



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

PHILIP D. MURPHY
Governor

CATHERINE R. McCABE
Commissioner

SHEILA Y. OLIVER
Lt. Governor

Bureau of Field Operations - Northern Section
7 Ridgedale Avenue
Cedar Knolls, NJ 07927-1112
Phone #: 973-631-6401
Fax #: 973-656-4440

August 14, 2019

Enterprise Realty Associates, LLC
601 Lehigh Avenue
Union, NJ 07083

Deed Notice Compliance

Re: Lehigh Business Center / Formerly MacMillan Bloedel
601 Lehigh Avenue, Union, Union County
Block 605, Lot 15
PI# 002761

Dear Enterprise Realty Associates, LLC:

The New Jersey Department of Environmental Protection (Department) is providing notification that the above property owned by the Enterprise Realty Associates, LLC is currently out of compliance with the requirements for restricted use on the property. A Deed Notice was recorded for Block 605, Lot 15 on September 24, 1993 with the Union County Clerk. The Deed Notice (attached) restricts the use of the property and requires the maintenance of engineering controls on the property to limit contact with remaining soil contamination. A Restricted No Further Action (NFA) letter was issued on February 23, 1994 (attached).

As the property owner, you are responsible to bring this matter into compliance with the Department's regulations by filing a Biennial Certification and obtaining a Remedial Action Permit for Soils. You are required to hire a Licensed Site Remediation Professional (LSRP) to submit this information to the Department on your behalf.

A list of LSRPs can be located at: http://www.nj.gov/dep/srp/srra/lrsp/lrsp_list.htm
Forms for these items can be located at: <http://www.nj.gov/dep/srp/srra/forms/>

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Remedial Action Permit for Soils Guidance can be located at:

http://www.nj.gov/dep/srp/guidance/srra/draft_rem_action_permit_guidance_soils.pdf and
http://www.nj.gov/dep/srp/srra/training/matrix/quick_ref/rap_soil.pdf

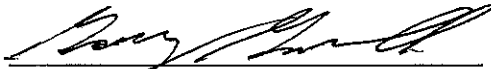
The Biennial Certification Report and the Remedial Action Permit for Soils application are due within 60 days of receipt of this letter as this matter has been outstanding for several years. The LSRP you hire will be required to inspect the engineering controls and certify that the past remedy remains protective today, in order to complete the required forms.

Please hire an LSRP within 30 days and have the LSRP submit the required forms within 60 days of receipt of this letter. If you require copies of Department Guidance Documents or applications, many of these are available on the internet at <http://www.state.nj.us/dep/srp>.

The Department has completed a Deed Notice field inspection and report for the above-mentioned property (attached). If you have any questions regarding the field inspection report contact Amy DaSilva at (973) 656-4433 or at Amy.DaSilva@dep.nj.gov.

If you have any questions regarding the Deed Notice, cap, or Remedial Action Permit, please contact the Bureau of Remedial Action Permitting at 609-984-2990.

Sincerely,



Gary Greulich, Section Chief
Northern Bureau of Field Operations

Attachments:

Deed Notice recorded September 24, 1993

Deed Notice Field Inspection Report July 25, 2019

NFA Restricted Use issued February 23, 1994

c: Union Twp Municipal Clerk
1976 Morris Avenue
Union, NJ 07083
Union Twp Health Department
1976 Morris Avenue
Union, NJ 07083
Windsor Global
c/o Joel Stern
601 Lehigh Avenue
Union, NJ 07083
Joel Stern, Windsor Global via email, JStern@WindsorGlobal.com

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Prepared by:

John J. Melicharek, Jr.
JOHN J. MELICHAREK, JR., Esq.

DECLARATION OF ENVIRONMENTAL RESTRICTIONS

This Declaration of Environmental Restrictions, made as of the 24th day of September, 1993, by MACMILLAN CONTAINERS, a division of MACMILLAN BLOEDEL OF AMERICA INC., 601 Lehigh Avenue, Union, New Jersey 07083-7625 ("Present Owner") (together with its successors and assigns, collectively "Owner").

