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NEW JERSEY DEPARTMENT OF  
 ENVIRONMENTAL PROTECTION;  
 AND ADMINISTRATOR, NEW  
 JERSEY SPILL COMPENSATION  
 FUND,

Plaintiffs,

v.

ESTATE OF KENNETH H. KNAPP  
 (FICTITIOUS); KENNETH H.  
 KNAPP, JR., HOWARD W. KNAPP,  
 STEPHEN A. KNAPP, SUSAN L.  
 KNAPP, AND AUDREY M. KING,  
 AS PRESUMPTIVE HEIRS OF  
 KENNETH H. KNAPP; AND  
 SOLOMON DWEK,

Defendants.

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:  
 : SUPERIOR COURT OF NEW JERSEY  
 : CHANCERY DIVISION -  
 : BURLINGTON COUNTY  
 : DOCKET NO.

**CIVIL ACTION**

**VERIFIED COMPLAINT TO ENFORCE  
 FINAL AGENCY ORDER AND FOR  
 IMPOSITION OF CIVIL PENALTIES  
 IN A SUMMARY PROCEEDING  
 PURSUANT TO R. 4:67-6 AND R.  
 4:70, AND FOR RELIEF UNDER THE  
 SPILL ACT**

Plaintiffs New Jersey Department of Environmental Protection  
 ("Department") and the Administrator of the New Jersey Spill  
 Compensation Fund ("Spill Fund Administrator"), by and through  
 their attorney, bring this Verified Complaint against the Estate  
 of Kenneth H. Knapp (Fictitious); Kenneth H. Knapp, Jr., Howard W.  
 Knapp, Stephen A. Knapp, Susan L. Knapp (on information and belief,

also known as Susan L. Baranek), and Audrey M. King (née Knapp) as presumptive heirs of Kenneth H. Knapp (collectively, "Heirs"); and Solomon Dwek (collectively, "Defendants"), allege as follows:

**STATEMENT OF THE CASE**

1. The Department brings this summary action to compel Defendants to remedy their longstanding noncompliance with environmental laws and regulations at a residential property in the federally designated Pinelands National Reserve and the state-designated New Jersey Pinelands. In particular, the property is designated by the New Jersey Pinelands Commission as a Pinelands Preservation Area, which is a designation for land at the heart of the Pinelands environment and the most critical ecological region -- a large, contiguous, wilderness-like area that supports diverse plant and animal communities and is home to many threatened and endangered species. The property has been contaminated with hazardous substances for decades.

2. The property located at 4024 Route 563 (a/k/a 4024 Main Street, f/k/a 484 Route 563), Woodland Township, Burlington County, New Jersey, 08019, also known as Block 3807, Lots 3 and 4 on the tax map of Woodland Township ("Property"), was operated as a gas station until the 1970s with numerous underground storage tanks ("USTs") containing gasoline. In the 1990s, the removal of four USTs from the Property revealed that gasoline had leaked from

the USTs. As a result, the groundwater at the Property is contaminated with gasoline constituents.

3. Solomon Dwek purchased the Property in 2001, and sold it to Kenneth H. Knapp in 2004.

4. After repeated attempts to compel remediation of the Property, the Department issued an Administrative Order and Notice of Civil Administrative Penalty Assessment ("AONOCAPA") against Kenneth H. Knapp on March 16, 2021, which identified specific, outstanding remedial actions required at the Property, and assessed a civil administrative penalty of \$85,000.00.

5. Because Kenneth H. Knapp did not request an adjudicatory hearing challenging the AONOCAPA, it became a Final Agency Order ("FAO") on or about April 10, 2021. Kenneth H. Knapp did not take any steps to comply with the FAO.

6. Kenneth H. Knapp died in 2022. Upon information and belief, his son, Kenneth H. Knapp, Jr.; his father, Howard W. Knapp; and his siblings, Stephen A. Knapp, Susan L. Knapp, and Audrey M. King, are the presumptive heirs to the Property. As of the date of this filing, an estate has not yet been opened for Kenneth H. Knapp.

7. For nearly twenty years, the Department has attempted to compel Defendants to bring the Property into compliance, but they have failed to satisfy their statutory and regulatory obligations. As the current and prior owners of a contaminated Property,

Defendants are liable for the remediation of hazardous substances discharged at the Property. Remediation of the Property is imperative because it is located in the Pinelands Preservation Area and within close proximity to wetlands, a stream, Chatsworth Lake, and at least four private potable wells which have not been sampled as required by the Department.

8. Petroleum products, including gasoline, are hazardous substances under the Spill Compensation and Control Act ("Spill Act"). N.J.S.A. 58:10-23.11b.

9. Gasoline and its components pose threats to the environment and public health when they enter the soil and the groundwater. Human exposure to these contaminants, including through ingestion or inhalation of vapors, can cause dizziness, headaches, lung irritation, nervous system disruption, and damage to the liver, kidneys, central nervous system, and eyes. These contaminants also persist in soil for long periods of time, impeding plant growth and threatening birds and mammals with irritation and toxicity.

10. The Pinelands community surrounding the Property has a high percentage of low-income households.<sup>1</sup> Historically, across

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<sup>1</sup> The Property is located in a census block group that was 36% low income in 2021 and was 34% low income in 2022 (the last available data). Based on those data, this area of Chatsworth, New Jersey is listed in some years as an "overburdened community" on the Department's website, pursuant to New Jersey's Environmental Justice Law. See N.J.S.A. 13:1D-159. The Environmental Justice Law defines "overburdened community" as any census block group, as determined

New Jersey, such communities have been disproportionately exposed to high-polluting facilities and to the resultant threats of high levels of air, water, soil, and noise pollution, and accompanying increased negative public health impacts.

11. Residents of all communities should receive fair and equitable treatment in matters affecting their environment, community, homes, and health without regard to race, language or income. See, e.g., Exec. Order No. 23 (April 20, 2018), 50 N.J.R. 1241(b) (May 21, 2018); Environmental Justice Law, N.J.S.A. 13:1D-157 to -161.

12. The Department now brings this civil action to require Kenneth H. Knapp's Estate and Heirs to comply with the FAO, pay additional civil penalties for violation of the FAO, pay outstanding remediation fees accrued after the FAO, and pay the amount owed pursuant to a New Jersey Spill Compensation Fund ("Spill Fund") lien that was filed in 2017 and amended in 2020. The Department also asserts a claim against Solomon Dwek under the Spill Act, N.J.S.A. 58:10-23.11 to -23.24, and the Brownfield and Contaminated Site Remediation Act ("Brownfield Act"), N.J.S.A. 58:10B-1 to -20.

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in accordance with the most recent United States Census, in which: (1) at least 35 percent of the households qualify as low-income households; (2) at least 40 percent of the residents identify as minority or as members of a State recognized tribal community; or (3) at least 40 percent of the households have limited English proficiency." N.J.S.A. 13:1D-158.

13. The Penalty Enforcement Law, N.J.S.A. 2A:58-10 to -12, and Rules 4:67-6 and 4:70 authorize the Department to seek enforcement of the FAO and additional civil penalties against Kenneth H. Knapp's Estate and Heirs in a summary manner.

#### **THE PARTIES**

14. The Department is a principal department within the Executive Branch of the State government, with its principal offices at 401 East State Street, Trenton, in Mercer County, New Jersey.

15. The Department's enabling legislation, N.J.S.A. 13:D-1 to -19, vests it with the authority to conserve and protect natural resources, protect the environment, prevent pollution, and protect the public health and safety. The Department's enabling legislation, and the Spill Act empower the Department to institute legal proceedings seeking injunctive relief, including compelling remediation, and pursuing civil penalties in Superior Court.

16. The Spill Fund Administrator is the chief executive officer of the New Jersey Spill Compensation Fund. N.J.S.A. 58:10-23.11j. The Spill Fund Administrator is authorized to approve and pay any costs that the Department incurs pursuant to the Spill Act, N.J.S.A. 58:10-23.11f, and to certify the amount of any claim to be paid from the Spill Fund, N.J.S.A. 58:10-23.11j.d.

17. Solomon Dwek owned the Property from September 6, 2001 until November 18, 2004. He currently resides in Maryland.

18. Kenneth H. Knapp owned the Property from November 18, 2004 until his death on May 1, 2022. Upon knowledge and belief, Kenneth H. Knapp died intestate.

19. Upon information and belief, Kenneth H. Knapp's son, Kenneth H. Knapp, Jr.; his father, Howard W. Knapp; and his siblings, Stephen A. Knapp, Susan L. Knapp, and Audrey M. King, are the presumptive heirs to the Property according to the laws of intestate succession. See N.J.S.A. 3B:5-4.

20. According to the laws of intestate succession, N.J.S.A. 3B:5-4, Kenneth H. Knapp, Jr. would be first in line to inherit the Property. However, upon information and belief, Kenneth H. Knapp, Jr. was sentenced to a prison term of 30 years for aggravated manslaughter and desecration of human remains on April 18, 2024. Given that he will be incarcerated for a significant length of time, this situation may lead him to renounce his claim to the Property or present "other circumstances affecting devolution of [the] intestate estate[]." See N.J.S.A. 3B:1-3.

21. According to the laws of intestate succession, N.J.S.A. 3B:5-4, Howard H. Knapp would be second in line to inherit the Property. However, upon information and belief, Howard W. Knapp resides in a nursing home and may lack the capacity to take on ownership of the Property in light of the environmental obligations

there. For those reasons, Howard W. Knapp may renounce his claim to the Property, or his condition may present "other circumstances affecting devolution of [the] intestate estate[]." See N.J.S.A. 3B:1-3.

22. As of the date of this filing, an estate has not yet been opened for Kenneth Knapp. On April 24, 2024, the Department filed an Order to Show Cause and Verified Complaint in the New Jersey Superior Court, Probate Part, requesting the appointment of a fiduciary to open an estate. The Department reserves the right to amend this complaint to name the Administrator of Kenneth H. Knapp's Estate once an estate is opened and an administrator is selected.

#### **FACTUAL ALLEGATIONS**

23. The Property consists of approximately 0.34 acres of real property located in a rural area within the Pinelands Preservation Area. It is bounded by residential properties to the north, south, and east; and by Route 563, a/k/a Main Street, to the west. The Property is located within approximately 500 feet of wetlands, 1,000 feet of Reeds Branch, and 1,300 feet of Chatsworth Lake.<sup>2</sup>

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<sup>2</sup> Reeds Branch and Chatsworth Lake are both classified as Pinelands Waters, which is a surface water classification that refers to all waters within the boundaries of the Pinelands Area, except the fresh waters designated in N.J.A.C. 7:9B-1.15(j), as established in the Pinelands Protection Act, N.J.S.A. 13:18A-1 to -57. There are enhanced protections for surface water quality in Pinelands



24. The Property was operated as a gas station and deli by John, Lydia, and Alberta Broomes until approximately the 1970s. The Property's ownership changed several times in the subsequent years.

25. PNC Bank, N.A. ("PNC"), acquired the Property on September 2, 1997 in lieu of foreclosure. During its ownership, PNC retained RT Environmental Services, Inc. ("RT Environmental"), an environmental consultant, to investigate the soil and groundwater at the Property, focusing on two areas of concern ("AOC").<sup>3</sup>

26. On April 10, 1998, RT Environmental called the Department Hotline to report that an UST was suspected to be leaking and that soil borings revealed contamination.

27. RT Environmental submitted a document to the Department titled "Remedial Investigation Report" ("RIR") in September 1998 on behalf of PNC. According to that RIR, analyses of soil samples collected from the Property revealed concentrations of ethylbenzene and xylenes above the Department's cleanup criteria in effect at the time. Groundwater samples collected from the

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Waters. In addition, Pinelands Waters are "Outstanding National Resource Waters," which means high quality waters that constitute an outstanding national resource.

<sup>3</sup> AOC #1 represented four USTs and the associated pump island, and AOC #2 represented three below-grade, brick-lined cesspools.

Property contained toluene, ethylbenzene, xylenes, and naphthalene above the applicable groundwater quality standards ("PQL").<sup>4</sup>

28. The 1998 RIR also reported that on or about July 21, 1998, RT Environmental oversaw the removal of four USTs - one 1,500-gallon UST and three 550-gallon USTs, all of which are believed to have contained leaded gasoline - and approximately 250 tons of petroleum-contaminated soil from the Property on behalf of PNC. The 1,500-gallon UST had collapsed and had a large number of small holes, and the three 550-gallon USTs each had approximately 15 gallons of product remaining inside.

29. On May 27, 1999, the Department approved a Classification Exception Area ("CEA") as an institutional control for certain contaminants on and emanating from the Property.<sup>5</sup>

30. On or about July 7, 1999, two off-site monitoring wells were installed on behalf of PNC to delineate the groundwater plume off-site. In total, there were four on-site and two off-site monitoring wells.

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<sup>4</sup> Because the Property is located in the Pinelands, the applicable groundwater quality standards are the Practical Quantitation Levels ("PQL"), which "means the lowest concentration of a constituent that can be reliably achieved among laboratories within specified limits of precision and accuracy during routine laboratory operating conditions." N.J.A.C. 7:9C-1.4.

<sup>5</sup> As the Department explained in its May 27, 1999 letter to PNC, "[w]hen contamination remains on site above an applicable remediation standard, institutional controls are required pursuant to N.J.S.A. 58:10B-13. . . . Pursuant to 7:9-6.6, a CEA may be established when the Department determines that the [Ground Water Quality Standards] will not be met in a localized area due to pollution. Designated uses, for example, use of ground water as a potable water supply, may not be possible without the proper precautions."

31. From July 1999 through January 2000, RT Environmental collected three rounds of groundwater samples on behalf of PNC from the four on-site and two off-site monitoring wells. In the analytical results from those three sampling events, toluene, xylenes, methyl tertiary butyl ether ("MTBE"), and tetrachloroethylene exceeded their respective PQLs in effect at the time.

32. On May 26, 2000, RT Environmental reported to the Department that the analytical groundwater data indicated natural degradation and attenuation, suggesting no further action would be appropriate.

33. On July 19, 2000, the Department issued a No Further Action Letter ("NFA") and Covenant Not to Sue ("CNS") to PNC Bank for the former UST area at the Property (AOC #1), and modified the CEA. In that letter, the Department listed several conditions of the NFA, including the requirement that PNC and its successors must monitor the effectiveness of the institutional controls and certify every two years that they are "being properly maintained and continue to be protective of public health and safety and the environment." The Department also stated that it may revoke the CNS at any time, after providing notice, if "(a) any person with the legal obligation to comply with any condition in this No Further Action Letter has failed to do so; or (b) any person with

the legal obligation to maintain or monitor any engineering or institutional control has failed to do so.”

34. Following the issuance of the NFA on July 19, 2000, RT Environmental collected groundwater samples on July 21, 2000 on behalf of PNC from the on-site monitoring wells. The results from this sampling event demonstrated that concentrations of toluene, ethylbenzene, and xylenes in two on-site monitoring wells had increased since January 2000, and that MTBE was still above the PQL. These data were not reported to the Department until 2004.

35. Solomon Dwek acquired the Property from PNC on September 6, 2001.

36. On April 16 and 28, 2004, RT Environmental collected groundwater samples from both on- and off-site monitoring wells, and in July 2004, RT Environmental submitted the analytical data to the Department in a document titled “Remedial Investigation Addendum Report” on behalf of Solomon Dwek. The analytical data demonstrated that concentrations of toluene, ethylbenzene, and xylenes had increased even more from the January 2000 sampling events, with ethylbenzene and xylenes having increased by an order of magnitude.

37. Kenneth H. Knapp acquired the Property from Solomon Dwek on November 18, 2004.

38. Based on the significant increases in groundwater contamination at the Property between January 13, 2000, and April

28, 2004, the Department sent a letter dated June 28, 2006, notifying PNC, Solomon Dwek, and Kenneth H. Knapp that it was rescinding the NFA, and that it intended to revoke the CNS. The letter set forth several required actions to be completed within specified timeframes, including soil sampling and delineation, quarterly sampling of nearby potable wells, and door-to-door canvassing to determine if potable wells are being used.

39. As set forth in the NFA rescission dated June 28, 2006, the levels of contaminants of concern at the Property exceeded PQLs in effect at that time, and they still exceed the PQLs in effect today.

40. On March 21, 2007, the Department sent a letter notifying PNC, Solomon Dwek, and Kenneth H. Knapp that the CEA biennial certification was overdue. It reiterated that CEA certifications are due every two years from the date the CEA was most recently established. As such, biennial certifications would have been due July 19, 2002, July 19, 2004, and July 19, 2006.

41. On March 27, 2007, the Department sent a letter notifying Kenneth H. Knapp that it was revoking the CNS, and issued a Notice of Violation ("NOV") for failure to delineate and remediate a discharge, submit a CEA biennial certification, conduct a remedial groundwater investigation, perform a well search and door-to-door canvassing, sample potable and supply wells, conduct a baseline ecological evaluation, delineate the horizontal and vertical

extent of contamination, and make submissions to the Pinelands Commission for all past reports.

42. The Department sent Kenneth H. Knapp a second NOV on November 29, 2007 for failure to remediate a discharge and submit a CEA biennial certification.

43. On April 4, 2011, the Department sent Kenneth H. Knapp a letter to inform him of his compliance obligations at the Property.

44. The Department made several attempts to reach Kenneth H. Knapp by phone between February 23, 2012 and June 1, 2012, but he did not return any phone calls or messages.

45. On March 22, 2017, the Department and the Spill Fund Administrator filed a Notice of Lien against the Property in the amount of \$18,611.22. That amount represented costs that the Department expended in connection with the discharge of hazardous substances at the Property between November 2004 and February 2017. The lien was filed in the Superior Court, Burlington County, and was assigned docket number DJ-041026-17. On or about April 7, 2017, the Department mailed Kenneth H. Knapp a letter notifying him that the lien had been filed against the Property.

46. On November 14, 2019, the Department sent a NOV to both Kenneth H. Knapp and PNC for their failure to submit an RIR by the statutory timeframe of May 7, 2014 and to comply with the Department's Direct Oversight requirements.

47. On March 3, 2020, the Department and the Spill Fund Administrator amended the March 22, 2017 lien, bringing the total amount owed to \$42,011.22. The \$23,400.00 added to the lien in that amendment represented unpaid annual remediation fees owed by Kenneth H. Knapp between 2012 and 2019. The Department sent Kenneth H. Knapp a letter dated May 29, 2020, informing him that the lien had been amended.

48. On June 17, 2020, the Department sent a NOV to both Kenneth H. Knapp and Solomon Dwek for failure to submit an RIR within the statutory timeframe and Remedial Action Report ("RAR") within the regulatory timeframe, and comply with the Direct Oversight requirements.

49. On March 16, 2021, the Department issued an AONOCAPA to Kenneth H. Knapp, which was delivered via certified mail on March 20, 2021. The AONOCAPA alleged that, pursuant to N.J.S.A. 58:10-23.11b and N.J.A.C. 7:1E-5.7(a)(2)(ii), Kenneth H. Knapp is responsible for remediating the contamination at the Property and all other areas to which any hazardous substance discharged on the Property has migrated pursuant to the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-1.1 to -16.3. In addition, it directed Kenneth H. Knapp to pay outstanding annual remediation fees from 2012 to 2020, which were then \$26,660.00, and assessed \$85,000.00 in civil administrative penalties.

50. In addition, as stated in the AONOCAPA, the Department was required to undertake Direct Oversight of the Property because the remedial investigation was not completed by the statutory timeframe of May 7, 2014. See N.J.S.A. 58:10C-27; N.J.A.C. 7:26C-14.2. As a result, Kenneth H. Knapp was required to comply with the Department's Direct Oversight requirements in N.J.A.C. 7:26C-14.2(b).

51. The Department informed Kenneth H. Knapp in the AONOCAPA that he had a right to request a hearing within twenty days and that, if he failed to do so, the AONOCAPA would become a FAO on the twenty-first day following Kenneth H. Knapp's receipt of the AONOCAPA.

52. Kenneth H. Knapp did not request an adjudicatory hearing or otherwise contest the AONOCAPA within twenty days of receipt of the AONOCAPA. As such, the AONOCAPA became a FAO on April 10, 2021. See N.J.A.C. 7:26C-9.10(b); 9.12(d)(2).

53. On January 13, 2022, the Department issued a letter notifying Kenneth H. Knapp of the FAO, which was delivered via certified mail on or about February 2, 2022.

54. The FAO was filed as a civil judgment in Burlington County on April 26, 2022, and assigned docket number DJ-054618-22. The docketed judgment was entered in the amount of \$85,000.00, representing the civil administrative penalty. On May 2, 2022, the Department notified Kenneth H. Knapp that the FAO had been



entered against him as a judgment in the Superior Court and would operate as a lien on the Property. N.J.S.A. 2A:58-10; R. 4:101-1 to -5.

55. The Department conducted a follow-up compliance evaluation on June 1, 2022. No steps had been taken to address the violations at the Property.

56. Kenneth H. Knapp failed to comply with the following remediation requirements set forth in the FAO:

- a. Retain a Licensed Site Remediation Professional ("LSRP"), as required by N.J.A.C. 7:26C-2.3(a)(1) and (2), and notify the Department of the LSRP's name and license information and the scope of remediation;
- b. Submit an initial receptor evaluation in accordance with N.J.A.C. 7:26E-1.12 and N.J.A.C. 7:26C-3.3(b)(2);
- c. Conduct a remedial investigation and submit an RIR pursuant to N.J.A.C. 7:26E-4.9 and N.J.A.C. 7:26C-3.3(a)(1);
- d. Comply with the Department's requirements for Direct Oversight under N.J.A.C. 7:26C-14.2(b) as follows:
  - i. submit an LSRP-certified cost estimate to the enforcement manager, pursuant to N.J.A.C. 7:26C-14.2(b)(2)(i) and N.J.A.C. 7:26C-5.10(a);
  - ii. establish and maintain a remediation funding source, pursuant to N.J.A.C. 7:26C-14.2(b)(2)(ii)

- and N.J.A.C. 7:26C-5.2(k);
- iii. submit a Public Participation Plan, pursuant to N.J.A.C. 7:26C-14.2(b)(2)(iii) and N.J.S.A. 58:10C-27c(7);
  - iv. submit a Direct Oversight remediation summary report, pursuant to N.J.A.C. 7:26C-14.2(b)(2)(v); and
  - v. submit to the Department an annual 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;
- e. conduct a remedial action and submit an RAR in accordance with N.J.A.C. 7:26E-5.7 and -5.8;<sup>6</sup> and
  - f. pay the outstanding \$26,660.00 annual remediation fees and submit an updated Annual Remediation Fee Reporting Form.

57. In addition, Kenneth H. Knapp was assessed a \$85,000.00 civil administrative penalty in the FAO as a result of his continuing failure to bring the property into compliance and abate a threat to the surrounding ecosystem and human health. That penalty remains unpaid.

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<sup>6</sup> The FAO cited Kenneth H. Knapp's failure to submit an RAR within the regulatory timeframe. After the FAO was issued, Kenneth H. Knapp failed to submit an RAR within the mandatory timeframe of May 7, 2021 as well. See N.J.A.C. 7:26C-3.3(b)(6).

58. Kenneth H. Knapp died intestate on May 1, 2022. Upon information and belief, his son, Kenneth H. Knapp, Jr.; his father, Howard W. Knapp; and his siblings, Stephen A. Knapp, Susan L. Knapp, and Audrey M. King, are the presumptive heirs to the Property according to the laws of intestate succession. See N.J.S.A. 3B:5-4.

59. As of the date of this filing, an estate has not yet been opened for Kenneth H. Knapp. On April 24, 2024, the Department filed an Order to Show Cause and Verified Complaint in the New Jersey Superior Court, Probate Part, requesting the appointment of a fiduciary to open an estate.

60. Remediation of the Property, and all other areas to which any hazardous substance discharged on the Property has migrated, is required by both statute and regulation, and critical because it is located in the Pinelands Preservation Area, which is an ecologically sensitive area governed by the Pinelands Protection Act (1979), N.J.S.A. 13:18A-1 to -58, and the Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-1.1 to -10.35.

61. The Property is located within the Pinelands Preservation Area and is approximately 500 feet from wetlands areas, 1,000 feet from Reeds Branch, and 1,300 feet from Chatsworth

Lake.<sup>7</sup> Moreover, it is located within 50 to 150 feet of at least 4 private potable wells, which were not sampled quarterly as required by the June 28, 2006 NFA rescission letter. Therefore, prompt compliance is necessary to protect public health and safety, as well as the environment.

62. The Department is entitled to enforce the FAO against Kenneth H. Knapp's estate and presumptive heirs, see R. 4:67-6, and recover additional civil penalties under the Spill Act in a summary action, see N.J.S.A. 58:10-23.11u(d) and R. 4:70-1. The Department is also entitled to pursue relief against Solomon Dwek under the Spill Act and Brownfield Act, see N.J.S.A. 58:10-23.11u; N.J.S.A. 58:10B-1.3, and seek payment of the Spill Act lien on the Property, N.J.S.A. 58:10-23.11q.

### COUNT I

#### **ENFORCEMENT OF FINAL AGENCY ORDER AGAINST KENNETH H. KNAPP'S ESTATE AND HEIRS ON A SUMMARY BASIS**

63. The Department repeats each allegation in the preceding paragraphs as though fully set forth herein.

64. The AONOCAPA issued on March 16, 2021 required Kenneth H. Knapp to remediate the contamination on the Property and all other areas to which any hazardous substances discharged on the

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<sup>7</sup> As previously mentioned, the Reeds Branch and Chatsworth Lake are both classified as Pinelands Waters, which is a New Jersey Surface Water Classification that carries enhanced protections.

Property has migrated, and pay the fees and penalties assessed therein.

65. Pursuant to N.J.A.C. 7:26C-9.10(b) and 9.12(d)(1), the AONOCAPA became a FAO on April 10, 2021 because Kenneth H. Knapp did not request an administrative hearing or otherwise contest the AONOCAPA within twenty days of receipt of the AONOCAPA.

66. Kenneth H. Knapp's failure to comply with the requirements of the AONOCAPA, which is now an FAO, constitutes a violation of the FAO.

