

Hudson County Recording Data Page Honorable Diane Coleman Hudson County Register	<i>Official Use Only - Barcode</i>
<i>Official Use Only - Record & Return</i>	<i>Official Use Only - Realty Transfer Fee</i>
Date of Document: 02/21/2019	Type of Document: DEED NOTICE
First Party Name: ACCORDIA HARRISON URBAN RENEWAL, LLC	Second Party Name: NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION PROGRAM
Additional Parties:	

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY	
Block: 133	Lot: 1.03, 1.04 AND 1.05
Municipality: HARRISON	
Consideration: 0.00	
Mailing Address of Grantee: 100 PASSAIC AVENUE, SUITE 150, FAIRFIELD, NEW JERSEY 07004	

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOKING & PAGING INFORMATION FOR ASSIGNMENTS, RELEASES, SATISFACTIONS, DISCHARGES & OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY	
Original Book:	Original Page:

HUDSON COUNTY RECORDING DATA PAGE	
Please do not detach this page from the original document as it contains important recording information and is part of the permanent record.	

Return Address:
Accordia Harrison Urban Renewal, L.L.C.
100 Passaic Avenue, Suite 150
Fairfield, NJ 07004

Instrument Number

DEED NOTICE

IN ACCORDANCE WITH N.J.S.A. 58:10B-13, THIS DOCUMENT IS TO BE RECORDED IN THE SAME MANNER AS ARE DEEDS AND OTHER INTERESTS IN REAL PROPERTY.

Prepared by:

DAVID S. MAIRO, Esq. Chiesa Shahinian & Giantomaso, PC
[Print name below signature]

Recorded by:

[Signature, Officer of County Recording Office]

[Print name below signature]

DEED NOTICE

This Deed Notice is made as of the 21st day of February, 2019 by Accordia Harrison Urban Renewal, LLC, 100 Passaic Avenue, Suite 150, Fairfield, New Jersey 07004 (together with his/her/its/their successors and assigns, collectively "Owner").

1. THE PROPERTY. Accordia Harrison Urban Renewal, LLC is the owner in fee simple of certain real property designated as Block 133 Lots 1.03, 1.04, 1.05, on the tax map of the Harrison, Hudson County; the New Jersey Department of Environmental Protection Program Interest Numbers (Preferred ID) for the contaminated site which includes this property are 011884, 030637, 031352, 571326; and the property is more particularly described in Exhibit A, which is attached hereto and made a part hereof (the "Property").

2. REMEDIATION.

i. Keith W. Ryan, P.G., (LSRP# 579656) has approved this Deed Notice as an institutional control for the Property, which is part of the remediation of the Property.

ii. N.J.A.C. 7:26C-7 requires the Owner, among other persons, to obtain a soil remedial action permit for the soil remedial action at the Property. That permit will contain the monitoring, maintenance and biennial certification requirements that apply to the Property.

3. SOIL CONTAMINATION. The Hartz Consumer Group, Inc. and Heller Urban Renewal, LLC has remediated contaminated soil at the Property, such that soil contamination remains at certain areas of the Property that contains contaminants in concentrations that do not allow for the unrestricted use of the Property. Such soil contamination is described, including the type, concentration and specific location of such contamination, and the existing engineering controls on the site are described, in Exhibit B, which is attached hereto and made a part hereof. As a result, there is a statutory requirement for this Deed Notice in accordance with N.J.S.A. 58:10B-13.

4. CONSIDERATION. In accordance with the remedial action for the site which included the Property, and in consideration of the terms and conditions of that remedial action, and other good and valuable consideration, Owner has agreed to subject the Property to certain statutory and regulatory requirements that impose restrictions upon the use of the Property, to restrict certain uses of the Property, and to provide notice to subsequent owners, lessors, lessees and operators of the Property of the restrictions and the monitoring, maintenance, and biennial certification requirements outlined in this Deed Notice and required by law, as set forth herein.

5A. RESTRICTED AREAS. Due to the presence of contamination remaining at concentrations that do not allow for unrestricted use, the Owner has agreed, as part of the remedial action for the Property, to restrict the use of certain parts of the Property (the "Restricted Areas"); a narrative description of these restrictions is provided in Exhibit C, which is attached hereto and made a part hereof. The Owner has also agreed to maintain a list of these restrictions on site for inspection by governmental officials.

5B. RESTRICTED LAND USES. The following statutory land use restrictions apply to the Restricted Areas:

i. The Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-12.g(10), prohibits the conversion of a contaminated site, remediated to non-residential soil remediation standards that require the maintenance of engineering or institutional controls, to a child care facility, or public, private, or charter school without the Department's prior written approval, unless a presumptive remedy is implemented; and

ii. The Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-12.g(12), prohibits the conversion of a landfill, with gas venting systems and or leachate collection systems, to a single family residence or a child care facility.

5C. ENGINEERING CONTROLS. Due to the presence and concentration of these contaminants, the Owner has also agreed, as part of the remedial action for the Property, to the placement of certain engineering controls on the Property; a narrative description of these engineering controls is provided in Exhibit C.]

6A. CHANGE IN OWNERSHIP AND REZONING.

- i. The Owner and the subsequent owners, lessors, and lessees, shall cause all leases, grants, and other written transfers of an interest in the Restricted Areas to contain a provision expressly requiring all holders thereof to take the Property subject to the restrictions contained herein and to comply with all, and not to violate any of the conditions of this Deed Notice. Nothing contained in this Paragraph shall be construed as limiting any obligation of any person to provide any notice required by any law, regulation, or order of any governmental authority.
- ii. The Owner and the subsequent owners shall provide written notice to the Department of Environmental Protection on a form provided by the Department and available at www.nj.gov/srp/forms within 30 calendar days after the effective date of any conveyance, grant, gift, or other transfer, in whole or in part, of the Owner's or subsequent owner's interest in the Restricted Area.
- iii. The Owner and the subsequent owners shall provide written notice to the Department, on a form available from the Department at www.nj.gov/srp/forms, within thirty (30) calendar days after the owner's petition for or filing of any document initiating a rezoning of the Property to residential.

6B. SUCCESSORS AND ASSIGNS.

This Deed Notice shall be binding upon Owner and upon Owner's successors and assigns, and subsequent owners, lessors, lessees and operators while each is an owner, lessor, lessee, or operator of the Property.

7A. ALTERATIONS, IMPROVEMENTS, AND DISTURBANCES.

- i. The Owner and all subsequent owners, lessors, and lessees shall notify any person, including, without limitation, tenants, employees of tenants, and contractors, intending to conduct invasive work or excavate within the Restricted Areas, of the nature and location of contamination in the Restricted Areas, and, of the precautions necessary to minimize potential human exposure to contaminants.
- ii. Except as provided in Paragraph 7B, below, no person shall make, or allow to be made, any alteration, improvement, or disturbance in, to, or about the Property which disturbs any engineering control at the Property without first retaining a licensed site remediation professional. Nothing herein shall constitute a waiver of the obligation of any person to comply with all applicable laws and regulations including, without limitation, the applicable rules of the Occupational Safety and Health Administration.
- iii. A soil remedial action permit modification is required for any permanent alteration, improvement, or disturbance and the owner, lessor, lessee or operator shall submit the following within 30 days after the occurrence of the permanent alteration, improvement, or disturbance:

(A) A Remedial Action Workplan or Linear Construction Project notification and Final Report Form, whichever is applicable;

(B) A Remedial Action Report and Termination of Deed Notice Form; and

(C) A revised recorded Deed Notice with revised Exhibits, and Remedial Action Permit Modification or Remedial Action Permit Termination form and Remedial Action Report.

iv. No owner, lessor, lessee or operator shall be required to obtain a Remedial Action Permit Modification for any temporary alteration, improvement, or disturbance, provided that the site is restored to the condition described in the Exhibits to this Deed Notice, and the owner, lessee, or operator complies with the following:

(A) Restores any disturbance of an engineering control to pre-disturbance conditions within 60 calendar days after the initiation of the alteration, improvement or disturbance;

(B) Ensures that all applicable worker health and safety laws and regulations are followed during the alteration, improvement, or disturbance, and during the restoration;

(C) Ensures that human exposure to contamination in excess of the remediation standards does not occur; and

(D) Describes, in the next biennial certification the nature of the temporary alteration, improvement, or disturbance, the dates and duration of the temporary alteration, improvement, or disturbance, the name of key individuals and their affiliations conducting the temporary alteration, improvement, or disturbance, the notice the Owner gave to those persons prior to the disturbance.

7B. EMERGENCIES. In the event of an emergency which presents, or may present, an unacceptable risk to the public health and safety, or to the environment, or an immediate environmental concern, see N.J.S.A. 58:10C-2, any person may temporarily breach an engineering control provided that that person complies with each of the following:

i. Immediately notifies the Department of Environmental Protection of the emergency, by calling the DEP Hotline at 1-877-WARNDEP or 1-877-927-6337;

ii. Hires a Licensed Site Remediation Professional (unless the Restricted Areas includes an unregulated heating oil tank) to respond to the emergency;

iii. Limits both the actual disturbance and the time needed for the disturbance to the minimum reasonably necessary to adequately respond to the emergency;

iv. Implements all measures necessary to limit actual or potential, present or future risk of exposure to humans or the environment to the contamination;

v. Notifies the Department of Environmental Protection when the emergency or immediate environmental concern has ended by calling the DEP Hotline at 1-877-WARNDEP or 1-877-927-6337; and

vi. Restores the engineering control to the pre-emergency conditions as soon as possible; and

vii. Submits to the Department of Environmental Protection within 60 calendar days after completion of the restoration of the engineering control, a report including: (a) the nature and likely cause of the emergency; (b) the measures that have been taken to mitigate the effects of the emergency on human health and the environment; (c) the measures completed or implemented to restore the engineering control; and (d) any changes to the engineering control or site operation and maintenance plan to prevent reoccurrence of such conditions in the future.

