

### **Notice of Rights of Affected Third Parties**

The following Person 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 February 6, 2007 [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:

WM Lofts, LLC ("WM") ("owner"), for the benefit of the "operators," successors, assigns, lessees, licensees, lenders, and the officers, directors, shareholders, and employees of such entities.

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

The Property is an approximately 2.2 acre site at the southwest corner of the intersection of Mill and Canal Streets in a commercial and residential area of Lawrence, Massachusetts ("Lawrence"). It is identified as Lot 9 on Lawrence Assessor's Map 105. The Property is located approximately 3,500 feet southeast of the juncture of Routes 110 and 28 and approximately 350 feet north of the Merrimack River. The northern adjoining property is a 25 foot wide Essex Company railroad right of way. North of the railroad right of way is the North Canal. The Property is improved by a 200,000 square foot, five story, brick and timber building ("Building") with a basement surrounded by pavement. The Property is historically known as Washington Mills because the Building was originally constructed for use within a woolen mill complex of the same name in the late 1800s. Most recently, a company named Loren Products manufactured roofing ventilation at the Property; Loren vacated the Property in August 2005. The Property is served by natural gas, municipal sewer, electricity, and municipal water.

Description of the Release(s) at issue:

A Release Notification Form was filed with the Department of Environmental Protection (DEP) on June 1, 2006. The DEP assigned Release Tracking Number (RTN) 3-25950 to the Property. This RTN covers reportable concentrations of soil contaminants that includes cadmium, chromium, lead, and total petroleum hydrocarbons. The contamination is believed to be a result of the historical, industrial uses to which the Property has been put.

### Summary of the terms of the application.

The Permanent Solution will be achieved through a combination of removal and disposal, site capping, and the use of an Activity and Use Limitation ("AUL"). Removal and disposal applies to: 1) an identified underground storage tank ("UST"); 2) soils impacted by polynuclear aromatic hydrocarbons, petroleum, cadmium, and chromium; 3) soils disrupted as part of building reconstruction and improvement; 4) lead and PCB-containing paints; 5) roofing materials that contain asbestos and limited quantities of other materials that contain asbestos; 6) a small quantity (approximately 2,000 square feet) of floor boards that contained PCB's in excess of 1 part per billion ("ppb"); 7) approximately 150 (out of 650) existing windows which contain lead based paint; and 8) miscellaneous hazardous building materials (e.g., several fluorescent light fixtures, emergency exits signs, etc.). All of these processes are part of the planned Building and Property remediation and redevelopment. All subsurface excavation, disposal, and management of on-site soil is planned to be done in accordance with the Massachusetts Contingency Plan ("MCP") and a Release Abatement Measure ("RAM") Plan to be developed for the Property. Other identified contaminated soils where appropriate will be capped and addressed through an AUL. These areas are generally a parking area and in an unoccupied basement. All work will be performed under the supervision of a Licensed Site Professional ("LSP") and will result in a Response Action Outcome Statement ("RAO").

Copies of the Applicant's application may be obtained by contacting Benjamin Ericson, (617) 727-2200, ext. 2435, Benjamin.ericson@ago.state.ma.us