



FIELD NOTICE OF VIOLATION(S)

Case No. 07-05-27-1116 Date 5-29-07
Case Location MILLER YACHT SALES / CEDAR OUE MARINA
Municipality South Toms River Boro County Ocean
Responsible Party Representative Don Miller
Responsible Party Mailing Address 200 Rte 166, SO. TOMS RIVER

You are hereby NOTIFIED that during an inspection on 5-27-07 violation(s) of the following New Jersey Statute(s) and/or regulation(s) were observed. These violation(s) will be recorded as part of your permanent enforcement history.

- ☒ New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.) and appropriate Regulations
☐ New Jersey Safe Drinking Water Act (N.J.S.A. 58:12A-1 et seq.) and appropriate Regulations
☐ New Jersey Water Supply Management Act (N.J.S.A. 58:1A-1 et seq.) and appropriate Regulations
☐ New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) and appropriate Regulations
☐ N.J. Underground Storage of Hazardous Substance Act (N.J.S.A. 58:10A-21 et seq.) & appropriate Regulations
☐ New Jersey Environmental Cleanup Responsibility Act (N.J.S.A. 13:1K-6 et seq.) and appropriate Regulations
☒ New Jersey Spill Compensation & Control Act (N.J.S.A. 58:10-23 et seq.) and appropriate Regulations

DESCRIPTION OF VIOLATION(S) / REMEDIAL ACTION Leaking above-ground Fuel oil storage tank located on a dock at the Facility caused discharge into the Toms River and into adjacent soils. Facility operators failed to have tank emptied to prevent continued discharge. NJDEP contracted to have the tank emptied on 5-28-07.
In addition, a commercial Fishing vessel has been allowed to sink at the facility and has remained on the bottom of the Toms River for several weeks.

Remedial actions to correct the violation(s) must be initiated immediately. Within _____ five (5) calendar days of receipt of this Field Notice of Violation(s), you shall telephone the investigator issuing this notice with the corrective measures you have initiated to attain compliance. The issuance of this document serves as notice that the Department has determined that a violation has occurred and does not preclude the State of New Jersey or any of its agencies, from initiating further administrative or judicial enforcement action or assessing penalties, with respect to this or other violations. Violations of these regulations are subject to penalties of up to \$50,000 per violation per day.

Within 10 days of receipt of this notice, you shall submit in writing, to the investigator indicated below, an account of the incident and the corrective action measures taken to attain compliance.

Investigator

Signature Frank Gagliano
Name (Print) FRANK GAGLIANO
Phone Number 609-584-4130

Notice of Violation(s) received by:

Signature _____
Name (Print) _____

Certification of Service

On 5-29-07 I served this Field Notice of Violation(s) on _____
Date _____
Signature Frank Gagliano Title ERS-II Date 5-29-07

copies
11-11-07

New Jersey Department of Environmental Protection
Site Remediation Program



FIELD DIRECTIVE / NOTICE TO INSURER(S)

ID NUMBER: 07-05-27-1116 DATE: MAY 29, 2007
 RESPONDENT: DONALD MILLER Phone No. () _____
 MAILING ADDRESS: 200 Rte 166, So TOMS RIVER, NJ
 NAME AND ADDRESS OF INSURER: _____

LOCATION OF INCIDENT: MILLER YACHT SALES / CEDAR COVE MARINA

This Directive and Notice to Insurers is issued to the above-captioned Respondent 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 the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. ("the Act"), and duly delegated to the Inspector of the Site Remediation Program, pursuant to N.J.S.A. 13:1B-4. This Directive and Notice to Insurers is issued in order to notify the above captioned Respondent that the Department, pursuant to the provisions of the Act, has determined that it is necessary to remove or arrange for the removal of discharge(s), and in order to notify the Respondent that the Department has determined the Respondent to be responsible for discharge(s) at the above location.

FINDINGS

The Department has determined that the Respondent is responsible for the discharge of hazardous substances, including but not limited to
FUEL OIL

Pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11(f)a, whenever any hazardous substance is discharged the Department may direct any person in any way responsible for the discharge to clean up and remove or arrange for the removal of such discharge.

DIRECTIVE

Now, therefore, the Respondent is hereby to conduct remedial investigations and remedial actions in accordance with N.J.A.C. 7:26E, and all other applicable State, Federal and local regulations and as detailed below, with the specified timeframes.

- REMOVE FUEL OIL TANK
- REMOVE AND DISPOSE OF ALL CONTAMINATED SOILS
- REPLACE FUEL OIL TANK WITH TYPE AND LOCATION AS REQUIRED BY LOCAL CODE AND STATE AND FEDERAL REGULATIONS
- IF TANK IS TO REMAIN AT PRESENT DOCKSIDE LOCATION, THE REPLACEMENT TANK SHOULD BE OF STAINLESS STEEL / DOUBLE WALL CONSTRUCTION

In addition, the Respondent shall notify the Department, in writing, immediately upon the commencement of any remedial action taken in this regard. All communications shall be made, in writing, to

If the Respondent fails to initiate remedial actions by IMMEDIATELY, the Department may clean up and remove or arrange for the clean up and removal using public funds, and thereby subject the Respondent to treble damages as specified on the reverse side.