8. TERMINATION OF DEED NOTICE.

i. This Deed Notice may be terminated only upon recording a Department-approved Termination of Deed Notice, available at N.J.A.C. 7:26C Appendix C, with the office of the County Clerk of Hudson County, New Jersey, expressly terminating this Deed Notice.

ii. Within 30 calendar days after recording a Department-approved Termination of Deed Notice, the owner of the property should apply to the Department for termination of the soil remedial action permit pursuant to N.J.A.C. 7:26C-7.

9. ACCESS. The Owner, and the subsequent owners, lessors, lessees, and operators agree to allow the Department, its agents and representatives access to the Property to inspect and evaluate the continued protectiveness of the remedial action that includes this Deed Notice and to conduct additional remediation to ensure the protection of the public health and safety and of the environment if the subsequent owners, lessors, lessees, and operators, during their ownership, tenancy, or operation, and the Owner fail to conduct such remediation pursuant to this Deed Notice as required by law. The Owner, and the subsequent owners, lessors, and lessees, shall also cause all leases, subleases, grants, and other written transfers of an interest in the Restricted Areas to contain a provision expressly requiring that all holders thereof provide such access to the Department.

10. ENFORCEMENT OF VIOLATIONS.

i. This Deed Notice itself is not intended to create any interest in real estate in favor of the Department of Environmental Protection, nor to create a lien against the Property, but merely is intended to provide notice of certain conditions and restrictions on the Property and to reflect the regulatory and statutory obligations imposed as a conditional remedial action for this site.

ii. The restrictions provided herein may be enforceable solely by the Department against any person who violates this Deed Notice. To enforce violations of this Deed Notice, the

Department may initiate one or more enforcement actions pursuant to N.J.S.A. 58:10-23.11, and N.J.S.A. 58:10C, and require additional remediation and assess damages pursuant to N.J.S.A. 58:10-23.11, and N.J.S.A. 58:10C.

11. SEVERABILITY. If any court of competent jurisdiction determines that any provision of this Deed Notice requires modification, such provision shall be deemed to have been modified automatically to conform to such requirements. If a court of competent jurisdiction determines that any provision of this Deed Notice is invalid or unenforceable and the provision is of such a nature that it cannot be modified, the provision shall be deemed deleted from this instrument as though the provision had never been included herein. In either case, the remaining provisions of this Deed Notice shall remain in full force and effect.

12A. EXHIBIT A. Exhibit A includes the following maps of the Property and the vicinity:

- i. Exhibit A-1: Vicinity Map - A map that identifies by name the roads, and other important geographical features in the vicinity of the Property (for example, USGS Quad map, Hagstrom County Maps);
- ii. Exhibit A-2: Metes and Bounds Description - A tax map of lots and blocks as wells as metes and bounds description of the Property, including reference to tax lot and block numbers for the Property;
- iii. Exhibit A-3: Property Map - A scaled map of the Property, scaled at one inch to 200 feet or less, and if more than one map is submitted, the maps shall be presented as overlays, keyed to a base map; and the Property Map shall include diagrams of major surface topographical features such as buildings, roads, and parking lots.

12B. EXHIBIT B. Exhibit B includes the following descriptions of the Restricted Areas:

- i. Exhibit B-1: Restricted Area Map -- A separate map for each restricted area that includes:
 - (A) As-built diagrams of each engineering control, including caps, fences, slurry walls, (and, if any) ground water monitoring wells, extent of the ground water classification exception area, pumping and treatment systems that may be required as part of a ground water engineering control in addition to the deed notice;
 - (B) As-built diagrams of any buildings, roads, parking lots and other structures that function as engineering controls; and
 - (C) Designation of all soil and all upland sediment sample locations within the restricted areas that exceed any soil standard that are keyed into one of the tables described in the following paragraph.
- ii. Exhibit B-2: Restricted Area Data Table - A separate table for each restricted area that includes either (A) or (B) through (F):

- (A) Only for historic fill extending over the entire site or a portion of the site and for which analytical data are limited or do not exist, a narrative that states that historic fill is present at the site, a description of the fill material (e.g., ash, cinders, brick, dredge material), and a statement that such material may include, but is not limited to, contaminants such as PAHs and metals;
- (B) Sample location designation from Restricted Area map (Exhibit B-1);
- (C) Sample elevation based upon mean sea level;
- (D) Name and chemical abstract service registry number of each contaminant with a concentration that exceeds the unrestricted use standard;
- (E) The restricted and unrestricted use standards for each contaminant in the table; and
- (F) The remaining concentration of each contaminant at each sample location at each elevation.

12C. EXHIBIT C. Exhibit C includes narrative descriptions of the institutional controls as follows:

- i. Exhibit C-1: *Deed Notice as Institutional Control*: Exhibit C-1 includes a narrative description of the restriction and obligations of this Deed Notice that are in addition to those described above, as follows:
 - (A) Description and estimated size of the Restricted Areas as described above;
 - (B) Description of the restrictions on the Property by operation of this Deed Notice; and
 - (C) The objective of the restrictions.
- ii. Exhibit C-2: *Constructed Roadways, Pavers, Parking Lots, and Sidewalk Engineering Control*: Exhibit C-2 includes a narrative description of constructed roadways, pavers, parking lots, and sidewalks engineering control:
 - (A) Description of the engineering control;
 - (B) The objective of the engineering control; and
 - (C) How the engineering control is intended to function.
- iii. Exhibit C-3: *Constructed Building Engineering Control*: Exhibit C-3 includes a narrative description of the constructed building engineering control as follows:

- (A) Description of the engineering control;
- (B) The objective of the engineering control; and
- (C) How the engineering control is intended to function.

iv. Exhibit C-4: *Constructed Landscape Planter Engineering Control*: Exhibit C-4 includes a narrative description of the constructed landscape planter engineering control as follows:

- (A) Description of the engineering control;
- (B) The objective of the engineering control; and
- (C) How the engineering control is intended to function.

v. Exhibit C-5: *Constructed Crushed Stone Engineering Control*: Exhibit C-5 includes a narrative description of the constructed crushed stone engineering control as follows:

- (A) Description of the engineering control;
- (B) The objective of the engineering control; and
- (C) How the engineering control is intended to function.

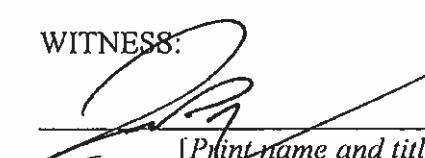
13. SIGNATURES. IN WITNESS WHEREOF, Owner has executed this Deed Notice as of the date first written above.

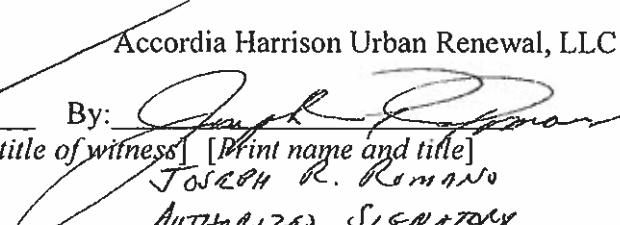
WITNES:

Accordia Harrison Urban Renewal, LLC

By:

[Print name and title of witness] [Print name and title]

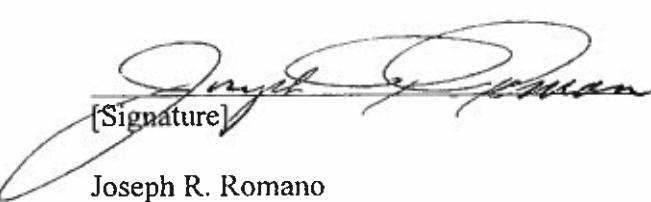

JASON BOGART
AUTHORIZED SIGNATORY


JOSEPH R. ROMANO
AUTHORIZED SIGNATORY

STATE OF NEW JERSEY SS.:
COUNTY OF BERGEN

I certify that on Feb 12, 2019, Joseph R. Romano personally came before me, and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the Authorized Signatory of Accordia Harrison Urban Renewal LLC, the corporation named in this document;
- (b) this document was signed and delivered by the corporation as its voluntary act and was duly authorized;
- (c) this person signed this proof to attest to the truth of these facts.


