

Form 1084D

310 CMR 40.1099

Form 1084D

TERMINATION OF NOTICE OF ACTIVITY AND USE LIMITATION

M.G.L. c. 21E, § 6, 310 CMR 40.0000

Form 1084D Is Used When Additional Response Actions Are Necessary
to Support a Permanent or Temporary Solution

Disposal Site Name: BUCKLEY & MANN, INC.
DEP Release Tracking No.(s) 2-3000173

WHEREAS, a Notice of Activity and Use Limitation has been registered with the Land Registration Office of the Norfolk County Registry District as Document No. 893755, noted on Certificate of Title No.154753, filed in Registration Book 774, Page 153 (said Notice of Activity and Use Limitation and any amendments thereto are collectively referred to herein as "Notice");

WHEREAS, said Notice sets forth limitations on use and activities, conditions, and obligations affecting certain vacant land situated in Norfolk, Norfolk County, Massachusetts, said land being more particularly bounded and described in Exhibit A attached hereto and made a part hereof ("Property");

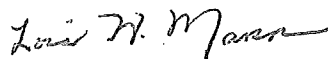
WHEREAS, said Notice is being terminated because additional response actions are necessary to support the conclusion that a condition of No Significant Risk has been achieved at the Property;

NOW, THEREFORE, I/We of Hingham, Plymouth County, Massachusetts, being the owner of said Property, do hereby terminate said Notice.

BUCKLEY & MANN, INC., authorizes and consents to the filing and recordation and/or registration of this Termination of Notice of Activity and Use Limitation, said Termination to become effective when recorded and/or registered with the appropriate Registry of Deeds and/or Land Registration Office.

WITNESS the execution hereof under seal this 12th day of May, 2018.

BUCKLEY & MANN, INC., by



Lois H. Mann, President



Stephen L. Mann, Treasurer

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

May 12, 2018

On this 12th day of May, 2018, before me, the undersigned notary public, personally appeared Lois H. Mann, proved to me through satisfactory evidence of identification, which was a driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she had signed it voluntarily for its stated purpose as President of BUCKLEY & MANN, INC., a corporation.

The language in these forms are part of promulgated regulations and cannot be modified in any way unless so noted (by brackets []) in the form itself.

5/21/14 (Effective 6/20/14)

Thomas E. Nannicelli

Thomas E. Nannicelli, Notary Public

My Commission Expires: February 4, 2022

Upon recording, return to:

(Name and Address of Owner)

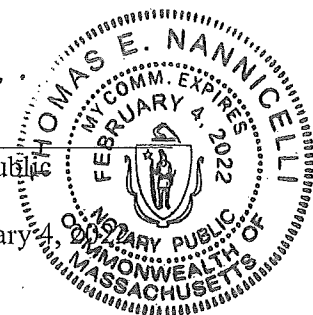


EXHIBIT A

DESCRIPTION OF LAND CONTAINING AREAS SUBJECT TO AUL

REFERENCE: *CERTIFICATE OF TITLE NO. 154753, BOOK 774. PAGE 153*

That certain parcel of land situated in the Town of Norfolk, in the County of Norfolk and the Commonwealth of Massachusetts, bounded and described as follows:

Southeasterly sixteen hundred eighty-five and 47/100 (1685.47) feet, and

Southwesterly sixty-five and 48/100 (65.48) feet by Lawrence Street;

Northwesterly by Old Lawrence Street, two hundred eleven and 43/100 (211.43) feet;

Southerly by land now or formerly of Thomas E. Buckley et al being in part by the end of Old Lawrence Street, two hundred fifteen and 60/100 (215.60) feet;

Easterly by land now or formerly of Thomas E. Buckley et al, seventy-four (74.00) feet;

Southwesterly one hundred seven and 67/100 (107.67) feet, and

Easterly three hundred thirty-seven and 85/100 (337.85) feet by land now or formerly of Paul Revell et al;

Southerly by land now or formerly of R. Gregory Lewallen et al, fifty-nine and 58/100 (59.58) feet;

Southeasterly by said land now or formerly of R. Gregory Lewallen et al and by land now or formerly of Horace Roy et al, four hundred fifty-five and 97/100 (455.97) feet;

Northeasterly by said land now or formerly of Horace Roy et al, two hundred twenty-two and 75/100 (222.75) feet;

Southerly by Lawrence Street, three hundred thirty and 76/100 (330.76) feet;

Southerly again ninety (90.00) feet, and

Southwesterly three hundred eighty-eight (388.00) feet, by land now or formerly of Barbara L. Pidgeon et al;