67. Pursuant to Rule 4:67-6, the Department is entitled to summary enforcement of the FAO in Superior Court. Specifically, Kenneth H. Knapp's Estate and Heirs are required to:

- a. Retain an LSRP, as required by N.J.A.C. 7:26C-2.3(a)(1) and (2), and notify the Department of the LSRP's name and license information and the scope of remediation;
- b. Submit an initial receptor evaluation in accordance with N.J.A.C. 7:26E-1.12;
- c. Conduct a remedial investigation and submit an RIR pursuant to N.J.A.C. 7:26E-4.9;
- d. Comply with the Department's requirements for Direct Oversight under N.J.A.C. 7:26C-14.2(b) as follows:
  - i. submit a cost estimate to the enforcement manager, pursuant to N.J.A.C. 7:26C-14.2(b)(2)(i) and N.J.A.C. 7:26C-5.10(a);

- ii. establish and maintain a remediation funding source, pursuant to N.J.A.C. 7:26C-14.2(b)(2)(ii) and N.J.A.C. 7:26C-5.2(k);
  - iii. submit a Public Participation Plan, pursuant to N.J.A.C. 7:26C-14.2(b)(2)(iii) and N.J.S.A. 58:10C-27c(7);
  - iv. submit a Direct Oversight remediation summary report, pursuant to N.J.A.C. 7:26C-14.2(b)(2)(v); and
  - v. submit a 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;
- e. Conduct a remedial action and submit an RAR in accordance with N.J.A.C. 7:26E-5.7;
  - f. Pay all required fees, including the \$26,660.00 in outstanding annual remediation fees assessed in the FAO pursuant to N.J.A.C. 7:26C-2.3(a)(4), and submit an updated Annual Remediation Fee Reporting Form; and
  - g. Pay the previously docketed judgment for a civil administrative penalty of \$85,000.00.

**WHEREFORE**, the Department demands judgment against Kenneth H. Knapp's Estate and Heirs:

- a. Finding Kenneth H. Knapp's Estate and Heirs in violation of the FAO;

b. Ordering Kenneth H. Knapp's Estate and Heirs to comply with the terms of the FAO that they are currently in violation of, including:

- (1) Retain an LSRP, as required by N.J.A.C. 7:26C-2.3(a)(1) and (2), and notify the Department of the LSRP's name and license information and the scope of remediation;
- (2) Submit an initial receptor evaluation in accordance with N.J.A.C. 7:26E-1.12;
- (3) Conduct a remedial investigation and submit an RIR pursuant to N.J.A.C. 7:26E-4.9;
- (4) Comply with the Department's requirements for Direct Oversight under N.J.A.C. 7:26C-14.2(b) as follows:
  - i. submit a cost estimate to the enforcement manager, pursuant to N.J.A.C. 7:26C-14.2(b)(2)(i) and N.J.A.C. 7:26C-5.10(a);
  - ii. establish and maintain a remediation funding source, pursuant to N.J.A.C. 7:26C-14.2(b)(2)(ii) and N.J.A.C. 7:26C-5.2(k);
  - iii. submit a Public Participation Plan, pursuant to N.J.A.C. 7:26C-14.2(b)(2)(iii) and N.J.S.A. 58:10C-27c(7);
  - iv. submit a Direct Oversight remediation summary

- report, pursuant to N.J.A.C. 7:26C-14.2(b)(2)(v); and
- v. submit a 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;
- (5) Conduct a remedial action and submit an RAR in accordance with N.J.A.C. 7:26E-5.7;
- (6) Pay all required fees - including \$26,660.00 in annual remediation fees accrued between 2012 and 2020, pursuant to N.J.A.C. 7:26C-2.3(a)(4) - and submit an updated Annual Remediation Fee Reporting Form;
- (7) Pay the previously docketed judgment for a civil administrative penalty of \$85,000.00;
- c. Awarding the Department its costs and fees in this action;
- d. Granting such other relief as the Court deems just and proper;
- e. Reserving the Department's right to amend this Complaint to name the Administrator of Kenneth H. Knapp's Estate once an estate is opened and an administrator is selected; and
- f. Reserving the Department's right to bring a future claim against Kenneth H. Knapp's Estate and Heirs



for natural resource damages arising out of the discharge of hazardous substances at the Property.

**COUNT II**

**IMPOSITION OF CIVIL PENALTIES AGAINST KENNETH H. KNAPP'S ESTATE  
AND HEIRS ON A SUMMARY BASIS**

68. The Department repeats each allegation in the preceding paragraphs as though fully set forth herein.

69. Any person who violates the Spill Act, or who fails to pay a civil administrative penalty in full or to agree to a schedule of payments therefor, shall be subject to a civil penalty of up to \$50,000.00 per day for each violation, and each day's continuance of the violation constitutes a separate violation. N.J.S.A. 58:10-23.11u(a) and (d).

70. Kenneth H. Knapp's Estate and Heirs are "persons" within the meaning of the Spill Act, N.J.S.A. 58:10-23.11b.

71. As set forth above, Kenneth H. Knapp's Estate and Heirs have failed to comply with the FAO.

72. The Department may bring an action against Kenneth H. Knapp's Estate and Heirs in Superior Court seeking the imposition of penalties pursuant to N.J.S.A. 58:10-23.11u, which, along with costs, may be recovered by the Department in a summary proceeding pursuant to the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 to -12, N.J.S.A. 58:10-23.11u(d), and Rule 4:70.

**WHEREFORE**, the Department demands judgment:

- a. Finding Kenneth H. Knapp's Estate and Heirs in violation of the FAO;
- b. Ordering Kenneth H. Knapp's Estate and Heirs to pay a civil penalty pursuant to Rule 4:70 and N.J.S.A. 58:10-23.11u(a) and (d) in an amount the Court deems just and proper;
- c. Ordering such other relief as the Court deems appropriate;
- d. Reserving the Department's right to amend this Complaint to name the Administrator of Kenneth H. Knapp's Estate once an estate is opened and an administrator is selected; and
- e. Reserving the Department's right to bring a claim in the future for natural resource damages arising out of the discharge of hazardous substances at the Property.

**COUNT III**

**ORDERING KENNETH H. KNAPP'S ESTATE AND HEIRS TO PAY THE AMOUNT  
OWED PURSUANT TO THE SPILL FUND LIEN**

73. The Department and the Spill Fund Administrator repeat each allegation in the preceding paragraphs as though fully set forth herein.

74. The Department is authorized to use monies from the Spill Fund for program costs incurred in implementing the Spill Act.

N.J.S.A. 58:10-23.11f(7).

75. The Spill Fund Administrator is authorized to approve and pay any costs that the Department incurs pursuant to the Spill Act. N.J.S.A. 58:10-23.11f.

76. The Department is authorized file a lien against a property in the Superior Court for any expenditures of cleanup and removal costs and related costs made by the State pursuant to the Spill Act. N.J.S.A. 58:10-23.11f(f).

77. On March 22, 2017, the Department and the Spill Fund Administrator filed a Notice of Lien in the amount of \$18,611.22 against the Property for costs that the Department expended in connection with the discharge of hazardous substances at the Property between November 18, 2004 and February 17, 2017.

78. On March 3, 2020, the Department amended the lien to include \$23,400.00 in unpaid annual remediation fees at the Property between 2012 and 2019, bringing the total lien amount to \$42,011.22. See N.J.A.C. 7:26C-4.9(c)(3). The \$23,400 in annual remediation fees is also owed pursuant to the FAO, which the Department seeks to enforce on a summary basis in Count I.

79. The Department is entitled to seek costs it incurred pursuant to the Spill Act in a civil action in Superior Court. N.J.S.A. 58:10-23.11u(b).

80. The Spill Fund Administrator is entitled to seek satisfaction of costs expended by the Spill Fund from the

responsible party in the Superior Court if the party does not reimburse the Spill Fund. N.J.S.A. 58:10-23.11q.

**WHEREFORE**, the Department and the Spill Fund Administrator demand judgment:

- a. Ordering Kenneth H. Knapp's Estate and Heirs to pay the \$42,011.22 owed pursuant to the Spill Fund lien, provided that if the Court grants the Department's requested relief under Count 1, the portion of the lien representing unpaid annual remediation fees (\$23,400) be deducted from the total amount to be paid under this Count; and
- b. Ordering such other relief as the Court deems appropriate.

**COUNT IV**

**ORDERING KENNETH H. KNAPP'S ESTATE AND HEIRS TO PAY THE ANNUAL  
REMEDICATION FEES OWED TO DATE FROM THE ISSUANCE OF THE FAO**

81. The Department repeats each allegation in the preceding paragraphs as though fully set forth herein.

82. Pursuant to the FAO, Kenneth H. Knapp was required to pay \$26,660.00 in outstanding annual remediation fees, which represents the amount of fees owed for the years 2012 through 2020. After the Department issued the FAO to Kenneth H. Knapp in April 2021, annual remediation fees for the Property continued to accrue unpaid.

83. The annual remediation fees that accrued after the FAO was issued are \$13,555.00.

84. As a person responsible for remediating hazardous substances on his property, Kenneth H. Knapp was required to submit an annual remediation fee to the Department, but failed to do so. See N.J.A.C. 7:26C-2.3(a)(4), -4.3(a)(4), -4.9.

**WHEREFORE**, the Department demands judgment in its favor:

- a. Ordering Kenneth H. Knapp's Estate and Heirs to pay \$13,555.00 in annual remediation fees, which accrued after the issuance of the April 2021 FAO; and
- b. Ordering such other relief as the Court deems appropriate.

**COUNT V**

**VIOLATION OF THE SPILL ACT, THE BROWNFIELD ACT,  
AND THE SITE REMEDIATION REFORM ACT AGAINST SOLOMON DWEK**

85. The Department repeats each allegation in the preceding paragraphs as though fully set forth herein.

86. Contamination, as defined by the Spill Act, means any discharged hazardous substance, hazardous waste as defined pursuant to section 1 of P.L.1976, c.99 (C.13:1E-38), or pollutant as defined pursuant to section 3 of P.L.1977, c.74 (C.58:10A-3). N.J.S.A. 58:10-23.11b.

87. Pursuant to the Spill Act, any person who discharges a hazardous substance, or is in any way responsible for any hazardous

substance, shall be liable, jointly and severally, without regard to fault for all cleanup and removal costs no matter by whom incurred, except as otherwise provided in N.J.S.A. 58:10-23.11g12, which is not applicable here. N.J.S.A. 58:10-23.11g.c(1).

88. As the former owner of the Property, Solomon Dwek is a "person in any way responsible" for the hazardous substances there.

89. Effective January 6, 1998, the Legislature enacted the Brownfield Act, N.J.S.A. 58:10B-1 to -20.

90. As amended by the Site Remediation Reform Act ("SRRA"), N.J.S.A. 58:10C-1 to -29, the Brownfield Act provides in part that a discharger of a hazardous substance or a person in any way responsible for a hazardous substance under the Spill Act, N.J.S.A. 58:10-23.11g.c.(1), has an affirmative obligation to remediate discharges of hazardous substances. N.J.S.A. 58:10B-1.3.a.

91. Solomon Dwek is a "person" as defined in the Brownfield Act, N.J.S.A. 58:10B-1 and, therefore, is required to remediate the hazardous substances at the Property.

92. Solomon Dwek failed to remediate the hazardous substances discharged at the Property and all other areas to which any hazardous substance discharged on the Property has migrated in violation of the Spill Act and the Brownfield Act. See N.J.S.A. 58:10-23.11.c and N.J.S.A. 58:10B-1.3.a.

93. The SRRA, N.J.S.A. 18:10c-1 to -29, established a statutory timeframe for completion of the RIR by May 7, 2014, in

the event a spill occurred prior to May 7, 1999. The remedial investigation was not completed by May 7, 2014. Compulsory Direct Oversight was triggered when the May 7, 2014 deadline was missed and a statutorily-permitted two-year extension to May 7, 2016 was not requested.

94. Solomon Dwek's failure to submit an RIR by May 7, 2014, triggered compulsory Direct Oversight.

95. The person(s) responsible for remediation of a property in Direct Oversight must establish and maintain a Remediation Funding Source ("RFS") pursuant to N.J.A.C. 7:26C-5.2(k), among other things.

96. Solomon Dwek has failed to establish or maintain an RFS or comply with other Direct Oversight requirements.

97. The mandatory timeframe in which to submit an RAR was May 7, 2021. See N.J.A.C. 7:26C-3.3(b)(6). Solomon Dwek failed to submit an RAR by that date.

**WHEREFORE**, the Department demands judgment in its favor:

- a. Finding Solomon Dwek in violation of the Spill Act, the Brownfield Act, SRRA, and their implementing regulations by:
  - i. Failing to retain an LSRP;
  - ii. Failing to submit the Initial Receptor Evaluation by the mandatory timeframe of March 1, 2012;

- iii. Failing to submit an RIR by the statutory deadline of May 7, 2014 pursuant to SRRA;
  - iv. Failing to remediate the Property and submit an RAR by the mandatory timeframe of May 7, 2021, pursuant to SRRA; and
  - v. Failing to comply with the Department's Direct Oversight requirements.
- b. Ordering Solomon Dwek to retain an LSRP within thirty (30) days;
  - c. Ordering Solomon Dwek to complete remediation of the Property and all other areas to which any hazardous substance discharged on the Property has migrated pursuant to the Spill Act and the Brownfield Act and their implementing regulations;
  - d. Ordering Solomon Dwek to establish and maintain a RFS, comply with all other Direct Oversight requirements at N.J.A.C. 7:26C-14, and enter an ACO with the Department to establish due dates for Direct Oversight requirements and completion of remediation requirements;
  - e. Reserving the Department's right to bring a future claim against Solomon Dwek for natural resource damages arising out of the discharges of hazardous substances on the Property;



- f. Assessing civil penalties against Solomon Dwek pursuant to N.J.S.A. 58:10-23.11u for his failure to remediate the Property and all other areas to which any hazardous substance discharged on the Property has migrated;
- g. Awarding the Department its costs and fees in this action; and
- h. Awarding the Department any other relief that the Court deems just and proper.

MATTHEW J. PLATKIN  
ATTORNEY GENERAL OF NEW JERSEY  
Attorney for New Jersey Department of  
Environmental Protection

By: /s/ Rachel Manning  
Rachel Manning  
Deputy Attorney General

Dated: April 24, 2024

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, the Court is advised that Rachel Manning, Deputy Attorney General, is hereby designated as trial counsel for Plaintiff Matthew J. Platkin, Attorney General, in this action.

CERTIFICATION REGARDING OTHER PROCEEDINGS AND PARTIES

Undersigned counsel hereby certifies, in accordance with Rule 4:5-1(b)(2), that the matters in controversy in this action are the subject of a parallel proceeding in the Superior Court, Probate Part.

On April 24, 2024, Plaintiff Department of Environmental Protection filed an Order to Show Cause and Verified Complaint asking the Court to appoint a fiduciary to open an estate for Kenneth H. Knapp.

The Department intends to file a motion to amend the instant complaint to name the administrator of Kenneth H. Knapp's estate as a defendant once an estate is opened and an administrator identified.

Undersigned counsel certifies that there is no non-party known to Plaintiff Department of Environmental Protection at this time who should be joined in this action pursuant to Rule 4:28, or who is subject to joinder pursuant to Rule 4:29-1.

If, however, any such non-party later becomes known to Plaintiff Department of Environmental Protection, an amended certification shall be filed and served on all other parties and with this Court in accordance with Rule 4:5-1(b)(2).

MATTHEW J. PLATKIN

ATTORNEY GENERAL OF NEW  
JERSEY  
Attorney for New Jersey  
Department of Environmental  
Protection

By: /s/ Rachel Manning  
Rachel Manning  
Deputy Attorney General

Dated: April 24, 2024

VERIFICATION OF PLEADING

I, Gillian Schwert, being of full age, certify as follows:

1. I am employed by the New Jersey Department of Environmental Protection within Contaminated Site Remediation and Redevelopment.
2. I am the enforcement manager assigned to the Property.
3. I have read the Verified Complaint.
4. I certify that the factual allegations contained in the Verified Complaint are true and correct to the best of my knowledge.
5. I am aware that if the foregoing statements made by me are willfully false, I may be subject to punishment.



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Gillian Schwert

Dated: April 24, 2024

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION -  
BURLINGTON COUNTY  
DOCKET NO.

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NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION; AND  
ADMINISTRATOR, NEW JERSEY  
SPILL COMPENSATION FUND,

Plaintiffs,

v.

ESTATE OF KENNETH H. KNAPP  
(FICTITIOUS); KENNETH H.  
KNAPP, JR., HOWARD W. KNAPP,  
STEPHEN A. KNAPP, SUSAN L.  
KNAPP, AND AUDREY M. KING, AS  
PRESUMPTIVE HEIRS OF KENNETH  
H. KNAPP; AND SOLOMON DWEK,

Defendants.

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Civil Action

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BRIEF IN SUPPORT OF PLAINTIFFS' VERIFIED COMPLAINT AND ORDER TO  
SHOW CAUSE

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On the Brief

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**PRELIMINARY STATEMENT**

The current and former owners of contaminated property in the New Jersey Pinelands have failed to fulfill their legal obligations at the site for decades. The groundwater at the site is contaminated with gasoline constituents, posing a threat to public health and the ecologically sensitive area in which it is located. Plaintiff New Jersey Department of Environmental Protection ("Department") attempted to compel the property's owners to bring the site into compliance, but they failed to rectify the outstanding violations.

In March 2021, the Department issued an Administrative Order and Notice of Civil Administrative Penalty Assessment ("AONOCAPA") to Kenneth H. Knapp ("Knapp"), who owned the property from November 18, 2004 until his death on May 1, 2022. The AONOCAPA alleged several violations under the Spill Act, Brownfield and Contaminated Site Remediation Act ("Brownfield Act"), Site Remediation Reform Act ("SRRA"), and the regulations promulgated thereunder; ordered Knapp to rectify the violations, and assessed \$85,000.00 in civil administrative penalties. Knapp neither contested the AONOCAPA nor requested a hearing within twenty days of receiving the AONOCAPA. As a result, the AONOCAPA became a Final Agency Order ("FAO") in April 2021. Knapp did not challenge the FAO or take any steps to comply with it.



The Department now seeks enforcement of the FAO against Knapp's estate and heirs, pursuant to Rules 4:67-6 and 4:70. Those rules, as well as the Penalty Enforcement Law, N.J.S.A. 2A:58-10 to -12, permit this action to proceed in a summary manner. Because Knapp did not request an administrative hearing on the AONOCAPA or appeal the FAO, the substance of the FAO cannot be challenged in this proceeding. Rather, the Department seeks an order from the Court directing Knapp's estate and heirs to comply with the FAO, including by remediating the hazardous substances at the property and paying the \$85,000.00 civil administrative penalty and additional civil penalties under the Spill Compensation and Control Act ("Spill Act"), N.J.S.A. 58:10-23.11 to -23.24. Prompt remediation is essential to protect the sensitive ecological resources on and surrounding the property, and to prevent harm to human health.

In addition, the Department asks this Court to assess a civil penalty against Knapp's Estate and Heirs for failure to comply with the FAO, pursuant to Rules 4:67 and 4:70.

#### **STATEMENT OF FACTS**

The property that is the subject of this lawsuit is the Chatsworth Deli Site located at 4024 Route 563 (a/k/a 4024 Main Street, f/k/a 484 Route 563), Chatsworth, Woodland Township, Burlington County, New Jersey, 08019, also known as Block 3807,

Lots 3 and 4 on the tax map of Woodland Township ("Property"). Certification of Gillian Schwert ("Schwert Cert.") at ¶ 5. The Property is located in the federally designated Pinelands National Reserve, and is designated by the New Jersey Pinelands Commission as a Pinelands Preservation Area, which is an ecologically sensitive area protected by the Pinelands Protection Act of 1979, N.J.S.A. 13:18A-1 to -58, and the Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-1.1 to -10.35. Schwert Cert. at ¶ 5.

The Property was operated as a gas station and deli by John, Lydia, and Alberta Broomes until approximately the 1970s. Schwert Cert. at ¶ 8. The Property's ownership changed several times in the subsequent years. Ibid. On September 2, 1997, PNC Bank, N.A. ("PNC"), acquired the Property. Ibid. PNC retained RT Environmental Services, Inc. ("RT Environmental"), an environmental consultant, to investigate the soil and groundwater at the Property, focusing on two Areas of Concern ("AOC") identified during a preliminary site visit. Id. ¶ 9. Of relevance to this matter, AOC #1 encompassed four underground storage tanks ("USTs") and the associated pump island. Ibid.

On April 10, 1998, RT Environmental called the Department Hotline to report that a UST was suspected to be leaking, and that soil borings demonstrated contamination. Ibid. Soil and groundwater samples were collected from the Property. Id. ¶ 10.

As reported in a document titled "Remedial Investigation Report" ("RIR") that RT Environmental submitted on behalf of PNC in 1998, the soil samples revealed concentrations of ethylbenzene and xylenes above the Department's cleanup criteria in effect at the time, and the groundwater samples revealed concentrations of toluene, ethylbenzene, xylenes, and naphthalene above the applicable groundwater quality standards ("PQL").<sup>1</sup> Ibid.

The 1998 RIR also reported that on or about July 21, 1998, TR Environmental oversaw the removal of four USTs - one 1,500-gallon UST and three 550-gallon USTs, all of which are believed to have contained leaded gasoline - and approximately 250 tons of petroleum-contaminated soil from the Property on behalf of PNC. Id. ¶ 11. The 1,500-gallon UST had collapsed and had a large number of small holes, and the three 550-gallon USTs each had approximately 15 gallons of product remaining inside. Ibid.

On May 27, 1999, the Department approved a Classification Exception Area ("CEA") as an institutional control for certain contaminants on and emanating from the Property. Id. ¶ 12. A CEA is an institutional control that may be required when the Department determines that ground water quality standards will not

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<sup>1</sup>Because the Property is located in the Pinelands, the applicable groundwater quality standards are the Practical Quantitation Levels ("PQL"), which "means the lowest concentration of a constituent that can be reliably achieved among laboratories within specified limits of precision and accuracy during routine laboratory operating conditions." N.J.A.C. 7:9C-1.4. For the purpose of this proceeding, the groundwater quality standards will be referred to as the PQL.

be met in a localized area due to pollution, and that certain designated uses may not be possible without proper precautions. Id. ¶ 12 & n.2. See also N.J.S.A. 58:10B-13; N.J.A.C. 7:9C-1.4, -1.6.

PNC installed four on-site and two off-site monitoring wells to delineate the groundwater plume. Schwert Cert. ¶ 13. Between July 1999 and January 2000, RT Environmental collected three rounds of groundwater samples from those wells on behalf of PNC. Id. ¶ 14. The sampling results revealed concentrations of toluene, xylenes, methyl tertiary butyl ether ("MTBE"), and tetrachloroethylene above their respective PQLs in effect at the time. Ibid.

On May 26, 2000, RT Environmental reported to the Department that the analytical groundwater data from the Property indicated natural degradation and attenuation, suggesting no further action would be appropriate. Id. ¶ 15. On July 19, 2000, the Department issued a No Further Action Letter ("NFA") and Covenant Not to Sue ("CNS") for the former UST area at the Property (AOC #1), and modified the CEA. Id. ¶ 16. The Department listed several conditions in the NFA, including the requirement that PNC and its successors monitor the effectiveness of the institutional controls and certify every two years that they are "being properly maintained and continue to be protective of public health and safety and the environment." Ibid. The Department also stated

that it may revoke the CNS at any time, after providing notice, if  
“(a) any person with the legal obligation to comply with any  
condition in this No Further Action Letter has failed to do so; or  
(b) any person with the legal obligation to maintain or monitor  
any engineering or institutional control has failed to do so.”

Ibid.

On July 21, 2000 - just two days after the Department issued  
the NFA - RT Environmental collected groundwater samples on behalf  
of PNC from the on-site monitoring wells. Id. ¶ 17. The results  
from this sampling event demonstrated that concentrations of  
toluene, ethylbenzene, and xylenes in two on-site monitoring wells  
had increased since January 2000, and that MTBE was still above  
the PQL. However, these data were not reported to the Department  
until 2004. Ibid.

Dwek acquired the Property from PNC on September 6, 2001.  
Id. ¶ 18. In July 2004, RT Environmental submitted a document  
titled “Remedial Investigation Addendum Report” to the Department  
on behalf of Dwek, which reported the analytical data from  
groundwater samples collected from both on- and off-site  
monitoring wells on April 16 and 28, 2004, as well as the samples  
collected on behalf of PNC on July 21, 2000. Id. ¶ 19. The data  
demonstrated that concentrations of toluene, ethylbenzene, and  
xylenes had increased from the January 2000 sampling events, with

ethylbenzene and xylenes having increased by an order of magnitude.

Ibid.

Knapp acquired the Property from Dwek on November 18, 2004.

Id. ¶ 20.

Based on the significant increases in groundwater contamination at the Property between January 13, 2000 and April 28, 2004, the Department sent a letter dated June 28, 2006 notifying PNC, Dwek, and Knapp that it was rescinding the NFA and that it intended to revoke the CNS. Id. ¶ 21. The letter set forth several required actions to be completed within specified timeframes, including soil sampling and delineation, quarterly sampling of nearby potable wells, and door-to-door canvassing to determine if potable wells are being used. Ibid. The levels of contaminants of concern at the Property exceeded the PQLs in effect at the time the NFA rescission letter was issued, and still exceed those in effect today. Id. ¶ 22.

On March 21, 2007, the Department sent a letter notifying PNC, Dwek, and Knapp that the CEA biennial certification was overdue. Id. ¶ 23. It reiterated that CEA certifications are due every two years from the date the CEA was most recently established. Ibid. As such, biennial certifications would have been due July 19, 2002, July 19, 2004, and July 19, 2006. Ibid.

After Knapp failed to take any corrective action at the Property, the Department sent him a letter on March 27, 2007 to

notify him that it was revoking the CNS. Id. ¶ 24. On the same date, it issued Knapp a NOV for failure to delineate and remediate a discharge, submit a CEA biennial certification, conduct a remedial groundwater investigation, perform a well search and door-to-door canvassing, sample potable and supply wells, conduct a baseline ecological evaluation, delineate the horizontal and vertical extent of contamination, and make submissions to the Pinelands Commission for all past reports. Ibid. Knapp did not respond to the NOV or address the violations. Ibid.

The Department sent Knapp a second NOV on November 29, 2007 for failure to remediate a discharge and submit a CEA biennial certification. Id. ¶ 25. Again, Knapp did not respond to the NOV or address the violations. Ibid.

On April 4, 2011, the Department sent Knapp a letter to inform him of his obligations at the Property. Id. ¶ 26. The Department made several attempts to reach Knapp by phone between February 23, 2012 and June 1, 2012, but Knapp did not return any phone calls or messages. Ibid.