[Signature]
Joseph R. Romano
Authorized Signatory

Print name and title

Signed and sworn before me on Feb 12, 2019

Kathryn Massaro, Notary Public
Kathryn Massaro
[Print name and title]

KATHRYN MASSARO
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 6/21/2022

Exhibit A-1
Vicinity Map

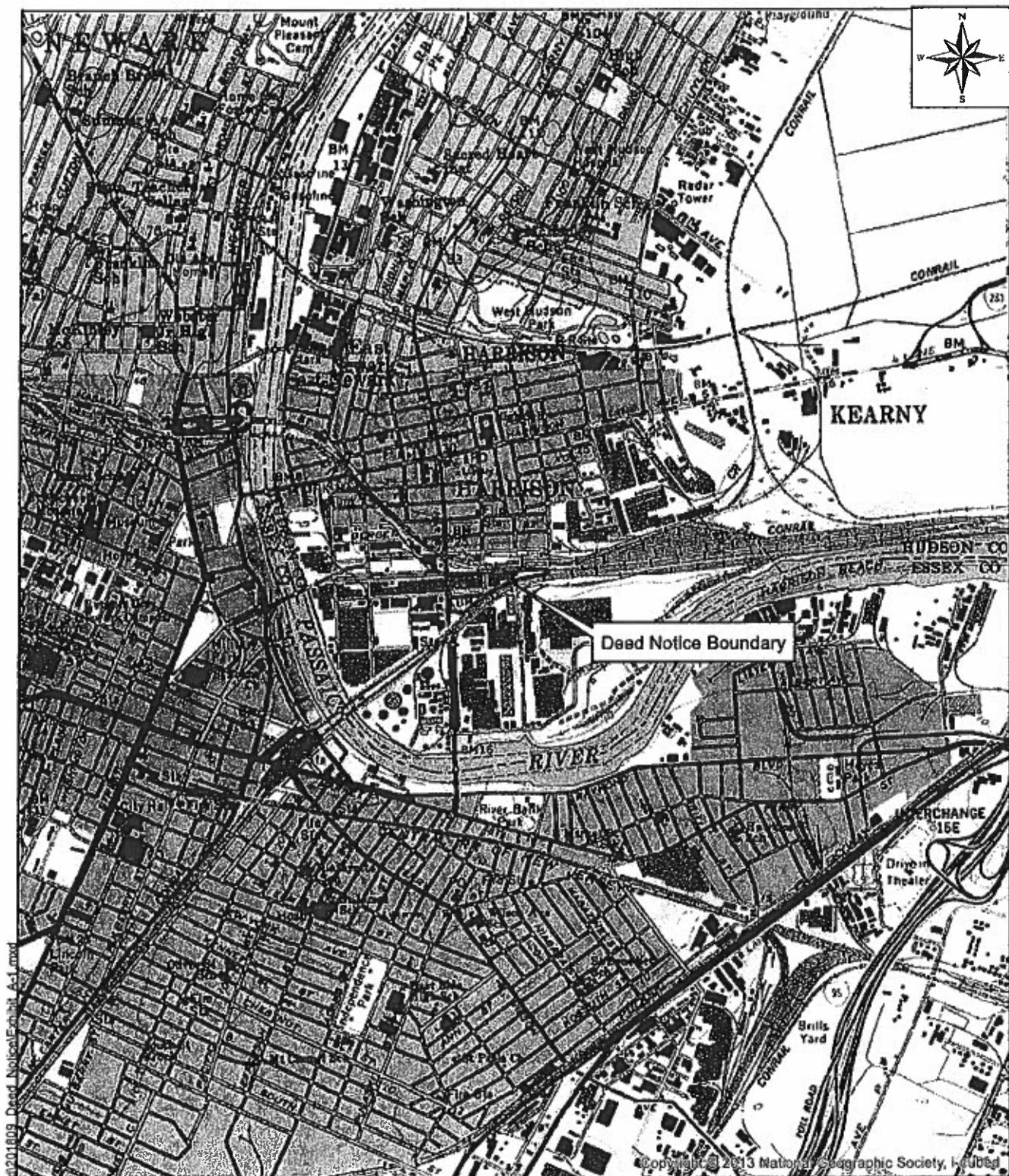


Exhibit A-1

Site Location Map

AECOM

9/18/2018

Legend

Deed Notice Boundary

2,000 1,000 0 2,000

Graphic Scale In Feet

AECOM

Environment

Exhibit A-2

Metes and Bounds Description

MidAtlantic Engineering Partners

Dec. 7, 2016

Job No. HEL-111

DESCRIPTION OF PROPERTY BLOCK 133, PROPOSED LOT 1.03

SITUATED IN TOWN OF HARRISON, HUDSON COUNTY, NEW JERSEY

All that certain tract, parcel, or lot of land situate and lying in the Town of Harrison, Hudson County, New Jersey, being more particularly bounded and described as follows:

BEGINNING at a point on the intersection of the easterly right-of-way line of Frank E. Rogers Boulevard South (A.K.A. County Route No. 697) (80' R.O.W) with the proposed southerly right-of-way line of Angelo Cifelli Drive, said point also being South 03 degrees 08 minutes 49 seconds East, a distance of 333.15 feet from the southerly right-of-way line of Conrail (A.K.A. Conrail-Trenton to Jersey City, Center Street Branch); thence

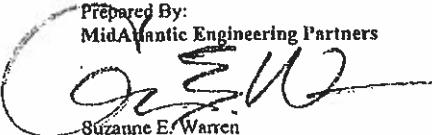
1. On the proposed southerly right-of-way line of Angelo Cifelli Drive, North 86 degrees 51 minutes 50 seconds East, a distance of 50.79 feet to a point; thence
2. Continuing on the same, North 56 degrees 51 minutes 50 seconds East, a distance of 74.00 feet to a point; thence
3. Still on same, North 86 degrees 51 minutes 50 seconds East, a distance of 379.43 feet to a point; thence
4. South 48 degrees 08 minutes 10 seconds East, a distance of 31.57 feet to a point; thence
5. North 86 degrees 51 minutes 50 seconds East, a distance of 26.81 feet to a point at common corner with proposed Lot 1.05; thence
6. South 33 degrees 28 minutes 56 seconds East, a distance of 15.20 feet to a point in the northerly line of Lot 1.02 Block 133; thence
7. Continuing on a division line between Lot 1.02 and Proposed Lot 1.03, on a curve bearing to the left, with a radius of 1,783.18 feet, an arc length of 125.57 feet (having a chord bearing of South 54 degrees 30 minutes 01 seconds West and a chord distance of 125.54 feet) to a point of compound curvature; thence
8. Still on same, curving to the left, with a radius of 2,664.18 feet with an arc length of 71.52 feet (having a chord bearing of South 51 degrees 42 minutes 51 seconds West and a chord distance of 71.52 feet) to a point of tangency; thence
9. South 50 degrees 56 minutes 43 seconds West, a distance of 216.21 feet to a point; thence
10. North 39 degrees 03 minutes 30 seconds West, a distance of 2.54 feet to a point; thence
11. South 50 degrees 56 minutes 30 seconds West, a distance of 18.89 feet to a point; thence
12. South 86 degrees 51 minutes 11 seconds West, a distance of 98.91 feet to a point; thence
13. North 03 degrees 08 minutes 49 seconds West, a distance of 22.08 feet to a point; thence
14. South 86 degrees 51 minutes 11 seconds West, a distance of 95.76 feet to a point in the easterly right-of-way line of aforementioned Frank E. Rogers Boulevard South, thence;
15. Continuing on said right-of-way line of Frank E. Rogers Boulevard South, North 03 degrees 08 minutes 49 seconds West, a distance of 220.64 feet to the point and place of BEGINNING.

Containing 103,512 S.F. (2.38 acres) of land, more or less.

Property is subject to a Construction Easement (variable width) with term limits.

This description is in accordance with a map entitled "Preliminary/Final Major Subdivision Plan, Block 133 Lot 1.01, The Hub at Harrison Station" situated in Town of Harrison, Hudson County, New Jersey. Prepared by Mid-Atlantic Engineering Partners, LLC dated September 10, 2015 and revised through September 13, 2016.

Prepared By:
MidAtlantic Engineering Partners


Suzanne E. Warren
Professional Land Surveyor
New Jersey License No. GS03897900

MidAtlantic Engineering Partners

Dec. 7, 2016

Job No. HEL-111

DESCRIPTION OF PROPERTY BLOCK 133, PROPOSED LOT 1.04

SITUATED IN
TOWN OF HARRISON, HUDSON COUNTY, NEW JERSEY

All that certain tract, parcel, or lot of land situate and lying in the Town of Harrison, Hudson County, New Jersey, being more particularly bounded and described as follows:

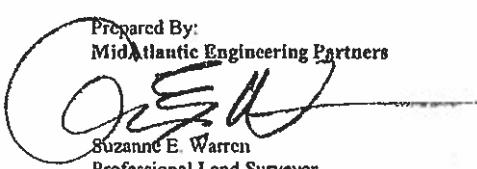
BEGINNING at the intersection of the easterly right-of-way line of Frank E. Rogers Boulevard South (A.K.A. County Route No. 697) (80' R.O.W) with the southerly right-of-way line of Conrail (A.K.A. Conrail-Trenton to Jersey City, Center Street Branch); thence

1. On the southerly line of said railroad right-of-way line, North 86 degrees 51 minutes 11 seconds East, a distance of 500.10 feet to a point on the proposed extension of the westerly right-of-way line of South Fifth Street; thence
2. On the proposed westerly right-of-way line of South Fifth Street, South 03 degrees 08 minutes 10 seconds East, a distance of 223.45 feet to a point; thence
3. On a course connecting the proposed westerly right-of-way line of South Fifth Street with the proposed northerly right-of-way line of Angelo Cifelli Drive, South 41 degrees 51 minutes 50 seconds West, a distance of 18.10 feet to a point; thence
4. On the proposed northerly right-of-way line of Angelo Cifelli Drive, South 86 degrees 51 minutes 50 seconds West, a distance of 366.36 feet to a point; thence
5. Continuing on the same, North 63 degrees 08 minutes 10 seconds West, a distance of 74.00 feet to a point; thence
6. Still on same, South 86 degrees 51 minutes 50 seconds West, a distance of 56.82 feet to a point on the easterly line of aforementioned Frank E. Rogers Boulevard South; thence
7. On said right-of-way line of Frank E. Rogers Boulevard South, North 03 degrees 08 minutes 49 seconds West 199.15 feet to the point and place of BEGINNING.

Containing 114,746 S.F. (2.63 acres) of land, more or less.