Westerly fourteen hundred seventy-five and 10/100 (1475.10) feet; and

Southwesterly three hundred ninety and 40/100 (390.40) feet by land now or formerly of S. M. Lorusso & Sons, Inc.;

Northerly by said land now or formerly of S. M. Lorusso & Sons, Inc., being in part by a line in Mill River, about five hundred twenty-eight (528) feet;

Southwesterly, Westerly and Northwesterly by the middle line of Mill River;

Northwesterly by land now or formerly James Foley et al being in part by a line in Mill River, about two hundred forty-two (242) feet;

Northerly by land now or formerly of James Foley et al, eleven hundred fourteen and $\frac{75}{100}$ (1114.75) feet;

Northeasterly by land now or formerly of Robert T. Harrison et al, four hundred seventy-two and $\frac{46}{100}$ (472.46) feet;

Northerly by said land now or formerly of Robert T. Harrison et al and by land now or formerly Wayne G. Bredvik et al, two hundred twenty-six and $\frac{77}{100}$ (226.77) feet;

Northeasterly by lands of sundry adjoining owners, twenty-two hundred fifty-three and $\frac{63}{100}$ (2253.63) feet.

EXHIBIT A-1

DESCRIPTION OF AREA SUBJECT TO AUL

That certain portion of a parcel of land, said parcel situated in the Town of Norfolk, in the County of Norfolk and the Commonwealth of Massachusetts, and Certificate of Title No. 154753, Book 774, Page 153, said portion being shown as the "AUL Area" on Exhibit A-2 and Exhibit A-3, and being more particularly bounded and described as follows:

The beginning point for said parcel is located N 38°37'24" W, three hundred nine and 50/100 (309.50) feet from the point of curvature in the northwesterly sideline of Lawrence Street, said curve having a radius of eight hundred fifty and 00/100 (850.00) feet; thence

Southwesterly two hundred seventy-five and 00/100 (275.00) feet;

Southeasterly fifty and 00/100 (50.00) feet;

Southwesterly three hundred four and 47/100 (304.47) feet;

Southeasterly forty-five and 00/100 (45.00) feet;

Southeasterly sixty-three and 43/100 (63.43) feet;

Southwesterly five hundred fifty-eight and 59/100 (558.59) feet;

Northerly one hundred forty-one and 30/100 (141.30) feet;

Northeasterly four hundred eleven and 59/100 (411.59) feet;

Northerly three hundred forty and 18/100 (340.18) feet;

Northeasterly two hundred ninety-one and 87/100 (291.87) feet;

Southeasterly one hundred eighty and 00/100 (180.00) feet.

EXHIBIT A-2
BUCKLEY & MANN INC.
ACTIVITY AND USE LIMITATION
AUGUST 2001

EXHIBIT A-2

I CERTIFY THAT THIS PLAN SHOWS THE PROPERTY LINES THAT ARE THE BASIS OF EXISTING OWNERSHIP, AND THE LINES OF STREETS AND RIGHTS SHOWN ARE THOSE OF PUBLIC OR PRIVATE RIGHTS OR RIGHTS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW RIGHTS ARE SHOWN.

DATE: AUGUST 13, 2001

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTRAR OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

DATE: AUGUST 13, 2001

REGISTERED LAND SURVEYOR

REGISTERED LAND SURVEYOR



PLAN OF LAND
IN
NORFOLK, MA

SCALE: 1" = 150' AUGUST 13, 2001
TOOMEY-WILSON & ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
89 ACROSS RD., UNIT 12, NORWOOD, MA 02062

