



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CATHERINE R. MCCABE
Commissioner

SHEILA Y. OLIVER
Lt. Governor

Site Remediation and Waste Management Program
Remediation Review Element
Bureau of Remedial Action Permitting
401 E. State Street
P.O. Box 420
Mail Code 401-05S
Trenton, NJ 08625-0420
Phone: (609) 984-2990

May 21, 2019

Michael Wieder
Manager
Shalom Towers Realty, LLC
691 Elizabeth Avenue # 2
Newark City, NJ 07102

Ref: Soil Remedial Action Permit
Site: Shalom Towers
Address: 75 Clinton Avenue
City: Newark City
County: Essex
SRP Program Interest (PI) #: 618060
Soil Remedial Action Permit #: RAP180001
Block: 123 Lots: 50 and 53

Dear Mr. Wieder:

Enclosed is a Soil Remedial Action Permit issued pursuant to the Site Remediation Reform Act, 58:10C-1 et seq. and the Administrative Requirements for the Remediation of Contaminated Sites at N.J.A.C. 7:26C-1 et seq. This permit becomes effective on May 28, 2019. Please note the referenced permit and program interest numbers and refer to them when corresponding with the Department.

The enclosed permit requires the permittee to conduct monitoring, maintenance and evaluation for compliance and effectiveness of the remedial action and its associated institutional control. The permit establishes requirements necessary for demonstrating that the remedial action and control continue to be protective of public health, safety and the environment.

Requirement to Retain License Site Remediation Professional (LSRP)

The Technical Requirements for Site Remediation (Technical Requirements) at N.J.A.C. 7:26E-1.8 define remediation to include a remedial action. The Technical Requirements further define remedial action such that "... A remedial action continues as long as an engineering control or an institutional control is needed to protect the public health and safety and the environment, and until all unrestricted use remediation standards are met." Therefore, a person who is implementing a remedial action that includes an engineering or institutional control is conducting remediation, and that person is required to hire a LSRP pursuant to the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS; see N.J.A.C. 7:26C-2.3(a) and (b)).

At all times, an LSRP is required to be retained for a case that has a Deed Notice, Classification Exception Area, Soil Remedial Action Permit, and/or Ground Water Remedial Action Permit until the remedial action(s) is no longer needed to protect the public health and safety and the environment, and until all unrestricted use remediation standards are met. The LSRP must be retained to operate, maintain, and monitor the institutional and/or engineering controls at the site, to ensure that the remedial action(s) remains protective of public health and safety and the environment, and to ensure compliance with the requirements of the Deed Notice, Classification Exception Area, Soil Remedial Action Permit, and/or the Ground Water Remedial Action Permit. This includes but is not limited to site inspections, ground water sampling, biennial submission of a Soil and/or Ground Water Remedial Action Protectiveness/Biennial Certification Form and Report, responding to any activities involving the institutional and/or engineering controls at the site, and responding to any public inquiries regarding the current status of the site. It is the responsibility of the LSRP certifying the Remedial Action Permit application to inform the Responsible Entity of the requirement regarding LSRP retention for a case that has a Soil and/or Ground Water Remedial Action Permit.

An LSRP may be retained or dismissed for a case that has an approved Soil and/or Ground Water Remedial Action Permit through the New Jersey Department of Environmental Protection online portal (www.nj.gov/dep/online/) by choosing the "LSRP Retention" or "LSRP Release" submission type selection option within the "LSRP Notification of Retention or Dismissal" service, and choosing the "Remedial Action Permit" activity in the case selection page. Please note that the Bureau of Remedial Action Permitting records the LSRP Retention for pending Remedial Action Permit Applications so there is no need to perform this function online. Also note that the LSRP Comprehensive Report (datamine2.state.nj.us/DEP_OPRA/OpraMain/categories?category=SRRA) now includes information pertaining to approved Soil and Ground Water Remedial Action Permits to which the LSRP is assigned.

Annual Fees

Please be aware that there are annual fees associated with this permit in accordance with N.J.A.C. 7:26C-4.6. These annual permit fees will be handled by invoicing the fee billing contact we have on record:

Michael Wieder
Manager
Shalom Towers Realty, LLC
691 Elizabeth Avenue #2
Newark City, NJ 07102
Phone: (917) 721-9442
Email: mwieder@radiantprop.com

Any changes to this contact should be brought to the Department's attention. Changes to fee billing contacts are updates and are not considered modifications to the permit.

The Department looks forward to future continued cooperation in working together to provide a healthy environment for the citizens of New Jersey and to protect its resources. Going forward, questions or comments regarding this permit should be addressed to Mohammad I. Qureshi with the Bureau of Remedial Action Permitting at mohammad.qureshi@dep.nj.gov or 609-984-4892.

Sincerely,

A handwritten signature in blue ink, appearing to read 'L. Mitchell', with a stylized flourish at the end.

Lynne Mitchell, Acting Bureau Chief
Remedial Action Permitting

Enclosure

cc: Newark City Clerk (via email)
Newark City Department of Health and Community Wellness (via email)
Essex County Register (via email)
Essex County Department of Health (via email)
James Kinder, LSRP (via email)

SOIL REMEDIAL ACTION PERMIT

Deed Notice with Engineering Control

The New Jersey Department of Environmental Protection hereby grants you a Remedial Action Permit pursuant to N.J.S.A. 58:10C-1 et seq. and N.J.A.C. 7:26C-1 et seq. for the facility/activity named in this document. This permit is the regulatory mechanism used by the Department to help ensure your remedial action will be protective of human health and the environment.

This permit establishes the monitoring, maintenance, and evaluation requirements for determining the effectiveness of the deed notice's engineering control.

Site: Shalom Towers	
<u>Facility Address:</u> 75 Clinton Ave 75 79 Clinton Ave Newark City, NJ 07114 Essex County Block: 123 Lots: 50 and 52	<u>SRP PI #:</u> 618060 <u>Permit #:</u> RAP180001 Issuance Date: 05/21/2019 Effective Date: 05/28/2019
<u>Person Responsible for Conducting the Remediation - Co-Permittee:</u> Michael Wieder Manager Shalom Towers Realty, LLC 691 Elizabeth Avenue # 2 Newark City, NJ 07102 Phone: (917) 721-9442 Email: mwieder@radiantprop.com ☒ Primary Responsibility for Permit Compliance	
<u>Property Owner - Co-Permittee:</u> Michael Wieder Manager Shalom Towers Realty, LLC 691 Elizabeth Avenue # 2 Newark City, NJ 07102 Phone: (917) 721-9442 Email: mwieder@radiantprop.com	

I. Authority

The Department is issuing this permit in accordance with N.J.S.A. 58:10C-1 et seq. and N.J.A.C. 7:26C-1et seq.