This description is in accordance with a map entitled "Preliminary/Final Major Subdivision Plan, Block 133 Lot 1.01, The Hub at Harrison Station" situated in Town of Harrison, Hudson County, New Jersey. Prepared by Mid-Atlantic Engineering Partners, LLC dated September 10, 2015 and revised through September 13, 2016.

Prepared By:
MidAtlantic Engineering Partners


Suzanne E. Warren
Professional Land Surveyor
New Jersey License No. GS03897900

MidAtlantic Engineering Partners

Dec. 7, 2016

Job No. HEL-111

DESCRIPTION OF PROPERTY BLOCK 133, PROPOSED LOT 1.05

SITUATED IN TOWN OF HARRISON, HUDSON COUNTY, NEW JERSEY

All that certain tract, parcel, or lot of land situate and lying in the Town of Harrison, Hudson County, New Jersey, being more particularly bounded and described as follows:

BEGINNING at a point on the southerly right-of-way line of Conrail (A.K.A. Conrail-Trenton to Jersey City, Center Street Branch), said point being North 86 degrees 51 minutes 11 seconds East, a distance of 560.10 feet from the easterly right-of-way line of Frank E. Rogers Boulevard South (A.K.A County Route No. 697) (80' R.O.W.); thence

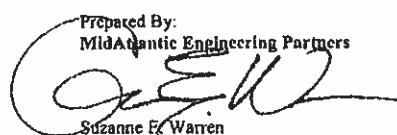
1. On the southerly line of said railroad right-of-way line, North 86 degrees 51 minutes 11 seconds East, a distance of 834.90 feet to a common corner with Lot 126, Block 189.02; thence
2. On the division line between Block 133 and Block 189.02, South 87 degrees 24 minutes 49 seconds East, a distance of 115.00 feet to a point; thence
3. Continuing on the same, South 03 degrees 08 minutes 49 seconds East, a distance of 46.00 feet to a point on the northerly line of the Amtrak Main Line (Class I); thence
4. On the northerly line of said Amtrak Line, South 70 degrees 11 minutes 39 seconds West, a distance of 100.11 feet to a common point and corner of Lot 1.02 and Proposed Lot 1.05; thence
5. On the division line between Lot 1.02 with Proposed Lot 1.05, South 83 degrees 20 minutes 48 seconds West, a distance of 45.83 feet to a point of curvature; thence
6. Still on same division line, on a curve to the left, with a radius of 2,664.81 feet with an arc length of 76.08 feet (having a chord bearing of South 82°31'44" West with a chord length of 76.08 feet) to a point of compound curvature; thence
7. On a curve bearing to the left, with a radius of 1,783.18 feet with an arc length of 784.07 feet (having a chord bearing of South 69°06'51" West and a chord length of 777.77 feet) to a point on the line of Lot 1.02 and a common corner to Lots 1.03 and 1.05; thence
8. On a division line between Proposed Lots 1.03 and 1.05, North 33 degrees 28 minutes 56 seconds West, a distance of 15.20 feet to a point on the proposed extension of the easterly right-of-way line of South Fifth Street; thence
9. On the proposed easterly right-of-line of South Fifth Street, North 41 degrees 51 minutes 50 seconds East, a distance of 53.04 feet to a point; thence
10. Continuing on the same, North 03 degrees 08 minutes 10 seconds West, a distance of 26.81 feet to a point; thence
11. North 48 degrees 08 minutes 10 seconds West, a distance of 31.57 feet to a point; thence
12. North 03 degrees 08 minutes 10 seconds West, a distance of 230.53 feet to the point and place of BEGINNING.

Containing 149,070 S.F. (3.42 acres) of land, more or less.

Property is subject to a Construction Easement (variable width) with term limits.

This description is in accordance with a map entitled "Preliminary/Final Major Subdivision Plan, Block 133 Lot 1.01, The Hub at Harrison Station" situated in Town of Harrison, Hudson County, New Jersey. Prepared by Mid-Atlantic Engineering Partners, LLC, dated September 10, 2015 and revised through September 13, 2016.

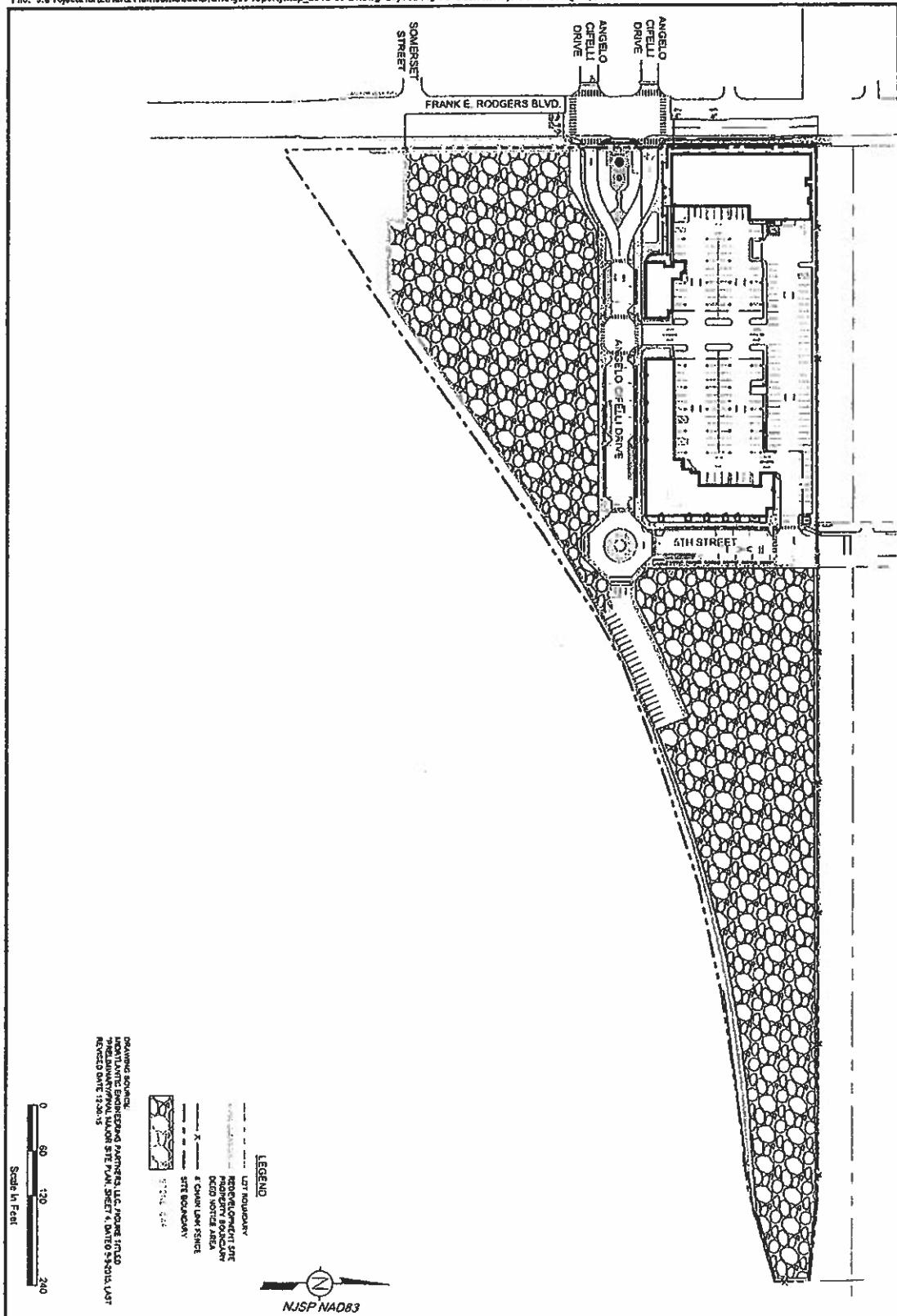
Prepared By:
MidAtlantic Engineering Partners


Suzanne E. Warren
Professional Land Surveyor
New Jersey License No. GS03897900

AECOM

Environment

Exhibit A-3
Property Map



DRAWING SOURCE: **LENTZ-PLANTE ENGINEERING PARTNERS, LLC, MOORE STUDIO**
PRELIMINARY/MANUAL SURVEY SITE PLAN, SHEET 4, DATED 9-9-2013, LAST
REVISED DATE: 12-20-15

