

### Notice of Rights of Affected Third Parties

The following Applicant has filed an application pursuant to M.G.L. c. 21E, § 3A(j)(3) & 940 CMR 23.00, to enter into a Brownfields Covenant Not to Sue Agreement for the Site listed below. Third parties who may have claims with regard to this Site are hereby notified that: 1) the execution of the requested Agreement may affect such claims, and 2) third parties whose rights will be affected may seek to join the Agreement. Parties who wish to do so must make such request to the Attorney General in writing and must either deliver such request to the Office of the Attorney General, Attn. Benjamin Ericson, Environmental Protection Division, 1 Ashburton Place, Boston, MA 02108, by **November 25, 2005** [insert date, not less than 90 days from completion of final notice provided pursuant to 940 CMR 23.05(1)], or mail such request to the same address by first-class mail postmarked by that date.

#### Name of Applicant:

DBT Corp., as trustee for Colex Realty Trust, under declaration of trust dated October 23, 1990 and recorded in the Suffolk County Registry of Deeds at Book 16560, Page 100, for the benefit of the trust itself, and each of its trustees, beneficial owners and their officers, directors and shareholders (hereinafter, "DBT").

#### Description of the Site [insert description from Section II.A. of the application form]:

The Property at issue is located at 45R Brook Street, Lawrence, Massachusetts 01840 (the "Property"). The Property is a 2.78-acre parcel located between Brook Street and the Spicket River in Lawrence. The Property is currently undeveloped, and has been historically used for industrial purposes. According to Sanborn Fire Insurance Maps and City of Lawrence municipal records, the Property was reclaimed from the Spicket River by filling the river floodplain in the latter part of the 19th century and has historically been improved and utilized for industrial purposes from 1895 to the 1980's including leather board manufacturing, a mill, a fire escape manufacturer and a laundry. The Property is located in a mixed industrial and residential area. Residential properties abut the Property to the west. Natural gas, electricity, and municipal water and sewer service are available to the Property and surrounding properties. The Property was used commercially until about 1986, and the Property buildings were cleared prior to 1995.

#### Description of the Release(s) at issue:

The earliest notification regarding contamination at the Property was made to the Department of Environmental Protection's ("DEP") predecessor, the Department of Environmental Quality Engineering in 1989 in response to an incident in which approximately 1,500 gallons of No. 6 fuel oil was released. This release was assigned tracking no. RTN 3-1929. The Property was listed on the MA DEP's *List of Confirmed Disposal Properties and Locations to Be Investigated* as DEP Case No. 3-1929 in January 1989. Subsequent investigation at the Property by DBT's Licensed Site Professionals ("LSP") revealed additional contamination stemming from activity conducted prior to DBT's ownership of the Property. A second notice of release was made to the DEP on March 11, 2004, and the release was assigned tracking number

(RTN) 3-23672.

Summary of the terms of the application.

The current remediation plan is to remove the concrete cap, remove metals and limited PAH contaminated soil from the area under the cap, down to 9 feet below ground surface, and remove PAH contaminated soil from another area down to 4 feet. The excavation will be backfilled with clean soil. After remediation, a new AUL will be recorded on the entire Property restricting its use to a Park, and prohibiting residential use, cultivation, and consumption of vegetables in the soil on the Property and restricting gardening to above ground containers. DBT will issue a Class A-3 Response Action Outcome (RAO) Statement for the Property. Thereafter, the Property will be donated to the City of Lawrence to be developed as a Park, in accordance with a plan prepared by Copley Wolff Design Group more particularly described in an attachment to the application (the "Park"). It is anticipated that the Property will then become part of the City of Lawrence's park system.

DBT seeks liability relief from the Commonwealth and from all potential third parties for all claims related to releases at the Property or as a result of Hazardous materials at the Property. This includes any and all response action costs, contribution, natural resource damages or injunctive relief related to the releases at the Property. The liability relief sought would also include claims related to releases of oil and/or Hazardous materials at the Property that have not been discovered and reported as of the time of the execution of the subject Covenant Not to Sue. Such relief shall encompass any and all parents, affiliates, directors, officers, employees, successors, assigns, of DBT, lessees or licensees of the real property interest of DBT, or any party who is a lessee, licensee or its successors and assigns (hereinafter, the "subsequent owners and/or operators") having rights in the property for which DBT receives covenants herein with respect to the releases at the Property.

Copies of the Applicant's application may be obtained by contacting:

Benjamin Ericson, (617) 727-2200, ext. 2435, Benjamin.ericson@ago.state.ma.us