II. Permit Requirements

A. MONITORING REQUIREMENTS

1. The permittee shall retain a LSRP for the Soil Remedial Action Permit until the remedial action is no longer needed to protect the public health and safety and the environment, and until all unrestricted use remediation standards are met. The LSRP must be retained to operate, maintain, and monitor the institutional and/or engineering controls at the site, to ensure that the remedial action remains protective of public health and safety and the environment, and to ensure compliance with the requirements of the Soil Remedial Action Permit. This includes but is not limited to site inspections, biennial submission of a Soil Remedial Action Protectiveness/Biennial Certification Form and Report, responding to any activities involving the institutional and/or engineering controls at the site, and responding to any public inquiries regarding the current status of the site. [N.J.A.C. 7:26C- 2.3(a and b)]
2. The permittee shall conduct monitoring and maintenance pursuant to Exhibit C of the attached Deed Notice. [N.J.A.C. 7:26C- 7.8(a)2]
3. The permittee shall conduct periodic inspections of each engineering control to determine its integrity, operability, and effectiveness. [N.J.A.C. 7:26C- 7.8(b)2]
4. The permittee shall conduct periodic inspections of any excavations or disturbances that have resulted in unacceptable exposure to the soil contamination. The permittee shall maintain a detailed maintenance and evaluation log. [N.J.A.C. 7:26C- 7.8(b)]

B. REMEDIAL ACTION PROTECTIVENESS/BIENNIAL CERTIFICATION FORM

1. Reporting Requirements

- a. The permittee shall prepare and submit to the Department a Remedial Action Protectiveness/Biennial Certification Form every two years following the anniversary of the date of the effective date of this permit. The certification shall be submitted on the required form provided by the Department. Submit a Remedial Action Protectiveness/Biennial Certification Form biennially from the effective date of this permit. [N.J.A.C. 7:26C- 7.7(a)1]

2. Evaluation Requirements

- a. The permittee shall hire a Licensed Site Remediation Professional to prepare and certify that the remedial action continues to be protective of the public health and safety and the environment. [N.J.A.C. 7:26C- 1.5(a)2]
- b. The permittee shall conduct the remediation in accordance with all applicable statutes, rules, and guidance. [N.J.A.C. 7:26C- 1.2(a)]

c. The permittee shall provide the results of the periodic inspections required under the monitoring requirements of this permit. [N.J.A.C. 7:26C- 7.8(c)]

d. The Remedial Action Protectiveness/Biennial Certification Form shall include an evaluation of any actual or pending zoning or land use changes to determine if these changes are consistent with the use restrictions contained in the attached deed notice/declaration of environmental restriction. If the evaluation finds that the engineering/institutional controls are no longer protective of the public health and safety and the environment, the permittee shall implement appropriate remedial action to ensure that the engineering/institutional controls are protective of the public health and safety and the environment. [N.J.A.C. 7:26C- 7.8(b)1]

e. The Remedial Action Protectiveness/Biennial Certification Form shall include a comparison of the laws, Remediation Standards, and other regulations applicable at the time the engineering or institutional control was established with any relevant subsequently promulgated or modified laws or regulations to determine whether the engineering or institutional control remains protective. The results shall be provided in table format, comparing of applicable laws, regulations, and standards. [N.J.A.C. 7:26C- 7.8(b)3]

C. FINANCIAL ASSURANCE REQUIREMENTS

1. Reporting Requirements - Trust Fund

a. The permittee using a Trust fund shall submit to the Department a written statement from the trustee confirming the value of the trust in an amount that the Department has approved or a Licensed Site Remediation Professional has certified, and confirming that the trust shall continue to exist for the next consecutive 12-month period. Submit a statement confirming the value of the Financial Assurance annually, starting 30 days prior to the initial anniversary date of this permit. [N.J.A.C. 7:26C- 5.4(b)]

b. The permittee shall prepare an estimate of the future costs to operate, maintain, and inspect all engineering controls subject to this permit, and submit it to the Department. Submit engineering controls maintenance cost estimate with the Protectiveness/Biennial Certification biennially from the effective date of this permit. [N.J.A.C. 7:26C- 7.10(a)1]

2. Financial Assurance - Maintenance

a. The permittee shall maintain financial assurance in an amount equal to or greater than the most recent estimated full cost to operate, maintain, and inspect all engineering controls that are part of any remedial action over the life of the permit. [N.J.A.C. 7:26C- 7.7(a)3]

D. FEES

1. For each year hereafter on the anniversary of the effective date of this permit, the Department shall invoice the permittees the amount of the annual Remedial Action Permit Fee. [N.J.A.C. 7:26C- 4.6]

E. PERMIT TRANSFERS

1. The permittee shall, no later than 60 days after the sale or transfer of the property, or transfer of the operation of the property, or termination of a lease, submit a Remedial Ac-

tion Permit Transfer/Change of Ownership Application and pay the permit transfer fee to the Department. [N.J.A.C. 7:26C-7.11(b)]

F. PERMIT MODIFICATIONS

1. Soil Permit Modifications

- a. The permittee shall apply to have the Department modify a Remedial Action Permit after a change in the remedial action pursuant to N.J.A.C. 7:26C-6.4. [N.J.A.C. 7:26C-7.12(b)1]
- b. The permittee shall apply to have the Department modify a Remedial Action Permit after a modification of the engineering or institutional controls, which will result in changes to the exhibits in the deed notice or in the notice in N.J.A.C. 7:26C-7.2(c)2. [N.J.A.C. 7:26C-7.12(b)2]
- c. The permittee shall apply to have the Department modify a Remedial Action Permit after the permittee changes its address. [N.J.A.C. 7:26C-7.12(b)3]

G. PERMIT TERMINATIONS

1. A request for a permit termination can be filed by submitting a Remedial Action Permit Application to terminate the permit to the Department when the remedial action meets all applicable remediation standards without the need for the Remedial Action Permit and the remedial action is protective of the public health and safety and of the environment without the presence of the Remedial Action Permit. [N.J.A.C. 7:26C- 7.13]

H. FORM SUBMITTAL

1. Any forms, applications or documents required by this chapter that can be submitted in an electronic format shall be submitted electronically 90 days after the date that the Department informs the public in the New Jersey Register that the relevant electronic application is functional. [N.J.A.C. 7:26C- 1.6(c)]
2. All submissions required pursuant to this permit shall be made on forms approved and available from the Department. These forms and instructions for completing these forms can be found at <http://www.nj.gov/dep/srp/srra/forms>. [N.J.A.C. 7:26C- 1.6]

I. RESTRICTED LAND USES

1. Contaminated sites remediated to non-residential soil remediation standards that require the maintenance of engineering and/or institutional controls cannot be converted to a child care facility, public, private or charter school without the Department's prior approval, unless a presumptive remedy is implemented pursuant to the Presumptive Remedies for Soil Contamination at Schools, Child Care Centers, and Residences. [N.J.A.C. 7:26E- 5.3]