A-3

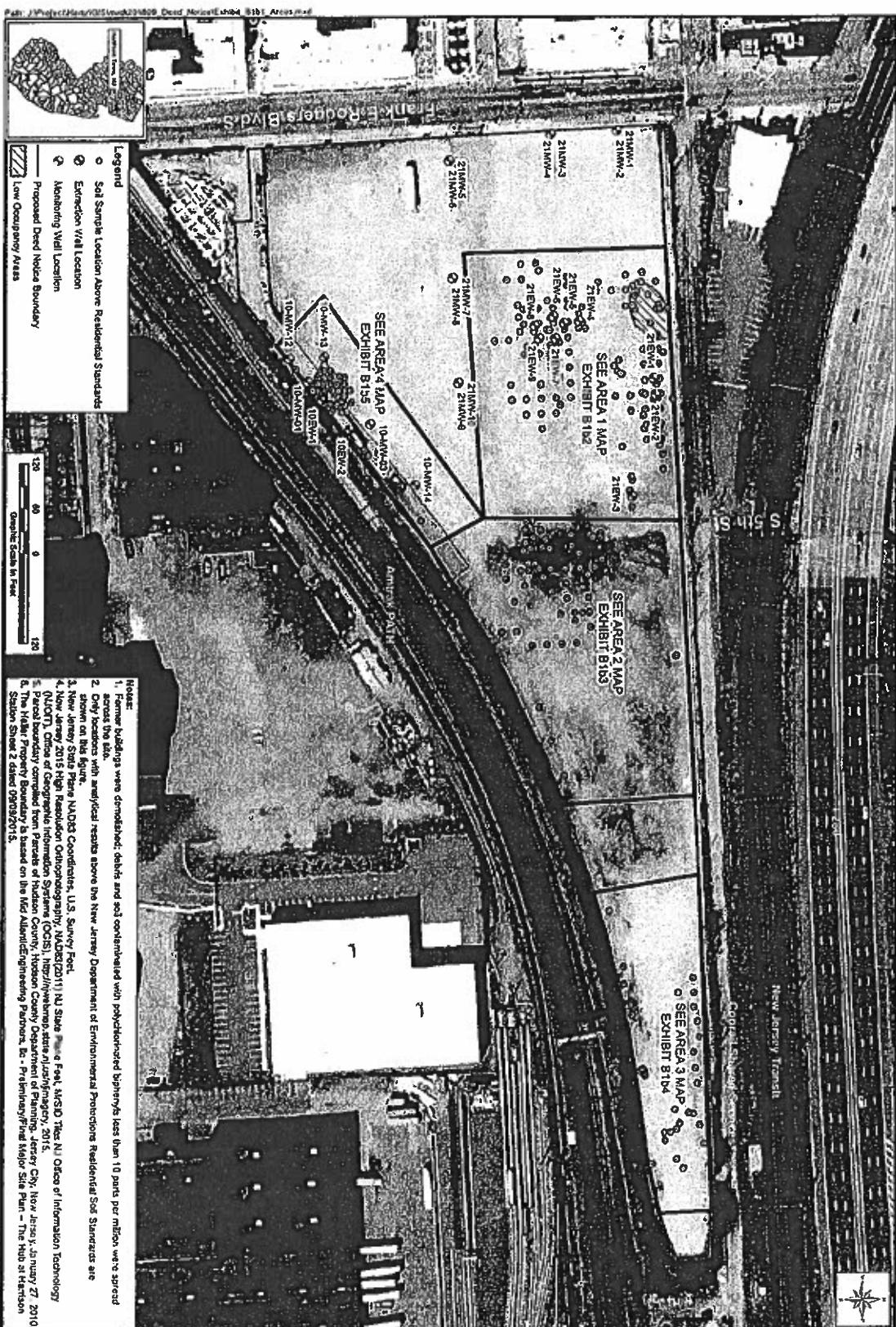
PROPERTY MAP
HELLER REDEVELOPMENT
HUB AT HARRISON STATION PROJECT
700 FRANK E. RODGERS BLVD
HARRISON, NEW JERSEY

AECOM
10 KIRCHISBRIDGE ROAD, SUITE 521
PISCATAWAY, NEW JERSEY 08854
PHONE: (732) 564-3600
FAX: (732) 369-0127
WEB: [HTTP://WWW.AECOM.COM](http://WWW.AECOM.COM)