INSPECTOR: FRANK GAGLIANO SIGNATURE: Frank Gagliano DATE: MAY 29, 2007
 (Print Name)
 RESPONDENT: _____ SIGNATURE: _____ DATE: _____
 (Print Name)

CERTIFICATION OF SERVICE OR MAILING:

On MAY 29, 2007 I served/mailed this DIRECTIVE to _____

Inspector/Case Manager F. GAGLIANO
 (Print Name)

SIGNATURE: _____ TITLE: _____ DATE: _____

*Copies
Held
5/29/07*

New Jersey Department of Environmental Protection & Energy
Division of Responsible Party Site Remediation



FIELD NOTICE OF VIOLATION(S)

Case No. 07-05-27-1116 Date 5-29-07
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Municipality South Toms River Boro County Ocean
Responsible Party Representative Don Miller
Responsible Party Mailing Address 200 Rte 166, SO. TOMS RIVER

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Name (Print) FRANK GAGLIANO
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Signature _____
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Certification of Service

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Date _____
Signature Frank Gagliano Title ERS-II Date 5-29-07

copies of
this notice
sent to
4/27

New Jersey Department of Environmental Protection
Site Remediation Program**FIELD DIRECTIVE / NOTICE TO INSURER(S)**

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 RESPONDENT: DONALD MILLER Phone No. () _____
 MAILING ADDRESS: 200 Rte 166, So TOMS RIVER, NJ
 NAME AND ADDRESS OF INSURER: _____

LOCATION OF INCIDENT: MILLER YACHT SALES / CEDAR COVE MARINA

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INSPECTOR: FRANK GAGLIANO SIGNATURE: Frank Gagliano DATE: May 29, 2007
 (Print Name)
 RESPONDENT: _____ SIGNATURE: _____ DATE: _____
 (Print Name)

CERTIFICATION OF SERVICE OR MAILING:

On MAY 29, 2007 I served/mailed this DIRECTIVE to _____

Inspector/Case Manager F. GAGLIANO
 (Print Name)

SIGNATURE: _____ TITLE: _____ DATE: _____

OCEAN COUNTY CONSTRUCTION INSPECTION DEPARTMENT

Robert A. McCullough, Director

PLEASE REPLY TO:

09 ELECTRICAL

2 Mott Place Complex
239 Washington St., P.O. Box 2191
Toms River, NJ 08754-2191
732-929-4730
Fax # 732-929-4731



() BUILDING, PLUMBING & FIRE

2 Mott Place Complex
239 Washington St., P.O. Box 2191
Toms River, NJ 08754-2191
732-929-2170
Fax # 732-929-4731

Elizabeth Silvestri RMC/CMC/AAE
Borough of South Toms River
144 Mill Street
South Toms River NJ 08757

RE: Boat Docks
Block 5 Lot 4
Crabbe Rd
Lessee: Don Miller

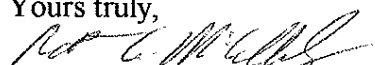
Dear Ms. Silvestri:

Based on a citizen's complaint reporting unsafe electrical wiring, an electrical inspection was performed at the above location on October 13, 2003. The following conditions were noted:

1. Type UF cable laying on ground unprotected from damage.
2. Single conductor wiring laying on ground unprotected from damage.
3. Open splices not contained in boxes.
4. No weatherproof connectors on conductors exiting boxes.
5. Damaged insulation on single conductor wires.
6. Receptacles not in weatherproof enclosures.
7. Panelboard cover open, deadfront removed.
8. Panelboard not wired properly.

Some of the wiring and equipment mentioned above appears to have been recently installed and this office has no records of permits and inspections for same. The entire installation does not comply with the National Electrical Code® in general and Article 555 specifically. These conditions are dangerous and represent a hazard to the public. This office does not have the lessee's address available. Please forward this notice to Mr. Miller and, as the landlord, please take immediate steps to have these conditions corrected. If repairs are not begun within ten business days, we will recommend that Jersey Central Power and Light discontinue electric service to the property.

Yours truly,


Robert A. McCullough
Director

OCT 21 '03 PM12:15



SPECIAL ASSISTANCE/ACCOMMODATIONS available, please call.

*Forwarded with Mr. Miller
10-21-03*

OCEAN COUNTY CONSTRUCTION INSPECTION DEPARTMENT

Robert A. McCullough, Director

PLEASE REPLY TO:

ELECTRICAL

2 Mott Place Complex
239 Washington St., P.O. Box 2191
Toms River, NJ 08754-2191
732-929-4730
Fax # 732-929-4731



BUILDING, PLUMBING & FIRE

2 Mott Place Complex
239 Washington St., P.O. Box 2191
Toms River, NJ 08754-2191
732-929-2170
Fax # 732-929-4731

Elizabeth Silvestri RMC/CMC/AAE
Borough of South Toms River
144 Mill Street
South Toms River NJ 08757

RE: Boat Docks
Block 5 Lot 4
Crabbe Rd
Lessee: Don Miller


Dear Ms. Silvestri:

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Robert A. McCullough
Director



SPECIAL ASSISTANCE/ACCOMMODATIONS available, please call.

OCT 20 '03 PM 5:32

C'mn M/Cmd/Code Inf/att