III. Permit Schedule

Permit Effective Date: 05/28/2019	
Submission Requirement	Due Date
Submit a statement confirming the value of the financial assurance	04/28/2020
Submit a statement confirming the value of the financial assurance	04/28/2021
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/28/2021
Submit a statement confirming the value of the financial assurance	04/28/2022
Submit a statement confirming the value of the financial assurance	04/28/2023
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/28/2023
Submit a statement confirming the value of the financial assurance	04/28/2024
Submit a statement confirming the value of the financial assurance	04/28/2025
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/28/2025
Submit a statement confirming the value of the financial assurance	04/28/2026
Submit a statement confirming the value of the financial assurance	04/28/2027
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/28/2027
Submit a statement confirming the value of the financial assurance	04/28/2028
Submit a statement confirming the value of the financial assurance	04/28/2029
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/28/2029
Submit a statement confirming the value of the financial assurance	04/28/2030
Submit a statement confirming the value of the financial assurance	04/28/2031
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/28/2031
Submit a statement confirming the value of the financial assurance	04/28/2032
Submit a statement confirming the value of the financial assurance	04/28/2033
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/28/2033
Submit a statement confirming the value of the financial assurance	04/28/2034
Submit a statement confirming the value of the financial assurance	04/28/2035
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/28/2035
Submit a statement confirming the value of the financial assurance	04/28/2036
Submit a statement confirming the value of the financial assurance	04/28/2037
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/28/2037
Submit a statement confirming the value of the financial assurance	04/28/2038
Submit a statement confirming the value of the financial assurance	04/28/2039
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/28/2039
Submit a statement confirming the value of the financial assurance	04/28/2040
Submit a statement confirming the value of the financial assurance	04/28/2041
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/28/2041
Submit a statement confirming the value of the financial assurance	04/28/2042
Submit a statement confirming the value of the financial assurance	04/28/2043
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/28/2043
Submit a statement confirming the value of the financial assurance	04/28/2044
Submit a statement confirming the value of the financial assurance	04/28/2045
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/28/2045

Soil Remedial Action Permit #: RAP180001
Site Name: Shalom Tower
PI #: 618060

Permit Effective Date: 05/28/2019	
Submission Requirement	Due Date
Submit a statement confirming the value of the financial assurance	04/28/2046
Submit a statement confirming the value of the financial assurance	04/28/2047
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/28/2047
Submit a statement confirming the value of the financial assurance	04/28/2048
Submit a statement confirming the value of the financial assurance	04/28/2049
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/28/2049

Note: Remedial Action Protectiveness/Biennial Certification Forms are required to be submitted according to the schedule, and shall continue to be submitted until the Permit is terminated or modified.

Your Soil Remedial Action Permit under Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-1 et seq. has been approved by the New Jersey Department of Environmental Protection.

Sincerely,



Lynne Mitchell, Acting Bureau Chief
Remedial Action Permitting

IV. Attachments:

A. Deed Notice

Deed Notice ID: DER1572995
 Filed Deed Notice in the Essex County Register
 Pages: 28
 Date Filed: 06/08/2018
 Block: 123 Lots: 50 and 52

DANA RONE
ESSEX COUNTY REGISTER OF DEEDS & MORTGAGES



Hall of Records
465 Martin Luther King Jr Blvd
Room 130
Newark, NJ 07102
(973) 621-4960

***RETURN DOCUMENT TO:**
SHALOM TOWERS REALTY, LLC
P.O. BOX 436
NEW YORK, NY 10025

Instrument Number - 2018049552

Recorded On 6/8/2018 At 10:44:13 AM

*** Instrument Type - DEED**

Invoice Number - 211428 User ID: AF

***Total Pages - 28**

*** Grantor - ENVIRONMENTAL PROTECTION, DEPARTMENT OF NEW JERSEY**

*** Grantee - SHALOM TOWER REALTY**

*** PARCEL IDENTIFICATION NUMBER**

Block: 123 Lot: 44 - NEWARK

*** FEES**

NJ PRESERVATION	\$140.00
ACCOUNT	
REGISTER RECORDING FEE	\$150.00
HOMELESSNESS TRUST FUND	\$3.00
TOTAL PAID	\$293.00

I hereby CERTIFY that this document is
Recorded in the Register of Deeds & Mortgages Office
of Essex County, New Jersey

Dana Rone
Register of Deeds & Mortgages

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

INSTRUMENT NUMBER - 2018049552



Return Address:
Shalom Towers Realty, LLC
PO Box 436
New York, NY 10025

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: 
[Signature]

James M. Klinder
[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 6th day of June, 2018, by Shalom Towers Realty, LLC, P. O. Box 436, New York, New York (together with his/her/its/their successors and assigns, collectively "Owner").

1. THE PROPERTY. Shalom Towers Realty, LLC, P. O. Box 436, New York, New York 10025 is the owner in fee simple of certain real property designated as Block(s) 123 Lot 44, 50 and 52 on the tax map of the City of Newark, Essex County; the New Jersey Department of Environmental Protection Program Interest Number (Preferred ID) for the contaminated site which includes this property is 618060; and the property is more particularly described in Exhibit A, which is attached hereto and made a part hereof (the "Property").

2. REMEDIATION.

i. James Klinder, License Number 577036, 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. Shalom Towers Realty, LLC has remediated contaminated soil at the Property, such that soil contamination remains in certain areas of the Property that contains contaminants in concentrations that do not allow for the unrestricted use of the Property;

this soil contamination is described, including the type, concentration and specific location of such contaminants, in Exhibit B, which is attached hereto and made a part hereof. As a result, there is a statutory requirement for this Deed Notice and engineering control 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, lessees and operators 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 without the Department's prior written approval.

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 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 thirty (30) calendar days after the effective date of any conveyance, grant, gift, or other transfer, in whole or in part, of the 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, lessees and operators while each is an owner, lessee, or operator of the Property.

7A. ALTERATIONS, IMPROVEMENTS, AND DISTURBANCES.

i. The Owner and all subsequent owners 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 obtaining a soil remedial action permit modification pursuant to N.J.A.C. 7:26C-7. 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. Notwithstanding subparagraph 7Aii., above, a soil remedial action permit modification is not required for any alteration, improvement, or disturbance provided that the owner, lessee or operator:

(A) Notifies the Department of Environmental Protection of the activity by calling the DEP Hotline, at 1-877-WARN-DEP or 1-877-927-6337, within twenty-four (24) hours after the beginning of each alteration, improvement, or disturbance;

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

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

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

(E) Describes, in the next biennial certification the nature of the alteration, improvement, or disturbance, the dates and duration of the alteration, improvement, or disturbance, the name of key individuals and their affiliations conducting the alteration, improvement, or disturbance, a description of 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 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 provides notification to the Department of Environmental Protection within sixty (60) calendar days after completion of the restoration of the engineering control, including: (a) the nature and likely cause of the emergency; (b) the potential discharges of or exposures to contaminants, if any, that may have occurred; (c) the measures that have been taken to mitigate the effects of the emergency on human health and the environment; (d) the measures completed or implemented to restore the engineering control; and (e) the 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 filing of a Termination of Deed Notice, available at N.J.A.C. 7:26C Appendix C, with the office of the Register of Deeds and Mortgages of Essex County, New Jersey, expressly terminating this Deed Notice.

ii. Within thirty (30) calendar days after the filing of a Termination of Deed Notice, the owner of the property shall 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, 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, 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 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 sediment sample locations within the restricted areas that exceed any soil or sediment 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 and engineering 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: Restrictive Cap: Exhibit C-2 includes a narrative description of Restrictive Cap 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.