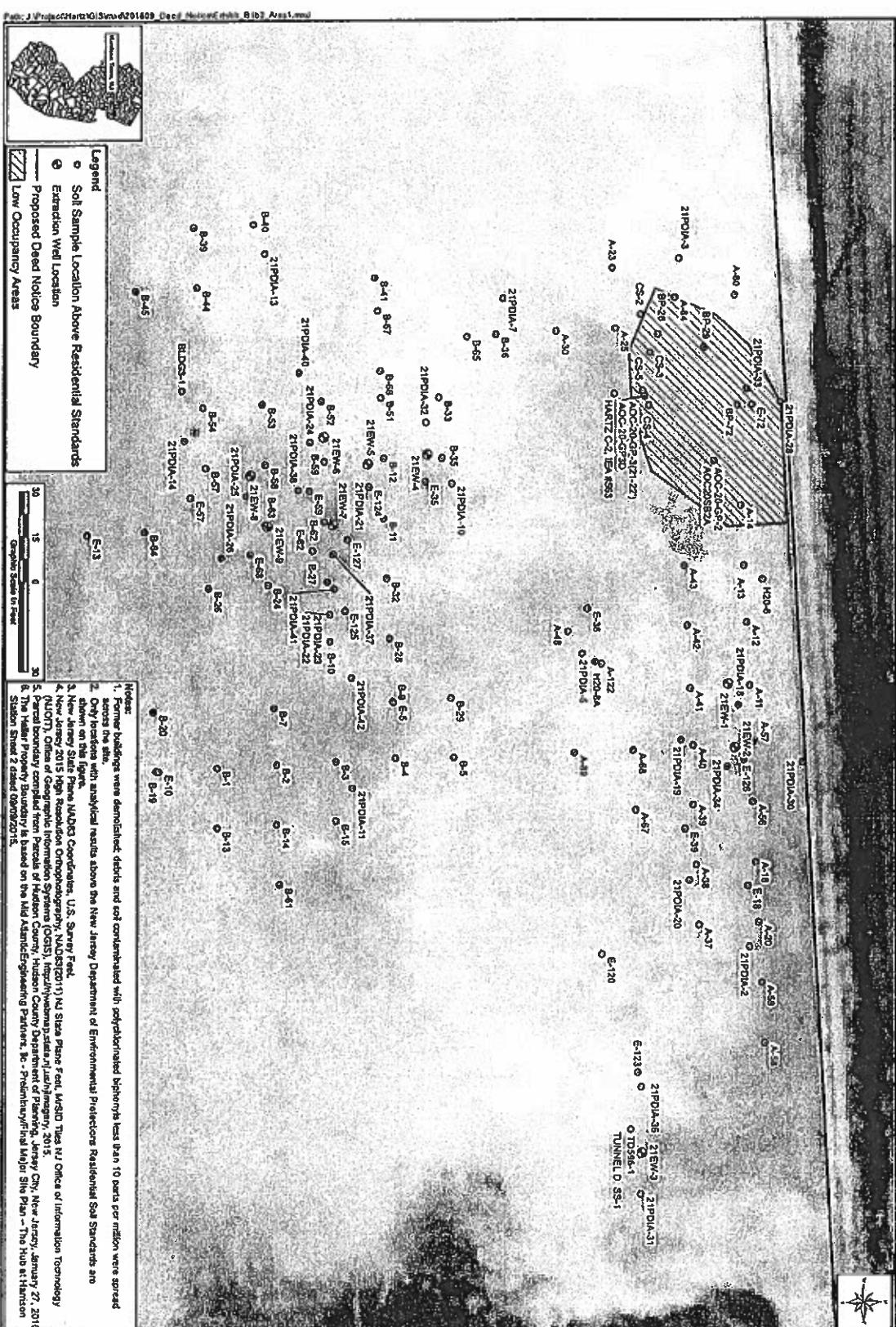
43004

STUDIED BY:	REVISIONS	
JR	NO.:	BT.
DRAWN BY:		
JK		
APPROVED BY:		
BK		

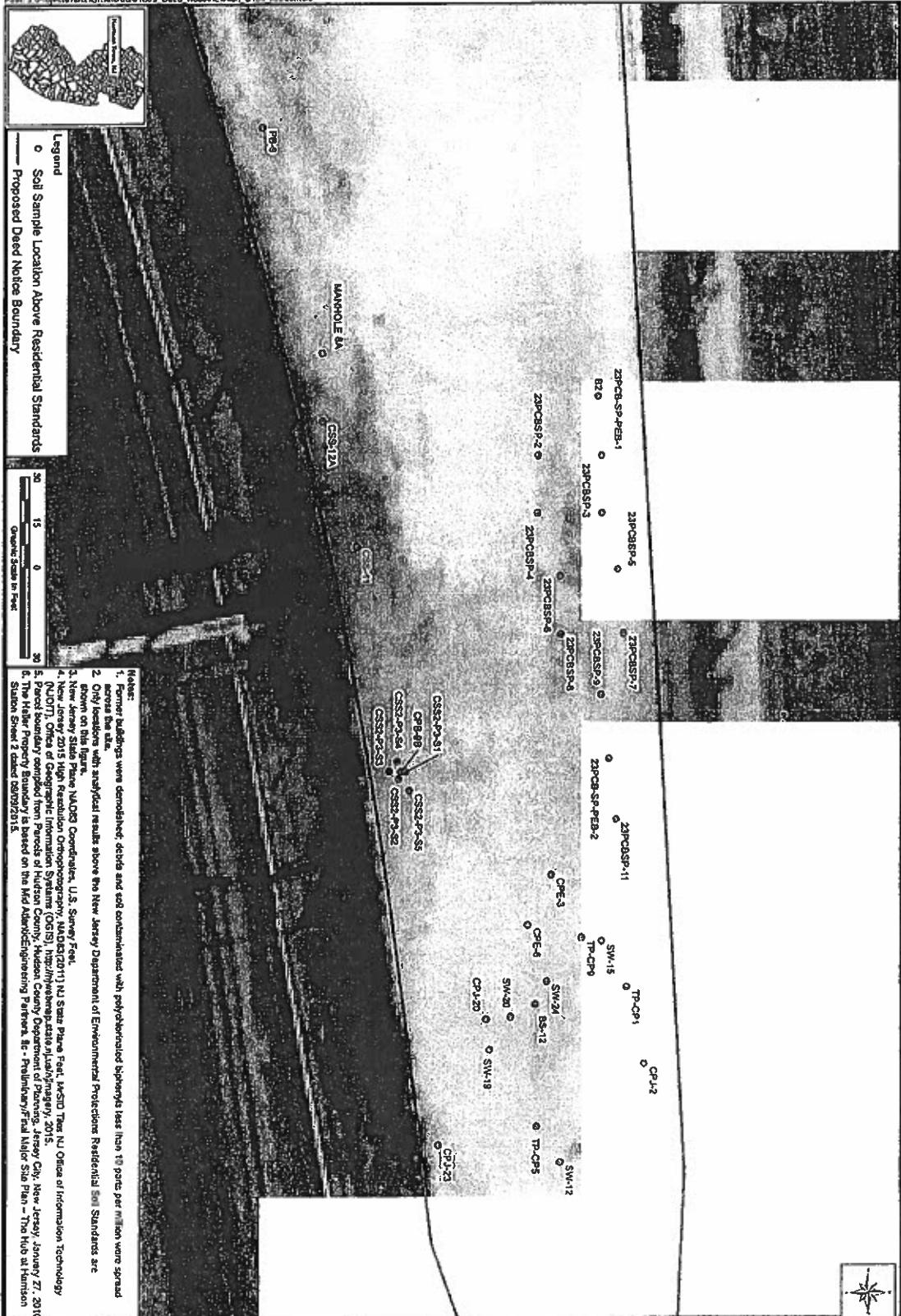
Exhibit B-1
Restricted Area Map



Restricted Map Key Map		AECOM	
<p>Block 133 lots 1,03, 1,04, and 1,05 700 Frank E. Rogers Blvd., Harrison, New Jersey</p>		<p>DESIGNED BY: <u>JK</u> REVISIONS DRAWN BY: <u>JK</u> NO: <u> </u> DATE: <u> </u> BY: <u> </u> CHECKED BY: <u>JK</u> APPROVED BY: <u>JK</u></p>	
SCALE: 1" = 120'	PROJECT NUMBER: 104/2018 603-369-9328/2851	<p>AECOM 33 MOUNTAINBRIDGE ROAD, SUITE 620 PESTAWAY, NJ 08814 PHONE: (732) 564-3600 FAX: (732) 569-0122 WEB: HTTP://WWW.AECOM.COM</p>	



 B1b2 <small>EDITION NUMBER:</small>	Restricted Map Area 1 Block 133 lots 1.03, 1.04, and 1.05 700 Frank E. Rogers Blvd., Harrison, New Jersey <small>SCALE: 1" = 150'</small> <small>DATE: 10/27/2018</small> <small>PROJECT NUMBER: 00435196043268</small>	<small>REVISIONS</small> <small>DESIGNED BY:</small> <small>RK NO: DESCRIPTION DATE BY:</small> <small>DRAWN BY:</small> <small>JL</small> <small>CHECKED BY:</small> <small>APPROVED BY:</small> <small>WEB: HTTP://WWW.AECOM.COM</small>
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B1b4		
SCALE:	DATE:	PROJECT NUMBER:
1" = 150'	10/19/18	60435695/60432081
EASTING NUMBER:		
SHEET NUMBER:		

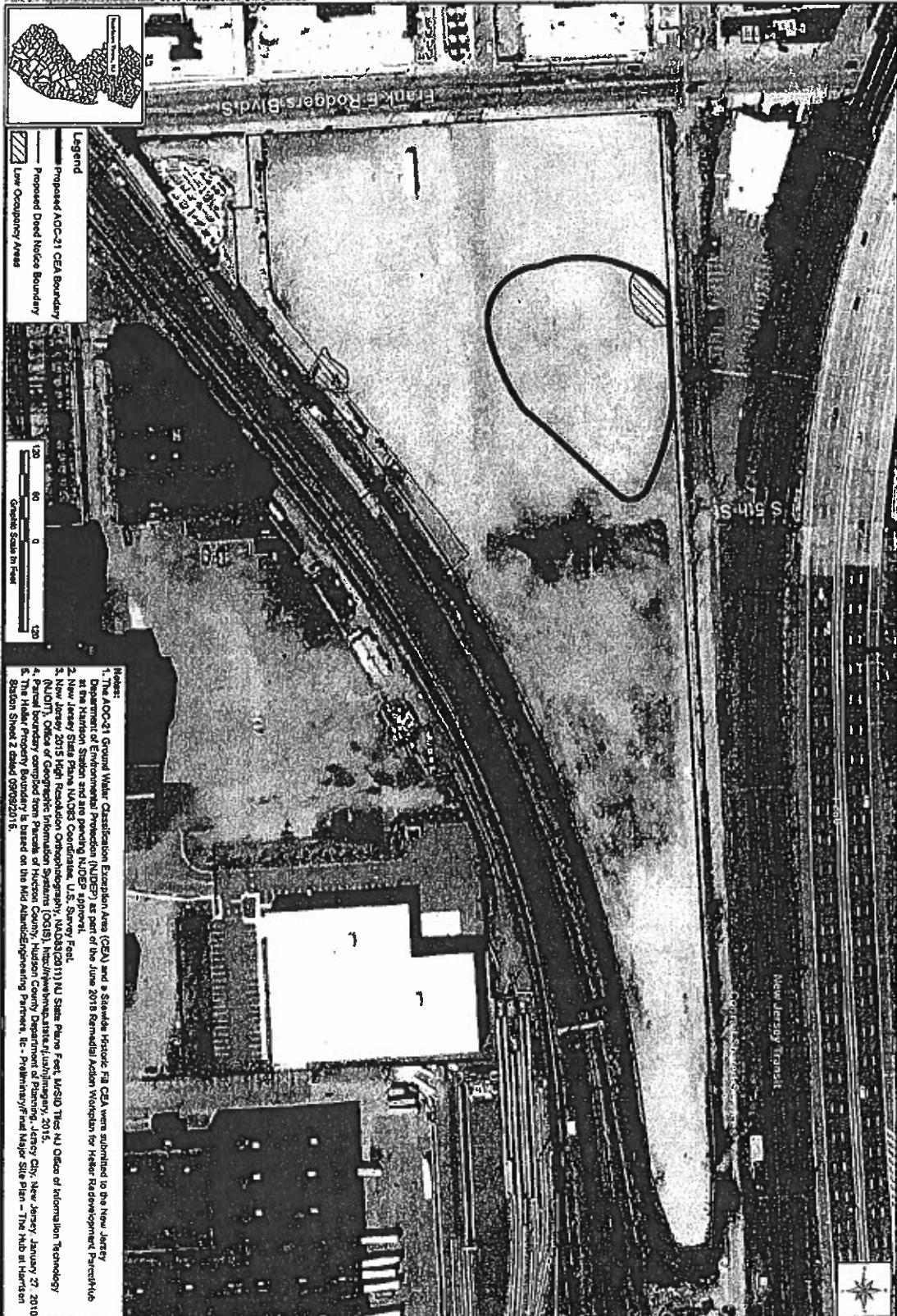
**Restricted Map
Area 3**

Block 133 lots 1.03, 1.04, and 1.05
700 Frank E. Rogers Blvd., Harrison, New Jersey

AECOM

60 KNIGHTSBIDGE ROAD, SUITE 570
PRINCETON, NJ 08544
PHONE: (732) 584-3100
FAX: (732) 361-0122
WEB: [HTTP://WWW.AECOM.COM](http://WWW.AECOM.COM)

DESIGNED BY:		REVISIONS		
RE	NO.	DESCRIPTION	DATE	BY
DRAWN BY:				
RE				
CHECKED BY:				
APPROVED BY:				



Ground Water Classification Exception Area Map			AECOM			
Block 133 lots 1.03, 1.04, and 1.05 700 Frank E. Rogers Bldg., Harrison, New Jersey			DESIGNED BY: JK NO. 1000 DESCRIPTION: DATE: BY:			
SCALE:	DATE:	PROJECT NUMBER:	DRAWN BY: AL			
1" = 120'	10/4/2016	50136590/624/2681	CHECKED BY: ANNE BY			
EXHIBIT NUMBER: B1b6			APPROVED BY: AECOM			
SHEET NUMBER:			WEB: http://www.aecom.com			

Exhibit B-2
Restricted Area Data Table

Exhibit B-2

Block 133 lots 1,03, 1,04, and 1,05
700 Frank E. Rogers Blvd., Harrison, New Jersey

Exhibit B-2
Restricted Area Data Table

Block 133 lots 1,03, 1,04, and 1,05
700 Frank E. Rogers Blvd., Harrison, New Jersey
Nineteen Seven-Eighty-Eight

Exhibit B-2
Restricted Area Data Table
Block 133 lots 1.03, 1.04, and 1.05
00 Frank E. Rogers Blvd., Harrison, New Jersey
NJDEP Case# E33125