On March 22, 2017, the Department and the Spill Fund Administrator filed a Notice of Lien against the Property in the amount of \$18,611.22, which was assigned docket number DJ-041026-17 in the Superior Court, Burlington County. Id. ¶ 27. That lien represented costs that the Department expended in connection with the discharge of hazardous substances at the Property between

November 2004 and February 2017. Ibid. The Department sent Knapp a letter dated April 7, 2017, informing him that the Notice of Lien had been filed. Ibid. On March 3, 2020, the Department and Spill Fund Administrator filed a Notice of Amended Lien, which increased the total amount of the lien to \$42,011.22. Id. ¶ 29. The \$23,400.00 added to the lien in this amendment represented unpaid annual remediation fees owed by Kenneth H. Knapp between 2012 and 2019. Ibid. The Department sent Knapp a letter dated May 29, 2020, informing him that the lien had been amended. Ibid.

On November 14, 2019, the Department sent a NOV to both Knapp and PNC for their failure to submit an RIR by the statutory timeframe of May 7, 2014 and to comply with the Department's direct oversight requirements. Id. ¶ 28. On June 17, 2020, the Department sent a NOV to both Knapp and Dwek for failure to submit an RIR and Remedial Action Report ("RAR") within the statutory timeframes and comply with the direct oversight requirements. Id. ¶ 30. Knapp did not respond to either of the two NOVs or address the violations. Ibid.

Based on the continuing violations at the Property, the Department issued Knapp an AONOCAPA on March 16, 2021, which was delivered via certified mail on or about March 20, 2021. Id. ¶ 31. The AONOCAPA alleged that, pursuant to N.J.S.A. 58:10-23.11b and N.J.A.C. 7:1E-5.7(a)(2)(ii), Knapp is responsible for remediating the contamination at the Property and all other areas



to which any hazardous substance discharged on the Property has migrated pursuant to the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-1.1 to -16.3. Ibid. The AONOCAPA also directed Knapp to hire a Licensed Site Remediation Professional ("LSRP"), submit an initial receptor evaluation, conduct the requisite remediation in accordance with the applicable timeframes, submit a remedial investigation report and remedial action report, comply with the Department's direct oversight requirements, submit a remedial action permit application for the CEA, pay outstanding annual remediation fees in the amount of \$26,660.00, and submit an updated Annual Remediation Fee Reporting Form. Id. ¶¶ 31-33. In addition, the AONOCAPA assessed \$85,000.00 in civil administrative penalties. Ibid.

The Department informed Knapp in the AONOCAPA that he had a right to request a hearing within twenty days and that, if he failed to do so, the AONOCAPA would become a FAO on the twenty-first day following his receipt of the AONOCAPA. Id. ¶ 33. Knapp did not request an administrative hearing or otherwise contest the AONOCAPA within twenty days of receipt. Ibid. As such, the AONOCAPA became an FAO on April 10, 2021. Ibid.

On January 13, 2022, the Department issued a letter notifying Knapp of the FAO, which was delivered via certified mail on or about February 2, 2022. Id. ¶ 34. Knapp did not appeal the FAO.

Ibid. On April 26, 2022, the FAO was filed as a civil judgment in Burlington County in the amount of \$85,000.00, representing the civil administrative penalty.<sup>2</sup> Id. ¶ 35. On May 2, 2022, the Department notified Knapp that the judgment had been entered against him in the Superior Court and would operate as a lien on the Property. Ibid.

Knapp died intestate on May 1, 2022. Certification of Todd Caruso ("Caruso Cert") ¶¶ 6, 11. See also id. Exhibit A. On information and belief, Knapp does not have a surviving spouse or domestic partner. Caruso Cert. ¶ 7. His presumptive heirs include a surviving son, Kenneth H. Knapp, Jr.; father, Howard W. Knapp; and three siblings, Stephen A. Knapp, Susan L. Knapp (on information and belief, also known as Susan L. Baranek), and Audrey M. King. Id. ¶ 8. According to the laws of intestate succession, Kenneth H. Knapp, Jr. would be first in line to inherit the Property, followed by Howard W. Knapp. See N.J.S.A. 3B:5-4. However, on information and belief, Kenneth H. Knapp, Jr. was sentenced to a term of imprisonment for 30 years on April 18, 2024 for aggravated manslaughter and desecration of human remains, id. ¶ 9, and Howard W. Knapp is elderly and resides in a nursing home, id. ¶ 10. As such, those prospective heirs may renounce their claim to the Property, or their circumstances may otherwise cause

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<sup>2</sup> The civil judgment was assigned docket number DJ-054618-22.

ownership of the Property to devolve to Knapp's siblings under the laws of intestate succession. See N.J.S.A. 3B:1-3; 3B:5-4.

As of the date of this filing, none of Knapp's surviving family members have come forward to administer his estate since his death. Caruso Cert. ¶ 12. There is also no record of a probate process being initiated for Knapp in the Surrogate's Office for Monmouth County, which was where he resided at the time of his death. Id. ¶ 12. The deed to the Property remains in Knapp's name and, because Knapp's assets have yet to be distributed, no identifiable person has taken possession of the Property. See Schwert Cert. Ex. A. As a result, on April 24, 2024, the Department filed an Order to Show Cause and Verified Complaint in the New Jersey Superior Court, Probate Part, requesting the appointment of a fiduciary to open Knapp's estate.

The Department conducted a site visit in June 2022, that revealed Knapp had taken no steps address the violations at the Property. Schwert Cert. ¶ 37-38. In addition, the \$85,000.00 civil administrative penalty - which is now a docketed judgment - and the \$26,660.00 in annual remediation fees owed under the FAO remain unpaid.

The Defendants' failure to comply with the Department's directives to remediate the Property poses several threats to the surrounding community. The hazardous substances at the Property - namely, gasoline and its constituents - persist in soil for long

periods of time. Id. ¶ 41. They can impede plant growth, threaten birds and mammals with irritation and toxicity, and cause human health problems such as dizziness, headaches, lung irritation, nervous system disruption, and damage to the liver, kidneys, central nervous system, and eyes. Ibid. This is especially concerning because the Property is located in the Pinelands Preservation Area, which is an ecologically sensitive area protected by the Pinelands Protection Act of 1979, N.J.S.A. 13:18A-1 to -58, and the Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-1.1 to -10.35. Id. ¶ 39. Moreover, the Property is located within approximately 500 feet of wetlands, 1,000 feet of a stream, 1,300 feet of Chatsworth Lake, and 50 to 150 feet of at least 4 private potable wells, which were not sampled quarterly as required by the June 28, 2006 NFA rescission letter. Id. ¶ 40. Therefore, prompt compliance is necessary to protect public health and safety, as well as the environment. Id. ¶ 42.

### **LEGAL ARGUMENT**

#### **POINT I**

#### **THE ESTATE AND HEIRS OF KENNETH H. KNAPP ARE REQUIRED TO COMPLY WITH THE TERMS OF THE FINAL AGENCY ORDER**

The Department issued the AONOCAPA to Knapp on March 16, 2021. Knapp did not request an administrative hearing or otherwise contest the AONOCAPA within twenty days of receipt of the AONOCAPA.

As a result, on April 10, 2021, the AONOCAPA became an FAO. See N.J.A.C. 7:26C-9.10(b); 9.12(d)(2).

Appeals of FAOs must be taken within forty-five days. Rule 2:4-1(b). Knapp neither filed an appeal nor requested an extension of the time to appeal. As a result, he waived his right to review of the FAO.

Pursuant to the FAO, Knapp's estate and heirs must: retain a LSRP, N.J.A.C. 7:26C-2.3(a)(1) and (2); submit an initial receptor evaluation, N.J.A.C. 7:26E-1.12 and N.J.A.C. 7:26C-3.3(b)(2); conduct a remedial investigation and submit an RIR, N.J.A.C. 7:26E-4.9 and N.J.A.C. 7:26C-3.3(a)(1); comply with the Department's direct oversight requirements, N.J.A.C. 7:26C-14.2(b); conduct a remedial action and submit an RAR, N.J.A.C. 7:26E-5.7 and -5.8; pay annual remediation fees in the amount of \$26,660.00, see N.J.A.C. 7:26C-2.3(a)4; submit an updated Annual Remediation Fee Reporting Form; and pay a civil administrative penalty in the amount of \$85,000.00.

The Department now brings this summary proceeding to enforce the FAO pursuant to Rule 4:67-6, which applies to:

all actions by a state administrative agency . . . brought to enforce a written order or determination entered by it, whether final or interlocutory, and whether the order to be enforced requires the payment of money or imposes a non-monetary requirement or includes a combination of monetary and non-monetary remedies . . . .

[R. 4:67-6(a).]

Rule 4:67-6(c)(3) states that "the validity of an agency order shall not be justiciable in an enforcement proceeding." Rather, pursuant to Rule 2:2-3(a)(2), the Appellate Division has exclusive jurisdiction to review the merits of final state agency determinations. Dep't of Env'tl. Prot. v. Mazza & Sons, Inc., 406 N.J. Super. 13, 23 (App. Div. 2009) (a "party cannot simply disregard the final agency action, wait for the agency to bring an enforcement action under Rule 4:67-6 in a trial court, and then challenge the agency action in defense of the enforcement action."). Thus, Knapp's estate and heirs cannot challenge the validity of the AONOCAPA, which is now an FAO, in the present enforcement proceeding.

In sum, Knapp had ample opportunity to challenge the merits of the AONOCAPA. When he failed to contest the AONOCAPA within twenty days, he waived his right to administrative review - yet still had forty-five days to seek Appellate Division review. But Knapp did not file an appeal during that timeframe. As a result, the time to appeal, which began when the AONOCAPA became a FAO on April 10, 2021, has passed. The Department now asks the Court to enter an order directing Knapp's estate and heirs to comply with the terms of the FAO.

In the nearly two years since Knapp's death, none of his heirs has come forward to administer his estate or initiate probate

proceedings. As such, there is currently no identifiable representative of Knapp's estate that can be named in this action, and his assets have not yet been distributed among his heirs. On April 24, 2024, the Department filed an action in the New Jersey Superior Court, Probate Part, asking the court to appoint a fiduciary to open an estate. The Department intends to amend the instant complaint to name the administrator as a defendant once Knapp's estate is opened and an administrator selected.

POINT II

THE DEPARTMENT IS ENTITLED TO AN ORDER ISSUED PURSUANT TO  
R. 4:70 ASSESSING A CIVIL PENALTY AGAINST KNAPP'S ESTATE AND  
HEIRS FOR FAILURE TO COMPLY WITH A FINAL AGENCY ORDER

In addition, the Department is entitled to seek additional civil penalties for Knapp's persistent failure to satisfy his obligations under the FAO. See N.J.S.A. 58:10-23.11u(a)(1)(c); N.J.S.A. 58:10-23.11u(d). Rule 4:70 provides for summary proceedings to enforce statutory penalties to be brought in accordance with Rule 4:67 unless the applicable statute requires a plenary action. R. 4:70-1(a). The applicable statute here - the Spill Act - assesses penalties for violations and does not require a plenary hearing. Each day the violations on the Property continue constitutes a separate and distinct violation under the Spill Act, as follows:

[a]ny person who violates a provision of P.L.1976, c. 141 (C.58:10-23.11 et seq.), or

a court order issued pursuant thereto, or who fails to pay a civil administrative penalty in full or to agree to a schedule of payments therefor, shall be subject to a civil penalty not to exceed \$50,000.00 per day for each violation, and each day's continuance of the violation shall constitute a separate violation. Any penalty incurred under this subsection may be recovered with costs in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c. 274 (C.2A:58-10 et seq.) in the Superior Court or a municipal court.

[N.J.S.A. 58:10-23.11u(d).]

Here, Knapp failed to satisfy his obligations under the FAO. Thus, the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 to -12, and Rules 4:67 and 4:70 permit the Department to collect statutory civil penalties in a summary action.

Knapp's failure to comply with the FAO is particularly concerning given that the Property is located in the ecologically sensitive Pinelands Preservation Area, and in close proximity to wetlands, a stream, a lake, and at least four private potable wells. Thus, prompt compliance is essential to ensure that contamination from the Property does not pose a continuing threat to the community and the environment. The Department asks the Court to assess a civil penalty against Knapp's estate and heirs proportionate to the longstanding failure to achieve compliance with the FAO, consistent with N.J.S.A. 58:10-23.11u(d).



**CONCLUSION**

For the foregoing reasons, Plaintiffs respectfully request an order granting the relief sought in their Verified Complaint, and such other relief as the Court deems appropriate.

Respectfully submitted,

MATTHEW J. PLATKIN  
ATTORNEY GENERAL OF NEW JERSEY  
Attorney for Plaintiffs

Dated: April 24, 2024

By: /s/ Rachel Manning  
Rachel Manning  
Deputy Attorney General

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NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION AND  
ADMINISTRATOR, NEW JERSEY  
SPILL COMPENSATION FUND,

Plaintiffs,

v.

ESTATE OF KENNETH H. KNAPP  
(FICTITIOUS); KENNETH H.  
KNAPP, JR., HOWARD W. KNAPP,  
STEPHEN A. KNAPP, SUSAN L.  
KNAPP, AND AUDREY M. KING,  
AS PRESUMPTIVE HEIRS OF  
KENNETH H. KNAPP; AND  
SOLOMON DWEK,

Defendants.

: SUPERIOR COURT OF NEW JERSEY  
: GENERAL EQUITY DIVISION -  
: BURLINGTON COUNTY  
: DOCKET NO.

:  
:  
:

**CIVIL ACTION**

**CERTIFICATION OF GILLIAN  
SCHWERT IN SUPPORT OF  
PLAINTIFFS' VERIFIED COMPLAINT  
AND ORDER TO SHOW CAUSE**

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:  
:

I, Gillian Schwert, being of full age, certify as follows:

1. I have been employed by the New Jersey Department of Environmental Protection (the "Department") since August 2019, and am currently employed as an Enforcement Manager within the Contaminated Site Remediation and Redevelopment program.

2. I make this Certification in support of the Department's Verified Complaint to enforce a Final Agency Order ("FAO") against Kenneth H. Knapp's Estate and Heirs and to collect additional civil penalties.
3. I graduated from Tulane University with a bachelor's degree in Environmental Science in May 2012 and from the University at Buffalo with a master's degree in Geography in May 2018.
4. My responsibilities include reviewing and preparing the Department's enforcement documents; negotiating settlements regarding compliance and penalties with responsible parties; monitoring compliance with enforcement and settlement documents; and providing enforcement support to the Department's programs engaged in investigating, planning, implementing and overseeing the remediation of sites within New Jersey that are contaminated with "hazardous pollutants" and "hazardous substances," as defined in N.J.S.A. 58:10A-3u and N.J.S.A. 58:10-23.11b, respectively.
5. The property that is the subject of the Verified Complaint is the Chatsworth Deli Site located at 4024 Route 563 (a/k/a 4024 Main Street, f/k/a 484 Route 563), Chatsworth, Woodland Township, Burlington County, New Jersey, 08019, also known as Block 3807, Lots 3 and 4 on the tax map of Woodland Township (the "Property"), which the Department has

designated as Site Remediation Program Interest Number 032473.

6. The Property consists of approximately 0.34 acres of real property located in a rural area. It is bounded by residential properties to the north, south, and east; and by Route 563, a/k/a Main Street, to the west.
7. I have been the Enforcement Manager assigned to the Property since August 2019 and have been involved with the enforcement aspect of the remediation of the discharges at the Property during that time. As such, I make this certification based on my personal knowledge and my review of the Department's files.
8. The Property was operated as a gasoline service station and deli by John, Lydia, and Alberta Broomes until approximately the 1970s. The Property's ownership changed several times in the subsequent years. PNC Bank, N.A. (PNC) owned the Property from September 2, 1997 until September 6, 2001.
9. During PNC's ownership, it retained RT Environmental Services, Inc. (RT Environmental), an environmental consultant, to investigate the soil and groundwater at the Property, focusing on two Areas of Concern (AOC) identified during a preliminary site visit. AOC #1 represented four underground storage tanks (USTs) and the associated pump island, and AOC #2 represented three below-grade, brick-

lined cesspools. On April 10, 1998, RT Environmental called the Department Hotline to report that a UST was suspected to be leaking and that soil borings demonstrated contamination.

10. As reported in a document titled "Remedial Investigation Report" (RIR) that was submitted in 1998, soil samples collected from the Property revealed concentrations of ethylbenzene and xylenes above the Department's cleanup criteria in effect at the time. Groundwater samples collected from the Property showed concentrations of toluene, ethylbenzene, xylenes, and naphthalene above the applicable groundwater quality standards (PQL).<sup>1</sup>

11. The 1998 RIR also reported that on or about July 21, 1998, RT Environmental oversaw the removal of four USTs - one 1,500-gallon UST and three 550-gallon USTs, all of which are believed to have contained leaded gasoline - and approximately 250 tons of petroleum-contaminated soil from the Property on behalf of PNC. The 1,500-gallon UST had collapsed and had a large number of small holes, and the three 550-gallon USTs each had approximately 15 gallons of product remaining inside.

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<sup>1</sup> Because the Property is located in the Pinelands, the applicable groundwater quality standards are the Practical Quantitation Levels ("PQL"), which "means the lowest concentration of a constituent that can be reliably achieved among laboratories within specified limits of precision and accuracy during routine laboratory operating conditions." N.J.A.C. 7:9C-1.4.

12. On May 27, 1999, the Department approved a Classification Exception Area (CEA) as an institutional control for certain contaminants on and emanating from the Property.<sup>2</sup>
13. On or about July 7, 1999, two off-site monitoring wells were installed on behalf of PNC to delineate the groundwater plume off-site. In total, there were four on-site and two off-site monitoring wells.
14. From July 1999 through January 2000, RT Environmental collected three rounds of groundwater samples on behalf of PNC from the on- and off-site monitoring wells. In the analytical results from those three sampling events, toluene, xylenes, methyl tertiary butyl ether ("MTBE"), and tetrachloroethylene exceeded their respective PQLs in effect at the time.
15. On May 26, 2000, RT Environmental reported to the Department that the analytical groundwater data indicated natural degradation and attenuation, suggesting no further action would be appropriate.
16. On July 19, 2000, the Department issued a No Further

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<sup>2</sup> As DEP explained in the May 27, 1999 letter, "[w]hen contamination remains on site above an applicable remediation standard, institutional controls are required pursuant to N.J.S.A. 58:10B-13. . . . Pursuant to 7:9-6.6, a CEA may be established when the Department determines that the [Ground Water Quality Standards] will not be met in a localized area due to pollution. Designated uses, for example, use of ground water as a potable water supply, may not be possible without the proper precautions."

Action Letter (NFA) and Covenant Not to Sue (CNS) for the former UST area at the Property (AOC #1), and modified the CEA. In that letter, the Department listed several conditions of the NFA, including the requirement that PNC and its successors must monitor the effectiveness of the institutional controls and certify every two years that they are "being properly maintained and continue to be protective of public health and safety and the environment." The Department also stated that it may revoke the CNS at any time, after providing notice, if "(a) any person with the legal obligation to comply with any condition in this No Further Action Letter has failed to do so; or (b) any person with the legal obligation to maintain or monitor any engineering or institutional control has failed to do so."

17. Following the issuance of the NFA on July 19, 2000, RT Environmental collected groundwater samples on July 21, 2000 on behalf of PNC from the on-site monitoring wells. The results from this sampling event demonstrated that concentrations of toluene, ethylbenzene, and xylenes in two on-site monitoring wells had increased since January 2000, and that MTBE was still above the PQL. These data were not reported to the Department until 2004.
18. Solomon Dwek acquired the Property from PNC on September 6, 2001.

19. On April 16 and 28, 2004, RT Environmental collected groundwater samples from both on- and off-site monitoring wells, and in July 2004, RT Environmental submitted the analytical data to the Department in a document titled "Remedial Investigation Addendum Report" on behalf of Solomon Dwek. That report also included analytical data from the July 21, 2000 groundwater samples collected on behalf of PNC. The analytical data demonstrated that concentrations of toluene, ethylbenzene, and xylenes had increased even more from the January 2000 sampling events, with ethylbenzene and xylenes having increased by an order of magnitude.
20. Kenneth H. Knapp acquired the Property from Solomon Dwek on November 18, 2004. I have attached a true and correct copy of the Deed as **Exhibit A** to this certification.
21. Based on the significant increases in groundwater contamination at the Property between January 13, 2000 and April 28, 2004, the Department sent a letter dated June 28, 2006 notifying PNC, Solomon Dwek, and Kenneth H. Knapp that it was rescinding the NFA and that it intended to revoke the CNS. The letter set forth several required actions to be completed within specified timeframes, including soil sampling and delineation, quarterly sampling of nearby potable wells, and door-to-door canvassing to determine if



potable wells are being used.

22. As set forth in the NFA rescission dated June 28, 2006, the levels of contaminants of concern at the Property exceeded PQLs in effect at that time, and they still exceed the PQLs in effect today.
23. On March 21, 2007, the Department sent a letter notifying PNC, Solomon Dwek, and Kenneth H. Knapp that the CEA biennial certification was overdue. It reiterated that CEA certifications are due every two years from the date the CEA was most recently established. As such, biennial certifications would have been due July 19, 2002, July 19, 2004, and July 19, 2006.
24. On March 27, 2007, the Department sent a letter notifying Kenneth H. Knapp that it was revoking the CNS, and issued a Notice of Violation ("NOV") for failure to delineate and remediate a discharge, submit a CEA biennial certification, conduct a remedial groundwater investigation, perform a well search and door-to-door canvassing, sample potable and supply wells, conduct a baseline ecological evaluation, delineate the horizontal and vertical extent of contamination, and make submissions to the Pinelands Commission for all past reports. I have attached a true and correct copy of the NOV as **Exhibit B** to this certification. Kenneth H. Knapp did not respond to the NOV

or address the violations.

25. The Department sent Kenneth H. Knapp a second NOV on November 29, 2007 for failure to remediate a discharge and submit a CEA biennial certification. I have attached a true and correct copy of the second NOV as **Exhibit C** to this certification. Again, Kenneth H. Knapp did not respond to the NOV or address the violations.

26. On April 4, 2011, the Department sent Kenneth H. Knapp a letter to inform him of his obligations at the Property. The Department made several attempts to reach Kenneth H. Knapp by phone between February 23, 2012 and June 1, 2012, but Kenneth H. Knapp did not return any phone calls or messages.

27. On March 22, 2017, the Department and the Administrator of the New Jersey Spill Compensation Fund filed a Notice of Lien against the Property in the amount of \$18,611.22, which was assigned docket number DJ-041026-17 in the Superior Court, Burlington County. That lien represented costs that the Department expended in connection with the discharge of hazardous substances at the Property between November 2004 and February 2017. The Department sent Kenneth H. Knapp a letter dated April 7, 2017, informing him that the Notice of Lien had been filed. I have attached a true and correct copy of the letter and Notice of Lien as **Exhibit D** to this

certification.

28. On November 14, 2019, the Department sent a NOV to both Kenneth H. Knapp and PNC for their failure to submit an RIR by the statutory timeframe of May 7, 2014 and to comply with the Department's direct oversight requirements. I have attached a true and correct copy of the NOV as **Exhibit E** to this certification.
29. On March 3, 2020, the Department and the Administrator of the New Jersey Spill Compensation Fund issued a Notice of Amended Lien against the Property, increasing the total amount of the lien to \$42,011.22. The \$23,400.00 added to the lien in the March 3, 2020 amendment represented unpaid annual remediation fees owed by Kenneth H. Knapp between 2012 and 2019. The Department sent Kenneth H. Knapp a letter dated May 29, 2020, informing him that the March 22, 2017 lien had been amended. I have attached a true and correct copy of the letter and Notice of Amended Lien as **Exhibit F** to this certification.
30. On June 17, 2020, the Department sent a NOV to both Kenneth H. Knapp and Solomon Dwek for failure to submit an RIR within the statutory timeframe and Remedial Action Report (RAR) within the regulatory timeframes, and comply with the direct oversight requirements. I have attached a true and correct copy of the NOV as **Exhibit G** to this

certification. Kenneth H. Knapp did not respond to either of the two NOV's or address the violations.

31. On March 16, 2021, the Department issued an Administrative Order and Notice of Civil Administrative Penalty Assessment ("AONOCAPA") to Kenneth H. Knapp, which was delivered via certified mail on March 20, 2021. The AONOCAPA alleged that, pursuant to N.J.S.A. 58:10-23.11b and N.J.A.C. 7:1E-5.7(a)(2)(ii), Kenneth H. Knapp is responsible for remediating the contamination at the Property and all other areas to which any hazardous substance discharged on the Property has migrated pursuant to the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-1.1 et seq. In addition, it directed Kenneth H. Knapp to pay outstanding annual remediation fees, which were then \$26,660.00, and assessed \$85,000.00 in civil administrative penalties. I have attached a true and correct copy of the AONOCAPA as **Exhibit H** to this certification. I have attached proof of delivery of the AONOCAPA as **Exhibit I** to this certification.

32. In addition, as stated in the AONOCAPA, the Department was required to undertake direct oversight of the Property because the remedial investigation was not completed by the statutory timeframe of May 7, 2014. See N.J.S.A. 58:10C-27; N.J.A.C. 7:26C-14.2. As a result, Kenneth H. Knapp was

required to comply with the Department's direct oversight requirements in N.J.A.C. 7:26C-14.2(b).

33. The Department informed Kenneth H. Knapp in the AONOCAPA that he had a right to request a hearing within twenty days and that, if he failed to do so, the AONOCAPA would become a Final Order on the twenty-first day following Kenneth H. Knapp's receipt of the AONOCAPA. Kenneth H. Knapp did not request an administrative hearing or otherwise contest the AONOCAPA within twenty days of receipt of the AONOCAPA. As such, the AONOCAPA became an FAO on April 10, 2021. The AONOCAPA, which is now a Final Order, required Kenneth H. Knapp to:

- a. Retain a Licensed Site Remediation Professional (LSRP), as required by N.J.A.C. 7:26C-2.3(a)(1) and (2), and notify the Department of the LSRP's name and license information and the scope of remediation;
- b. Submit an initial receptor evaluation in accordance with N.J.A.C. 7:26E-1.12 and N.J.A.C. 7:26C-3.3(b)(2);
- c. Conduct a remedial investigation and submit an RIR pursuant to N.J.A.C. 7:26E-4.9 and N.J.A.C. 7:26C-3.3(a)(1);
- d. Comply with the Department's requirements for

direct oversight under N.J.A.C. 7:26C-14.2(b) as follows:

- i. submit a cost estimate to the enforcement manager, pursuant to N.J.A.C. 7:26C-14.2(b)(2)(i) and N.J.A.C. 7:26C-5.10(a);
  - ii. establish and maintain a remediation funding source, pursuant to N.J.A.C. 7:26C-14.2(b)(2)(ii) and N.J.A.C. 7:26C-5.2(k);
  - iii. submit a Public Participation Plan, pursuant to N.J.A.C. 7:26C-14.2(b)(2)(iii) and N.J.S.A. 58:10C-27c(7);
  - iv. submit a direct oversight remediation summary report, pursuant to N.J.A.C. 7:26C-14.2(b)(2)(v); and
  - v. submit to the Department an annual 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;
- e. Conduct a remedial action and submit an RAR in accordance with N.J.A.C. 7:26E-5.7 and -5.8;<sup>3</sup>

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<sup>3</sup> The FAO cited Kenneth H. Knapp's failure to submit an RAR within the regulatory timeframe. After the FAO was issued, Kenneth H. Knapp failed to submit an RAR

f. Pay the \$85,000.00 civil administrative penalty;  
and

g. Pay \$26,660.00 in annual remediation fees and  
submit an updated Annual Remediation Fee  
Reporting Form.