MA



SHEET 1 OF 1

1344-01

EXHIBIT A-3
BUCKLEY & MANN INC.
ACTIVITY AND USE LIMITATION
AUGUST 2001

EXHIBIT A-3

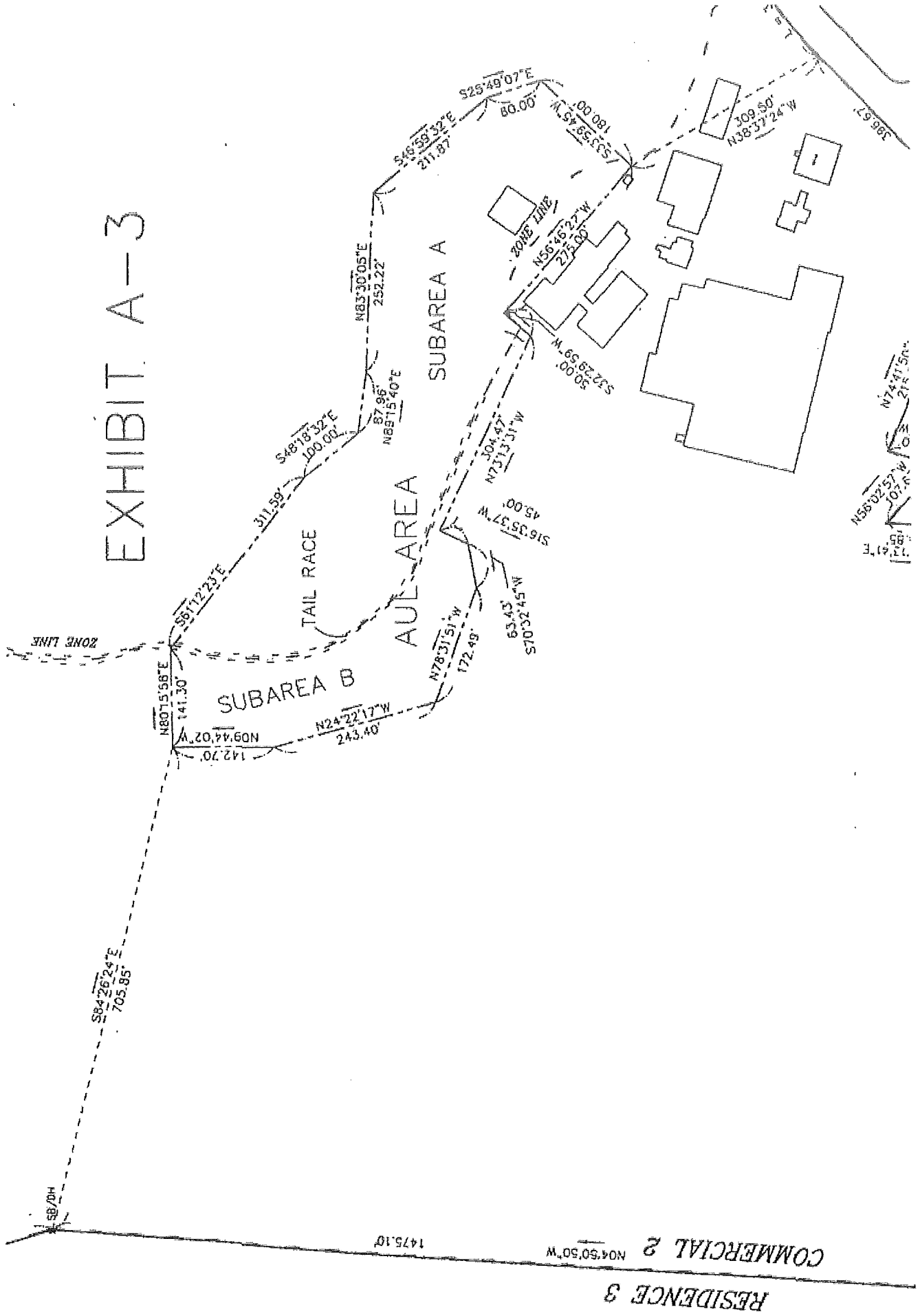


EXHIBIT B
BUCKLEY & MANN INC.
ACTIVITY AND USE LIMITATION
AUGUST 2001

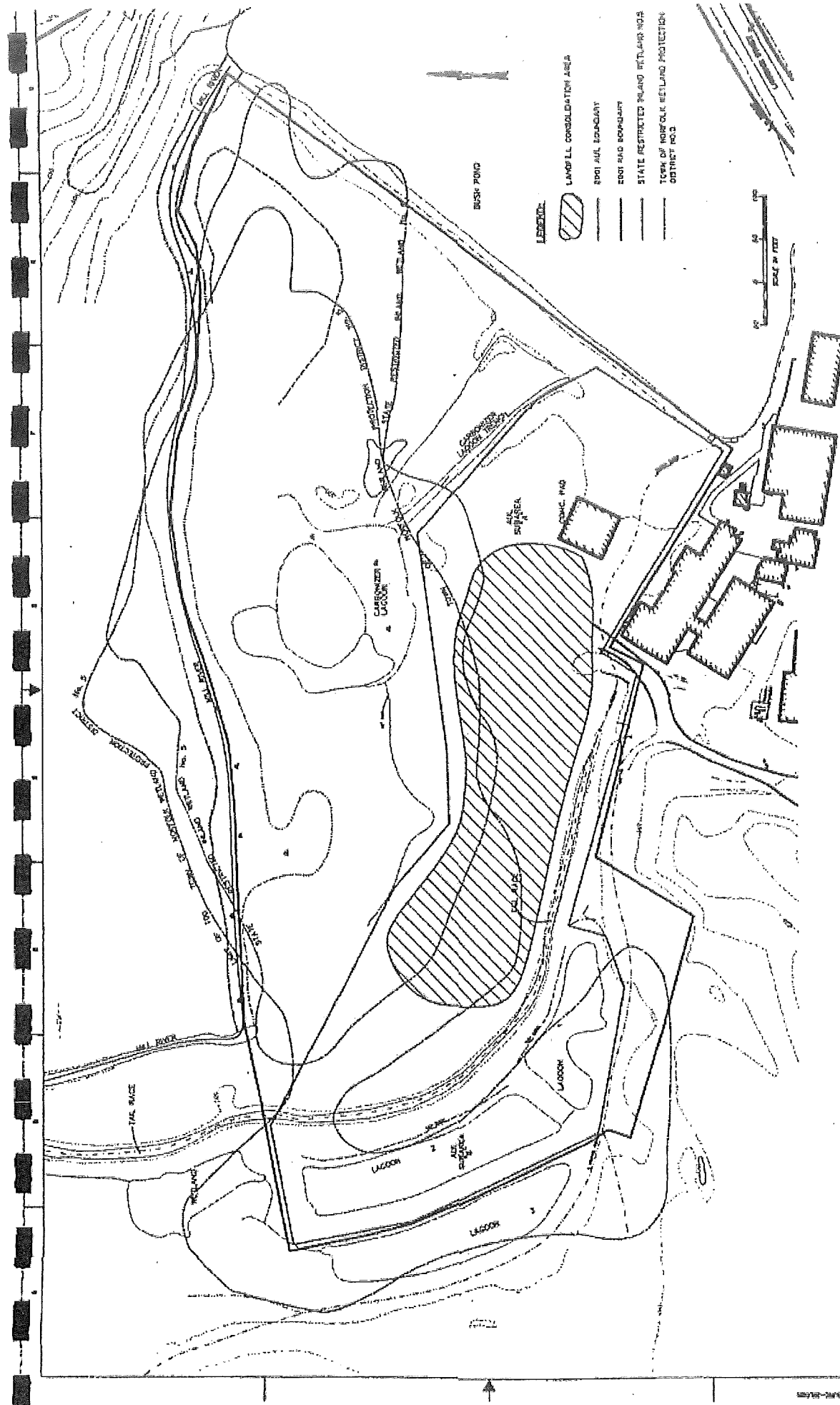


EXHIBIT C

ACTIVITY AND USE LIMITATION OPINION

In accordance with the requirements of 310 CMR 40.1074, this Licensed Site Professional Opinion has been prepared to support a Notice of Activity and Use Limitation (AUL) for the property located north of Bush Pond, on a portion of the Buckley & Mann, Inc., (B&M) property at 17 Lawrence Street, Norfolk, MA 02056. As of the date of the Activity and Use Limitation (AUL) Opinion, the area subject to the AUL and southwest of the Tail Race is zoned Commercial 2 and the area northeast of the Tail Race (a manmade brook parallel to the Mill River) is zoned Residential 3 under the Town of Norfolk Bylaws. The area west of the Tail Race is also within the Town of Norfolk Wetland Protection District Number 5. The area subject to the AUL is unpaved, and has no buildings.

Site History

B&M manufactured textile products at its facility northwest of the junction of Park and Lawrence Streets in Norfolk for over 90 years, ending in 1994.

B&M operated a Carbonizer process through the 1940s to reclaim wool from used garments. The raw material was conveyed through acid vapor to char the cotton threads on the seams, zippers, buttons, etc., and facilitate separation of the wool. The wool was neutralized, rinsed, and reused. Solid residue consisting of fiber and fasteners was discarded in a landfill on the northeast side of the Tail Race. The Carbonizer business declined after the 1940s and the facility was demolished in 1965. Coal ash, building demolition debris and discarded textile machinery from on-site operations was also discarded in the landfill.

B&M operated a dyehouse until 1986. The dyehouse discharged approximately 40,000 gallons per week of wastewater to Lagoons #1 and #2, southwest of the Tail Race, for settling and facultative biological treatment. The effluent from these shallow lagoons percolated into the ground adjacent to the Tail Race.

The Mill River and the parallel Tail Race (on the B&M property) drain the surface runoff from the surrounding low hills. The B&M landfill area and the Lagoons #1 and #2 are in the bottom of the Mill River valley, near the Tail Race and the River, where groundwater discharges to the surface water.