ATTEST:

Shalom Towers Realty LLC

Michael Wieder - Owner
[Print name and title]


[Signature]

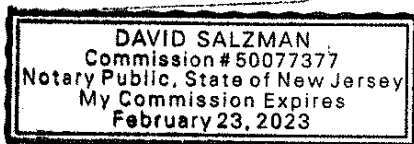
Acknowledgment Certificate

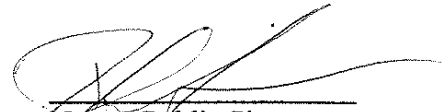
State of New Jersey)

) ss

County of Essex)

On June 6, 2018 before me, David Salzman, Notary Public in and for said county, personally appeared Michael Wieder, (signer/witness) who has/have satisfactorily identified him/her/themselves as the signer(s) or witness(es) to the above-referenced document.

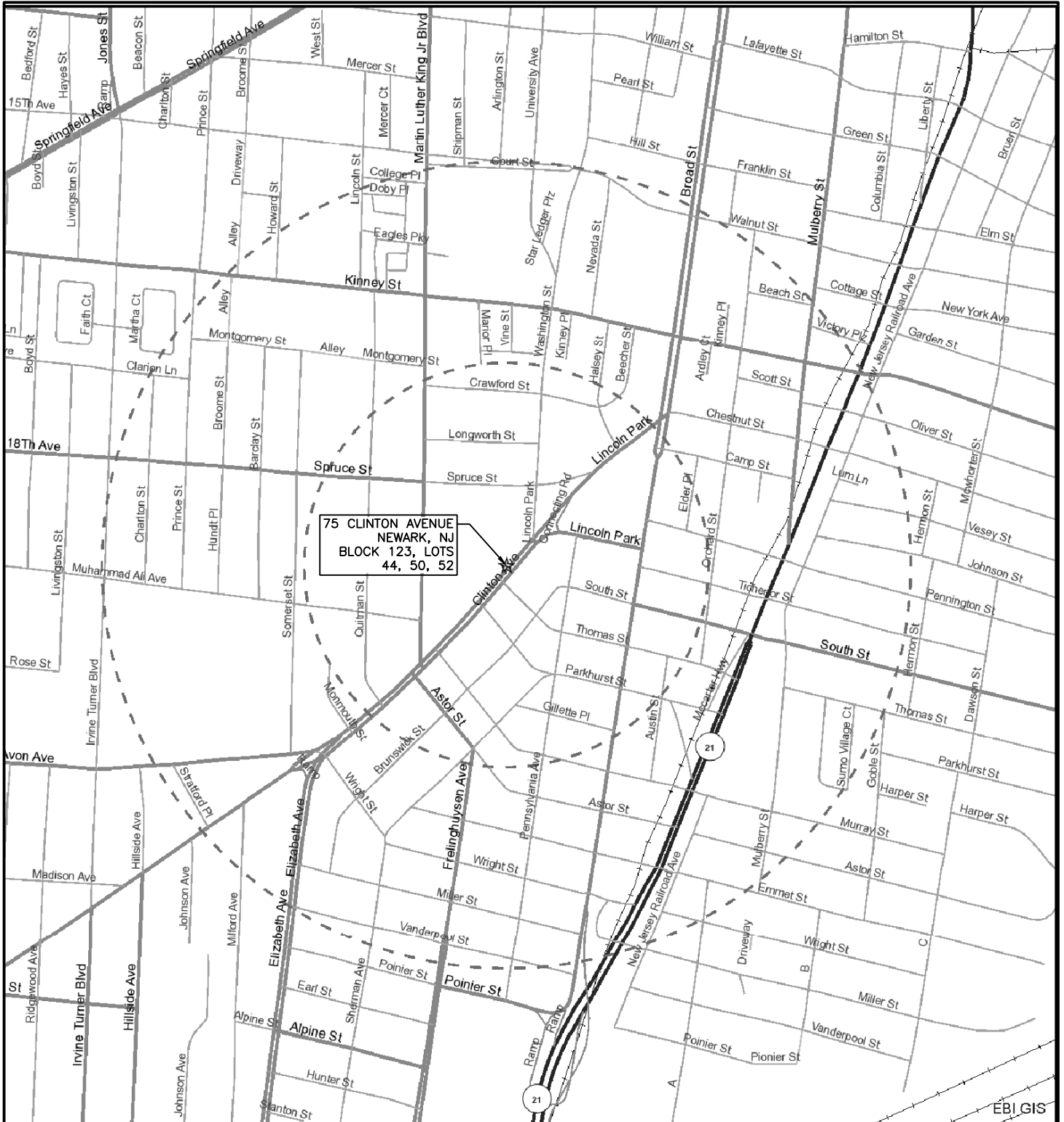



Notary Public Signature

My Commission Expires: Feb 23 2023

EXHIBIT A-I

Vicinity Map



Legend

- ☆ Project Site
- Site Radius at ¼ and ½ mile

Source: Selected data from
ESRI, EBI & USGS



PREPARED BY:

EBI Consulting
environmental | engineering | due diligence
21 B Street | Burlington, MA 01803
Tel: (781) 273-2500 | Fax: (781) 273-3311
www.ebiconsulting.com

EBI JOB NO.: 1215000231

DRAWING TITLE:

Exhibit A-1
Vicinity Map

NJ-GEOWEB MAP
Scale: 1" = 1000'

SITE INFO:

Shalom Towers
Block 123, Lots 44, 50, and 52
75 Clinton Avenue
Newark, NJ

SUBMITTALS

NO.	DATE	DESCRIPTION	BY
1	01/05/17	PRELIMINARY ISSUE	SM

DRAWN BY:

SM

CHECKED BY:

JL

DATE:

01/04/17

SHEET NO:

EXHIBIT A-2

**Metes and Bounds Description
Tax Map**



ALTA COMMITMENT

SCHEDULE C

LEGAL DESCRIPTION

Title Commitment No. T1131

ALL that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in **Newark City**, County of **Essex** and State of New Jersey, being more particularly described as follows:

BEGINNING at the point of intersection formed by the northerly line of Clinton Avenue with the westerly line of Washington Street, (formerly Lincoln Park) and from said point running

- (1) South 65 degrees 15 'minutes West 283.00 feet to a point; thence
- (2) North 39 degrees 02 minutes West 181.01 feet to a point; thence
- (3) North 25 degrees 23 minutes East 64.79 feet to a point; thence
- (4) North 49 degrees 35 minutes West 0.12 feet to a point; thence
- (5) North 25 degrees 04 minutes East 125.00 feet to a point; thence -
- (6) South 56 degrees 38 minutes East 147.27 feet to a point; thence
- (7) South 27 degrees 13 minutes West 2.58 feet to a point; thence
- (8) South 61 degrees 40 minutes East 25.00 feet to a point; thence
- (9) South 56 degrees 38 minutes East 176.50 feet to a point the said westerly line of Washington Street; thence
- (10) Along said westerly line of Washington Street, South 25 degrees 42 minutes West 1.57 feet to the point and place of BEGINNING.