34. On January 13, 2022, the Department issued a letter notifying Kenneth H. Knapp of the FAO, which was delivered via certified mail on or about February 2, 2022. I have attached a true and correct copy of that letter as **Exhibit J** to this certification. I have attached proof of delivery of the FAO as **Exhibit K** to this certification. Kenneth H. Knapp did not appeal the FAO.

35. The Final Order was filed as a civil judgment in Burlington County on April 26, 2022 and assigned docket number DJ-054618-22. On May 2, 2022, the Department notified Kenneth H. Knapp that the judgment had been entered against him in the Superior Court and would operate as a lien on the Property. I have attached a true and correct copy of that letter as **Exhibit L** to this certification.

36. Neither the \$85,000.00 civil administrative penalty nor the outstanding annual remediation fees have been paid. To date, the total amount of annual remediation fees owed is

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within the mandatory timeframe of May 7, 2021 as well. See N.J.A.C. 7:26C-3.3(b) (6).

\$40,215.00.

37. The Department conducted a follow-up compliance evaluation on June 1, 2022, which revealed that Kenneth H. Knapp had not taken any steps to address the violations at the Property.
38. As of the most recent site visit in June 2022, the Property is a vacant lot and the violations at the Property have not been corrected.
39. Prompt remediation of the contamination at the Property is critical because the Property is located in the Pinelands Preservation Area, which is an ecologically sensitive area protected by the Pinelands Protection Act of 1979, N.J.S.A. 13:18A-1 to -58, and the Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-1.1 to -10.35. The Property is located within approximately 500 feet of wetlands, 1,000 feet of Reeds Branch and 1,300 feet of Chatsworth Lake - both of which are classified as Pinelands Waters.<sup>4</sup>
40. Moreover, the Property is located within 50 to 150 feet of at least four private potable wells, which were not sampled quarterly as required by the June 28, 2006 NFA

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<sup>4</sup> "Pinelands Waters" is a surface water classification that refers to all waters within the boundaries of the Pinelands Area, except the fresh waters designated in N.J.A.C. 7:9B-1.15(j), as established in the Pinelands Protection Act, N.J.S.A. 13:18A-1 to -57. There are enhanced protections for surface water quality in Pinelands Waters. In addition, Pinelands Waters are "Outstanding National Resource Waters," which means high quality waters that constitute an outstanding national resource.



rescission letter.

41. Gasoline and its components pose threats to the environment and public health when they enter the soil and the groundwater. Human exposure to these contaminants, including through ingestion or inhalation of vapors, can cause dizziness, headaches, lung irritation, nervous system disruption, and damage to the liver, kidneys, central nervous system, and eyes. These contaminants also persist in soil for long periods of time, impeding plant growth and threatening birds and mammals with irritation and toxicity.
42. Therefore, prompt compliance is necessary to protect public health and safety, as well as the environment.

I certify the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



---

GILLIAN SCHWERT

Enclosures

Dated: April 24, 2024

# EXHIBIT A

Record and return to:  
Cynthia S. Earl, Esq.  
114 Mill Street  
Moorestown, NJ 08057

Prepared by

Michael V. Benedetto, Esq.  
An Attorney at Law of New Jersey

CHARGE & RETURN  
KIMBERLY S. BIRDDOP  
COUNTY CLERK  
BURLINGTON COUNTY, NEW JERSEY  
Municipal Center  
100 North 2nd Street  
Cherry Hill, NJ 08034

CHARGE & RETURN  
Congress Title Corp.  
P.O. Box 5479  
Barclay Pavilion East  
Cherry Hill, NJ 08034

75049505219

DEED

THIS DEED is made as of the 18<sup>th</sup> day of November, 2004

BETWEEN

SOLOMON DWEK, an individual,

whose address is:

200 Wall Street, P. O. Box 98  
West Long Branch, New Jersey 07764

hereinafter referred to as the "Grantor"),

AND

KENNETH H. KNAPP,

whose address is:

510 Willow Avenue  
Roselle Park, New Jersey

hereinafter referred to as the "Grantee")

1. Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property (the "Property") described below to the Grantee. This transfer is made for the sum of Fifty Thousand and One 00/100 Dollars (\$50,001.00). The Grantor acknowledges receipt of this money.

2. Tax Map Reference: Township of Woodland, Burlington County, Block 3807, Lots 3 & 4.

3. Property. The legal description to the Property is set forth in Schedule A attached hereto and made a part hereof. The Property consists of (i) the land (the "Land") which was conveyed to the Grantor by that certain Deed, dated as of September 6, 2001 and recorded on October 15, 2001 with the Clerk of Burlington County, New Jersey in Deed Book DB 5905 at Page 953, which land is located in the Township of Woodland, County of Burlington and State of New Jersey and (ii) all the buildings, structures and improvements on

ARRIVED

2004 NOV 29 A 8: 21

BURLINGTON COUNTY CLERK

the Land.

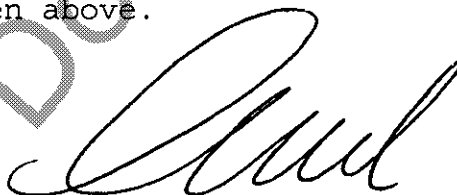
TOGETHER WITH, all the easements, appurtenances and hereditaments and all of the estate, rights, title and interest of the Grantor in and to the Property.

BEING SUBJECT TO those matters of record.

The Street address of the Property is 484 Route 563, Main Street, Chatsworth, New Jersey.

4. Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the Property, except as set forth on Schedule B. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46;4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the Property (such as my making a mortgage or allowing a judgment to be entered against the Grantor).

IN WITNESS WHEREOF, the undersigned has duly executed this Deed as of the date first written above.



Solomon Dwek, Grantor

F:\USERS\MVBGROUP\DWEK\_SOLOMON\484\_ROUTE\_563\_CHATSWORTH\DEED.DOC

STATE OF NEW JERSEY :

ss.:

COUNTY OF MONMOUTH

I CERTIFY that on November 18, 2004, Solomon Dwek, personally came before me and stated to my satisfaction that this person:

- (a) was the maker of this Deed;
- (b) executed this Deed as his or her own act; and;
- (c) made this Deed for \$50,001.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)



Michael V. Benedetto, Esq.  
An Attorney At Law of New Jersey

Unofficial Document



**Fidelity National Title**  
INSURANCE COMPANY

**SCHEDULE C**  
**(Legal Description)**

Commitment No.: 04-75049503

All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Township of Woodland, County of Burlington, State of New Jersey:

BEGINNING at a point on the easterly street line of Main Street (also known as Route 563, 66 feet wide, formerly Pemberton Road) where same is intersected by the division line between Lots 2 and 3 in Block 3807 as shown on the Official Tax Map of the Township of Woodland, which point is distant northerly 100.00 feet along the same from its intersection with the northerly street line of Prince Avenue; thence from said point of BEGINNING.

1. North 2 degrees 00 minutes West along the easterly street line of Route 563, 100.00 feet to a point; thence
2. North 88 degrees 00 minutes East along the division line of Lots 4, 5 and 6, 150.00 feet to a point; thence
3. South 2 degrees 00 minutes East along the division line of Lots 3, 4, 7 and 13, 100.00 feet to a point; thence
4. South 88 degrees 00 minutes along the division line of Lots 2 and 3, 150.00 feet to the easterly street line of Main Street and to the point or place of BEGINNING.

The above description is drawn in accordance with a survey prepared by All-County Surveying, P.C., dated September 4, 2001.

The land referred to in this Commitment is commonly known as Lots 3-4, Block 3807 on the Tax Map, Township of Woodland, in the County of Burlington.

DB 06227 PG 431

State of New Jersey

# Seller's Residency Certification/Exemption

(C.55, P.L. 2004)

(Please Print or Type)

**SELLER(S) INFORMATION (If Multiple Sellers, Each Seller Must Complete a Certification):**

Name(s) Solomon Dwek

Street Address: 200 Wall Street, PO Box 98

City, Town, Post Office West Long Branch State NJ Zip Code 07764

Home Phone \_\_\_\_\_ Business Phone (732) 531-4471

**PROPERTY INFORMATION (Brief Property Description):**

Block(s) 3807 Lot(s) 3 & 4 Qualifier \_\_\_\_\_

Street Address: 484 Route 463

City, Town, Post Office Chatsworth State NJ Zip Code \_\_\_\_\_

Seller's Percentage of Ownership 100 Consideration \$50,001.00 Closing Date 11/ /04

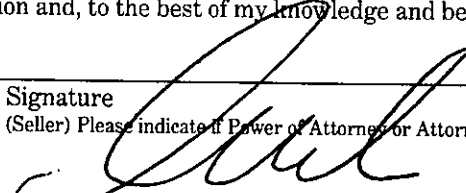
**SELLER ASSURANCES (Check the Appropriate Box):**

1.  I am a resident taxpayer of the State of New Jersey pursuant to N.J.S.A. 54A:1-1 et seq. and will file a resident gross income tax return and pay any applicable taxes on any gain or income from the disposition of this property.
2.  The real property being sold or transferred is used exclusively as my principal residence within the meaning of section 121 of the federal Internal Revenue Code of 1986, 26 U.S.C. s. 121.
3.  I am a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4.  Seller, transferor or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5.  Seller is not individual, estate or trust and as such not required to make an estimated payment pursuant to N.J.S.A.54A:1-1 et seq.
6.  The total consideration for the property is \$1,000 or less and as such, the seller is not required to make an estimated payment pursuant to N.J.S.A. 54A:5-1-1 et seq.

**SELLER(S) DECLARATION:**

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete.

\_\_\_\_\_  
Date  
11-18-04  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature  
(Seller) Please indicate if Power of Attorney or Attorney in Fact  
  
\_\_\_\_\_  
Signature **Solomon Dwek**  
(Seller) Please indicate if Power of Attorney or Attorney in Fact



**Fidelity National Title**  
INSURANCE COMPANY

**SCHEDULE C**  
**(Legal Description)**

Commitment No.: 04-75049503

**All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Township of Woodland, County of Burlington, State of New Jersey:**

BEGINNING at a point on the easterly street line of Main Street (also known as Route 563, 66 feet wide, formerly Pemberton Road) where same is intersected by the division line between Lots 2 and 3 in Block 3807 as shown on the Official Tax Map of the Township of Woodland, which point is distant northerly 100.00 feet along the same from its intersection with the northerly street line of Prince Avenue; thence from said point of BEGINNING.

1. North 2 degrees 00 minutes West along the easterly street line of Route 563, 100.00 feet to a point; thence
2. North 88 degrees 00 minutes East along the division line of Lots 4, 5 and 6, 150.00 feet to a point; thence
3. South 2 degrees 00 minutes East along the division line of Lots 3, 4, 7 and 13, 100.00 feet to a point; thence
4. South 88 degrees 00 minutes along the division line of Lots 2 and 3, 150.00 feet to the easterly street line of Main Street and to the point or place of BEGINNING.

The above description is drawn in accordance with a survey prepared by All-County Surveying, P.C., dated September 4, 2001.

The land referred to in this Commitment is commonly known as Lots 3-4, Block 3807 on the Tax Map, Township of Woodland, in the County of Burlington.



# RECORDING DATA PAGE

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Consideration \$50,001.00 Code: S  
Transfer Fee : \$202.00  
Recording Date: 12/03/2004 Login id:  
Document No : 4094403 cccbartho

CONGRESS TITLE CORP  
PO BOX 5479  
BARCLAY PAVILION EAST  
CHERRY HILL, NJ 08034

Receipt No : 528252  
Document No : 4094403 Type : DEED  
Recording Date : 12/03/2004  
Login id : cccbartho

Recorded  
Dec 03 2004 11:53am  
Burlington County Clerk

Clerk of Burlington County • 49 Rancocas Rd. • Mt. Holly, NJ 08060  
609-265-5180

# EXHIBIT B

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage \$ \_\_\_\_\_

Samples  
Jan 2000  
July 2000  
April 2004

Sold to Dwek  
9/01  
-Dwek  
Sampled.  
-Dwek  
11/04  
Knapp

F (Endo)  
Res (Endo)  
To  
Ser  
Str or Ci

New Jersey  
ENVIRONMENTAL PROTECTION  
Management and Response  
Leak and Storage Tanks  
State Street  
Box 433  
New Jersey 08625-0433  
Tel: (609) 777-4285, Fax: (609) 777-4285

LISA P. JACKSON  
Commissioner

JON S  
C  
7005 1160 0000 09TT 5001  
CER  
7005-11  
Ken Knapp  
510 W  
Roselle

MAR 27 2007

**NOTICE OF VIOLATION**

Name of violator: Ken Knapp  
Site Name: Former Chatsworth Deli  
Location: 484 Main St, a.k.a. Rt. 563, Woodland Twp, Burlington County, NJ 08026  
PI#: 032473, Incident # 98-04-10-1138-34

You are hereby NOTIFIED that during a compliance evaluation conducted on November 20, 2006, and based on a review of the Department letters dated June 28, 2006, March 21, 2006, February 8, 2006, May 27, 2005, and May 12, 2005, the Department identified the following violation(s) of the New Jersey Spill Compensation and Control Act (N.J.S.A. 58:10-23 et seq.) and the regulations promulgated thereunder. Additionally, by the Department letter dated June 28, 2006, the Department issued a notice of intent to revoke the "Covenant Not to Sue" that was included with the No Further Action Letter dated July 19, 2000. Based on the violations that have occurred and are documented within this "Notice of Violation", the Department hereby revokes the Covenant Not to Sue.

These violation(s) have been recorded as part of the permanent enforcement history of Ken Knapp for the above location.

Requirement: Pursuant to N.J.A.C. 7:1E-5.7(a)2i, any person responsible for a discharge shall take all necessary and appropriate measures to contain, mitigate, cleanup, and remove the discharge by remediating the discharge pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E.

1. Description of Noncompliance: Failure to delineate and remediate a discharge pursuant to N.J.A.C. 7:26E. Specifically, ethylbenzene, toluene, total xylenes and tentatively identified compounds (TICs) levels in ground water have increased following a previously established decreasing trend and Mr. Knapp has failed to address these changes.

Ken Knapp  
PEA060001 - 032473  
Page 2

Requirement: Pursuant to N.J.A.C. 7:26E-8.4(c)2, the persons responsible for monitoring the protectiveness of a remedial action that includes an engineering and/or institutional control shall submit to the Department a certification, pursuant to this section and consistent with N.J.A.C. 7:26C-1.2 (a)1, according to the following schedule: For a ground water classification exception area, every two years on the anniversary of the date that the Department established the ground water classification exception area.

2. Description of Noncompliance: Failure to submit to the Department, a monitoring/maintenance certification, for a ground water classification exception area, every two years on the anniversary of the date the Department established the ground water classification exception area.

*non-minor*

Requirement: Pursuant to N.J.A.C. 7:26E-4.4(h)3i, the Remedial Investigation of ground water shall be conducted for the purposes of a Remedial Investigation pursuant to N.J.A.C. 7:26E-4.1 according to: 1. The quality assurance and quality control requirements pursuant to N.J.A.C. 7:26E-2; and 2. The requirements in N.J.A.C. 7:26E-4.4(d)-(i).

3. Description of Noncompliance: Failure to conduct a Remedial Investigation of ground water according to general technical requirements. Mr. Knapp was required to delineate the levels contaminants listed in item 1 above found in monitoring wells MW-3 and MW-4 based on the July 2000 sampling event and in temporary well points TW-2, TW-3, TW-4, TW-6, GW-1 and GW-2 collected March 31, 2004 and April 28, 2004. This remedial investigation has not been completed.\*

Requirement: Pursuant to N.J.A.C. 7:26E-4.4(h)3v, the results of initial ground water analyses shall be evaluated as follows: If ground water contamination above the applicable remediation standards has been confirmed, the person responsible for conducting the remediation shall perform the requirements in (h)3i through ix. The person responsible for conducting the remediation shall perform an updated well search, which shall include door to door canvassing for supply wells pursuant to N.J.A.C. 7:26E-3.7(e)3i and ii, based on the results of: (1) The delineation performed in (h)3i; and (2) The confirmed ground water flow direction determined in N.J.A.C. 7:26E-4.4(h)3ii.

4. Description of Noncompliance: Failure to properly perform a well search and door to door canvassing.

*non-minor*

Requirement: Pursuant to N.J.A.C. 7:26E-4.4(h)3vi, the results of initial ground water analyses shall be evaluated as follows: If ground water contamination above the applicable remediation standards has been confirmed, the person responsible for conducting the remediation shall perform the requirements in (h)3i through ix. The person responsible for conducting the remediation shall sample any existing potable and supply wells identified pursuant to the well search and door to door canvassing, which are suspected to be contaminated by the site in question.

5. Description of Noncompliance: Failure to properly sample potable and supply wells, which are suspected to be contaminated.

*non-minor*

Requirement: Pursuant to N.J.A.C. 7:26E-3.11(a)3, a baseline ecological evaluation (BEE) shall be completed for each contaminated site or area of concern.

Ken Knapp  
FEA060001 - 032473  
Page 3

6. Description of Noncompliance: Failure to identify potential contamination migration pathways and a completion of the BEE pursuant the Technical Requirements for Site Remediation N.J.A.C. 7:26E-3.11(a)3 et. seq.\*

Requirement: Pursuant to N.J.A.C. 7:26E-4.1(b), the delineation of the horizontal and vertical limits of (soil) contamination to the applicable unrestricted use remediation standard for all media shall be conducted as part of the Remedial Investigation.

7. Description of Noncompliance: Failure to investigate and delineate the horizontal and vertical extent of contamination to the applicable remediation standard, (i.e. source area soil contamination that may be causing increasing trends in ground water contamination either on and or off site) including the extent to which contamination has migrated off the property.\*

Requirement: Pursuant to N.J.A.C. 7:26E-1.4(f), the person responsible for remediating a contaminated site located within the jurisdiction of the Pinelands Commission shall: 1. Submit copies of all final reports or work plans to the Pinelands Commission.

8. Description of Noncompliance: Failure to make submission to, and/or get approvals from the Pinelands Commission for all past reports.\*

Pursuant to the Department's Oversight of the Remediation of Contaminated Sites N.J.A.C. 7:26C, the items listed above are non-minor and minor violations (minor violations designated by \*). The Department will not assess a penalty against you for violations marked above with an asterisk (\*) if you correct them by the deadlines below.

**NON-MINOR VIOLATIONS: 2, 4, and 5.**

**MINOR VIOLATIONS: 3, 6, 7, and 8.**

For item 2, Mr. Ken Knapp is required to submit a bi-annual certification report for the existing Classification Exception Area (CEA) pursuant to N.J.A.C. 7:26E-8.4 and review fee of \$250.00 to the Department within **thirty (30) calendar days** of receipt of this letter.

For item 4, Mr. Ken Knapp is required to conduct door to door canvassing within 1,000 feet of the site and provide the canvassing data to the Department within **thirty (30) calendar days** of receipt of this letter. Mr. Ken Knapp is also required to provide an updated computerized well search to the Department. Mr. Ken Knapp must provide evidence that you requested the computerized well search data **within thirty (30) calendar days** of receipt of this letter. The well search information must be submitted to the Department Case Manager upon receipt with a proposal to sample any well(s) not previously identified.

Ken Knapp  
 PEA060001 - 032473  
 Page 4

For item 5, Mr. Ken Knapp must sample all supply wells that are found to exist within 1,000 feet of the site. Supply wells are defined as any potable, irrigation, commercial, industrial or geothermal well. The supply wells must be sampled within thirty (30) calendar days of receipt of this letter and the analytical results of the supply well sampling must be submitted to the Department within forty five (45) calendar days of the actual supply well(s) sampling. All supply well sampled shall be analyzed for Volatile Organic Compounds (VOCs)+10, calibrated for Methyl tertiary-butyl ether (MTBE), Tertiary-butyl alcohol (TBA) using EPA Method 524.2 version 4.1 and for lead using an approved EPA method.

For items 3, and 7, Mr. Ken Knapp is required to conduct a complete soil investigation, soil sampling and soil delineation of horizontal and vertical extent of soil contamination previously detected at all area of concerns (AOCs) at the site into saturated soils to confirm clean. The Department also requires Mr. Ken Knapp to install 4-inch screened and cased monitoring wells for all temporary sampling points TW-2, TW-3, TW-4, TW-6, GW-1 and GW-2. Mr. Knapp shall conduct a Remedial Investigation for violation # 3 and #7 above pursuant to the soil and ground water requirements contained in the June 28, 2006 Department correspondence (see attached) pages 2 and 3; respectively. Mr. Knapp must submit the next Remedial Investigation Report (RIR) in accordance with N.J.A.C. 7:26E-4.8 and include either a remedial investigation workplan (RIW) pursuant to N.J.A.C. 7:26E-4.2 or a remedial action selection report pursuant to N.J.A.C. 7:26E-5.2 and a remedial action workplan (RAW) pursuant to N.J.A.C. 7:26E-6.2. This work and reports shall be conducted and submitted within ninety (90) calendar days of receipt of this correspondence.

For item 6, Mr. Ken Knapp is required to submit the BEE pursuant to N.J.A.C. 7:26E-3.11(a)3 to the Department within thirty (30) calendar days of receipt of this letter.

For item 8, Mr. Ken Knapp is required to obtain all necessary Pinelands approvals for work conducted, and within thirty (30) calendar days submit last report to the Pinelands and provide all subsequent reports to the Pinelands.

This Notice of Violation serves as notice that the NJDEP, Bureau of Underground Storage Tanks has determined that violations have occurred. It does not constitute final agency action and may not be appealed or contested. The issuance of this Notice or compliance therewith does not preclude the State of New Jersey or any of its agencies from initiating formal administrative and/or judicial enforcement action (including assessment of penalties), with respect to the violations listed above or for any other violations. You may appeal or contest such formal actions. Violations of the above regulations are subject to penalties of up to \$50,000.00 per day/offense in civil administrative penalties as per the Spill Compensation and Control Act.

If you have any questions regarding this matter please contact David Nickerson, (609) 633-1445 and Dave.Nickerson@dep.state.nj.us.

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

**MAR 27 2007**

*Kevin F. Kratina*

Kevin F. Kratina, Bureau Chief  
 Bureau of Underground Storage Tanks

C: Kevin Kratina, Chief  
 Joseph Goliszewski, Section Chief  
 David Nickerson, MS., PG., SEL # 0011600, and BUST Case Manager  
 Walter Trommelen, H.O. Burlington County Health Department  
 Woodland Township Clerk's Office  
 Donna McBride, Pinelands Commission

# EXHIBIT C

20



# State of New Jersey

Jon S. Corzine  
Lisa P. Jackson  
Governor

Department of Environmental Protection

Commissioner

Bureau of Operation Maint & Monitoring  
401 East State Street  
P.O. Box 413  
Trenton, NJ 08625-0413  
Phone #: 609-984-2990  
Fax #: 609-633-2360

November 29, 2007

## CERTIFIED MAIL/RRR

Pnc Bank Na  
620 Liberty Ave - 2 Pnc Plaza  
Pittsburgh, PA 15222

Dwek Solomon  
200 Wall St  
West Long Branch Boro, NJ 07764

Knapp Ken  
510 Willow Ave  
Roselle Park, NJ 07204

## NOTICE OF VIOLATION

EA ID # BEA070001 - 032473

RE: Chatsworth Deli  
484 Main St  
Woodland Twp, NJ 08026  
SRP PI# 032473  
BEA070001  
Biennial Certification

Dear Sir or Madam:

You are hereby notified that during a compliance evaluation conducted on October 1, 2007, the Department of Environmental Protection (DEP or the Department) identified violations of the New Jersey Spill Compensation and Control Act (N.J.S.A. 58:10-23 et seq.), and the regulations promulgated thereunder. This NOTICE is issued to you based on facts observed by or known to the Department, in order to warn you of the violations described below.



Requirement: Pursuant to N.J.A.C. 7:1E-5.7(a)2i, any person responsible for a discharge shall take all necessary and appropriate measures to contain, mitigate, cleanup, and remove the discharge by remediating the discharge pursuant to the Technical Rules for Site Remediation, N.J.A.C. 7:26E. [N.J.A.C. 7:1E-5.7(a)2i]

Description of Noncompliance: Failure to remediate a discharge pursuant to N.J.A.C. 7:26E.

Requirement: Pursuant to N.J.A.C. 7:26E-8.6(c)3, the persons responsible for monitoring the protectiveness of a remedial action that includes a ground water classification exception area shall submit the monitoring report and certification required in N.J.A.C. 7:26E-8.6(c) 1 and 2, according to the schedule in N.J.A.C. 7:26E-8.4(c), to all parties, as required. [N.J.A.C. 7:26E-8.6(c)3]

Description of Noncompliance: Failure to submit the monitoring report and the certification for a classification exception area in accordance with the schedule in N.J.A.C. 7:26E-8.4(c), as required.

**PURPOSE OF THIS NOTICE:** This is intended to serve as a notice to you of the above described violations to provide you with an opportunity to investigate the matter and voluntarily take corrective action to address the identified violations. This NOTICE **does not** constitute a formal enforcement order, a final agency action or a final legal determination that a violation has occurred. Therefore, this NOTICE may not be appealed or contested. In the event the Department determines to pursue future enforcement action, you will then be provided with an opportunity to appeal or contest such action.

Neither the issuance of this NOTICE nor any actions that may be taken by you to address the violation(s), precludes the State of New Jersey or any of its agencies from initiating future enforcement action (including issuance of a formal enforcement order and the assessment of penalties) with respect to the violations listed above or for any other violations. Violations of the above regulations can result in formal enforcement action with penalties of up to \$50,000.00 per day, per offense.