AOC	Easting	Northing	Elevation	Location	Sample ID	Date	Matrix	Depth Top	Depth Bottom	Lab ID	Compound	CAS	Residential Criteria (mg/L)	Result (mg/L)	Analytical Flag
ADC-21	5878723	685037	-	E-13	E-13B	4/29/2014	Sed	10	10.5	460-76177-11	Fractionated EPH	FEPH	4100	7800	
ADC-21	5878451	6852568	-	E-18	E-18D	11/12/2014	Sed	21	21.5	460-86007-5	Total EPH	TEPH	4100	10000	
ADC-21	5878451	6852568	-	E-18	E-18E	11/12/2014	Sed	22	22.5	460-86007-5	Total EPH	TEPH	4100	20000	
ADC-21	5878451	6852568	-	E-18	E-18F	11/12/2014	Sed	23	23.5	460-86007-5	Total EPH	TEPH	4100	9400	
ADC-21	5878393	6852070	-	E-2	E-2	4/29/2014	Sed	24	26.5	460-76022-3	Total EPH	TEPH	4100	7800	
ADC-21	5878393	6852070	-	E-2	E-2B	4/29/2014	Sed	25	27.5	460-76022-4	Total EPH	TEPH	4100	5200	
ADC-21	5878393	6852070	-	E-2	E-2C	4/29/2014	Sed	26	27.5	460-76177-2	Fractionated EPH	FEPH	4100	12000	
ADC-21	5878393	6852070	-	E-2	E-2D	4/29/2014	Sed	27	28	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2E	4/29/2014	Sed	28	29	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2F	4/29/2014	Sed	29	30	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2G	4/29/2014	Sed	30	31	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2H	4/29/2014	Sed	31	32	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2I	4/29/2014	Sed	32	33	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2J	4/29/2014	Sed	33	34	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2K	4/29/2014	Sed	34	35	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2L	4/29/2014	Sed	35	36	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2M	4/29/2014	Sed	36	37	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2N	4/29/2014	Sed	37	38	460-76177-2	Fractionated EPH	FEPH	4100	8000	
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ADC-21	5878393	6852070	-	E-2	E-2U	4/29/2014	Sed	44	45	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2V	4/29/2014	Sed	45	46	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2W	4/29/2014	Sed	46	47	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2X	4/29/2014	Sed	47	48	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2Y	4/29/2014	Sed	48	49	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2Z	4/29/2014	Sed	49	50	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2AA	4/29/2014	Sed	50	51	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2AB	4/29/2014	Sed	51	52	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2AC	4/29/2014	Sed	52	53	460-76177-2	Fractionated EPH	FEPH	4100	8000	
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ADC-21	5878393	6852070	-	E-2	E-2AE	4/29/2014	Sed	54	55	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2AF	4/29/2014	Sed	55	56	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2AG	4/29/2014	Sed	56	57	460-76177-2	Fractionated EPH	FEPH	4100	8000	
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ADC-21	5878393	6852070	-	E-2	E-2AJ	4/29/2014	Sed	59	60	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2AK	4/29/2014	Sed	60	61	460-76177-2	Fractionated EPH	FEPH	4100	8000	
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ADC-21	5878393	6852070	-	E-2	E-2AM	4/29/2014	Sed	62	63	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2AN	4/29/2014	Sed	63	64	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2AO	4/29/2014	Sed	64	65	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2AP	4/29/2014	Sed	65	66	460-76177-2	Fractionated EPH	FEPH	4100	8000	
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ADC-21	5878393	6852070	-	E-2	E-2AR	4/29/2014	Sed	67	68	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2AS	4/29/2014	Sed	68	69	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2AT	4/29/2014	Sed	69	70	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2AU	4/29/2014	Sed	70	71	460-76177-2	Fractionated EPH	FEPH	4100	8000	
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ADC-21	5878393	6852070	-	E-2	E-2AW	4/29/2014	Sed	72	73	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2AX	4/29/2014	Sed	73	74	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2AY	4/29/2014	Sed	74	75	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2AZ	4/29/2014	Sed	75	76	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2BA	4/29/2014	Sed	76	77	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2BB	4/29/2014	Sed	77	78	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2BC	4/29/2014	Sed	78	79	460-76177-2	Fractionated EPH	FEPH	4100	8000	
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ADC-21	5878393	6852070	-	E-2	E-2BE	4/29/2014	Sed	80	81	460-76177-2	Fractionated EPH	FEPH	4100	8000	
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ADC-21	5878393	6852070	-	E-2	E-2BH	4/29/2014	Sed	83	84	460-76177-2	Fractionated EPH	FEPH	4100	8000	
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ADC-21	5878393	6852070	-	E-2	E-2BK	4/29/2014	Sed	86	87	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2BL	4/29/2014	Sed	87	88	460-76177-2	Fractionated EPH	FEPH	4100	8000	
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ADC-21	5878393	6852070	-	E-2	E-2BN	4/29/2014	Sed	89	90	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2BO	4/29/2014	Sed	90	91	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2BP	4/29/2014	Sed	91	92	460-76177-2	Fractionated EPH	FEPH	4100	8000	
ADC-21	5878393	6852070	-	E-2	E-2BQ	4/29/2014	Sed	92	93	460-76177-2	Fractionated EPH	FEPH	4100		

Exhibit B-2
Restricted Area Data Table
Block 133 lots 1.03, 1.04, and 1.
7000 Frank E. Rogers Blvd., Harrison, N.J.
NDEP Case # E33126

15

All results and outputs are reflected in the following table:

Only results above the New Jersey Department of Environmental Protection Residential Standards.

Petroleum hydrocarbon residues are considered to be the sole specific residential hazard of 1,100 media.

Nothing and *Espresso* volume 6/6 reported in *New York v State Piano North American Datum 1883* *Front*

EDH - Extrazentrale Betriebsmittel Heizsysteme

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300 I - FUNDAMENTALS

NA - NBS AERONAUTICS.

Journal of Health Politics, Policy and Law, Vol. 30, No. 1, January 2005
DOI 10.1215/03616878-30-1 © 2005 by the Southern Political Science Association

Exhibit C

**Deed Notice Narrative
Descriptions**

Exhibit C-1: Deed Notice as Institutional Control

Exhibit C-1 is a narrative description of the restrictions and obligations of this Deed Notice.

Description and Estimated Size of the Restricted Area:

The Restricted Area is the 9.7 acre Redevelopment Parcel ("Property") which is identified as tax Block 133 Lots 1.03, 1.04, and 1.05. The northwestern portion of the Property is developed with commercial/Type II residential buildings, roadway, landscape, sidewalks, and parking areas. The remainder of the Restricted Area is covered with a crushed stone engineering control.

Description of Restrictions on the Property by Operation of this Deed Notice:

Due to the presence of contamination remaining at concentrations that do not allow for unrestricted use, the Owner has agreed, as part of the remedial action for the Property, to restrict the use of the Property (the "Restricted Area"). The Owner has also agreed to maintain a list of these restrictions on the Property for inspection by governmental officials.

No person shall alter or disturb the engineering controls on the Property without approval from the property owner. If approved by the property owner, person(s) who will disturb the engineering controls within the Restricted Area will be instructed to follow the restrictions established by the Deed Notice, in order to achieve compliance with the specified restrictions.

In accordance with the Environmental Protection Agency TSCA Self-Implementing Criteria, Section 40 CFR Part 761.61, two low occupancy areas ("LOA") containing PCBs >10 and <100 mg/kg have been established; an 1,800 square feet ("SF") area on Block 133 Lot 1.03 and a 2,950 SF area on Block 133 Lot 1.04. An annual occupancy restriction in the LOA for an individual not wearing dermal and respiratory protection is <335 hours/year (average 6.7 hours per week). No buildings or other structures are located within the proposed low occupancy areas. The areas will be used as parking lot spaces and associated ingress/egress travel lane.

The following activities in the LOAs are prohibited as part of development rules and regulations:

- Recreational activities, including without limitation ball playing, Frisbee throwing, skateboarding, basketball, physical exercise, tailgating, grilling, and picnicking;
- Loitering;
- Organized private and public parties and events, including without limitation garage sales, flea markets, street fairs, concerts, and other shows and performances;
- Soliciting or the collection of contributions, selling, vending, or distribution of fliers or other materials;
- Maintenance and fueling of vehicles; and
- A dog park or dog run.

The Objective of the Restrictions:

The objective of the Deed Notice is to restrict future uses of the Property that may expose the public or the environment to contaminants that remain in soil beneath the Property.

Monitoring and Maintenance Activities for the Deed Notice:

The owner will inspect the Restricted Area at least annually and determine whether:

- There have been disturbances of the soil in the Restricted Area and if an identified disturbance resulted in unacceptable exposure to the soil contamination;
- There have been land use changes subsequent to the filing of this Deed Notice or the most recent biennial certification, whichever is more recent;
- The current land use on the Property is consistent with the restrictions or laws that apply to the Property; and,
- New standards, regulations, or laws apply to the Property that might necessitate additional sampling in order to evaluate the protectiveness of the remedial action that includes this Deed Notice, and, if so, conduct the necessary sampling.

The owner will also submit a certification to the NJDEP every two years in accordance with the referenced regulations, including the inspection reports and logs. The inspections, maintenance activities, and disturbance activities will be documented and submitted to NJDEP with the next certification report. The documentation will be maintained on the Property and be made available for inspection by NJDEP upon request. Certification reports will be submitted in writing and will confirm that the engineering controls are being properly maintained and continue to be protective human health and safety and the environment.

Exhibit C-2: Constructed Roadways, Pavers, Parking Lots, and Sidewalk Engineering Control

Exhibit C-2 is a narrative description of the constructed roadways, pavers, parking lots, and sidewalk engineering controls as follows:

Description and Estimated Size of the Engineering Control

Approximately 126,300 square feet or 2.90 acres of the Property was capped with constructed roadways, pavers, parking lots, and sidewalks to eliminate contact with the Restricted Area thereby protecting human health and the environment. The engineering control consists of a visual contamination boundary marker covering the contaminated soil, followed by an 18 inch minimum of clean fill, followed by six inches of concrete or asphalt. The location and details of this engineering control depicted on the diagram "EXHIBIT B-1, RESTRICTED AREA MAP."

Engineering Control Objective, Maintenance, and Monitoring Plan

The objective of the engineering control is to restrict future uses of the Property that may expose the public or the environment to contaminants that remain in soil beneath the Property.

The owner will inspect at least annually the engineering controls, including the constructed roadways, pavers, parking lots, and sidewalks to determine their integrity, operability, and effectiveness and will make the necessary repairs to address N.J.A.C. 7:26E.