FOR INFORMATION PURPOSES ONLY:

BEING Known as Lot 44, Block 123, on the Official Tax Map of Newark City
BEING commonly known as 75-91 Clinton Avenue, Newark, New Jersey

END OF LEGAL DESCRIPTION

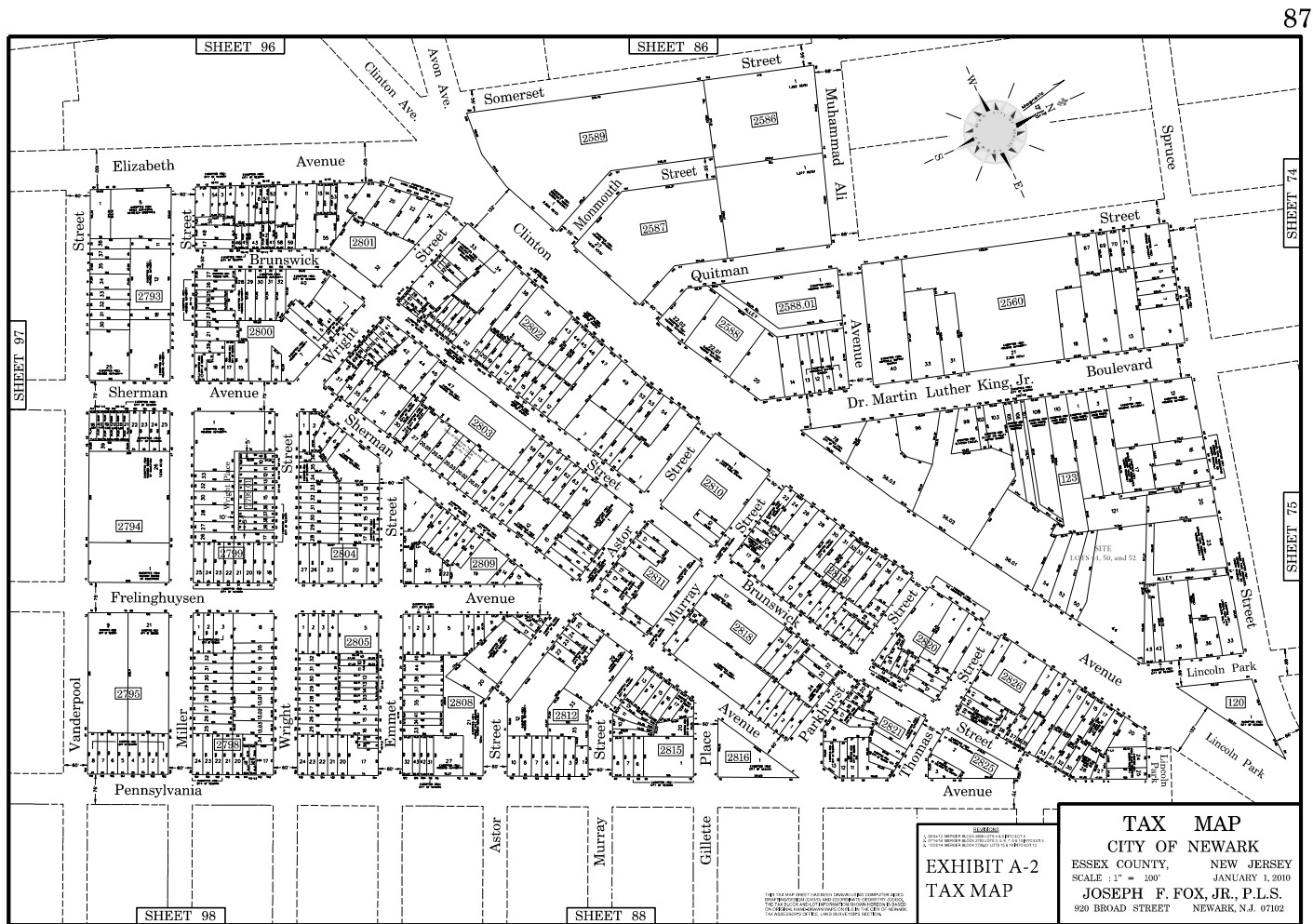
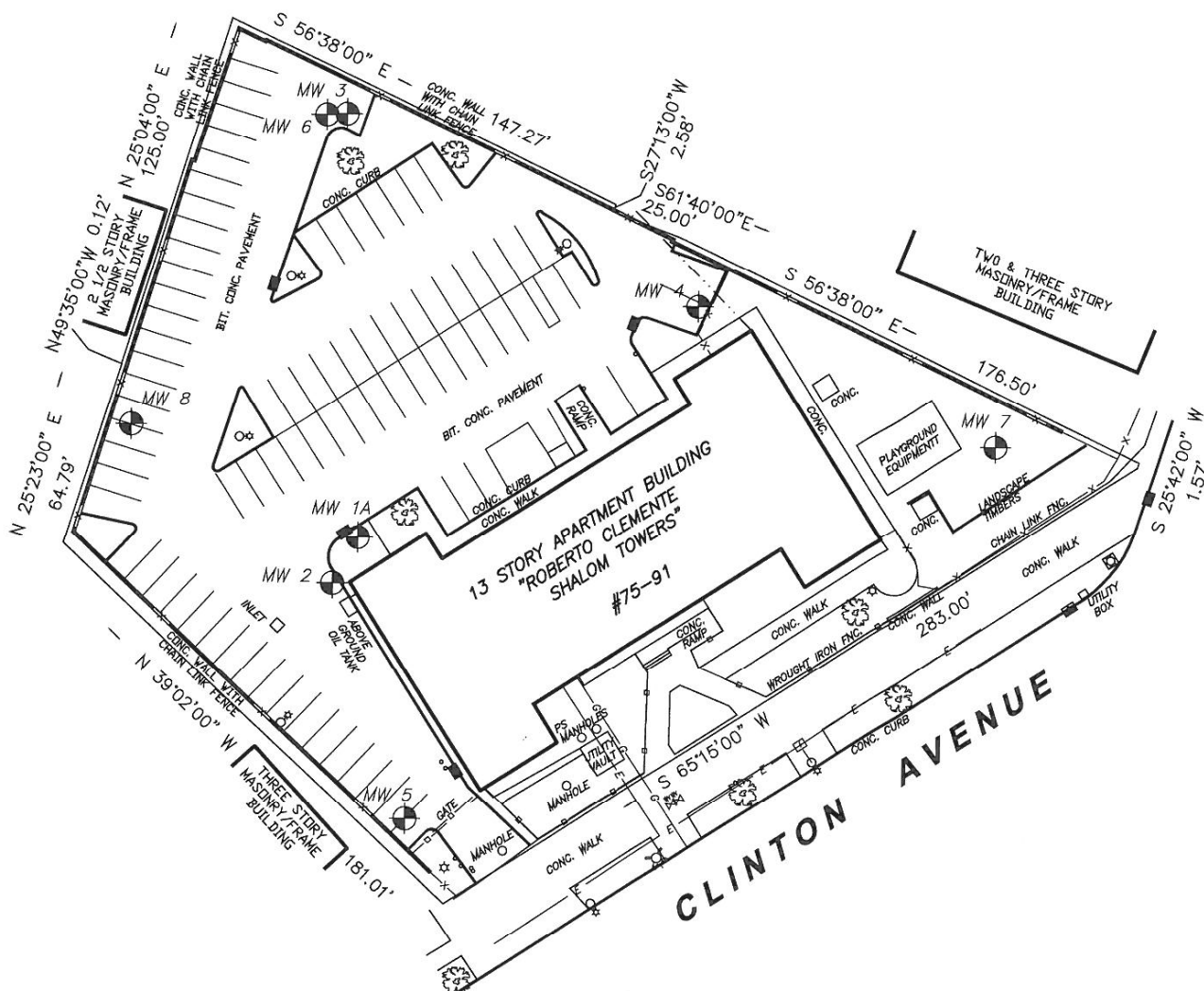