**RESPONDING TO THIS NOTICE:** Pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq., the violations identified in this NOTICE are non-minor violations and therefore do not qualify for Grace Period application. However, voluntary corrective actions taken in response to this NOTICE can affect the Department's determination on the need for or level of any potential future enforcement action in this matter. The Department may consider any voluntary actions you take in response to this NOTICE as part of its determination 1) on whether to initiate future formal enforcement action for this site/matter and, 2) on the degree of any penalty that may be assessed in any future enforcement action. Relevant voluntary **CORRECTIVE ACTIONS** that may be taken are detailed below:

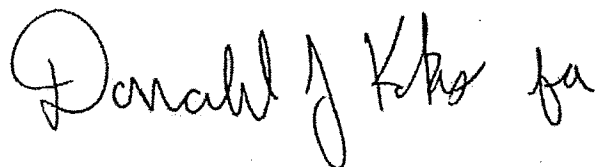
1. Remediate the discharge in accordance with the schedule indicated and pursuant to N.J.A.C. 7:26E.
2. Submit an Engineering and Institutional Controls Monitoring Report including the required fee of \$375.00.[N.J.A.C. 7:26E-8.6]

The biennial certification form and guidance can be found on the Department's website at <http://www.nj.gov/dep/srp/forms/>. The website also contains links to the Technical Requirements (including N.J.A.C. 7:26E-8) and the Oversight Rules, which contain information regarding penalties. Completed Biennial Certifications along with the review fee may be submitted to:

New Jersey Department of Environmental Protection  
Bureau of Operation Maint & Monitoring  
401 East State Street  
P.O. Box 413  
Trenton, NJ 08625-0413  
Attn: Robert Soboleski, Bureau Chief

Completing a **COMPLIANCE RESPONSE FORM** (attached) and sending it to the address below is optional but will assist the Department in its determination of future Department actions. If you want the Department to consider information provided on this form, it should be completed and submitted within 10 days of receipt of this NOTICE.

**IF YOU HAVE QUESTIONS REGARDING THIS NOTICE:** please contact the assigned Case Manager or the Office of Community Relations at [SRPcommunity@dep.state.nj.us](mailto:SRPcommunity@dep.state.nj.us) or 609-984-3081.



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

Robert Soboleski, Bureau Chief  
Bureau of Operation Maint & Monitoring

cc: Donald Kakas, Case Manager



# EXHIBIT D

MAR 22 2017  
SUPERIOR COURT  
CLERK'S OFFICE

ANTHONY J. FARRO, ADMINISTRATOR  
NEW JERSEY SPILL COMPENSATION FUND  
AND  
DIRECTOR, DIVISION OF ENFORCEMENT, TECHNICAL & FINANCIAL SUPPORT  
P.O. BOX 420  
TRENTON, NEW JERSEY 08625-420  
(609) – 984-2902

NEW JERSEY SPILL COMPENSATION FUND, SUPERIOR COURT OF NEW JERSEY  
NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

CLAIMANTS

DOCKET NO.

V.

Kenneth Knapp

NOTICE OF FIRST PRIORITY LIEN

DISCHARGER

NJEMS PI#: 032473

FOR:  
484 Main Street, Route 563  
Chatsworth,  
Burlington County, New Jersey  
Block 3807 Lot 3 on the Tax Map of  
Chatsworth

A Property At Which A Hazardous Substance Has Been Discharged

**TO: CLERK OF THE SUPERIOR COURT**

**BE IT KNOWN** that the New Jersey Spill Compensation Fund (“Fund”) and the New Jersey Department of Environmental Protection claims a Lien pursuant to the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 to 23.14, specifically N.J.S.A. 58:10-23.11 f and/or g, against certain real property located at:

484 Main Street, Route 563  
Chatsworth, Burlington County, New Jersey  
Block 3807 Lot 3 on the Tax Map of Chatsworth

**BE IT FURTHER KNOWN** that this First Priority Lien is for all expenditures made as of February 20, 2017, in connection with the discharge of hazardous substances at the real property located at 484 Main Street, Route 563, Chatsworth, Burlington County, New Jersey, the property being also known and designated as Block 3807 Lot 3 on the Tax Map of Chatsworth. As of February 20, 2017, the expenditures totaled \$18,611.22.

DJ 04 1 026 - 17

**BE IT FURTHER KNOWN** that this First Priority Lien may be amended from time to time as additional expenditures and/or commitments are incurred in connection with the discharge of hazardous substances at the real property located at 484 Main Street, Route 563, Chatsworth, Burlington County, New Jersey, the property being also known and designated as Block 3807 Lot 3 on the Tax Map of Chatsworth.

**BE IT FURTHER KNOWN** that you are hereby requested to enter upon your record of docketed judgments, the name and address of the responsible parties listed below, address of the property listed below, the name of the New Jersey Spill Compensation Fund, the name of the Department of Environmental Protection, the amount of the debt certified as aforesaid and the date of making such entries.

Owner and A Person In Any Way Responsible

Kenneth Knapp  
510 Willow Avenue  
Roselle Park, New Jersey 07204

Property Address

484 Main Street, Route 563  
Chatsworth, Burlington County, New Jersey  
Block 3807 Lot 3 on the Tax Map of Chatsworth

**IN WITNESS WHEREOF**, I have affixed my signature as Administrator, New Jersey Spill Compensation Fund, and as Director, Division of Enforcement, Technical & Financial Support, New Jersey Department of Environmental Protection, this 27<sup>TH</sup> day of FEBRUARY, 2017.

By:  \_\_\_\_\_

Anthony J. Farro, Administrator  
New Jersey Spill Compensation Fund  
And  
Director,  
Division of Enforcement, Technical & Financial Support  
New Jersey Department of Environmental Protection



## State of New Jersey

Chris Christie  
*Governor*  
Kim Guadagno  
*Lt. Governor*

Department of Environmental Protection  
Site Remediation Program  
Office of Direct Billing and Cost Recovery, Mail Code 401-06L  
401 East State Street, PO Box 420, Trenton, NJ 08625-0420

Bob Martin  
*Commissioner*

April 7, 2017

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
AND REGULAR MAIL**

Kenneth Knapp  
510 Willow Avenue  
Roselle Park, New Jersey 07204

Re: **Notice of Lien Filing**  
Program Interest ID#: 032473  
Program Interest Name: CHATSWORTH DELI  
Invoice #/ Outstanding Amount: \$18,611.22

Dear Sir:

The purpose of this letter is to advise you that the New Jersey Department of Environmental Protection ("Department") has filed a lien on property that you own located at 484 Main Street, Route 563, Chatsworth, Burlington County, New Jersey, said property being designated as Block 3807 Lot 3. As explained in more detail below, the Department filed this lien due to the outstanding costs the Department spent to clean up hazardous substances on that property.

According to the New Jersey Spill Compensation and Control Act ("Spill Act"), whenever a person is liable to the Department for cleanup and removal costs, that debt constitutes a lien on all property of that person when notice of the lien identifying the nature of the discharge and amount of cleanup and removal costs is filed with the clerk of the Superior Court, N.J.S.A. 58:10-23.11f.f. In turn, the filed lien shall be entered upon the civil judgment docket setting forth your name, address, and amount of the lien, and shall attach to your revenues and real and personal property. The lien filed against the property of an owner of a facility at which there has been a discharge, and for which the Department expends funds to clean up and remove the hazardous substances that were discharged there, shall have first priority over all other claims or liens that have been filed against that property. The Department has a reasonable basis to believe that the statutory elements allowing the creation of a lien against the Property are present, and, therefore, has filed a lien with the Clerk of the Superior Court. I have enclosed with this letter a copy of the lien.

Within 60 days after your receipt of the certified mailing or the date of this letter, you may notify the Department in writing and include specific reasons you believe the Department did not have a reasonable basis to file the lien. Please include the subject, "Contest of Lien," in the caption of your letter, along with the Property Location, Program Interest ID#, and Program Interest Name provided above. An agency official within the Department will then be assigned to review your case and to render a decision as to whether the Department had a reasonable basis to file the lien in question. The Department has assembled a Lien Filing Record, which consists of the documents related to its decision to file a lien that you may also review by submitting an Open Public Records Act ("OPRA") request with the Department.

See instructions for doing so on the Department's website at <http://www.nj.gov/dep/opra/>. The Lien Filing Record will be made available to the agency official assigned to review your case.

In addition to the filing the lien, the Department may take other measures against you, including but not limited to, referral of the matter to a collection agency/credit bureau or to the New Jersey Income Tax Rebate allocation program, and/or the filing of a lawsuit in the Superior Court to recover these oversight costs and Annual Remediation fees and obtain maximum statutory penalties. Penalties under the Spill Act may be up to \$50,000 per day for each day the Spill Act has been violated, and each day that a violation continues is a separate and distinct offense, N.J.S.A. 58:10-23.11u.

Should you have any further questions regarding this matter, please contact the Office of Direct Billing and Cost Recovery at (609) 633-0701 or if corresponding by mail, please use the address listed in the letter head above.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alphonse Inserra".

Alphonse Inserra, Supervisor  
Office of Direct Billing and Cost Recovery

Enclosure



# EXHIBIT E



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

CATHERINE R. McCABE  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

Department of Environmental Protection  
Site Remediation and Waste Management Program  
Division of Enforcement, Technical & Financial Support  
Enforcement & Information Support Element  
Mail Code 401-06A  
PO Box 420  
Trenton, NJ 08625-0420

CHRISTINE OLSHESKY  
PNC BANK NA  
620 LIBERTY AVE - 2 PNC PLAZA  
PITTSBURGH, PA 15222

AND

KEN KNAPP  
510 WILLOW AVE  
ROSELLE PARK, NJ 07204

### NOTICE OF VIOLATION AND OFFER OF SETTLEMENT EA ID #: BEA190001 - 032473

Site Name: Chatsworth Deli  
Location: 484 Main St, 4024 Rt 563  
Woodland Twp, Burlington County, New Jersey  
PI #: 032473

You are hereby notified that during a compliance review conducted on November 14, 2019 the New Jersey Department of Environmental Protection (Department) identified violations of the Site Remediation Reform Act, N.J.S.A. 58:10C-1 et seq. and the regulations promulgated thereunder.

This **NOTICE OF VIOLATION AND OFFER OF SETTLEMENT** is issued based on facts observed by or known to the Department's representative issuing this **NOTICE OF**

PNC BANK NA AND KNAPP KEN  
BEA190001 - 032473  
Page 2 of 4

**VIOLATION AND OFFER OF SETTLEMENT (NOTICE)**, to warn you of the violations listed below.

#### **DESCRIPTION OF VIOLATIONS**

Requirement: Pursuant to N.J.A.C. 7:26C-3.3(a)4, the person responsible for conducting the remediation who is remediating any discharge that was identified or should have been identified prior to May 7, 1999, shall complete the remedial investigation of the entire site and submit the remedial investigation report by May 7, 2014.

Description of Noncompliance: Failure to comply with the applicable timeframe for sites subject to N.J.S.A. 58:10C-27(a)3.

Requirement: Pursuant to N.J.A.C. 7:26C-14.2(b), the person responsible for conducting the remediation shall comply with the statutory requirements for direct oversight pursuant to N.J.S.A. 58:10C-27 upon the occurrence of any of the events listed in N.J.A.C. 7:26C-14.2(a)1 through 8.

Description of Noncompliance: Failure to comply with the requirements for direct oversight.

**PURPOSE OF THIS NOTICE** - This is intended to serve as a **NOTICE** to you, to warn you of the above violations, in order to provide you with an opportunity to investigate the matter and take corrective action to address the identified violations. This **NOTICE does not** constitute a formal enforcement order, a final agency action or a final legal determination that a violation has occurred. Therefore, this **NOTICE** may not be appealed or contested.

Neither the issuance of this **NOTICE** nor any corrective actions taken by you to address the violations cited precludes the State of New Jersey or any of its agencies from initiating future enforcement action (including issuance of a formal enforcement order and the assessment of penalties) with respect to the violations listed above or for any other violations. In the event the Department determines to pursue future formal enforcement action, you will then be provided with an opportunity to appeal or contest such action.

The above violations are subject to minimum base penalties of up to \$45,000.00 per day/offense in civil administrative penalties in accordance with the Administrative Requirements for the Remediation of Contaminated Sites Rule (N.J.A.C. 7:26C-9.5).

Please be advised that it is recommended that you, or your licensed site remediation professional to be retained, check the Department's Data Miner report at <https://www13.state.nj.us/DataMiner> to determine all due dates applicable to this matter and to determine if other violations exist that are not covered by this **NOTICE** and warrant immediate corrective action.

**RESPONDING TO THIS NOTICE** – Corrective actions taken in response to this **NOTICE** can affect the Department's determination on the need for or severity of any potential future enforcement action in this matter. The Department may consider any actions you take in response to this **NOTICE** as part of its determination 1) on whether to initiate future formal

PNC BANK NA AND KNAPP KEN  
BEA190001 - 032473  
Page 3 of 4

enforcement action for this Site/matter and, 2) on the amount of any penalty that may be assessed in future enforcement actions. Please see the Corrective Actions section below regarding actions you may undertake to address the violations identified in this **NOTICE**:

### **CORRECTIVE ACTIONS FOR VIOLATIONS IN THIS NOTICE**

1. The person responsible for conducting the remediation who is remediating any discharge that was identified or should have been prior to May 7, 1999, shall submit to the Department the remedial investigation report along with the appropriate form. [N.J.A.C. 7:26C-3.3(a)4]
2. The person responsible for conducting the remediation that is in direct oversight, as described in N.J.A.C. 7:26C-14.2(a), shall comply with the requirements of N.J.A.C. 7:26C-14.2(b)1 through 8. [N.J.A.C. 7:26C-14.2(b)]

### **OFFER OF SETTLEMENT**

1. The Department is willing to settle the violations referenced in this **NOTICE** with a payment of \$25,000 subject to the following conditions to be memorialized in an Administrative Consent Order (ACO):
  - a) Within 30 calendar days the Department must receive an agreement to pay the \$25,000 penalty and enter into an ACO with the Department (see enclosure for details).
  - b) The person responsible for conducting the remediation (PRCR) shall comply with the requirements of N.J.A.C. 7:26C-14.2(b). Specifically, it is essential that the person submit a public participation plan in accordance with N.J.A.C. 7:26C-14.2(b)2 and submit a remediation funding source cost review to the Department in accordance with N.J.A.C. 7:26C-14.2(b)2.i. If the requirements in 1.a) above, and 1.b) are met, pursuant to N.J.A.C. 7:26C-14.4 the Department may consider adjustments to the requirements of N.J.A.C. 7:26C-14.2(b).
  - c) The PRCR shall establish and maintain a remediation funding source, as the Department requires pursuant to N.J.A.C. 7:26C-5.4 in an amount at least equal to the estimated cost of the remediation.
  - d) The PRCR shall complete the remedial investigation for all the discharges at the Site and submit a remedial investigation report to the Department pursuant to N.J.A.C. 7:26E-4.
  - e) The PRCR shall complete the implementation of all remedial actions and obtain all applicable remedial action permits for the Contaminated Site in accordance with N.J.A.C. 7:26C and N.J.A.C. 7:26E.

PNC BANK NA AND KNAPP KEN  
BEA190001 - 032473  
Page 4 of 4

- f) The PRCR 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 Contaminated Site in accordance with N.J.A.C. 7:26C and N.J.A.C. 7:26E.
  - g) The PRCR shall pay all outstanding fees.
  - h) The PRCR shall agree to address all outstanding violations that exist at the Site.
2. If the PRCR does not fully comply with all the conditions above, the Department may initiate a future enforcement action to address all outstanding violations that exist at the subject Site. The referenced violations in the **NOTICE** are subject to minimum base penalties of up to \$45,000.00 per day/offense in civil administrative penalties in accordance with the Administrative Requirements for the Remediation of Contaminated Sites Rule (N.J.A.C. 7:26C-9.5).

**IF YOU HAVE QUESTIONS REGARDING THIS NOTICE**, the actions recommended, or if you would like to describe actions taken to address the identified violations, please contact the Duty Officer in the Compliance Assistance section of the Bureau of Enforcement and Investigations at 609-633-1480.



Date: November 14, 2019

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Kevin F. Kratina, Assistant Director  
Enforcement and Information Support Element

Enclosure

**Additional Resources**

Site Remediation Website <http://www.nj.gov/dep/srp/>  
Site Remediation Regulations <http://www.nj.gov/dep/srp/regs/>  
Site Remediation List of LSRPs [http://www.nj.gov/dep/srp/srra/l srp/l srp\\_list.htm](http://www.nj.gov/dep/srp/srra/l srp/l srp_list.htm)

# EXHIBIT F



## State of New Jersey

PHILIP D. MURPHY  
*Governor*  
SHEILA Y. OLIVER  
*Lt. Governor*

Department of Environmental Protection  
Site Remediation and Waste Management Program  
Office of Direct Billing and Cost Recovery, Mail Code 401-06L  
401 East State Street, PO Box 420, Trenton, NJ 08625-0420

CATHERINE R. MCCABE  
*Commissioner*

May 29, 2020

Kenneth Knapp  
510 Willow Avenue  
Roselle Park, New Jersey 07204

Re: Program Interest ID#: 032473  
Program Interest Name: CHATSWORTH DELI

Dear Mr. Knapp:

Enclosed please find a copy the Amended Lien filed for Docket Number DJ041026-17 on March 03, 2020 filed with the Superior Court of New Jersey by the Department of Environmental Protection, State of New Jersey, in accordance with N.J.S.A. 58:10-23.11(f).

Should you have any further questions regarding this matter, please contact the Office of Direct Billing and Cost Recovery at (609) 633-0701 or if corresponding by mail, please use the address listed in the letter-head above.

Sincerely,

A handwritten signature in blue ink that reads "Alphonse Inserra".

Alphonse Inserra, Section Chief  
Office of Direct Billing and Cost Recovery

Enclosure

DAVID E. HAYMES, ADMINISTRATOR  
NEW JERSEY SPILL COMPENSATION FUND  
AND  
DIRECTOR, DIVISION OF ENFORCEMENT TECHNICAL & FINANCIAL SUPPORT  
401 EAST STATE STREET  
P.O. BOX 420  
TRENTON, NJ 08625-0420  
(609) 984-2902

**FILED**  
**MAR 03 2020**  
**SUPERIOR COURT**  
**CLERK'S OFFICE**

NEW JERSEY SPILL COMPENSATION FUND,  
NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

SUPERIOR COURT OF NEW JERSEY

CLAIMANTS

DOCKET NO. DJ041026-17

V.

Kenneth Knapp

NOTICE OF AMENDED  
FIRST PRIORITY LIEN

DISCHARGER

FOR:

484 Main Street, Route 563  
Chatsworth,  
Burlington County, New Jersey  
Block 3807 Lot 3 on the Tax Map of  
Chatsworth

NJEMS PI#: 032473

**TO: CLERK OF THE SUPERIOR COURT**

**BE IT KNOWN** that the New Jersey Spill Compensation Fund ("Fund") and the New Jersey Department of Environmental Protection claims a First Priority Lien pursuant to the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 to 23.14, specifically N.J.S.A. 58:10-23.11 f and/or g, against certain real property located at:

484 Main Street, Route 563  
Chatsworth, Burlington County, New Jersey  
Block 3807 Lot 3 on the Tax Map of Chatsworth

**BE IT FURTHER KNOWN** that this First Priority Lien is for all expenditures made as of January 14, 2020, from the Fund in connection with the discharge of hazardous substances at the real property located at



484 Main Street, Route 563, Chatsworth, Burlington County, NJ, the property being also known and designated as Block 3807 Lot 3 on the Tax Map of Chatsworth. As of January 14, 2020, the amended lien amount is \$42,011.22.

**BE IT FURTHER KNOWN** that this First Priority Lien may be amended from time to time as additional expenditures and/or commitments are incurred by the Fund in connection with the discharge of hazardous substances at the real property located at 484 Main Street, Route 563, Chatsworth, Burlington County, New Jersey the property being also known and designated as Block 3807 Lot 3 on the Tax Map of Chatsworth.

**BE IT FURTHER KNOWN** that you are hereby requested to enter upon your record of docketed judgments, the name and address of the discharger listed below, address of the property listed below, the name of the New Jersey Spill Compensation Fund, the name of the Department of Environmental Protection, the amount of the debt certified as aforesaid and the date of making such entries.

*Owner and A Person in Any Way Responsible*

Kenneth Knapp  
510 Willow Avenue  
Roselle Park, New Jersey 07204

*Property Address*

484 Main Street, Route 563  
Chatsworth, Burlington County, New Jersey  
Block 3807 Lot 3 on the Tax Map of Chatsworth

**BE IT FURTHER KNOWN** that, upon entry, this lien shall supersede the lien previously filed on 3/22/17, and entered as Docketed Judgement No. DJ041026-17 in the original amount of \$18,611.22 against Kenneth Knapp for the real property located at 484 Main Street, Route 563, Chatsworth, Burlington County, New Jersey, said property being also known and designated as Block 3807 Lot 3 on the Tax Map of Chatsworth.

**IN WITNESS WHEREOF**, I have affixed my signature as Administrator, New Jersey Spill Compensation Fund, and as Director, Division of Enforcement, Technical & Financial Support, New Jersey Department of Environmental Protection, this 11 day of February, 2020.

By: \_\_\_\_\_



David E. Haymes, Administrator  
New Jersey Spill Compensation Fund  
And  
Director,  
Division of Enforcement, Technical & Financial Support  
New Jersey Department of Environmental Protection

# EXHIBIT G



## State of New Jersey

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
SITE REMEDIATION AND WASTE MANAGEMENT PROGRAM  
ENFORCEMENT AND INFORMATION SUPPORT ELEMENT

401 East State Street

P.O. Box 420, Mail Code 401-06A

Trenton, New Jersey 08625-0420

Tel. (609) 292-1480 • Fax (609) 292-1975

[www.nj.gov/dep](http://www.nj.gov/dep)

**PHILIP D. MURPHY**

*Governor*

**SHEILA Y. OLIVER**

*Lt. Governor*

**CATHERINE R. McCABE**

*Commissioner*

SOLOMON DWEK  
8119 MCDONOUGH RD  
PIKESVILLE, MD 21208

AND

KENNETH KNAPP  
259 MATAWAN AVE  
MATAWAN, NJ 07747

### NOTICE OF VIOLATION AND OFFER OF SETTLEMENT

EA ID #: BEA200001 - 032473

Site Name: Chatsworth Deli

Location: 4024 Rt 563, 484 Main St Former

Woodland Twp, Burlington County, New Jersey

PI #: 032473

You are hereby notified that during a compliance review conducted on June 17, 2020 the New Jersey Department of Environmental Protection (Department) identified violations of the Site Remediation Reform Act, N.J.S.A. 58:10C-1 et seq. and the regulations promulgated thereunder.

This **NOTICE OF VIOLATION AND OFFER OF SETTLEMENT** is issued based on facts observed by or known to the Department's representative issuing this **NOTICE OF VIOLATION AND OFFER OF SETTLEMENT (NOTICE)**, to warn you of the violations listed below.

KNAPP KENNETH AND DWEK SOLOMON  
BEA200001 - 032473  
Page 2 of 4

## **DESCRIPTION OF VIOLATIONS**

Requirement: Pursuant to N.J.A.C. 7:26C-3.3(a)4, the person responsible for conducting the remediation who is remediating any discharge that was identified or should have been identified prior to May 7, 1999, shall complete the remedial investigation of the entire site and submit the remedial investigation report by May 7, 2014.

Description of Noncompliance: Failure to comply with the applicable timeframe for sites subject to N.J.S.A. 58:10C-27(a)3.

Requirement: Pursuant to N.J.A.C. 7:26C-14.2(b), the person responsible for conducting the remediation shall comply with the statutory requirements for direct oversight pursuant to N.J.S.A. 58:10C-27 upon the occurrence of any of the events listed in N.J.A.C. 7:26C-14.2(a)1 through 8.

Description of Noncompliance: Failure to comply with the requirements for direct oversight.

Requirement: Pursuant to N.J.A.C. 7:26E-5.7(a), the person responsible for conducting the remediation shall implement the remedial action and submit to the Department a remedial action report prepared pursuant to N.J.A.C. 7:26E-5.7(b).

Description of Noncompliance: Failure to submit a remedial action report within the required timeframe.

**PURPOSE OF THIS NOTICE** - This is intended to serve as a **NOTICE** to you, to warn you of the above violations, in order to provide you with an opportunity to investigate the matter and take corrective action to address the identified violations. This **NOTICE does not** constitute a formal enforcement order, a final agency action or a final legal determination that a violation has occurred. Therefore, this **NOTICE** may not be appealed or contested.

Neither the issuance of this **NOTICE** nor any corrective actions taken by you to address the violations cited precludes the State of New Jersey or any of its agencies from initiating future enforcement action (including issuance of a formal enforcement order and the assessment of penalties) with respect to the violations listed above or for any other violations. In the event the Department determines to pursue future formal enforcement action, you will then be provided with an opportunity to appeal or contest such action.

The above violations are subject to minimum base penalties of up to \$85,000.00 per day/offense in civil administrative penalties in accordance with the Administrative Requirements for the Remediation of Contaminated Sites Rule (N.J.A.C. 7:26C-9.5).

Please be advised that it is recommended that you, or your licensed site remediation professional to be retained, check the Department's Data Miner report at <https://www13.state.nj.us/DataMiner> to determine all due dates applicable to this matter and to determine if other violations exist that are not covered by this **NOTICE** and warrant immediate corrective action.

KNAPP KENNETH AND DWEK SOLOMON

BEA200001 - 032473

Page 3 of 4

**RESPONDING TO THIS NOTICE** – Corrective actions taken in response to this **NOTICE** can affect the Department's determination on the need for or severity of any potential future enforcement action in this matter. The Department may consider any actions you take in response to this **NOTICE** as part of its determination 1) on whether to initiate future formal enforcement action for this Site/matter and, 2) on the amount of any penalty that may be assessed in future enforcement actions. Please see the Corrective Actions section below regarding actions you may undertake to address the violations identified in this **NOTICE**.