The annual inspection will be conducted in order to demonstrate that the engineering control remains protective of public health, safety, and the environment. The inspection will document that the roadways, pavers, parking lots, and sidewalks are functioning as intended by:

1. Minimizing land disturbance activities in the Restricted Area (i.e. excavation activities, construction activities, etc.).
2. Maintaining an annual inspection schedule in which the engineering control is inspected for breaches, damage, cracks, and/or deterioration, etc. and documenting with inspection logs and reports.
3. Performing repairs within 30 days of determining that an engineering control no longer function as designed and intended.

In addition, on a biennial basis the owner will review new changes to the standards, regulations, or laws that may affect the engineering controls' protectiveness of human health and safety. The review will identify required modifications to the engineering controls that may be necessary.

Engineering Control Function and Disturbance

The engineering control is intended to function as a barrier between the public and the impacted soil that will remain onsite.

The facility personnel and subcontractors who are engaged in maintenance activities that require the removal of a portion of the engineering control will be instructed as to the restrictions established by the Deed Notice, in order to confirm compliance with these restrictions during such activities. Inspections, maintenance activities, and engineering control disturbance activities will be documented and submitted to NJDEP with the next certification report. The documentation will be maintained on the Property and be made available for inspection by NJDEP upon request. No alterations, improvements, or disturbances of the engineering control will be made without first obtaining written approval from the NJDEP unless the following conditions are met:

- Disturbance of the engineering control is restored to pre-disturbance conditions within 60 days;
- The applicable worker health and safety laws and regulations are followed during the activities;
- Exposure to contamination in excess of the applicable remediation standards does not occur; and,
- A written report detailing the alteration, improvement, or disturbance of the engineering control will be included in the next biennial certification.

Exhibit C-3: Constructed Building Engineering Control

Exhibit C-3 is a narrative description of the constructed building engineering control as follows:

Description and Estimated Size of the engineering control

Approximately 26,100 square feet or 0.6 acres of the Property was capped with building slabs to eliminate contact with the Restricted Area thereby protecting human health and the environment. The engineering control consists of a visual contamination boundary marker covering the contaminated soil, followed by an 18 inch minimum of clean fill, and minimum of six inches of concrete. The location and details of this engineering control depicted on the diagram "EXHIBIT B-1, RESTRICTED AREA MAP."

Engineering Control Objective, Maintenance, and Monitoring Plan

The objective of the engineering control is to restrict future uses of the Property that may expose the public or the environment to contaminants that remain in soil beneath the Property.

The owner will inspect at least annually the engineering controls, including the constructed building to determine integrity, operability, and effectiveness and will make the necessary repairs to address N.J.A.C. 7:26E.

The annual inspections will be conducted in order to demonstrate that the engineering control remains protective of public health, safety, and the environment. The inspection will document that the building is functioning as intended by:

1. Minimizing land disturbance activities in the Restricted Area (i.e. excavation activities, construction activities, etc.).
2. Maintaining an annual inspection schedule in which the engineering control is inspected for breaches, damage, cracks, and/or deterioration, etc. and documenting with inspection logs and reports.
3. Performing repairs within 30 days of determining that an engineering control no longer function as designed and intended.

In addition, on a biennial basis the owner will review new changes to the standards, regulations, or laws that may affect the engineering controls' protectiveness of human health and safety. The review will identify required modifications to the engineering controls that may be necessary.

Engineering Control Function and Disturbance

The engineering control is intended to function as a barrier between the public and the impacted soil that will remain onsite.

The facility personnel and subcontractors who are engaged in maintenance activities that require the removal of a portion of the engineering control will be instructed as to the restrictions established by the Deed Notice, in order to confirm compliance with these restrictions during such activities. Inspections, maintenance activities, and engineering control disturbance activities will be documented and submitted to NJDEP with the next certification report. The documentation will be maintained on the Property and be made available for inspection by NJDEP upon request. No alterations, improvements, or disturbances of the engineering control will be made without first obtaining written approval from the NJDEP unless the following conditions are met:

- Disturbance of the engineering control is restored to pre-disturbance conditions within 60 days;

- The applicable worker health and safety laws and regulations are followed during the activities;
- Exposure to contamination in excess of the applicable remediation standards does not occur; and
- A written report detailing the alteration, improvement, or disturbance of the engineering control will be included in the next biennial certification.

Exhibit C-4: Constructed Landscape Planter Engineering Control

Exhibit C-4 includes a narrative description of the constructed landscape planter engineering control as follows:

Description and Estimated Size of the engineering control

Approximately 8,700 square feet or 0.2 acres of the Property was capped with landscape planters to eliminate contact with the Restricted Area thereby protecting human health and the environment. The landscape planter engineering control consists of six-inch thick asphalt or concrete, followed by six inches of crushed stone, followed by 42 inches of clean fill for trees, 24 inches of clean fill for shrubs, and 12 inches of clean fill in the lawn areas. The location and details of this engineering control depicted on the diagram "EXHIBIT B-1, RESTRICTED AREA MAP."

Engineering Control Objective, Maintenance, and Monitoring Plan

The objective of the engineering control is to restrict future uses of the Property that may expose the public or the environment to contaminants that remain in soil beneath the Property.

The owner will inspect at least annually the engineering controls, including the constructed landscaped planters to determine integrity, operability, and effectiveness and will make the necessary repairs to address N.J.A.C. 7:26E.

The annual inspections will be conducted in order to demonstrate that the engineering control remains protective of public health, safety, and the environment. The inspection will document that the landscaped planters are functioning as intended by:

1. Minimizing land disturbance activities in the Restricted Area (i.e. excavation activities, construction activities, etc.).
2. Maintaining an annual inspection schedule in which the engineering control is inspected for breaches, damage, cracks, and/or deterioration, etc. and documenting with inspection logs and reports.
3. Performing repairs within 30 days of determining that an engineering control no longer functions as designed and intended.

In addition, on a biennial basis the owner will review new changes to the standards, regulations, or laws that may affect the engineering controls' protectiveness of human health and safety. The review will identify required modifications to the engineering controls that may be necessary.

Engineering Control Function and Disturbance

The engineering control is intended to function as a barrier between the public and the impacted soil that will remain onsite.

The facility personnel and subcontractors who are engaged in maintenance activities that require the removal of a portion of the engineering control will be instructed as to the restrictions established by the Deed Notice, in order to confirm compliance with these restrictions during such activities. Inspections, maintenance activities, and engineering control disturbance activities will be documented and submitted to NJDEP with the next certification report. The documentation will be maintained on the Property and be made available for inspection by NJDEP upon request. No alterations, improvements, or disturbances

of the engineering control will be made without first obtaining written approval from the NJDEP unless the following conditions are met:

- Disturbance of the engineering control is restored to pre-disturbance conditions within 60 days;
- The applicable worker health and safety laws and regulations are followed during the activities;
- Exposure to contamination in excess of the applicable remediation standards does not occur; and,
- A written report detailing the alteration, improvement, or disturbance of the engineering control will be included in the next biennial certification.

Exhibit C-5: Crushed Stone Engineering Control

Exhibit C-5 is a narrative description of the crushed stone engineering control as follows:

Description and Estimated Size of the engineering control

Approximately 261,400 square feet or 6.0 acres of the Property was capped with crushed stone to eliminate contact with the Restricted Area thereby protecting human health and the environment. The crushed stone engineering control consists of a Terratex ® N04.5 nonwoven geotextile membrane covering the contaminated soil, followed by a 10 inch minimum of crushed gravel. The location and details of this engineering control depicted on the diagram "EXHIBIT B-1, RESTRICTED AREA MAP."

Engineering Control Objective, Maintenance, and Monitoring Plan:

The objective of the engineering control is to restrict future uses of the Property that may expose the public or the environment to contaminants that remain in soil beneath the Property.

The owner will inspect at least annually the engineering controls, including the constructed crushed stone engineering control to determine integrity, operability, and effectiveness and will make the necessary repairs to address N.J.A.C. 7:26E.

The annual inspections will be conducted in order to demonstrate that the engineering control remains protective of public health, safety, and the environment. The inspection will document that the crushed gravel engineering control is functioning as intended by:

1. Minimizing land disturbance activities in the Restricted Area (i.e. excavation activities, construction activities, etc.).
2. Maintaining an annual inspection schedule in which the engineering control is inspected for breaches, damage, cracks, and/or deterioration, etc. and documenting with inspection logs and reports.
3. Performing repairs within 30 days of determining that an engineering control no longer functions as designed and intended.

In addition, on a biennial basis the owner will review new changes to the standards, regulations, or laws that may affect the engineering controls' protectiveness of human health and safety. The review will identify required modifications to the engineering controls that may be necessary.

Engineering Control Function and Disturbance

The engineering control is intended to function as a barrier between the public and the impacted soil that will remain onsite.

The facility personnel and subcontractors who are engaged in maintenance activities that require the removal of a portion of the engineering control will be instructed as to the restrictions established by the Deed Notice, in order to confirm compliance with these restrictions during such activities. Inspections, maintenance activities, and engineering control disturbance activities will be documented and submitted to NJDEP with the next certification report. The documentation will be maintained on the Property and be made available for inspection by NJDEP upon request. No alterations, improvements, or disturbances of the engineering control will be made without first obtaining written approval from the NJDEP unless the following conditions are met:

- Disturbance of the engineering control is restored to pre-disturbance conditions within 60 days;

- The applicable worker health and safety laws and regulations are followed during the activities;
- Exposure to contamination in excess of the applicable remediation standards does not occur; and,
- A written report detailing the alteration, improvement, or disturbance of the engineering control will be included in the next biennial certification.