EXHIBIT A-3

Scaled Site Plan



PHYSICAL IMPROVEMENTS SHOWN BASED ON PLAN ENTITLED "MONITORING WELL LOCATION PLAN" PREPARED BY VARGO ASSOCIATES, DATED 1/31/14

CREST

Engineering Associates Inc.

Civil & Environmental Engineers
Professional Planners • Surveyors • Landscape Architects
• CERTIFICATE OF AUTHORIZATION NO. 24GA27989300 •

100 RIKE DRIVE
MILLSTONE TOWNSHIP, N.J. 08535
Ph (609) 448-5550

12 ROBBINS PKWY.
AT WATER STREET
TOMS RIVER, N.J. 08753
Ph (732) 244-0888

Gary P. Yuro
GARY P. YURO

PROFESSIONAL LAND SURVEYOR N.J. LICENSE No. 43251

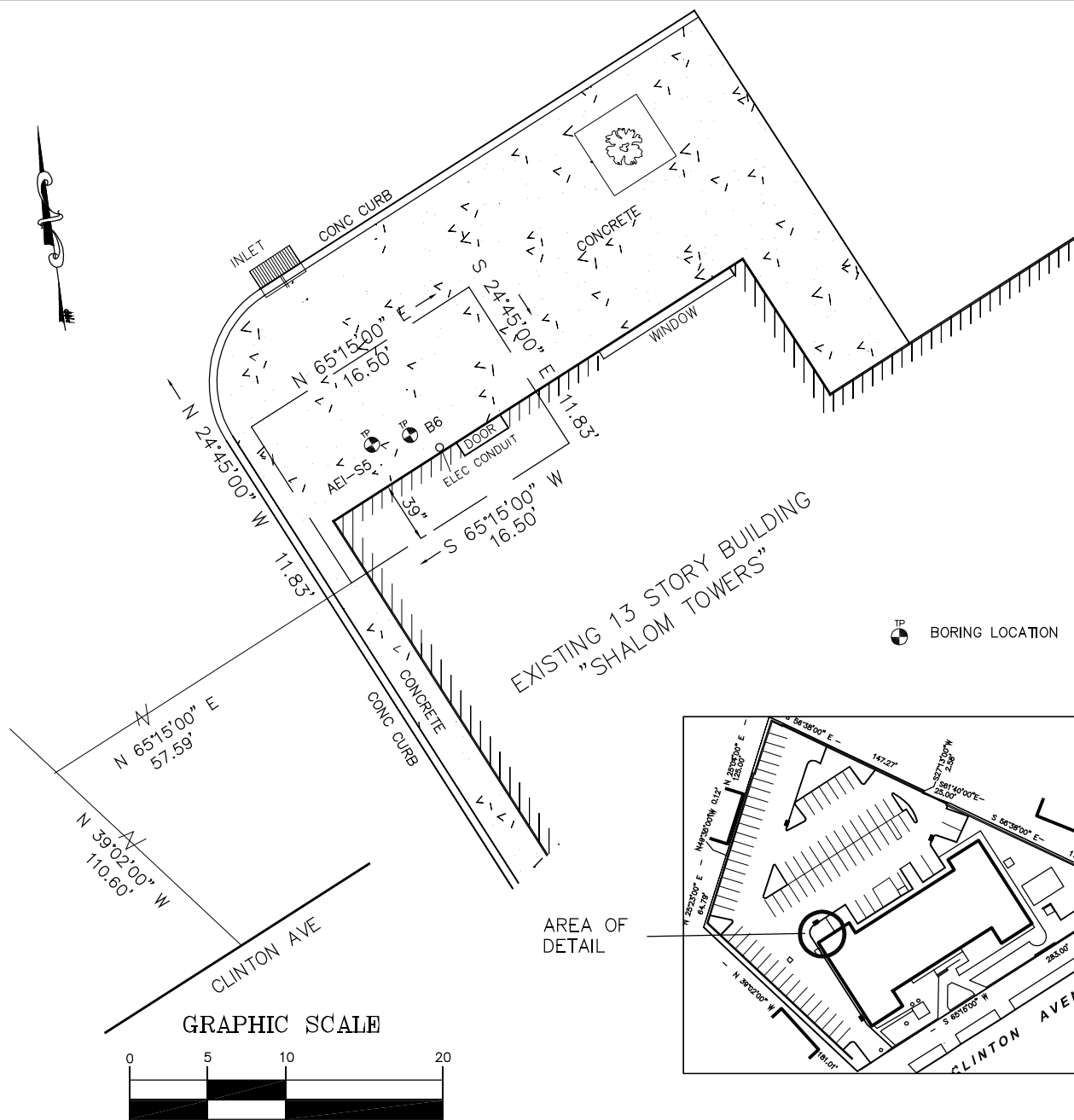
SCALED SITE PLAN
EXHIBIT A-3

"SHALOM TOWERS"
LOTS 44, 50 & 52 BLOCK 123
CITY OF NEWARK
ESSEX COUNTY NEW JERSEY

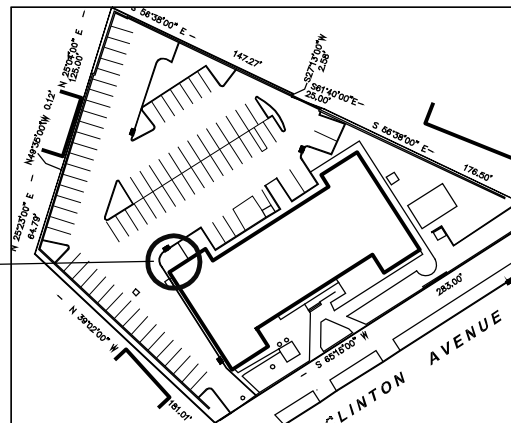
DATE	3/31/17	DRAWN	GY	CHECKED
SCALE	1"=60'	FILE No.	N-5763	DWG. No.