### **OFFER OF SETTLEMENT**

1. The Department is willing to settle the violations referenced in this **NOTICE** with a payment of \$27,000 subject to the following minimum conditions to be memorialized in an Administrative Consent Order (ACO):
  - a) Within 30 calendar days the person responsible for conducting the remediation (PRCR) agrees to pay the \$27,000 penalty and enter into an ACO with the Department (see enclosure for details).
  - b) The PRCR needs to comply with the requirements of N.J.A.C. 7:26C-14.2(b). Specifically, it is essential that the PRCR submit a public participation plan in accordance with N.J.A.C. 7:26C-14.2(b)2.iii and submit a remediation funding source cost review to the Department in accordance with N.J.A.C. 7:26C-14.2(b)2.i. If the requirements in 1.a) above, and 1.b) are met, pursuant to N.J.A.C. 7:26C-14.4 the Department may consider adjustments to the requirements of N.J.A.C. 7:26C-14.2(b).
  - c) The PRCR needs to establish and maintain a remediation funding source, as the Department requires pursuant to N.J.A.C. 7:26C-5.4 in an amount at least equal to the estimated cost of the remediation.
  - d) The PRCR needs to complete the remedial investigation for the Contaminated Site and submit a remedial investigation report to the Department pursuant to N.J.A.C. 7:26E-4.
  - e) The PRCR needs to complete the implementation of all remedial actions and obtain all applicable remedial action permits for the Contaminated Site in accordance with N.J.A.C. 7:26C and N.J.A.C. 7:26E.
  - f) The PRCR needs to 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 Contaminated Site in accordance with N.J.A.C. 7:26C and N.J.A.C. 7:26E.
  - g) The PRCR needs to pay all outstanding annual remediation fees.

KNAPP KENNETH AND DWEK SOLOMON  
BEA200001 - 032473  
Page 4 of 4

- h) The PRCR needs to agree to address all outstanding violations that exist at the Site.

**IF YOU HAVE QUESTIONS REGARDING THIS NOTICE** and/or the actions recommended, or if you would like to settle the identified violations, please contact the Duty Officer in the Compliance Assistance section of the Bureau of Enforcement and Investigations at 609-633-1480.



Date: June 17, 2020

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Kevin F. Kratina, Assistant Director  
Enforcement and Information Support Element

Enclosure

**Additional Resources**

Site Remediation Website <http://www.nj.gov/dep/srp/>

Site Remediation Regulations <http://www.nj.gov/dep/srp/regs/>

Site Remediation List of LSRPs [http://www.nj.gov/dep/srp/srra/lrsp/lrsp\\_list.htm](http://www.nj.gov/dep/srp/srra/lrsp/lrsp_list.htm)

# EXHIBIT H





# State of New Jersey

Department of Environmental Protection  
Site Remediation and Waste Management Program  
401 East State Street  
P.O. Box 420, Mail Code 401-06  
Trenton, New Jersey 08625-0420  
Tel: (609) 292-1250 • Fax (609) 777-1914  
www.nj.gov/dep

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

SHAWN M. LATOURETTE  
*Acting Commissioner*

**CERTIFIED MAIL/RRR & REGULAR MAIL**

7019 1120 0000 8608 5806

Kenneth Knapp  
259 Matawan Avenue  
Matawan, NJ 07747

3-16-21

**CERTIFIED MAIL/RRR & REGULAR MAIL**

7019 1120 0000 8608 5790

Kenneth Knapp  
510 Willow Avenue  
Roselle Park, NJ 07204

Re: ADMINISTRATIVE ORDER AND NOTICE OF CIVIL ADMINISTRATIVE PENALTY  
ASSESSMENT  
Chatsworth Deli Site  
4024 Route 563, a/k/a 4024 Main St., Woodland Township, Burlington County  
EA ID # PEA210001 - 032473

Dear Kenneth Knapp:

Enclosed for service upon Kenneth Knapp is an Administrative Order and Notice of Civil Administrative Penalty Assessment issued by the New Jersey Department of Environmental Protection ("the Department"). Notice is hereby given that Kenneth Knapp is entitled to request an administrative hearing. The requirements to request an administrative hearing are explained in the enclosed document. Failure to request a hearing within 20 calendar days after receipt of this document will result in the loss of your right to a hearing.

Please be advised that the Department is willing to discuss settlement of this matter. If you would like to discuss settlement, or have any questions concerning this matter, please contact Gillian Schwert at the address above, via email at [Gillian.Schwert@gmail.com](mailto:Gillian.Schwert@gmail.com), or by telephone at (609) 292-2009 or (609) 913-6768.

Sincerely,

Kevin F. Kratina, Assistant Director  
Enforcement and Information Support Element

C: Gillian Schwert, Enforcement Manager, BEI



**State of New Jersey**

**Department of Environmental Protection**  
 Site Remediation and Waste Management Program  
 401 East State Street  
 P.O. Box 420, Mail Code 401-06  
 Trenton, New Jersey 08625-0420  
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**PHILIP D. MURPHY**  
*Governor*

**SHEILA Y. OLIVER**  
*Lt. Governor*

**SHAWN M. LATOURETTE**  
*Acting Commissioner*

<b>IN THE MATTER OF</b>	:	
	:	
<b>CHATSWORTH DELI SITE</b>	:	<b>ADMINISTRATIVE ORDER</b>
<b>4024 ROUTE 563, a/k/a 4024 MAIN STREET</b>	:	
<b>WOODLAND TOWNSHIP,</b>	:	<b>AND</b>
<b>BURLINGTON COUNTY</b>	:	<b>NOTICE OF CIVIL ADMINISTRATIVE</b>
	:	<b>PENALTY ASSESSMENT</b>
<b>AND</b>	:	
	:	<b>AND</b>
<b>KENNETH KNAPP</b>	:	
	:	<b>NOTICE TO INSURERS</b>
(hereinafter known as ‘violator’)	:	

**EA ID # PEA210001 - 032473**

This Administrative Order and Notice of Civil Administrative Penalty Assessment (hereinafter "AONOCAPA") is issued 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., the Spill Compensation and Control Act, N.J.S.A 58:10-23.11a et seq., and the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1.3, and the regulations promulgated thereunder, and duly delegated to the Assistant Director of the Enforcement and Information Support Element pursuant to N.J.S.A. 13:1B-4 with the Site Remediation and Waste Management Program.

**FINDINGS**

**Contaminated Site**

1. The Chatsworth Deli site is located at 4024 Route 563 a/k/a 4024 Main Street, f/k/a 484 Route 563, Woodland Township, Burlington County, New Jersey, also known as Block 3807, Lots 3 & 4, which the Department refers to as Program Interest # 032473 (hereinafter “the Site”).
2. 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”.

Chatsworth Deli Site  
Woodland Township, Burlington County  
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### **Violator**

3. Kenneth Knapp is an individual whose principal address is 259 Matawan Avenue, Matawan, NJ 07747. An alternate address for Kenneth Knapp is 510 Willow Avenue, Roselle Park, NJ 07204.

### **Violator's Relationship to the Site**

4. Kenneth Knapp acquired the property on November 18, 2004. Kenneth Knapp is the Site owner of record as of the date of this AONOCAPA.
5. Prior to acquiring the title to the property on November 18, 2004, Kenneth Knapp did not conduct a preliminary assessment or site investigation of the Site, pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-3.

### **History of Operation, Contamination, and Remediation**

6. From August 18, 1950 until September 24, 1982, John Broomes, Lydia Broomes, and Alberta Broomes owned some part of the subject property.
7. From an unknown time until approximately the 1970s, the Broomes operated a gasoline service station and deli at the Site.
8. From September 25, 1982 until September 2, 1997, Frank Buckley owned the Site.
9. Local residents indicate that Frank Buckley leased the property for the continued operations of the deli, but that the gasoline service station was no longer in operation at that time.
10. From September 2, 1997 until September 6, 2001, PNC Bank, N.A. owned the Site. PNC Bank, N.A. acquired the Site in lieu of foreclosure.
11. In or around September 1998, environmental consulting business RT Environmental Services, Inc. ('RT') submitted a remedial investigation report ('1998 RIR') to the Department on behalf of PNC Bank, N.A. In the 1998 RIR, RT submitted the analytical results from soil samples collected from the Site on March 31 and April 1, 1998 as part of the preliminary site investigation. Analytical results of these soil samples exhibited concentrations of:
  - toluene up to 33 milligrams per kilogram ('mg/kg'), above the Department's current Impact to Groundwater Soil Screening Level ('IGWSSL') of 7 mg/kg;
  - ethylbenzene up to 110 mg/kg, above the Department's then Impact to Groundwater Soil Cleanup Criteria ('IGWSCC') of 100 mg/kg and above the current IGWSSL of 13 mg/kg;
  - xylenes up to 280 mg/kg, above the then IGWSCC of 10 mg/kg and above the current IGWSSL of 19 mg/kg; and

- naphthalene up to 46 mg/kg, above the current IGWSSL of 25 mg/kg and above the Department's current Non-Residential Direct Contact Soil Remediation Standard ('NRDCSRS') of 17 mg/kg.

The Department assigned incident # 98-04-10-1138-34 to this report of a discharge at the Site.

12. In the 1998 RIR, RT submitted the analytical results from ground water samples collected at the Site on March 31, April 1, and June 5, 1998. Analytical results of these ground water samples exhibited concentrations of:

- toluene up to 4,900 micrograms per liter ('ug/L'), above the Department's then Practical Quantitation Level ('1993 PQL') of 5 ug/L and above the Department's Current Practical Quantitation Level ('2020 PQL') of 1 ug/L;
- ethylbenzene up to 2,300 ug/L, above the 1993 PQL of 5 ug/L and above the 2020 PQL of 2 ug/L;
- xylenes up to 31,000 ug/L, above the 1993 PQL and the 2020 PQL, both 2 ug/L; and
- naphthalene up to 1,200 ug/L, above the 1993 PQL and the 2020 PQL, both 2 ug/L.

Pursuant to N.J.A.C. 7:9C, the PQLs are the applicable Ground Water Quality Standards for this Site because the Site is situated in the Pinelands, a Class I-PL classification area.

13. In the 1998 RIR, RT reported that it had identified and overseen the removal of four underground storage tanks ('USTs') and associated pump island from the Site on or around July 21, 1998. The tanks that were removed included one 1,500-gallon UST and three 550-gallon USTs, all believed to have contained leaded gasoline. RT Reported that the 1,500-gallon tank had collapsed and had a large number of small holes. RT also reported that the three 550-gallon USTs each had approximately 15 gallons of lingering product inside of them.

14. In the 1998 RIR, RT reported that it had excavated and removed approximately 250 tons of petroleum-contaminated soil from the Site on or around July 21, 1998. RT stated in the 1998 RIR that it did not collect any post-excavation samples.

15. On or around May 27, 1999, the Department established a Classification Exception Area for the Contaminated Site due to concentrations of several contaminants above their respective PQLs.

16. On or around September 10, 1999, RT reported to the Department the results of a July 22, 1999 groundwater sampling event conducted at the Contaminated Site on behalf of PNC Bank, N.A., including sample results from four wells at the Site and two wells off-site. Analytical results of the groundwater samples from the Site exhibited concentrations of:

- toluene up to 6.7 ug/L, above the 1993 PQL of 5 ug/L and above the 2020 PQL of 1 ug/L;

- ethylbenzene up to 140 ug/L, above the 1993 PQL of 5 ug/L and above the 2020 PQL of 2 ug/L;
- xylenes up to 620 ug/L, above the 1993 PQL and the 2020 PQL, both 2 ug/L;
- methyl tertiary butyl ether ('MTBE') up to 64 ug/L, above the then PQL and the 2020 PQL, both 1 ug/L; and
- tetrachloroethylene ('PCE') up to 4.2 ug/L, above the 1993 PQL and the 2020 PQL, both 1 ug/L.

Analytical results of the groundwater samples from the off-site wells also exhibited a concentration of MTBE up to 36 ug/L, above the then PQL and 2020 PQL, both 1 ug/L.

17. On or around February 16, 2000, RT reported to the Department the results of a January 13, 2000 groundwater sampling event conducted at the Contaminated Site on behalf of PNC Bank, N.A., including sample results from four wells at the Site and two wells off-site. Analytical results of the groundwater samples from the Site exhibited concentrations of:

- toluene up to 1.5 ug/L, above the 2020 PQL of 1 ug/L;
- ethylbenzene up to 61 ug/L, above the 1993 PQL of 5 ug/L and above the 2020 PQL of 2 ug/L;
- xylenes up to 140 ug/L, above the 1993 PQL and the 2020 PQL, both 2 ug/L;
- MTBE up to 36 ug/L, above the then PQL and the 2020 PQL, both 1 ug/L; and
- tertiary-butyl alcohol ('TBA') up to 8.2 ug/L, above the 2020 PQL of 2 ug/L.

Analytical results of the groundwater samples from the off-site wells exhibited concentrations of MTBE up to 10 ug/L and TBA up to 2.3 ug/L, both above their respective 2020 PQLs of 1 ug/L, and 2 ug/L, respectively.

18. On or around May 26, 2000, the Department updated the Classification Exception Area for this Contaminated Site based on the groundwater samples collected on January 13, 2000.

19. On July 19, 2000, the Department issued a No Further Action Letter and Covenant Not to Sue for AOC #1 at the Site, the former UST area, and updated the Classification Exception Area at the Contaminated Site. The Department stated that the no further action determination is contingent on the submission of biennial certifications that indicate the Classification Exception Area is being properly maintained and continues to be protective of public health and safety and the environment.

20. On September 6, 2001, Solomon Dwek acquired the Site.

21. In or around July 2004, RT submitted a remedial investigation report addendum ('2004 RIRA') to the Department on behalf of Solomon Dwek. In the 2004 RIRA, RT submitted the analytical results

from ground water samples collected at the Contaminated Site on July 21, 2000 on behalf of PNC Bank, N.A. Analytical results of those groundwater samples exhibited concentrations of:

- toluene up to 4 ug/L, above the 2020 PQL of 1 ug/L;
- ethylbenzene up to 160 ug/L, above the 1993 PQL of 5 ug/L and above the 2020 PQL of 2 ug/L;
- xylenes up to 390 ug/L, above the 1993 PQL and the 2020 PQL, both 2 ug/L; and
- MTBE up to as 5.9 ug/L, above the then PQL and the 2020 PQL, both 1 ug/L.

22. In the 2004 RIRA, RT submitted the analytical results from ground water samples collected at the Contaminated Site on or around April 16, 2004 on behalf of Solomon Dwek, including sample results from four temporary wells at the Site and one temporary well off-site. Analytical results of the groundwater samples collected from the temporary wells at the Site exhibited concentrations of:

- toluene up to 7.7 ug/L, above the 1993 PQL of 5 ug/L and above the 2020 PQL of 1 ug/L;
- ethylbenzene up to 720 ug/L, above the 1993 PQL of 5 ug/L and above the 2020 PQL of 2 ug/L; and
- xylenes up to 4,150 ug/L, above the 1993 PQL and the 2020 PQL, both 2 ug/L.

Analytical results of the groundwater samples collected at the temporary well off-site exhibited a xylene concentration of 4.5 ug/L, above the 1993 PQL and the 2020 PQL, both 2 ug/L.

23. In the 2004 RIRA, RT submitted the analytical results from ground water samples collected at the Contaminated Site on April 28, 2004 on behalf of Solomon Dwek, including samples results from two temporary wells off-site. Analytical results of the groundwater samples collected from the temporary wells off-site exhibited concentrations of:

- toluene up to 16 ug/L, above the 1993 PQL of 5 ug/L and above the 2020 PQL of 1 ug/L;
- ethylbenzene up to 230 ug/L, above the 1993 PQL of 5 ug/L and above the 2020 PQL of 2 ug/L;
- and xylenes up to 870 ug/L, above the 1993 PQL and the 2020 PQL, both 2 ug/L.

24. On November 18, 2004, Kenneth Knapp acquired the Site.

25. On June 28, 2006, in response to the submission of the 2004 RIRA, the Department sent a letter to PNC Bank, N.A., Solomon Dwek, and Kenneth Knapp to notify them that it was rescinding the July 19, 2000 No Further Action Letter and that it also intended to withdraw the July 19, 2000 Covenant Not to Sue. The Department based its decisions on significant increases in ground water contamination at the Site between January 13, 2000 and April 28, 2004.

26. On March 21, 2007, the Department sent a letter to PNC Bank, N.A., Solomon Dwek, and Kenneth Knapp to inform them that the Classification Exception Area Biennial Certification was past due. The letter stated that a Classification Exception Area biennial certification is due every two years from the date the Classification Exception Area was established. Since the most updated version of the Classification Exception Area for this Contaminated Site was established July 19, 2000 with the issuance of the No Further Action Letter, the Classification Exception Area biennial certifications would have been due July 19, 2002, July 19, 2004, and July 19, 2006.
27. On March 27, 2007, the Department sent a letter to Kenneth Knapp revoking the 2000 Covenant Not to Sue and issuing a Notice of Violation for the failure to delineate and remediate a discharge, submit a biennial certification for the Classification Exception Area, conduct a remedial investigation for groundwater, perform a well search and door-to-door canvassing, sample potable and supply wells, conduct a baseline ecological evaluation, delineate the horizontal and vertical extent of contamination, and make submissions to the Pinelands Commission for all past reports.
28. On November 29, 2007, the Department sent a second Notice of Violation to Kenneth Knapp for the failure to remediate a discharge and submit the biennial certification for the Classification Exception Area.
29. On April 4, 2011, the Department sent a letter to Kenneth Knapp to inform him of his obligations at the Contaminated Site.
30. From February 23, 2012 through June 1, 2012, the Department made several attempts to reach Kenneth Knapp over the phone, but Kenneth Knapp failed to return any phone calls or messages.
31. On November 14, 2019, the Department sent a Notice of Violation to Kenneth Knapp and PNC Bank, N.A. for failure to comply with the statutory timeframe of May 7, 2014 to submit the Remedial Investigation Report and the requirements for direct oversight.
32. On June 17, 2020, the Department sent a Notice of Violation to Kenneth Knapp and Solomon Dwek for failure to comply with the statutory timeframe to submit the Remedial Investigation Report, comply with direct oversight, and submit the Remedial Action Report by the regulatory timeframe.

#### **Obligation to Retain a Licensed Site Remediation Professional**

33. Pursuant to the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-2.3(a)1 and 2, Kenneth Knapp was required to retain a Licensed Site Remediation Professional for the remediation of the Contaminated Site and to notify the Department, within 45 days after May 7, 2012, of the name and license number of that Licensed Site Remediation Professional. Kenneth Knapp was required, therefore, to notify the Department by June 21, 2012.

34. As of the date of this AONOCAPA, Kenneth Knapp has not yet notified the Department of the name and license number of the Licensed Site Remediation Professional.

#### **Applicable Mandatory Timeframes and Direct Oversight**

35. As of November 4, 2009, the Department's Technical Requirements for Site Remediation rules, N.J.A.C. 7:26E, and Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-3.3(a), established mandatory timeframes that apply to all remediation, including this Site.

#### **Initial Receptor Evaluation Report Missed Mandatory Timeframe**

36. As part of the required remediation, Kenneth Knapp was required to conduct a receptor evaluation pursuant to N.J.A.C. 7:26E-1.12 through -1.16.
37. The mandatory timeframe for Kenneth Knapp to submit the initial receptor evaluation report to the Department was March 1, 2012 pursuant to N.J.A.C. 7:26C-3.3(b)2.
38. Kenneth Knapp did not submit the initial receptor evaluation report to the Department by the mandatory timeframe of March 1, 2012, therefore triggering compulsory direct oversight.
39. As a result of triggering compulsory direct oversight, Kenneth Knapp is required to comply with the direct oversight requirements at N.J.A.C. 7:26C-14.2(b).
40. Kenneth Knapp did not comply with the direct oversight requirements and N.J.A.C. 7:26C-14.2(b).

#### **Applicable Statutory Timeframe and Direct Oversight**

41. As of May 7, 2009, the Site Remediation Reform Act, N.J.S.A. 58:10C-1 et seq. established a statutory timeframe of May 7, 2014 for completion of the remedial investigation for all discharges discovered before May 8, 1999. The Site Remediation Reform Act requires the Department to undertake Direct Oversight of any site where the remedial investigation was not completed by its statutory timeframe of May 7, 2014.

#### **Remedial Investigation Report Missed Statutory Timeframe**

42. Based upon the April 10, 1998 date of discovery of the discharge at the Site (incident #98-04-10-1138-34), the Site Remediation Reform Act required Kenneth Knapp to complete the remedial investigation for the entire Contaminated Site and submit a remedial investigation report to the Department by May 7, 2014, pursuant to N.J.S.A. 58:10C-27(a)3.
43. As of the date of this AONOCAPA, Kenneth Knapp has not yet submitted the remedial investigation report pursuant to N.J.S.A. 58:10C-27(a)3 and N.J.A.C. 7:26C-3.3(a).



44. Kenneth Knapp's violation of this statutory timeframe triggered the statutory requirement for the Department to undertake direct oversight of the remediation of the discharges at the Site. See N.J.S.A. 58-10C-27 and N.J.A.C. 7:26C-14.2(b).
45. As a result of triggering compulsory direct oversight, Kenneth Knapp is required to comply with the direct oversight requirements at N.J.A.C. 7:26C-14.2(b).
46. Kenneth Knapp did not comply with the direct oversight requirements and N.J.A.C. 7:26C-14.2(b).

#### **Direct Oversight Requirements**

47. Pursuant to the Administrative Requirement for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-14.2(b)2i, Kenneth Knapp was required to submit an initial remediation cost review pursuant to N.J.A.C. 7:26C-5.3 within 90 days after triggering compulsory direct oversight. Kenneth Knapp was therefore required to submit an initial remediation cost review to the Department by May 30, 2012.
48. As of the date of this AONOCAPA, Kenneth Knapp has not yet submitted the initial remediation cost review.
49. Pursuant to the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-14(b)2ii, Kenneth Knapp was required to establish a remediation funding source pursuant to N.J.A.C. 7:26C-5.2 within 90 days after triggering compulsory direct oversight. Kenneth Knapp was therefore required to establish a remediation funding source by May 30, 2012.
50. As of the date of this AONOCAPA, Kenneth Knapp has not yet established the remediation funding source.
51. Pursuant to the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-14.2(b)2iii and v, Kenneth Knapp was required to submit a public participation plan and schedule within 90 days after triggering compulsory direct oversight. Kenneth Knapp was therefore required to submit the public participation plan and schedule to the Department by May 30, 2012.
52. As of the date of this AONOCAPA, Kenneth Knapp has not yet submitted the public participation plan and schedule.

#### **Applicable Regulatory Timeframes**

53. As of November 4, 2009, the Department's Technical Requirements for Site Remediation rules, N.J.A.C. 7:26E, and Administrative Rules for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-3.2(a), established regulatory timeframes that apply to all remediation, including this Site.

### Remedial Action Report Missed Regulatory Timeframe

54. Pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-5.7 and 5.8, Kenneth Knapp was required to conduct a remedial action and submit a final remedial action report to the Department by the regulatory timeframe of May 6, 2019.
55. Kenneth Knapp did not complete the remedial action and submit a final remedial action report to the Department by the regulatory timeframe of May 6, 2019.
56. As of the date of this AONOCAPA, Kenneth Knapp has not yet submitted a remedial action report to the Department.

### Obligation to Remediate the Contamination

57. The substances referenced in the paragraphs above are hazardous substances as defined in the Spill Act, N.J.S.A. 58:10-23.11b.
58. Kenneth Knapp is responsible for the hazardous substances that were discharged at the Contaminated Site and/or for the remediation of the hazardous substances which were discharged to the lands and waters of the state pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11b, and N.J.A.C. 7:1E-5.7(a)2ii.
59. Kenneth Knapp is a person responsible for conducting the remediation pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C-2.
60. Pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, any person who triggers a remediation requirement shall remediate all contamination at the Site pursuant to N.J.A.C. 7:26C-2.3(a)1 through 9.
61. Pursuant to N.J.S.A. 58:10-23.11 g.c., Kenneth Knapp is strictly liable, without regard to fault, for all cleanup and removal costs.
62. Kenneth Knapp's noncompliance with the mandatory and statutory timeframes triggered the requirements for the Department to undertake direct oversight of the remediation of the discharge at the Site. See N.J.S.A. 58:10C-27 and N.J.A.C. 7:26C-14.2(b).
63. As a result of triggering compulsory direct oversight, Kenneth Knapp is required to comply with the direct oversight requirements at N.J.A.C. 7:26C-14.2(b).
64. Kenneth Knapp did not comply with the direct oversight requirements at N.J.A.C. 7:26C-14.2(b).

**Accounting of the Department's Costs – Annual Remediation Fees**

65. Kenneth Knapp did not complete the remediation of the discharges at the Contaminated Site by May 7, 2012; therefore, Kenneth Knapp was required to pay an annual remediation fee, pursuant to N.J.A.C. 7:26C-4.3(a)4.
66. Based upon the number and types of areas of concern at the Site, the applicable contaminated area of concern category is Category 2 due to the presence of two or more contaminated areas of concern and a contaminated ground water media fee. The applicable contaminated area of concern fees for Category 2 and the contaminated ground water media fees are as follows:

Year	Contaminated Area of Concern Fee	Contaminated ground water media fee
2012	\$900.00	\$1,400.00
2013	\$900.00	\$1,400.00
2014	\$900.00	\$1,400.00
2015	\$1,130.00	\$1,750.00
2016	\$1,410.00	\$1,750.00
2017	\$1,760.00	\$2,015.00
2018	\$1,780.00	\$1,585.00
2019	\$1,780.00	\$1,540.00
2020	\$1,750.00	\$1,510.00

67. The person responsible for conducting remediation is required, pursuant to N.J.A.C. 7:26C-4.9(a), to pay all fees pursuant to an invoice the Department issues.
68. From April 20, 2012 through August 23, 2020, the Department sent multiple invoices to Kenneth Knapp for the Department's costs concerning its oversight of the remediation of the discharges at the Site for calendar years 2012 through 2020.
69. To date, Kenneth Knapp has not paid the applicable annual remediation fees for the Site for the years 2012 through 2020, totaling \$26,660.00 as required pursuant to N.J.A.C. 7:26C-4.

**Liability for Cleanup and Removal Costs**

70. The substances referenced above are hazardous substances pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11b, and its regulations, N.J.A.C. 7:1E, Appendix A.
71. Kenneth Knapp is a discharger of hazardous substances or person in any way responsible for the discharged hazardous substances, pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11g.c, for the hazardous substances discharged at the Site, and, therefore, liable for all

cleanup and removal costs incurred by the Department as a result of the hazardous substances discharged at the Site.

72. Kenneth Knap is therefore strictly liable, jointly and severally, without regard to fault, pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11g.c.(1), for all cleanup and removal costs no matter by whom incurred for the discharges at the Site.
73. The Department, pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11u.c.(4), may assess and recover three times the costs of any investigation, cleanup or removal, and the reasonable costs of preparing and successfully enforcing a civil administrative penalty at the same time as its assessment of a civil administrative penalty, which costs shall be in addition to the penalty assessment.

