee(s)- attach a completed Remediation Cost Review and RFS/FA Form.

3. Is the current owner of the site either a homeowner association or a condominium association pursuant to the New Jersey Common Interest Association Act, N.J.S.A. 46:8A-1 et seq.? ☐ Yes ☐ No

If "Yes," and the association is identified in Section D of this form, attach a copy of the association's annual budget that includes funds for the operation, maintenance, and monitoring of the engineering control(s) at the site.

**SECTION K. PERSON RESPONSIBLE FOR MONITORING THE PROTECTIVENESS OF THE REMEDIAL ACTION INFORMATION AND CERTIFICATION**

Full Legal Name of the Person Responsible for monitoring the protectiveness of the Remedial Action: Elias Mallouk Realty Corp

Representative First Name: Jeff Representative Last Name: Malouk

Title: President

Phone Number: (973) 763-8300 Ext: \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing Address: 12 South Organge Avenue

Municipality: South Orange State: NJ Zip Code: 08873

Email Address: tbuggey@rouxinc.com

Relationship to the Site (check all that apply)

- ☐ I am the current Owner  
☒ I am the current Operator  
☐ I am the current Lessee  
☒ I am the Person who conducted the remediation  
☐ I am the Permittee  
☐ I am the Co-Permittee

This certification shall be signed by the person responsible for submitting the Soil Remedial Action Protectiveness/Biennial Certification Form in accordance with the Administrative Requirements for the Remediation of Contaminated Sites rule at N.J.A.C. 7:26C-1.5(a).

*I certify under penalty of law that I have personally examined and am familiar with the information submitted herein, including all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, to the best of my knowledge, I believe that the submitted information is true, accurate and complete. I am aware that there are significant civil penalties for knowingly submitting false, inaccurate or incomplete information and that I am committing a crime of the fourth degree if I make a written false statement which I do not believe to be true. I am also aware that if I knowingly direct or authorize the violation of any statute, I am personally liable for the penalties.*

*I also understand that engineering and institutional controls must be evaluated and maintained to ensure they remain protective of public health and safety and the environment.*

*Based upon the information provided herein, I hereby certify that the remedial action(s) implemented at the site that includes engineering and/or institutional controls remains protective of public health and safety and the environment.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name/Title: Jeff Mallouk/President



**SECTION L. LICENSED SITE REMEDIATION PROFESSIONAL INFORMATION AND STATEMENT**LSRP ID Number: 580659First Name: ThomasLast Name: BuggeyPhone Number: (732) 584-6520

Ext: \_\_\_\_\_

Fax: \_\_\_\_\_

Mailing Address: 300 Atrium Drive Suite 403Municipality: SomersetState: NJZip Code: 08873Email Address: tbuggey@rouxinc.com

This statement shall be signed by the LSRP who is submitting this notification in accordance with N.J.S.A. 58:10C-14, and N.J.S.A. 58:10B-1.3b(1) and (2).

*I certify that I am a Licensed Site Remediation Professional authorized pursuant to N.J.S.A. 58:10C to conduct business in New Jersey. As the Licensed Site Remediation Professional of record for this remediation, I:*

**[SELECT ONE OR BOTH OF THE FOLLOWING AS APPLICABLE]:**☐ *directly oversaw and supervised all of the referenced remediation, and/or*☒ *personally reviewed and accepted all of the referenced remediation presented herein.*

*I believe that the information contained herein, and including all attached documents, is true, accurate and complete.*

*It is my independent professional judgment and opinion that the remediation conducted at this site, as reflected in this submission to the Department, conforms to, and is consistent with, the remediation requirements in N.J.S.A. 58:10C-14.*

*My conduct and decisions in this matter were made upon the exercise of reasonable care and diligence, and by applying the knowledge and skill ordinarily exercised by licensed site remediation professionals practicing in good standing, in accordance with N.J.S.A. 58:10C-16, in the State of New Jersey at the time I performed these professional services.*

*I am aware pursuant to N.J.S.A. 58:10C-17 that for purposely, knowingly or recklessly submitting false statement, representation or certification in any document or information submitted to the board or Department, etc., that there are significant civil, administrative and criminal penalties, including license revocation or suspension, fines and being punished by imprisonment for conviction of a crime of the third degree.*

LSRP Signature: \_\_\_\_\_

Date: \_\_\_\_\_

LSRP Name/Title: Thomas R. Buggey/Vice PresidentCompany Name: Roux Associates, Inc.

Completed forms should be sent to:

Bureau of Case Assignment & Initial Notice  
Site Remediation Program  
NJ Department of Environmental Protection  
401-05H  
PO Box 420  
Trenton, NJ 08625-0420

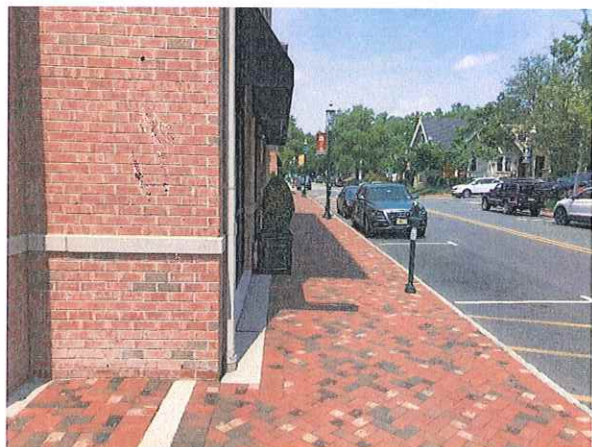


Inspector/Date/AOC	Engineering Control	Condition/Disturbances	Photos Attached	Corrective Action(s)
Edward Buggey 6/18/2018	Asphalt and concrete cap – Building, parking garage, driveway, landscaping, sidewalk.	Structure in good condition. Concrete floor of parking garage is in good condition with minor cracks. Soil is not exposed. Driveway and sidewalk in good condition. Landscaping well maintained.	Yes	None.

**Photographic Log: June 18, 2018**



Driveway and buildings



Sidewalk and building



Landscaped area at rear of building





Parking garage beneath building