EXHIBIT B-1A

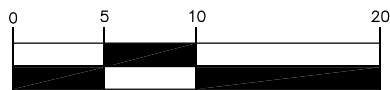
Restricted Area Map



AREA OF
DETAIL



GRAPHIC SCALE



1 inch = 10 ft.

REVISED: 11/9/17 (SO. BOUNDARY OF RESTRICTED AREA)

CREST

Engineering Associates Inc.

Civil & Environmental Engineers
Professional Planners • Surveyors • Landscape Architects
• CERTIFICATE OF AUTHORIZATION NO. 24GA27989300 •

100 RIKE DRIVE
MILLSTONE TOWNSHIP, N.J. 08535
Ph(609)448-5650

12 ROBBINS PKWY.
AT WATER STREET
TOMS RIVER, N.J. 08753
Ph(732)244-0888

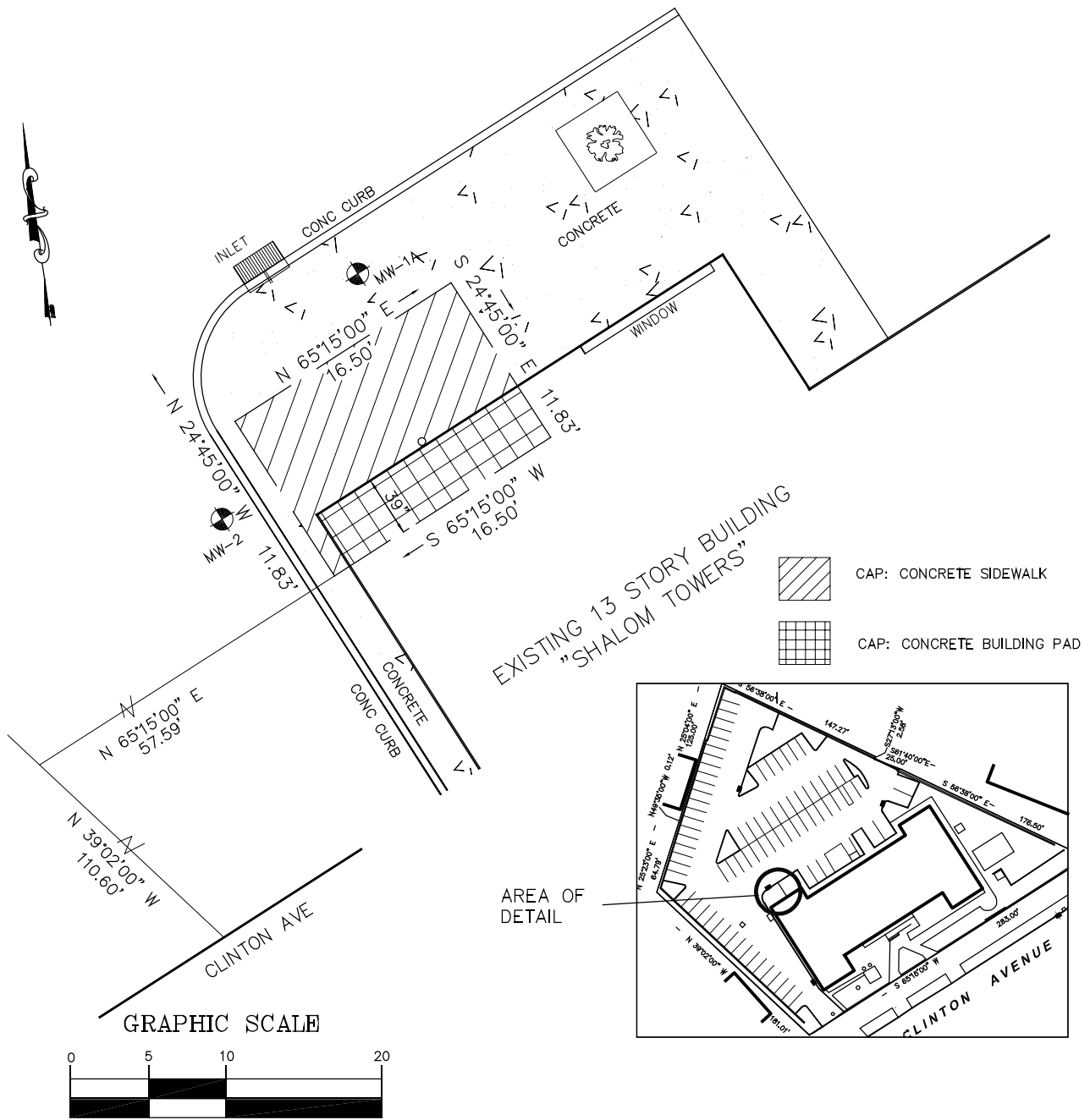
Gary P. Yuero
GARY P. YUERO
PROFESSIONAL LAND SURVEYOR N.J. LICENSE No. 43251

RESTRICTED AREA MAP
EXHIBIT B-1A
"SHALOM TOWERS"
LOTS 44, 50 & 52 BLOCK 123
CITY OF NEWARK
ESSEX COUNTY NEW JERSEY

DATE	3/31/17	DRAWN	GY	CHECKED
SCALE	1"=10'	FILE No.	N-5763	DWG. No.

EXHIBIT B-1B

**Restricted Cap Plan
Capping Details**



REVISED: 11/9/17 (SO. BOUNDARY OF RESTRICTED AREA)

CREST

Engineering Associates Inc.