At the request of the Massachusetts Division of Water Pollution Control, Department of Environmental Protection (DEP), an initial site assessment was completed in 1986 by Camp Dresser & McKee Inc. (CDM). The report concluded that groundwater contamination was limited to a shallow zone immediately under Lagoons #1 and #2 and under the adjacent 30 foot wide earthen bank separating the Lagoons from the Tail Race. The contamination was primarily indicated by non-chemical-specific oxygen demand from dyehouse wastewater. Soil in the former landfill area was found to contain metals,

originating from textile fiber and scrap equipment, and Polycyclic Aromatic Hydrocarbons (PAH) from coal ash and Carbonizer spoils.

In 1992, B&M applied for and received a Waiver from direct Bureau of Waste Site Cleanup, Department of Environmental Protection (DEP), oversight under the Massachusetts Contingency Plan (MCP). The site identification number is 3-0173.

[Note: The MCP is the Commonwealth of Massachusetts's code of regulations for the notification, assessment and cleanup of disposal sites where a release of oil and/or hazardous materials has occurred.] Under the 1993 revisions to the MCP, the site was classified Tier II, non-priority.

In October-November 1995, CDM completed a comprehensive site assessment program for the site. The 23 machine-dug test pits and 5 hand-dug test pits showed a mix of soil, coal ash, building demolition debris, buttons, and discarded textile machinery in the landfill area. None of the soil samples failed a TCLP test for hazardous waste characteristic. No Volatile Organic Compounds (VOC) were detected in the landfill areas, and the trace concentration of a few VOCs found in the former dyehouse wastewater treatment Lagoons were well below MCP No Significant Risk Criteria. Soil from several test pits in the landfill area exceeded the MCP Method 1 S-1 or S-2 standards for chromium, lead, and PAH compounds. Soil samples from the bottoms of Lagoons #1 and #2 contained naphthalene and methylnaphthalene at concentrations slightly greater than the Method 1 S-1 and S-2 standards. *[Note: The "MCP Method 1 Cleanup Standards", published in the MCP, refer to numerical standards for chemical contaminants in soil and groundwater. The soil standards are broken into three soil categories: S-1, S-2 and S-3. The S-1 Soil Standards are the most strict, or lowest, numerical values, derived to be protective of a residential exposure scenario by considering a receptor's incidental ingestion and dermal contact exposures to soil while gardening and playing. The S-2 and S-3 numerical standards are less strict and therefore higher, based on passive recreational and construction-related exposure scenarios, respectively.]*

In December 1997, B&M filed a Remedial Action Alternatives (Phase III) Report and a Release Abatement Measure (RAM) Plan with the DEP. The RAM plan called for on-site consolidation of contaminated soils, considering that:

- The presence of contaminated soils had not adversely impacted groundwater quality.
- The concentrations of metals and PAH compounds in soil slightly exceeded MCP Method 1 S-1 and S-2 limits in a few locations, with the exception of the immediate vicinity of Test Pit 10 in the landfill area. The Plan called for the Test Pit 10 material to be selectively excavated for off site disposal.
- The concentrations of metals and PAH compounds were far below MCP Upper Concentration Limits.
- The depth of the fill material in the landfill extended below the groundwater table and excavation for complete removal would have disrupted wetlands.

- The cost to consolidate the material on-site with a three foot cover of clean soil would be significantly less the excavation for off site landfill disposal or reuse as daily cover on an off site commercial landfill.
- An Activity and Use Limitation in the landfill area at B&M would be needed even if the bulk of the soil was disposed of off site, because the full depth of the material might not be recovered.

The work proposed under the RAM plan was completed in 1998 and 1999. The entire landfill area, estimated at 4,550 cubic yards, was excavated and inspected to visually verify there were no buried oil and or hazardous materials, other than the Carbonizer residue, coal ash and building demolition debris. Timbers, discarded textile machinery and oversized demolition debris was removed from the landfill for off site disposal as part of future improvements to other portions of the B&M property. Approximately 500 cubic yards of contaminated soil from near the former wastewater Lagoons #1 and #2 were moved to the landfill consolidation area. This entire area was then covered with goetextile and three feet of clean sand cover, and then stabilized with compost, lime fertilizer and hydroseed. Contaminated soil (315 tons) from near Test Pit 10 was removed from the site and disposed of in an off site, commercial landfill.

Concentrations of the target pollutants (PAH compounds, chromium, and lead) were less than the MCP Method 1 S-1 Standards in soil samples collected at the completion of work from remediated areas outside of the landfill consolidation area.