### **Violations**

74. The Department conducted a follow-up compliance evaluation on October 26, 2020. To date, Kenneth Knapp has not corrected the violations. Therefore, Kenneth Knapp has failed to comply with applicable requirements as follows:
- a. Requirement: Pursuant to N.J.A.C. 7:26C- 2.3(a)1 & 2, upon the occurrence of any of the events listed in N.J.A.C. 7:26C-2.2(a), the person who is responsible for conducting the remediation at a site pursuant to N.J.A.C. 7:26C-1.4(a) shall retain and maintain a licensed site remediation professional and within 45 days shall notify the Department of the name and license information and the scope of remediation, including the number of contaminated areas of concern and impacted media.  
Description of Noncompliance: Failure to retain and maintain a licensed site remediation professional upon the occurrence of one of the events listed in N.J.A.C. 7:26C-2.2(a), and to provide the required information to the Department within 45 days as required.
  - b. Requirement: Pursuant to N.J.A.C. 7:26C-3.3(b), the person responsible for conducting the remediation who meets the criteria in N.J.A.C. 7:26C-1.4(a)1 through 7 shall comply with each applicable mandatory timeframe of N.J.A.C. 7:26C-3.3(b)1 through 6.  
Description of Noncompliance: Failure to comply with each applicable mandatory timeframe. Specifically, failure to comply with the mandatory timeframe for submittal of the receptor evaluation.
  - c. Requirement: Pursuant to N.J.A.C. 7:26C-3.3(a), the person responsible for conducting the remediation shall comply with the applicable timeframe for sites subject to N.J.S.A. 58-10C-27a(3).  
Description of Noncompliance: Failure to comply with the applicable timeframe for sites subject to N.J.S.A. 58-10C-27a(3) and N.J.A.C. 7:26C-3.3(a). Specifically, failure to comply with the statutory timeframe for the submittal of the remedial investigation report.

- d. Requirement: Pursuant to N.J.A.C. 7:26C-14.2(b), the person responsible for conducting the remediation shall comply with the statutory requirements for direct oversight pursuant to N.J.S.A. 58:10C-27 upon the occurrence of any of the events listed in N.J.A.C. 7:26C-14.2(a)1 through 3.  
Description of Noncompliance: Failure to comply with the requirements for direct oversight.
- e. Requirement: Pursuant to N.J.A.C. 7:26C- 3.2(a), the person responsible for conducting the remediation who meets the criteria in N.J.A.C. 7:26C-1.4(a)1 through 5 shall comply with each applicable regulatory timeframe of N.J.A.C. 7:26C-3.2.  
Description of Noncompliance: Failure to comply with each applicable regulatory timeframe. Specifically, failure to comply with the regulatory timeframe for the submittal of a remedial action report.
- f. Requirement: Pursuant to N.J.A.C. 7:26C-2.3(a)4, upon the occurrence of any of the events listed in N.J.A.C. 7:26C-2.2(a), the person who is responsible for conducting the remediation at a Site pursuant to N.J.A.C. 7:26C-1.4(a) shall pay all applicable fees and oversight costs as required pursuant to N.J.A.C. 7:26C-4.  
Description of Noncompliance: Failure to pay annual remediation fees as required.

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

75. Kenneth Knapp shall comply with the following:

- a. Conduct the remediation of the Contaminated Site, with Department oversight and approval, in accordance with N.J.A.C. 7:26C-2.3(a)3.i(2) and the direct oversight requirements of N.J.A.C. 7:26C-14.2(b);
- b. Proceed as the Department directs to remediate all discharges at the Contaminated Site in accordance with N.J.A.C. 7:26C and N.J.A.C. 7:26E, including, without limitation in accordance with the following initial timeframes:
  - i. Within 30 days after receipt of this AONOCAPA, provide to the Department the name and license information of a Licensed Site Remediation Professional retained to remediate the discharges at the Contaminated Site and the scope of remediation, including the number of contaminated areas of concern and impacted media known at the time the form is submitted pursuant to N.J.A.C. 7:26C-4.2;
  - ii. Within 90 days after receipt of this AONOCAPA, submit an initial remediation cost review prepared and certified by an LSRP, pursuant to N.J.A.C. 7:26C-5.10(a);
  - iii. Within 90 days after receipt of this AONOCAPA, establish and maintain a direct oversight remediation funding source, pursuant to N.J.A.C. 7:26C-5.2(k), in the amount of the LSRP-certified estimated cost of the remediation;
  - iv. Within 90 days after receipt of this AONOCAPA, pay an annual remediation funding source surcharge, pursuant to N.J.A.C. 7:26C-5.9, in the amount of one percent of the LSRP-certified estimated cost of the remediation;
  - v. Within 90 days after receipt of this AONOCAPA, submit to the Department a proposed public participation plan, with a schedule, pursuant to N.J.S.A. 58:10C-27c(7), that contains a strategy for soliciting public comment concerning the remediation of the discharges at the Site from the members of the surrounding community;
  - vi. Within 90 days after receipt of this AONOCAPA, submit a direct oversight remediation summary report, pursuant to N.J.A.C. 7:26C-14.2(b)2v;
  - vii. Within 90 days after receipt of this AONOCAPA, submit a Case Inventory Document ('CID'), a scope of work for the remaining remediation, and a detailed schedule for completion of the remediation;

- viii. Within 90 days after the receipt of this AONOCAPA, as an expedited site-specific timeframe established pursuant to N.J.A.C. 7:26C-3.4, submit the initial receptor evaluation report to the Department in accordance with N.J.A.C. 7:26E-1.12;
  - ix. Within 90 days after receipt of this AONOCAPA, submit a Remedial Action Permit ('RAP') for the Classification Exception Area;
  - x. Conduct a remedial investigation and submit a remedial investigation report pursuant to N.J.A.C. 7:26C-3.3(a); and
  - xi. Conduct a remedial action and submit a remedial action report pursuant to N.J.A.C. 7:26E-5.8(b).
- c. Within 30 days after receipt of this AONOCAPA, pay required annual remediation fees of \$26,660.00 and submit an updated Annual Remediation Fee Reporting Form to the Department.
76. This order shall be effective upon receipt by the violator or someone on their behalf authorized to accept service.

#### **NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT**

77. Pursuant to the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-9.5, and based upon the above FINDINGS, the Department hereby assesses a civil administrative penalty against the violator in the amount of \$85,000.00. See the Penalty Assessment Worksheet, which is attached hereto and included herein by reference.

#### **NOTICE TO INSURERS**

78. BE ON NOTICE THAT, pursuant to N.J.S.A. 58:10-23.11s., any claims for costs of cleanup or civil penalties by the State and any claim for damages by any injured person, may be brought directly against the bond, insurer, or any other person providing evidence of financial responsibility. Violators are therefore urged to contact such insurers and notify them of the issuance of this Order and Notice to Insurers.

#### **NOTICE OF RIGHT TO REQUEST A HEARING**

79. Pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C-9.10, the violator is entitled to request a hearing on this AONOCAPA. The violator shall, in the request for a hearing, complete and submit the enclosed "Administrative Hearing Request and Checklist Tracking Form," along with all required information. Submittal or granting

Chatsworth Deli Site  
Woodland Township, Burlington County  
PEA210001 – PI # 032473  
Page 15 of 15

of a hearing request does not stay the terms or effect of this AONOCAPA. The Department shall deny your attempt to request a hearing if you do not comply with these requirements.

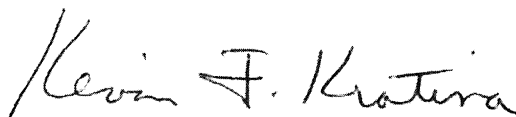
80. If the violator’s response to the AONOCAPA is that it has complied with some or all of the violations cited herein, as part of the hearing request the violator shall describe any such compliance, including the specific dates relative to any such allegations.

81. If no request for a hearing is received within twenty calendar days from receipt of the AONOCAPA, it shall become a Final Order upon the twenty-first calendar day following its receipt, and the penalty shall be due and payable.

82. If a timely request for a hearing is received, payment of the penalty is due when the violator receives a notice of the denial of the request, or, if the hearing request is granted, when the violator withdraws the request or abandons the hearing, or, if the hearing is conducted, when the violator receives a final decision from the Commissioner in this matter.

83. The violator shall make payment of the civil administrative penalty by check payable to Treasurer, State of New Jersey and shall be submitted along with the enclosed Enforcement Invoice to:

Department of Treasury  
Division of Revenue and Enterprise Services  
P.O. Box 417  
Trenton, NJ 08646-0417



3-16-21

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

Kevin F. Kratina, Assistant Director  
Enforcement and Information Support Element  
New Jersey Department of Environmental Protection



**PENALTY ASSESSMENT WORKSHEET**

VIOLATOR NAME: Kenneth Knapp  
 LOCATION: 4024 Route 563, Woodland Township, Burlington County, NJ  
 PROGRAM INTEREST #: 032473  
 DATE OF VIOLATION: See below

**RULES VIOLATED:**

Specifically, the following violations and the associated penalties are noted herewith:

1. Failure to hire and maintain a licensed site remediation professional, pursuant to N.J.A.C. 7:26C-2.3(a)1 & 2, upon the occurrence of one of the events listed in N.J.A.C. 7:26C-2.2(a), and to provide the required information to the Department within 45 days as required. Specifically, Kenneth Knapp was required to hire and maintain a licensed site remediation professional and provide the required information to the Department by June 21, 2012.

Dates of Violation: June 21, 2012 – present

**Base penalty: \$15,000.00; penalty assessed for violation on February 19, 2021.**

**Total penalty: \$15,000.00**

2. Failure to comply with each applicable mandatory timeframe pursuant to N.J.A.C. 7:26C-3.3(b). Specifically, Kenneth Knapp failed to submit the receptor evaluation by the mandatory timeframe of March 1, 2012.

Dates of Violation: March 1, 2012 – present

**Base penalty: No penalty assessed for this violation.**

3. Failure to comply with each applicable statutory timeframe pursuant to N.J.A.C. 7:26C-3.3(a). Specifically, Kenneth Knapp failed to submit remedial investigation report by the statutory timeframe of May 7, 2014.

Dates of Violation: May 7, 2014 – present

**Base penalty: \$20,000.00; penalty assessed for violation on February 19, 2021.**

**Total penalty: \$20,000.00**

4. Failure to comply with the requirements for direct oversight pursuant to N.J.A.C. 7:26C-14.2(b). Specifically, Kenneth Knapp failed to submit a public participation plan, schedule, remediation cost review, and post a remedial funding source within 90 days after triggering compulsory direct oversight on March 1, 2012.

Dates of Violation: May 30, 2012 – present

**Base penalty:** \$25,000.00; penalty assessed for violation on February 18 and February 19, 2021.

**Total penalty:** \$50,000 (two days of Direct Oversight)

5. Failure to comply with each applicable regulatory timeframe pursuant to N.J.A.C. 7:26C-3.2(a). Specifically, Kenneth Knapp failed to submit the remedial action report by the regulatory timeframe of May 6, 2019.

Dates of Violation: May 6, 2019 – present

**Base penalty:** No penalty assessed for this violation.

6. Failure to pay fees and oversight costs as required pursuant to N.J.A.C. 7:26C-2.3(a)4. Specifically, Kenneth Knapp has not paid outstanding annual remediation fees from fiscal years 2012 through 2020, totaling \$26,660.00.

**Total penalty:** No penalty assessed for this violation.

#### **PENALTY RECOMMENDATION:**

Kenneth Knapp failed to hire and maintain a licensed site remediation professional in accordance with N.J.A.C. 7:26C- 2.3(a)1 & 2 for the Contaminated Site Chatsworth Deli, PI 032473, by June 21, 2012; and, Kenneth Knapp failed to submit the receptor evaluation by the mandatory timeframe of March 1, 2012 pursuant to N.J.A.C. 7:26C-3.3(b)2; and, Kenneth Knapp failed to submit the remedial investigation report by the statutory timeframe of May 7, 2014 pursuant to N.J.A.C. 7:26C-3.3(a); and, Kenneth Knapp failed to comply with the requirements of direct oversight pursuant to N.J.A.C. 7:26C-14.2(b); and, Kenneth Knapp failed to submit the remedial action report by the regulatory timeframe of May 6, 2019 pursuant to N.J.A.C. 7:26C-3.2; and, Kenneth Knapp failed to pay annual remediation fees for fiscal years 2012 through 2020 pursuant to N.J.A.C. 7:26C-2.3(a)4.

Kenneth Knapp remains noncompliant regarding the Contaminated Site after the Department's numerous attempts at contacting Kenneth Knapp between June 28, 2006 and August 23, 2020.

The Department hereby assesses penalties for the above-referenced violations.

**TOTAL CIVIL ADMINISTRATIVE PENALTY: \$85,000.00**

PREPARED BY: Gillian Schwert

DATE: February 19, 2021

**ADMINISTRATIVE HEARING REQUEST CHECKLIST**

**I. Enforcement Document Being Appealed (EA ID Number):** \_\_\_\_\_

**Date of Issuance of Document:** \_\_\_\_\_ **Date Document Received:** \_\_\_\_\_

**II. Contact Information and Hearing Requirements**

<p><b>A.</b> _____                  Name of Alleged Violator</p> <p>_____</p> <p>Company</p> <p>_____</p> <p>Street Address</p> <p>_____</p> <p>Municipality, State, Zip Code</p> <p>_____</p> <p>Email Address</p> <p>_____</p> <p>Telephone Number</p> <p>_____</p> <p>Fax Number</p>	<p>_____</p> <p>Name of Attorney (if applicable)</p> <p>_____</p> <p>Law Firm</p> <p>_____</p> <p>Street Address</p> <p>_____</p> <p>Municipality, State, Zip Code</p> <p>_____</p> <p>Email Address</p> <p>_____</p> <p>Telephone Number</p> <p>_____</p> <p>Fax Number</p>
---	--

**B. Time Required for the Hearing:** \_\_\_\_\_ hours/days (Circle one)

**C. Is a Barrier-free Location Required?** \_\_\_\_\_ Yes \_\_\_\_\_ No (Check one)

**III. Required Submissions**

**A.** Have I attached a copy of the Enforcement Document? Yes \_\_\_\_\_ No \_\_\_\_\_

**B.** Have I attached a list of all issues being appealed? Yes \_\_\_\_\_ No \_\_\_\_\_

**C.** Have I attached a document in which I have admitted, denied, or made a statement of insufficient knowledge for each of the Findings in **1-83** in the attached Enforcement Document? Yes \_\_\_\_\_ No \_\_\_\_\_

**D.** Have I attached a list of, or specific reference to, all information, or copies of written documents, I intend to rely on to support my appeal of the Enforcement Document? If "No", is selected, provide this information within 60 days from the date of the hearing request being granted. Yes \_\_\_\_\_ No \_\_\_\_\_

**E.** Have I attached a list of all my defenses, stated in short and plain terms, to each of the Findings in **1-83** in the attached Enforcement Document? If "No", is selected, provide this information within 60 days from the date of the hearing request being granted. Yes \_\_\_\_\_ No \_\_\_\_\_

**IV. Willingness to Negotiate Settlement (Select all that apply)**

Am I willing to negotiate a settlement with:

- A. The Bureau of Enforcement and Investigations  
(Site Remediation Program)? Yes \_\_\_\_\_ No \_\_\_\_\_
- B. Mediation through the NJDEP's Office of Dispute Resolution\*?  
(\*see [www.nj.gov/dep/odr](http://www.nj.gov/dep/odr)) Yes \_\_\_\_\_ No \_\_\_\_\_

**V. I understand that if I have answered "No" to any of the items listed in III. A through C, above, that the Department will deny my hearing request and the Enforcement Document will become a final order.**

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

**Submit this completed, signed and dated Administrative Hearing Request Checklist, along with the information identified above, including all required attachments in III. above, to:**

NJDEP - Office of Legal Affairs  
ATTENTION: Adjudicatory Hearing Requests  
401 East State Street, 7th Floor  
Mail Code 401-04L  
P.O. Box 402  
Trenton, NJ 08625-0402

**And submit a copy to:**  
NJDEP – Site Remediation and Waste Management Program  
Bureau of Enforcement and Investigation  
ATTENTION: Bureau Chief  
401 East State Street  
Mail Code 401-06U  
P.O. Box 420  
Trenton, New Jersey 08625-0420



**ENFORCEMENT-SITE REMEDIATION AND WASTE MANAGEMENT**

Program Interest
CHATSWORTH DELI 4024 RT 563 Woodland Twp, NJ. 08026 032473

Type of Notice
ORIGINAL (NON-INITIAL)

Amount Due
\$ 85,000.00

Billing Date
03/16/21

Due Date
04/25/21

NJEMS Bill ID
000000221662400

Summary	
Total Amount Assessed	85,000.00
Amount Received Before Creating Installment Plan (if installment plans is allowed)	0.00
Amount Transferred To Installment Plan	0.00
Installment Amount	0.00
Total Amount Credited	0.00
Total Amount Debited (Other Than Amounts Assessed)	0.00
<b>Total Amount Due</b>	<b>85,000.00</b>

REMINDER:  
 SHOULD YOU HAVE ANY QUESTIONS, DEP CONTACT INFORMATION CAN BE FOUND IN THE AC  
 COMPANYING ENFORCEMENT DOCUMENT  
 MAKE CHECKS PAYABLE TO: TREASURER - STATE OF NEW JERSEY  
 WRITE PROGRAM INTEREST ID ON YOUR CHECK (SEE BOTTOM STUB)  
 RETURN THE BOTTOM STUB WITH YOUR PAYMENT  
 MAIL PAYMENT AND STUB TO: NJ DEPARTMENT OF TREASURY (SEE BOTTOM STUB)

See Back Of Page for Billing Inquiries

INVOICE NO.  
210410430

D9901F (R 3/14/02)

Let's protect our earth



**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 ENFORCEMENT-SITE REMEDIATION AND WASTE MANAGEMENT**

INVOICE NO.  
210410430

NJEMS Bill ID
000000221662400

Program Interest ID
032473

Type of Notice
ORIGINAL (NON-INITIAL)

Billing Date
03/16/21

Due Date
04/25/21

Amount Due
\$ 85,000.00

For name and/or address change, check box and write corrections on the back of this invoice.

**DO NOT FOLD, BEND OR MARK**

Enter the Amount of your payment → \$

\$
----

**RETURN THIS PORTION** with your check made payable to:



KNAPP KENNETH

S2

259 MATAWAN AVE  
Matawan

NJ 07747-2637

TREASURER - STATE OF NEW JERSEY  
and mail to:

NJ DEPARTMENT OF TREASURY  
DIVISION OF REVENUE  
PO BOX 417  
TRENTON, NJ 08646-0417

EP1010101010101010000302040703111111008500000000532104104306S24

NJDEP - SITE REMEDIATION  
OFFICE OF ACCOUNTABILITY  
609-633-1464

---

D9901B (Rev. 03-14-02)

### REQUESTED CHANGES TO INFORMATION FOR PRIMARY BILLING PARTY

Contact Organization: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Street Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Postal City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

D9901B



NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

ENFORCEMENT-SITE REMEDIATION AND WASTE MANAGEMENT

INVOICE NO.

210410430

Program Interest
CHATSWORTH DELI 4024 RT 563 Woodland Twp, NJ. 08026 032473

Type of Notice
ORIGINAL (NON-INITIAL)

Amount Due
\$ 85,000.00

Billing Date
03/16/21

Due Date
04/25/21

NJEMS Bill ID
000000221662400

AONOCAPA  
 Prescribed Enforcement Action  
 This bill was created by the Assessments Trigger.

ASSESSMENTS

Start-End Date: 03/16/2021-03/16/2021 Activity: PEA210001

Assessment Type: PENALTY(Spill Fund)

Regulatory Basis:

Status: Open (Pending Payment)

Amount: \$ 85000.00

Total Amount Assessed: \$ 85,000.00

# EXHIBIT I



Tracking Number: 70191120000086085806

Remove X

Status

In-Transit

Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

March 22, 2021  
In Transit to Next Facility

Get Updates v



In-Transit

See More v

Tracking Number: 70191120000086085790

Remove X

Status

Delivered

Your item was delivered to an individual at the address at 2:34 pm on March 20, 2021 in ROSELLE PARK, NJ 07204.

March 20, 2021 at 2:34 pm  
Delivered, Left with Individual  
ROSELLE PARK, NJ 07204

Get Updates v



Delivered

See More v

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

Feedback

# EXHIBIT J



# State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Site Remediation and Waste Management Program  
Bureau of Enforcement and Investigations

SHAWN M. LATOURETTE  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

Mail Code 401-06U  
P.O. Box 420  
Trenton, New Jersey 08625-0420  
Tel: (609) 633-1480  
Fax: (609) 292-1975

JAN 13 2022

**CERTIFIED MAIL** 7017 1450 0001 1283 7942

Kenneth Knapp  
259 Matawan Avenue  
Matawan, NJ 07747

**CERTIFIED MAIL** 7017 1450 0001 1283 7959

Kenneth Knapp  
510 Willow Avenue  
Roselle Park, NJ 07204

RE: ADMINISTRATIVE ORDER AND NOTICE OF CIVIL ADMINISTRATIVE  
PENALTY ASSESSMENT

Chatsworth Deli Site

4024 Route 563, a/k/a 4024 Main St., Woodland Township, Burlington County

SRP PI#: 032473

PEA #: 210001

Enforcement Document ID No. PEA210001 - 032473 Dated March 16, 2021

Dear Kenneth Knapp:

On March 16, 2021, the New Jersey Department of Environmental Protection (Department) issued an Administrative Order and Notice of Civil Administrative Penalty Assessment (AONOCAPA) to Kenneth Knapp for the above referenced site.

The AONOCAPA notified Kenneth Knapp of his opportunity to request an administrative hearing within twenty (20) days of receipt. A request for administrative hearing has not been received. As such, the AONOCAPA became a final order on the twenty first (21<sup>st</sup>) calendar day following receipt.

The requirements outlined in the AONOCAPA are:

Requirement: Pursuant to N.J.A.C. 7:26C- 2.3(a)1 & 2, upon the occurrence of any of the events listed in N.J.A.C. 7:26C-2.2(a), the person who is responsible for conducting the remediation at a site pursuant to N.J.A.C. 7:26C-1.4(a) shall retain and maintain a licensed site remediation professional and within 45 days shall notify the

Chatsworth Deli Site  
SRP PI # 032473, PEA210001  
Woodland Township, Burlington County  
Page 2 of 3

Department of the name and license information and the scope of remediation, including the number of contaminated areas of concern and impacted media.

Description of Noncompliance: Failure to retain and maintain a licensed site remediation professional upon the occurrence of one of the events listed in N.J.A.C. 7:26C-2.2(a), and to provide the required information to the Department within 45 days as required.

Requirement: Pursuant to N.J.A.C. 7:26C-3.3(b), the person responsible for conducting the remediation who meets the criteria in N.J.A.C. 7:26C-1.4(a)1 through 7 shall comply with each applicable mandatory timeframe of N.J.A.C. 7:26C-3.3(b)1 through 6.

Description of Noncompliance: Failure to comply with each applicable mandatory timeframe. Specifically, failure to comply with the mandatory timeframe for submittal of the receptor evaluation.

Requirement: Pursuant to N.J.A.C. 7:26C-3.3(a), the person responsible for conducting the remediation shall comply with the applicable timeframe for sites subject to N.J.S.A. 58-10C-27a(3).

Description of Noncompliance: Failure to comply with the applicable timeframe for sites subject to N.J.S.A. 58-10C-27a(3) and N.J.A.C. 7:26C-3.3(a). Specifically, failure to comply with the statutory timeframe for the submittal of the remedial investigation report.

Requirement: Pursuant to N.J.A.C. 7:26C-14.2(b), the person responsible for conducting the remediation shall comply with the statutory requirements for direct oversight pursuant to N.J.S.A. 58:10C-27 upon the occurrence of any of the events listed in N.J.A.C. 7:26C-14.2(a)1 through 3.

Description of Noncompliance: Failure to comply with the requirements for direct oversight.

Requirement: Pursuant to N.J.A.C. 7:26C- 3.2(a), the person responsible for conducting the remediation who meets the criteria in N.J.A.C. 7:26C-1.4(a)1 through 5 shall comply with each applicable regulatory timeframe of N.J.A.C. 7:26C-3.2.

Description of Noncompliance: Failure to comply with each applicable regulatory timeframe. Specifically, failure to comply with the regulatory timeframe for the submittal of a remedial action report.

Requirement: Pursuant to N.J.A.C. 7:26C-2.3(a)4, upon the occurrence of any of the events listed in N.J.A.C. 7:26C-2.2(a), the person who is responsible for conducting

Chatsworth Deli Site  
SRP PI # 032473, PEA210001  
Woodland Township, Burlington County  
Page 3 of 3

the remediation at a Site pursuant to N.J.A.C. 7:26C-1.4(a) shall pay all applicable fees and oversight costs as required pursuant to N.J.A.C. 7:26C-4.

Description of Noncompliance: Failure to pay annual remediation fees as required.

According to Department records, these requirements have not yet been completed.

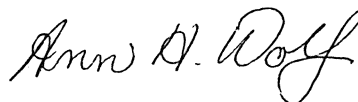
In addition, the Department records also show that the payment of the penalty assessment in the above referenced matter has not been received. This letter shall serve as a final reminder to Kenneth Knapp to contact the noted Department representative, complete the outstanding remedial requirements, and forward payment as directed in the AONOCAPA. Failure to conduct the outstanding remedial activities and make payment will result in this matter being referred to the Office of the Attorney General to enforce the order and collect penalties assessed in the AONOCAPA.

Payment shall be made by certified check payable to "Treasurer, State of New Jersey" and shall be submitted along with the invoice included with the AONOCAPA to: Department of Treasury, Division of Revenue and Enterprise Services, P.O. Box 417, Trenton, NJ 08646-0417.

Should you have any inquiries regarding this matter, please contact Gillian Schwert of the Bureau of Enforcement and Investigations at (609) 292-2009 or (609) 913-6768 or via email at Gillian.Schwert@dep.nj.gov.

Nothing in this correspondence affects your potential liability and obligations to the State Trustee, the Department or its Commissioner regarding natural resource injuries or damages.