Civil & Environmental Engineers
Professional Planners • Surveyors • Landscape Architects
• CERTIFICATE OF AUTHORIZATION NO. 24GA27989300 •

100 RIKE DRIVE
MILLSTONE TOWNSHIP, N.J. 08535
Ph(609)448-5650

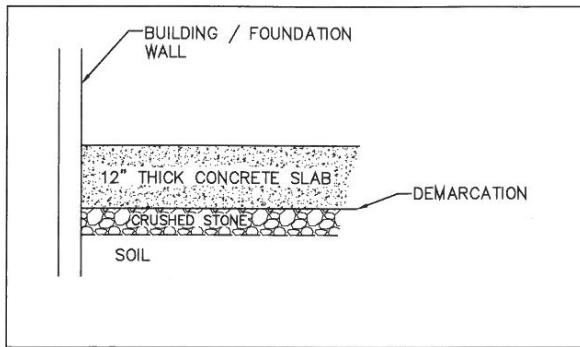
12 ROBBINS PKWY.
AT WATER STREET
TOMS RIVER, N.J. 08753
Ph(732)244-0888

Gary P. Yuero
GARY P. YUERO

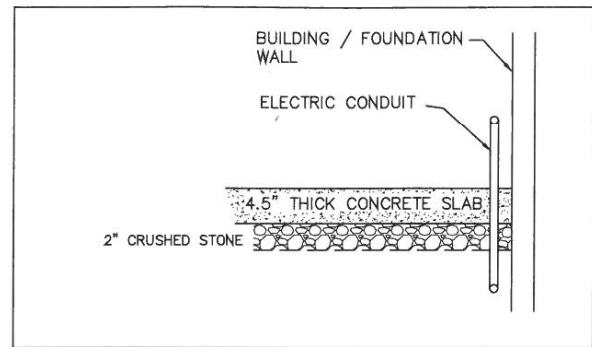
PROFESSIONAL LAND SURVEYOR N.J. LICENSE No. 43251

RESTRICTED CAP PLAN
EXHIBIT B-1B
"SHALOM TOWERS"
LOTS 44, 50 & 52 BLOCK 123
CITY OF NEWARK
ESSEX COUNTY NEW JERSEY

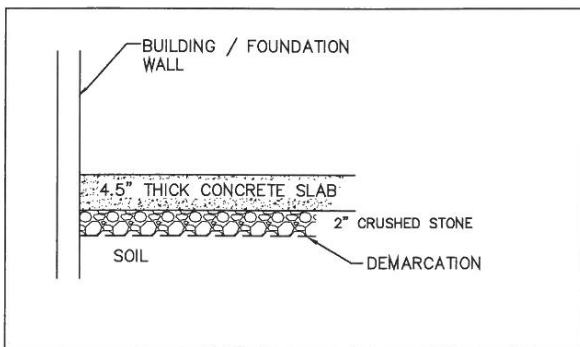
DATE	3/31/17	DRAWN	GY	CHECKED
SCALE	1"=10'	FILE No.	N-5763	DWG. No.



CONCRETE BUILDING PAD DETAIL



ELECTRICAL CONDUIT PENETRATION DETAIL



CONCRETE SIDEWALK DETAIL

CREST

Engineering Associates Inc.

Civil & Environmental Engineers
Professional Planners • Surveyors • Landscape Architects
• CERTIFICATE OF AUTHORIZATION NO. 24GA27989300 •



100 RIKE DRIVE
MILLSTONE TOWNSHIP, N.J. 08535
Ph(609)448-5550

12 ROBBINS PKWY.
AT WATER STREET
TOMS RIVER, N.J. 08753
Ph(732)244-0888



GARY P. YURO

PROFESSIONAL LAND SURVEYOR N.J. LICENSE No. 43251

CAPING DETAILS
EXHIBIT B-1B
"SHALOM TOWERS"
LOTS 44, 50 & 52 BLOCK 123
CITY OF NEWARK
ESSEX COUNTY NEW JERSEY

DATE	3/31/17	DRAWN	GY	CHECKED
SCALE	1"=10'	FILE No.	N-5763	DWG. No.

EXHIBIT B-2

Restricted Area Data Table

Exhibit B-2
Restricted Area Data Table

Sample Designation	Sample Elevation (MSL)	CAS Number	Contaminant	RDCSRS (mg/kg)	NRDCSRS (mg/kg)	Concentration (mg/kg)
AEI-S5	26.8	CASID30101	EPH	5,100	54,000	14,200
B6	24.8	CASID30101	EPH	5,100	54,000	1,020

RDCSRS Residential Direct Contact Soil Remediation Standards
NRDCSRS Non-Residential Direct Contact Soil Remediation Standards
EPH Extractable Petroleum Hydrocarbons

EXHIBIT C-I

Deed Notice as Institutional Control

Exhibit C-1: Deed Notice as Institutional Control

(A) Description and Estimated Size of the Restricted Area

The Restricted Area consists of a portion of the property known as Tax Block 123 and Tax Lots 44, 50, and 52 described in Exhibit A-2, Metes and Bounds and shown on the City of Newark Tax Map, Sheet 87, January 1, 2010. The Restricted Area is 195.2 square feet and is the portion of the property as shown on Exhibit B-1A. The Restricted Area consists of extractable petroleum hydrocarbons (EPH) that is buried below ground and covered with a protective cap made of concrete. The engineering control is discussed on Exhibit C-2. The engineering control varies from the regulatory requirements, however, the NJDEP has determined that the remedy is effective and approved, in writing, the specifications for the engineering control.

(B) Description of the Restrictions on the Property by Operation of this Deed Notice

This Deed Notice indicates that the Restricted Area may be used for any purpose provided that use does not compromise the integrity of the engineering control and that the engineering control remains protective of public health and safety and of the environment. Residents of the Property cannot disturb the engineering control without following the proper procedure for notification and approval. Further, the need for NJDEP approval must be determined prior to implementing any proposed change in use.

Any activity within the Restricted Area that will result in disturbance of the engineering control (Restrictive Cap) will require written approval from the New Jersey Department of Environmental Protection in accordance with Section 7A of this Deed Notice.

(C) The Objective of the Restrictions

The objective of the institutional control is to give record notice that soil with concentrations above regulatory levels are present on the Property due to the material which is contained within the Restricted Area. The purpose of the restrictions on the Property by operation of the Deed Notice is to ensure that the remedial action remains protective of the public health and safety and of the environment.

EXHIBIT C-I

Restrictive Cap

Exhibit C-2: Restrictive Cap

(A) Description of the Engineering Control

The Restrictive Cap consists of certified clean fill and concrete. The Restrictive Cap is divided into two areas based on land use. The areas and Restrictive Cap construction are as follows:

Existing Building Footprint*

Barrier: 12-inch thick concrete slab, concrete footing

*Visible Contamination Boundary Marker is not required for an existing building footprint.

Existing Concrete Surface - Walkway

Barrier: 4.5-inch thick concrete walkway

Buffer: Minimum 2-inch thick layer of aggregate

Demarcation: Break between the aggregate and underlying soil

(B) The Objective of the Engineering Control

The objective of the Restrictive Cap on the Property is to ensure that the remedial action remains protective of public health and safety and of the environment.

(C) How the Engineering Control is intended to Function

The Restrictive Cap functions as a physical barrier to prevent dispersion of or direct contact with the buried contaminated soil.