Soil and groundwater samples from the former dyehouse wastewater Lagoons #1 and #2 were collected and analyzed in October 2000. A second set of groundwater samples was collected and analyzed in December 2000. The groundwater samples were collected from shallow test pits to obtain water directly in contact with the residual contaminants in the soil. The October 2000 data showed that 1,1-biphenyl was present at concentrations slightly above MCP Method 1 S-1/GW-1 in three of four soil samples (1.6 to 2.6 mg/kg, compared to the 1 mg/kg Standard). Also, methylnaphthalene was present at a concentration slightly above MCP Method 1 GW-1 in one of four turbid, unfiltered groundwater samples (16 ug/L, compared to the 1 mg/kg Standard). *[Note: GW-1 Standards are for groundwater which may be used for human consumption.]* In the December 2000 tests, the groundwater samples were treated with alum to enhance settling of suspended solids and remove turbidity. The analytical results showed that the soluble 1,1-biphenyl, naphthalene, and/or methylnaphthalene concentrations were well below MCP Method 1 Standards. CDM used the data to establish MCP Method 2 Standards for these compounds, and showed that that residual concentrations pose No Significant Risk.

Complete details of the assessment and remediation work are included in the "Class A-3 Response Action Outcome and Release Abatement Measure Completion Report" prepared by CDM for B&M and submitted to the DEP in August 2001.

Reason for Activity and Use Limitation

A Method 1 Risk Characterization was conducted to evaluate the risk posed by contamination remaining in the soil at the site in the landfill area. Using the Method 1 approach, concentration of lead, chromium and PAH compounds remaining in the soil were compared to the MCP Method 1 Soil Standards to determine if the site poses a risk for current and future activities and uses.

The Method 1 Risk Characterization concluded that the landfill portion of the property, north and east of the Tail Race, poses No Significant Risk to health, safety, public welfare or the environment provided that the lead, chromium and PAH contaminated soil in the land fill remains isolated under the three foot protective cover. To ensure that uncontrolled exposure to the contaminated soil does not occur, and that a condition of No Significant Risk is maintained for future activities and uses, an AUL is require to restrict certain activities and uses of this portion of the property. The portion is shown as AUL Subarea A on Exhibit A-2, Exhibit A-3 (enlarged plan of the AUL area in Exhibit A-2) and Exhibit B (sketch plan).

The Method 1 and Method 2 Risk Characterization concluded the former dyehouse Lagoons #1 and #2 portion of the property, south and west of the Tail Race, poses No Significant Risk to health, safety, public welfare or the environment. Concentrations of PAH compounds and chromium were less than the Method 1 and Method 2 Risk Characterization for S-1 soils, but exceeded local background concentrations. B&M has established an AUL for Lagoons #1 and #2 to require that future excavation in the Lagoons be conducted with restrictions on the management of the excavated soils. This portion of the property is shown as AUL Subarea B on Exhibit A-2, Exhibit A-3 (enlarged plan of the AUL area in Exhibit A-2) and Exhibit B (sketch plan).

Permitted Site Activities and Uses

A. Former landfill area east of the Tail Race, Subarea A.

- i) Passive and active recreational activities including, but not necessarily limited to, activity on the grassed area for children, sitting on benches or sitting or lying on the ground surface;
- ii) Maintenance of grassed areas, planting and seeding up to a depth of three feet below ground surface, installation of fencing with intrusion limited to driving of posts;
- iii) Utility maintenance work either not involving soil excavation and removal, or involving soil excavation to a depth of no greater than three feet below ground surface;
- iv) Emergency utility repair work, lasting no longer than eight consecutive hours and involving the excavation of no more than twenty (20) cubic yards of soil from depths

of greater than three feet below ground surface. Such excavated soil must be returned to depth in its entirety at the conclusion of the repair work. The protective barrier layer, which includes a woven geotextile and three feet of overlying soils, must be replaced with a protective barrier layer of like and comparable construction, materials and specifications immediately following completion of the repair work. If soil removal from the site is to occur or the activity will occur for a duration greater than eight consecutive hours and/or more than twenty (20) cubic yards of soil from depths greater than three feet below ground surface are to be excavated, a Health and Safety Plan to address potential exposures and a Soil Management Plan must be developed;

(v) Non-invasive activities and uses which do not disturb or compromise the structural integrity of the protective barrier layer and the underlying contaminated soils; and

(vi) Such other activities or uses not listed above, but which as given in written or oral opinion by an LSP, shall present no greater risk of harm to health, safety, public welfare, or the environment than the activities and uses set forth in this paragraph.