Sincerely,



Ann H. Wolf, Chief  
Bureau of Enforcement & Investigations

C: Gillian Schwert, Enforcement Manager

# EXHIBIT K



# State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Site Remediation and Waste Management Program  
Enforcement and Information Support Element  
Mail Code 401-06U  
P.O. Box 420  
Trenton, New Jersey 08625-0420  
Tel: (609) 633-1480

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

SHAWN M. LATOURETTE  
*Commissioner*

**CERTIFIED MAIL**

7015 1730 0001 2030 5421  
Kenneth Knapp  
259 Matawan Avenue  
Matawan, NJ 07747

**CERTIFIED MAIL**

7015 1730 0001 2030 5438  
Kenneth Knapp  
510 Willow Avenue  
Roselle Park, NJ 07204

**MAY 02 2022**

RE: Administrative Order and Notice of Civil Administrative Penalty Assessment  
Chatsworth Deli Site  
4024 Route 563, a/k/a 4024 Main Street  
Woodland Township, Burlington County  
SRP PI # 032473  
PEA # 210001  
Judgment No. DJ-054618-17

Dear Kenneth Knapp:

Enclosed please find a copy of the New Jersey Department of Environmental Protection's (the Department) final administrative order in this matter.

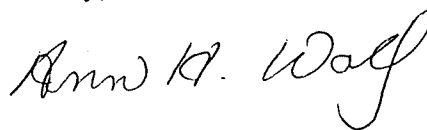
Pursuant to N.J.S.A. 2A:58-10 and R. 4:101 et seq., this final administrative order has been entered as a judgment against Kenneth Knapp on the Judgment and Order Docket of the Clerk of the Superior Court. This judgment constitutes a lien against any real property Kenneth Knapp may own in New Jersey and may affect your credit rating.

Please contact Gillian Schwert, Enforcement Manager, at (609) 292-2009 within ten (10) days of the date of this letter to make arrangements for payment of this judgment. Failure to do so may result in referral of this matter for collection.

In addition, please be advised that Kenneth Knapp is responsible for completing the remediation at the site in accordance with the Administrative Requirements for the Remediation of Contaminated Sites N.J.A.C. 7:26C, the Technical Requirements for Site Remediation N.J.A.C.

7:26E and the Administrative Order and Notice of Civil Administrative Penalty Assessment dated March 16, 2021. This matter has been referred to the New Jersey Department of Law and Public Safety, Office of the Attorney General, Division of Law.

Sincerely,

A handwritten signature in black ink that reads "Ann H. Wolf". The signature is written in a cursive style with a large, looped "W" and "F".

Ann H. Wolf, Bureau Chief  
Bureau of Enforcement and Investigations

Enclosure:

Docketed Final Order letter dated January 13, 2022

cc: Gillian Schwert, NJDEP/BEI (via email only)



# EXHIBIT L

Tracking Number: 70171450000112837942

Remove X

## Status

The delivery status of your item has not been updated as of January 15, 2022, 12:10 am. We apologize that it may arrive later than expected.

**Awaiting Delivery Scan**

January 15, 2022 at 12:10 am

USPS Tracking Plus™ Available Get Updates **Alert**See More 

Tracking Number: 70171450000112837959

Remove X

## Status

Your item was delivered to an individual at the address at 3:45 pm on February 2, 2022 in ROSELLE PARK, NJ 07204.

 **Delivered, Left with Individual**February 2, 2022 at 3:45 pm  
ROSELLE PARK, NJ 07204USPS Tracking Plus™ Available Get Updates 

Delivered

See More 

MATTHEW J. PLATKIN  
ATTORNEY GENERAL OF NEW JERSEY  
R.J. Hughes Justice Complex  
25 Market Street, PO Box 093  
Trenton, New Jersey 08625-0093  
Attorney for Plaintiffs

By: Rachel Manning  
Deputy Attorney General  
Attorney ID: 323062020  
(609) 376-2657  
Rachel.Manning@law.njoag.gov

---

NEW JERSEY DEPARTMENT OF :  
ENVIRONMENTAL PROTECTION; : SUPERIOR COURT OF NEW JERSEY  
AND ADMINISTRATOR, NEW : CHANCERY DIVISION -  
JERSEY SPILL COMPENSATION : BURLINGTON COUNTY  
FUND, : DOCKET NO.

Plaintiffs, :

CIVIL ACTION

v. :

ESTATE OF KENNETH H. KNAPP :  
(FICTITIOUS); KENNETH H. :  
KNAPP, JR., HOWARD W. :  
KNAPP, \_STEPHEN A. KNAPP, :  
SUSAN L. KNAPP, AND AUDREY :  
M. KING, AS PRESUMPTIVE :  
HEIRS OF KENNETH H. KNAPP; :  
AND SOLOMON DWEK, :

CERTIFICATION OF TODD CARUSO  
IN SUPPORT OF PLAINTIFFS'  
VERIFIED COMPLAINT AND  
ORDER TO SHOW CAUSE

Defendants. :

---

I, Todd Caruso, of full age, hereby certify as follows:

1. I am employed as an Investigator in the New Jersey Division of Law within the Environmental Enforcement and Environmental Justice Section.

2. I make this certification in support of the Department of Environmental Protection's Order to Show Cause and Verified Complaint to enforce a Final Agency Order against the Estate and Heirs of Kenneth H. Knapp ("Knapp"), and to collect additional civil penalties.

3. I have a bachelor's degree in law and justice from Rowan University. I began working as an investigator at the New Jersey Attorney General's office on October 10, 2023. Before this assignment, I was employed with the Lawrence Township Police Department as a Police Officer, from August 2000 to June 2023. During that time, I was assigned to the Investigation Division from June 2008 to June 2023 as a General Assignment Detective. During this time, I handled hundreds of criminal investigations, signed criminal complaints when warranted, and applied for and executed criminal search warrants, communication data warrants, and geo-fence warrants. I have also testified at the Municipal and Superior Court level and given grand jury testimony. From June 2023 to October 2023 I worked as an investigator for The CoventBridge Group.

4. My current responsibilities include various functions overseen by the Environmental Enforcement and Environmental Justice section, as well as the Environmental Permitting and Counseling section. These functions include searching for pertinent information on persons and businesses, using authorized government platforms and public websites, verifying the status of a business or property and its owners, contacting and sometimes interviewing persons related to investigations, visiting municipal and county offices for case-related information, serving subpoenas and transporting legal documents as needed, and visiting sites related to investigations and taking photographs if necessary.

5. I was asked by attorneys at the Division of Law to identify Knapp's surviving relatives and investigate whether any probate proceedings were or would soon be filed to open his estate. I was also asked to obtain copies of certain documents relevant to this action.

6. Attached as Exhibit A is a true and correct copy of Knapp's death certificate, which indicates that he died on May 1, 2022. **See Exhibit A.**

7. My investigation did not reveal any evidence that Knapp has a surviving spouse or domestic partner.

8. My investigation revealed that Knapp has a

surviving son, Kenneth H. Knapp, Jr.; father, Howard W. Knapp; and three siblings, Stephen A. Knapp, Susan L. Knapp (upon information and belief, also known as Susan L. Baranek), and Audrey M. King (née Knapp).

9. My investigation revealed that Kenneth H. Knapp, Jr. was sentenced to a term of imprisonment for 30 years on April 18, 2024, for aggravated manslaughter and desecration of human remains, and resides at the Monmouth Country Correctional Institution.

10. In addition, my investigation revealed that Howard W. Knapp resides in a nursing home.

11. Based on my conversations with at least one of Knapp's surviving relatives, Knapp is believed to have died without a will.

12. My investigation revealed that no one has initiated any probate proceedings or has come forward to administer Knapp's estate. As of the date of this filing, there is no record of a probate process being initiated for Knapp in the Surrogate's Office for Monmouth County, which was where he resided at the time of his death. See Ex. A.

CERTIFICATION

I certify that the foregoing statements made by me are true, and that any exhibits attached hereto are true and correct copies. I further certify that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

4.24.2024

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Todd Caruso  
Investigator

# EXHIBIT A



0013445019



NEW JERSEY DEPARTMENT OF HEALTH  
CERTIFICATE OF DEATH

STATE FILE NUMBER  
20220031331

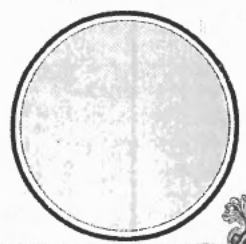
1a. Legal Name of Decedent (First, Middle, Last, Suffix) <b>Kenneth Howard Knapp, Sr.</b>					LIMB ONLY <input type="checkbox"/>
1b. Also Known As (AKA), If Any (First, Middle, Last, Suffix)					
2. Sex Male	3. Social Security Number [REDACTED]	4a. Age 58 Years	5. Date of Birth (Mo/Day/Yr) [REDACTED]		
6. Birthplace (City & State/Foreign Country) Rahway, New Jersey					
7a. Residence-State New Jersey		7b. County Monmouth	7c. Municipality/City Matawan Borough		
7d. Street and Number 259 Matawan Ave.		7e. Apt No.	7f. Zip Code 07747	7g. Inside City Limits? Yes	
8a. Ever in US Armed Forces? No		8b. If Yes, Name of War:		8c. War Service Dates (From/To):	
9. Domestic Status at Time of Death Divorced		10. Name of Surviving Spouse/Partner (Name given at birth or on birth certificate)			
11. Father's Name (First, Middle, Last) Howard W Knapp					
12. Mother's Name Prior to First Marriage (First, Middle, Last) Claudia M Pooler					
13a. Name of Informant Claudia M Knapp				13b. Relationship to Decedent Mother	
13c. Mailing Address (Street and Number, City, State, Zip Code) 510 Willow Ave., Roselle Park, NJ 07204					
14. Method of Disposition Cremation		15. Place of Disposition (name of cemetery, crematory, other) Evergreen Crematory		16. Location- City & State/Foreign Country Hillside Township, New Jersey	
17. Name and Complete Address of Funeral Facility Dooley Funeral Home, 218 W North Ave, Cranford, NJ 07016-2127					
18. Electronic Signature of Funeral Director Charles V Dooley				19. NJ License Number [REDACTED]	
20. Decedent Education Some college credit, but no degree		21. Decedent of Hispanic Origin? Not Spanish / Hispanic / Latino		22. Decedent Race White	
23. Occupation of Decedent (Type of work done most of life, even if retired) Carpenter			24. Kind of Business/Industry Construction		
25. Name and Address of Last Employer Carpenters Local 253, 36 Bergen St., Hackensack, NJ 07601					
26. Date Pronounced Dead (Mo/Day/Yr) 05/02/2022		28. Name of Person Pronouncing Death			
27. Time Pronounced Dead (24-hr) 0042		29. License Number		30. Date Signed (Mo/Day/Yr)	
31. Date of Death (Mo/Day/Yr) Date Found-05/01/2022		32. Time of Death (24-hr) Time Found-1300		34. Place of Death Decedent's Home	
33. Was Medical Examiner Contacted? Yes		34. Place of Death Decedent's Home			
35a. Facility Name (If not institution, give street and number) 259 Matawan Ave					
35b. Municipality Matawan Borough			35c. County Monmouth		
CAUSE OF DEATH: 36a. PART I - IMMEDIATE CAUSE - final disease or condition resulting in death. Subsequently list conditions, if any, leading to the cause listed on Line a. Enter the UNDERLYING CAUSE (disease or injury that initiated the events resulting in death) LAST.					
Immediate Cause a. Pending Investigation				Interval Between Onset and Death unknown	
Due to (or as a consequence of): b. c. d.					
36b. PART II - Enter other significant conditions contributing to death but not resulting in underlying cause given in PART I.				37. Was an Autopsy Performed? Yes	
38. Were Autopsy Findings Available to Complete Cause of Death? Yes					
39. Date of Injury (Mo/Day/Yr)		40. Time of Injury (24-hr)		41. Place of Injury (e.g. home, construction site, restaurant)	
42. Injury at work?		43. Location of Injury (Number and Street, Zip Code)			
43a. Location of Injury (Number and Street, Zip Code)		43b. Municipality		43c. County	
43d. State		44. Describe How Injury Occurred			
45. If Transportation Injury:					
46. Manner of Death Pending Investigation		47. Did Decedent Have Diabetes? Unknown		48. Did Tobacco Use Contribute to Death? No	
49. If Female, Pregnancy State Not applicable					
50. Certifier Type Medical Examiner		51. Name, Address, and Zip Code of Certifier Stephen J Melito 1490 Livingston Avenue, North Brunswick, NJ 08902			
52. Electronic Signature of Certifier Stephen J Melito		53. License Number 25MB09933300		54. Date Certified (Mo/Day/Yr) 05/02/2022	
55. Electronic Signature of Local Registrar Monika Kosceva		56. District No. V2008		57. Date Received 05/16/2022	
Case ID Number 2383600					

Record Contains Amendment

DATE ISSUED: **March 25, 2024**  
ISSUED BY:  
**Matawan Borough**  
**Grace M Rainforth, Local Registrar**

This is to certify that the above is correctly copied from a record on file in my office.  
Certified copy not valid unless the raised Great Seal of the State of New Jersey or the seal of the issuing municipality or county, is affixed hereon.

*Tiffany Drennon*  
Tiffany Drennon  
State Registrar  
Office of Vital Statistics and Registry





REG-42B  
JUL 23

THIS DOCUMENT CONTAINS A UNIQUE STATE OF NJ WATERMARK HOLD AT LIGHT TO VERIFY

THIS DOCUMENT CONTAINS A UNIQUE STATE OF NJ WATERMARK HOLD AT LIGHT TO VERIFY

The amendment below refers to the record on the preceding page with the same State File Number that has an (x) in the 'Record Contains Amendment' box.

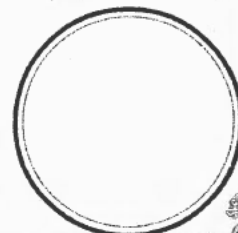
 <b>CERTIFICATE OF DEATH - AMENDMENT RECORD</b>		STATE FILE NUMBER <b>20220031331</b>	
Name of Decedent (First, Middle, Last, Suffix) <b>Kenneth Howard Knapp Sr.</b>		Date of Death <b>05/01/2022</b>	Status <b>Accepted</b>
		Date Amended <b>07/20/2022</b>	Part 1 of 2
<p>New Jersey Department of Health Office of Vital Statistics and Registry PO Box 270 Trenton, NJ 08646-0270</p> <p>AMENDMENT TO NJ VITAL RECORD OF: <input type="checkbox"/> BIRTH <input checked="" type="checkbox"/> FETAL DEATH <input type="checkbox"/> REMARRIAGE <input type="checkbox"/> REAFFIRMATION OF CIVIL UNION <input type="checkbox"/> DEATH <input type="checkbox"/> MARRIAGE <input type="checkbox"/> CIVIL UNION <input type="checkbox"/> DOMESTIC PARTNERSHIP</p> <p>INFORMATION AS IT APPEARS ON THE CURRENT RECORD <b>Kenneth Howard Knapp, Sr.</b> Name as it appears on the last of Marriage, Remarriage, Civil Union, Reaffirmation of Civil Union or Domestic Partnership <b>05/01/2022</b> <b>Monmouth</b> <b>Matawan Borough</b> (Date of Death) (County of Death) (City/Municipality of Death)</p> <p>28a. Part I: <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Homicidal violence including blunt impact of head</p> <p>28b. Part II: <input type="checkbox"/> Blank <input type="checkbox"/> Atherosclerotic cardiovascular disease</p> <p>44: <input type="checkbox"/> Blank <input type="checkbox"/> Struck in the head</p> <p>46: <input type="checkbox"/> Pending investigation <input type="checkbox"/> Homicide</p> <p>29. Signature: <i>[Signature]</i> Printed Name: <b>Stephen J. Melillo, D.O.</b> Date: <b>07/14/2022</b> Address: <b>1490 Livingston Avenue, North Brunswick, NJ 08902</b> Relationship to Individual on this Record: <b>Assistant Medical Examiner</b></p> <p>30. Signature: <i>[Signature]</i> Printed Name: <b>Denise A. Pappas</b> Date: <b>07/14/2022</b> Address: <b>1490 Livingston Avenue, North Brunswick, NJ 08902</b> Relationship to Individual on this Record: <b>Keyboarding Clerk 2</b></p> <p>31. AFFIDAVIT SECTION Subscribed and sworn to before me at _____ day of _____, 20__ Signature: _____ Official Title: _____</p> <p>FOR OFFICIAL USE ONLY - DO NOT WRITE BELOW THIS LINE Secondary County Approval Date: _____ Parents' Consent to Change Child's Last Name? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p><b>NJVS TLL JUL 20 2022</b></p>			

 <b>CERTIFICATE OF DEATH - AMENDMENT RECORD</b>		STATE FILE NUMBER <b>20220031331</b>	
Name of Decedent (First, Middle, Last, Suffix) <b>Kenneth Howard Knapp Sr.</b>		Date of Death <b>05/01/2022</b>	Status <b>Accepted</b>
		Date Amended <b>07/20/2022</b>	Part 2 of 2
<p>New Jersey Department of Health Office of Vital Statistics and Registry PO Box 270 Trenton, NJ 08646-0270</p> <p>AMENDMENT TO NJ VITAL RECORD OF: <input type="checkbox"/> BIRTH <input checked="" type="checkbox"/> FETAL DEATH <input type="checkbox"/> REMARRIAGE <input type="checkbox"/> REAFFIRMATION OF CIVIL UNION <input type="checkbox"/> DEATH <input type="checkbox"/> MARRIAGE <input type="checkbox"/> CIVIL UNION <input type="checkbox"/> DOMESTIC PARTNERSHIP</p> <p>INFORMATION AS IT APPEARS ON THE CURRENT RECORD <b>Kenneth Howard Knapp, Sr.</b> Name as it appears on the last of Marriage, Remarriage, Civil Union, Reaffirmation of Civil Union or Domestic Partnership <b>05/01/2022</b> <b>Monmouth</b> <b>Matawan Borough</b> (Date of Death) (County of Death) (City/Municipality of Death)</p> <p>28. Part I: <input type="checkbox"/> Blank <input type="checkbox"/> Unknown</p> <p>28. Part II: <input type="checkbox"/> Blank <input type="checkbox"/> None</p> <p>42: <input type="checkbox"/> Blank <input type="checkbox"/> No</p> <p>43a-d: <input type="checkbox"/> Blank <input type="checkbox"/> a) 259 Matawan Avenue <input type="checkbox"/> Blank <input type="checkbox"/> b) Matawan Borough <input type="checkbox"/> Blank <input type="checkbox"/> c) Monmouth <input type="checkbox"/> Blank <input type="checkbox"/> d) NJ</p> <p>29. Signature: <i>[Signature]</i> Printed Name: <b>Stephen J. Melillo, D.O.</b> Date: <b>07/14/2022</b> Address: <b>1490 Livingston Avenue, North Brunswick, NJ 08902</b> Relationship to Individual on this Record: <b>Assistant Medical Examiner</b></p> <p>30. Signature: <i>[Signature]</i> Printed Name: <b>Denise A. Pappas</b> Date: <b>07/14/2022</b> Address: <b>1490 Livingston Avenue, North Brunswick, NJ 08902</b> Relationship to Individual on this Record: <b>Keyboarding Clerk 2</b></p> <p>31. AFFIDAVIT SECTION Subscribed and sworn to before me at _____ day of _____, 20__ Signature: _____ Official Title: _____</p> <p>FOR OFFICIAL USE ONLY - DO NOT WRITE BELOW THIS LINE Secondary County Approval Date: _____ Parents' Consent to Change Child's Last Name? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p><b>NJVS TLL JUL 20 2022</b></p>			

DATE ISSUED: **March 25, 2024**  
ISSUED BY:  
**Matawan Borough**  
**Grace M Rainforth, Local Registrar**

This is to certify that the above is correctly copied from a record on file in my office.  
Certified copy not valid unless the raised Great Seal of the State of New Jersey or the seal of the issuing municipality or county, is affixed hereon.

*[Signature]*  
Tiffany Drennon  
State Registrar  
Office of Vital Statistics and Registry



REG-42B  
JUL 23



THIS DOCUMENT CONTAINS A UNIQUE STATE OF NJ WATERMARK HOLD AT LIGHT TO VERIFY

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a final agency order; and Rule 4:70 and the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-11(c), to collect statutory penalties, and based upon the facts set forth in the Verified Complaint filed herewith; and the court having determined that this matter may be commenced by order to show cause as a summary proceeding; and for good cause shown:

**IT IS** on this \_\_\_ day of \_\_\_\_\_, 2024; **ORDERED** that Defendants Estate of Kenneth H. Knapp (Fictitious), Kenneth H. Knapp, Jr., Howard W. Knapp, Stephen A. Knapp, Susan L. Knapp, and Audrey M. King ("Defendants") appear and show cause before the Superior Court of New Jersey, General Equity Division, before the Hon. Paula T. Dow, P.J.Ch., at the Olde Courthouse, 1st Floor, 120 High Street, Mount Holly, New Jersey 08060, on the \_\_\_ day of \_\_\_\_\_, 2024, at \_\_\_ o'clock in the \_\_\_\_\_, or as soon as counsel may be heard, why judgment should not be entered:

1. Finding Defendants in violation of the Final Agency Order;

2. Enforcing the Final Agency Order against Defendants by:

a. Requiring Defendants to comply with the Administrative Order and Notice of Civil Administrative Penalty Assessment, which became a Final Agency Order on April 10, 2021; specifically:

- i. Retain a Licensed Site Remediation Professional;
- ii. Submit an initial receptor evaluation;
- iii. Conduct a remedial investigation and submit a Remedial Investigation Report;
- iv. Comply with the Department's Direct Oversight requirements;
- v. Conduct a remedial action and submit a Remedial Action Report;
- vi. Pay annual remediation fees in the amount of \$26,660.00 and submit an updated Annual Remediation Fee Reporting Form;
- vii. Pay the previously docketed judgment for a civil administrative penalty of \$85,000.00;

3. Ordering Defendants to pay a civil penalty of up to \$50,000.00 per day for each separate and continuous violation occurring at the Property;

4. Awarding the Department its costs and fees in this action;

5. Awarding the Department such other relief as this Court deems appropriate;

6. Reserving the Department's right to amend the Verified Complaint to name the Administrator of Kenneth H. Knapp's Estate

as a defendant once an estate is opened and an administrator is selected; and

7. Reserving the Department's right to bring a claim in the future for natural resource damages arising out of the discharges of hazardous substances at the Property.

And it is further **ORDERED** that:

1. A copy of this Order to Show Cause, Verified Complaint, supporting brief and supporting certifications shall be served upon Defendants personally, within \_\_\_\_\_ days of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4, this being original process.

2. The Department must file with the Court its proof of service of the pleadings on Defendants no later than three (3) days before the return date.

3. Defendants shall file a written answer, an answering affidavit, or a motion returnable on the return date to this order to show cause and the relief requested in the verified complaint and proof of service of the same by \_\_\_\_\_, 2024. The answer, answering affidavit, or motion, as the case may be, must be filed with the Clerk of the Superior Court in the county listed above and a copy of the papers must be sent directly to the chambers of Judge Dow.

4. The Department must file and serve any written reply to Defendants' order to show cause opposition by \_\_\_\_\_, 2024. The reply papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the reply papers must be sent directly to the chambers of Judge Dow.

5. If Defendants do not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and the relief may be granted by default, provided that the Department files its proof of service and a proposed form of order at least three (3) days prior to the return date.

6. If the Department has not already done so, it shall submit a proposed form of order addressing the relief sought on the return date no later than three days before the return date.

7. Defendants, take notice that the Department has filed a lawsuit against you in the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written answer, an answering affidavit, or a motion returnable on the return date to the order to show cause and proof of service before the return date of the order to show cause; not counting the day you received it.

These documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these offices is available in the Civil Division Management Office in the county listed above and online at

[http://www.judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf).

Include a \$175 filing fee payable to the "Treasurer State of New Jersey". You must also send a copy of your answer, answering affidavit, or motion to Plaintiff's attorney whose name and address appear above. A telephone call will not protect your rights; you must file and serve your answer, answering affidavit, or motion with the fee or judgment may be entered against you by default.

Please note: Opposition to the order to show cause is not an Answer and you must file both. If you do not file and serve an Answer within 35 days of this Order, the Court may enter a default against you for the relief plaintiff demands.

8. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer



Referral Services is available in the Civil Division Management Office in the county listed above and online at [http://www.judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf).

9. The Court will entertain argument, but not testimony, on the return date of the order to show cause, unless the court and parties are advised to the contrary no later than \_\_\_\_ days before the return date.

---

Hon. Paula T. Dow, P.J.Ch.



supporting certifications and supporting brief; and for good cause shown;

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024,

The Court finds that Defendants Estate of Kenneth H. Knapp (Fictitious), Kenneth H. Knapp, Jr., Howard W. Knapp, Stephen A. Knapp, Susan L. Knapp, and Audrey M. King are in violation of the Final Agency Order; and

**IT IS ORDERED** that Defendants Estate of Kenneth H. Knapp (Fictitious), Kenneth H. Knapp, Jr., Howard W. Knapp, Stephen A. Knapp, Susan L. Knapp, and Audrey M. King shall:

1. Comply fully with the requirements set forth in the

Final Agency Order as follows:

- a. Retain a Licensed Site Remediation Professional;
- b. Submit an initial receptor evaluation;
- c. Conduct a remedial investigation and submit a Remedial Investigation Report;
- d. Comply with the Department's Direct Oversight requirements;
- e. Conduct a remedial action and submit a Remedial Action Report;
- f. Pay annual remediation fees in the amount of \$26,660.00 and submit an updated Annual Remediation Fee Reporting Form;

- g. Pay the previously docketed judgment for a civil administrative penalty of \$85,000.00;
2. Pay a civil penalty in the amount of \$ \_\_\_\_\_ by certified check or money order payable to "Treasurer, State of New Jersey" and remit payment to:

New Jersey Department of Treasury  
Division of Revenue  
P.O. Box 417  
Trenton, NJ 08646-0417

A copy of the certified check or money order shall be mailed to the Department at the following address:

Ann Wolf, Assistant Director  
New Jersey Department of Environmental  
Protection  
Contaminated Site Remediation & Redevelopment  
Program, Enforcement and Information Support  
Element  
Mail Code 401-06A  
P.O. Box 420  
Trenton, NJ 08625-0420

3. Pay the Department's costs and fees in this action.

**IT IS FURTHER ORDERED** that the Department has reserved its rights to:

1. Amend the Verified Complaint to name the Administrator of Kenneth H. Knapp's Estate as a defendant once an estate is opened and an administrator is selected; and

2. Bring a claim in the future for natural resource damages arising out of the discharges of hazardous substances at the Property; and

**IT IS FURTHER ORDERED** that within \_\_\_\_\_ days of this date, the Department's attorney shall serve the parties in interest with a true and correct copy of this Order.

---

Hon. Paula T. Dow, P.J.Ch.

In accordance with the required statement under Rule 1:6-2(a), this motion was:

\_\_\_\_\_ opposed

\_\_\_\_\_ unopposed.