B. Former wastewater treatment lagoons west of the Tail Race, Subarea B.

(i) Passive recreational activities including, but not necessarily limited to, walking and bird watching;

(ii) Use of the lagoons as stormwater runoff storage ponds;

(iii) Utility maintenance lasting no longer than eight consecutive hours and involving the excavation of no more than twenty (20) cubic yards of soil. Such excavated soil must be returned to the lagoon at the conclusion of the repair work. If soil removal from the site is to occur or the activity will occur for a duration greater than eight consecutive hours and/or more than twenty (20) cubic yards of soil are to be excavated, a Soil Management Plan must be developed; and

(iv) Such other activities or uses not listed above, but which as given in written or oral opinion by an LSP, shall present no greater risk of harm to health, safety, public welfare, or the environment than the activities and uses set forth in this paragraph.

Prohibited or Restricted Site Activities and Uses

A. Former landfill area east of the Tail Race, Subarea A.

(i) Excavation of soils at a depth of greater than three feet below ground surface, except as described in 1A (iv) above. Such non-emergency invasive subsurface activities, which may be part of utility repair or maintenance, or construction, cannot be performed without the involvement of an LSP, and must be conducted in accordance with the Massachusetts Contingency Plan and applicable DEP policies appropriate to the protection of human health and the environment.

(ii) Any activities and uses which may cause physical, chemical, or structural damage to the protective barrier layer in the designated AUL area, except those conducted in accordance with Obligation (i) of this Notice of AUL.

(iii) Any activities otherwise prohibited by Zoning, Bylaws, other regulatory programs, or deed restriction, unless permitted by the appropriate governmental body.

B. Former wastewater treatment lagoons west of the Tail Race, Subarea B.

(i) Excavation of soil, except as described in 1B (iii) above. Such non-emergency invasive subsurface activities, which may be part of utility repair or maintenance, or construction, cannot be performed without the involvement of an LSP, and must be conducted in accordance with the Massachusetts Contingency Plan and applicable DEP policies appropriate to the protection of human health and the environment.

ii) Any activities otherwise prohibited by Zoning, Bylaws, other regulatory programs, or deed restriction, unless permitted by the appropriate governmental body.

Obligations and Conditions Set Forth in the AUL Opinion

A. Former landfill area east of the Tail Race, Subarea A.

i) The performance of any activities including, but not limited to, excavation which could cause the removal, damage, and/or disturbance of the protective barrier layer and/or contaminated soil located beneath it without the prior development and implementation of a Health and Safety Plan and a Soil Management, as described in paragraph C (ii) below.

ii) The integrity of the protective barrier layer within the designated AUL area must be maintained and inspected on at least an annual basis to verify its ability to effectively prevent exposure(s) to underlying contaminated soil via dermal contact, ingestion, and/or inhalation; and

(iii) The contaminated soil must remain beneath the protective barrier within the designated AUL to prevent exposures via dermal contact, ingestion, and/or inhalation.

B. Former wastewater treatment lagoons west of the Tail Race, Subarea B

i) The performance of any activities including, but not limited to, excavation which could cause the removal, damage, and/or disturbance of the soil located in the lagoons without the prior development and implementation of a Soil Management Plan, as described in paragraph C (ii) below.

C. Former landfill area east of the Tail Race, Subarea A and former wastewater treatment lagoons west of the Tail Race, Subarea B

i) The Property Owner will be solely responsible for compliance with this Notice of Activity and Use Limitation and the restrictions imposed herein.

ii) Prior to the performance of any non-emergency intrusive subsurface activities within the AUL area including, but not limited to, excavation which may damage the structural integrity of the protective barrier layer in Subarea A, a written Health and Safety Plan and a written Soil Management Plan must be implemented in accordance with the following guidelines:

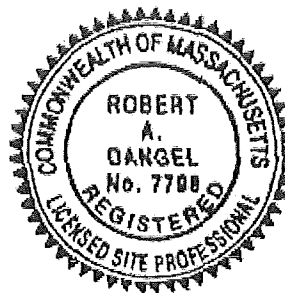
(a) The Health and Safety Plan must be prepared by a Certified Industrial Hygienist or other qualified professional familiar with worker health and safety procedures and requirements. The level of personal protection and engineering controls, dust mitigation measures and perimeter monitoring needed to prevent exposures to contaminated soils at depths beneath the protective barrier layer must be specified.

(b) The Soil Management Plan should be prepared by an LSP and must describe soil excavation, handling, storage, transport and disposal procedures, and must include a description of the engineering controls and air monitoring procedures needed to protect off-site receptors from exposures to fugitive dust and particulates and exposures to contaminated soil via dermal contact.

(c) On-site workers must be informed of the presence of contaminated soil and also informed of the requirements of the Health and Safety Plan and the Soil Management Plan. Copies of both plans must be available on-site during the course of any work which may disturb the protective barrier layer and/or the soil beneath it in the AUL area.


Robert A. Dangel, Licensed Site Professional

August 17, 2001
Date





Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

BWSC-114

ACTIVITY & USE LIMITATION (AUL) OPINION FORM

Release Tracking
Number

3

0173

Pursuant to 310 CMR 40.1070 - 40.1084 (Subpart J)

COMPLETE THIS FORM AND ATTACH AS AN EXHIBIT TO THE AUL DOCUMENT TO BE RECORDED AND/OR REGISTERED WITH THE REGISTRY OF DEEDS AND/OR LAND REGISTRATION OFFICE.

A. LOCATION OF DISPOSAL SITE AND PROPERTY SUBJECT TO AUL:

Disposal Site Name: Buckley & Mann, Inc.
Street: 17 Lawrence Street Location Aid: Bush Pond
City/Town: Norfolk ZIP Code: 02056-0000
Address of property subject to AUL, if different than above: _____ Street: _____
City/Town: _____ ZIP Code: _____

B. THIS FORM IS BEING USED TO: (check one)

- ☒ Provide the LSP Opinion for a Notice of Activity and Use Limitation, pursuant to 310 CMR 40.1074 (complete all sections of this form).
☐ Provide the LSP Opinion for an Amended Notice of Activity and Use Limitation, pursuant to 310 CMR 40.1081(4) (complete all sections of this form).
☐ Provide the LSP Opinion for a Termination of a Notice of Activity and Use Limitation, pursuant to 310 CMR 40.1083(3) (complete all sections of this form).
☐ Provide the LSP Opinion for a Grant of Environmental Restriction, pursuant to 310 CMR 40.1071, (complete all sections of this form).
☐ Provide the LSP Opinion for an Amendment of Environmental Restriction, pursuant to 310 CMR 40.1081(3) (complete all sections of this form).
☐ Provide the LSP Opinion for a Release of Environmental Restriction, pursuant to 310 CMR 40.1083(2) (complete all sections of this form).

C. LSP OPINION:

I attest under the pains and penalties of perjury that I have personally examined and am familiar with this submittal, including any and all documents accompanying this submittal. In my professional opinion and judgment based upon application of (i) the standard of care in 309 CMR 4.02(1), (ii) the applicable provisions of 309 CMR 4.02(2) and (3), and (iii) the provisions of 309 CMR 4.03(5), to the best of my knowledge, information and belief,

> if Section B indicates that a Notice of Activity and Use Limitation is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1074(1)(b);

> if Section B indicates that an Amended Notice of Activity and Use Limitation is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1080(1) and 40.1081(1);

> if Section B indicates that a Termination of a Notice of Activity and Use Limitation is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1083(3)(a);

> if Section B indicates that a Grant of Environmental Restriction is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1071(1)(b);

> if Section B indicates that an Amendment to a Grant of Environmental Restriction is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1080(1) and 40.1081(1);

> if Section B indicates that a Release of Grant of Environmental Restriction is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1083(3)(a).

I am aware that significant penalties may result, including, but not limited to, possible fines and imprisonment, if I submit information which I know to be false, inaccurate or materially incomplete.

☐ Check here if the Response Action(s) on which this opinion is based, if any, are (were) subject to any order(s), permit(s) and/or approval(s) issued by DEP or EPA. If the box is checked, you MUST attach a statement identifying the applicable provisions thereof.

SECTION C IS CONTINUED ON THE NEXT PAGE.



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

BWSC-114

ACTIVITY & USE LIMITATION (AUL) OPINION FORM

Release Tracking
Number

3 - 0173

Pursuant to 310 CMR 40.1070 - 40.1084 (Subpart J)

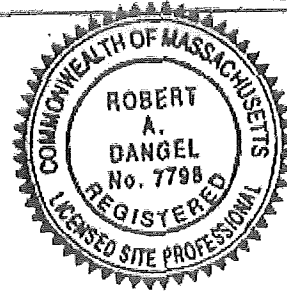
C. LSP OPINION: (continued)

LSP Name: Robert A. Dangel LSP #: 7798 Stamp:

Telephone 617-452-6267 Ext.:

FAX: 617-452-8267

LSP Signature: *Robert A. Dangel*
Date: AUGUST 17, 2001



YOU MUST COMPLETE ALL RELEVANT SECTIONS OF THIS
FORM OR DEP MAY FIND THE DOCUMENT TO BE INCOMPLETE.