W I T N E S S E T H:

WHEREAS, Owner is the owner in fee simple of certain real property (the "Property") designated as Lot 15, Block 605 on the tax map of the Township of Union, Union County, New Jersey, more particularly described on Exhibit A attached hereto and made a part hereof; and

WHEREAS, the New Jersey Department of Environmental Protection and Energy ("Department") has issued the cleanup plan approval on January 29, 1993 in ECRA Case #88C13 re: MacMillan Bloedel Containers concerning the Property in which the Department has approved the use of nonresidential soil standards, institutional controls and/or engineering controls in accordance with P.L. 1993 c.139 (S-1070); and

WHEREAS, this Declaration itself is not intended to create any interest in real estate in favor of the Department, nor to create a lien or encumbrance against the Property, but merely is intended to reflect the regulatory and statutory obligations imposed as a condition of using nonresidential standards; and

WHEREAS, the areas described on Exhibit B attached hereto and made a part hereof (the "Affected Areas") contain contaminants; and

WHEREAS, the type, concentration and specific location of the contaminants are described on one or more diagrams, maps and/or tables on Exhibit C attached hereto and made a part hereof; and

WHEREAS, in accordance with the remedial approval, and in consideration for the terms and conditions of the remedial approval, and other good and valuable consideration, Owner has agreed to subject the Property to certain statutory and regulatory requirements which impose restrictions upon the use of the

084024-0023

Property, and to restrict certain activities at the Property, as set forth below; and

WHEREAS, Owner intends to notify all interested parties that such regulatory and statutory restrictions shall be binding upon and enforceable against Owner and Owner's successors and assigns while such own and/or operate at the Property.

NOW, THEREFORE, Owner agrees to be subject to the regulatory and statutory requirements applicable to those who seek to remediate property to nonresidential standards and hereby notifies all interested parties, Owners and operators that the applicable regulations and statutes require of Owner and operators while owning or operating the Property as follows:

1. Restricted Uses. Owner and all operators of such portions of the Property shall only allow such portions of the Property to be used for nonresidential purposes and shall not allow any such Portions of the Property to be used for residential purposes and, specifically, shall not allow any of the following uses of the following portions of the Property:

Portion of the Property

The Affected Areas as identified in Exhibit B.

Restricted Use

The use shall be restricted pursuant to Paragraphs 2 and 3.

2. Emergencies. In the event of an emergency which presents a significant risk to human health, safety, or the environment, the application of Paragraph 1 above may be unilaterally suspended, by Owner, provided the Owner:

- (i) Immediately notifies the Department of the emergency;
- (ii) Limits both the actual disturbance and the time needed for the disturbance to the minimum reasonably necessary to adequately respond to the emergency;
- (iii) Implements all measures necessary to limit actual or potential, present or future risk of exposure to the residual contamination to humans or the environment; and
- (iv) Implements restoration of the Affected Areas to the pre-emergency conditions to the extent reasonably possible, and provides a report to the Department of such emergency efforts.

3. Alterations, Improvements, and Disturbances. Owner and operators shall not make, nor allow to be made, any

alteration, improvement, or disturbance in, to, or about the Affected Areas which creates an unacceptable risk of exposure to contamination in the Affected Areas to humans or the environment, or results in a disturbance of any engineering control designed to contain or reduce exposure to the contaminants, if any, without first obtaining the express written consent of the Department, which consent shall be given or withheld at the reasonable discretion of Department. Nothing herein shall constitute a waiver of the Owners obligations to comply with all applicable laws and regulations.

Express written consent of the Department is not required for alteration, improvement, or disturbance that meets the following:

- provides for restoration of any disturbance of an existing engineering control, if any, to pre-disturbance conditions within sixty days,
- does not allow an exposure level above those noted under Restricted Uses, provided that all applicable worker health and safety laws and regulations are followed during the alteration, improvement, or disturbance.

4. Notice to Lessees and Other Holders of Property Interests.

(a) Owner shall cause all leases, grants, and other written transfers of interest in the Affected Areas and adjacent to the Affected Areas to contain a provision expressly requiring all holders thereof to take the Property subject to the use restriction and not to violate any of the conditions of this Declaration of Environmental Restrictions.

(b) Nothing contained in this paragraph 4 shall be construed as limiting any obligation of Owner to provide any notice required by any law, regulation, or order of any governmental authority.

5. Enforcement of Violations. The restrictions provided herein are for the benefit of, and shall be enforceable against any person who knowingly violates this Declaration, solely by the Department. A violation of this Declaration of Environmental Restrictions shall not have an adverse impact on the status of the ownership of and title to the Property. To enforce violations of this Declaration of Environmental Restrictions the Department may initiate an action in Superior Court or as otherwise allowed by law against any person who is in any way responsible for a violation hereof and seek all available remedies, including without limitation, penalties and injunctive relief. Such enforcement proceedings shall not be initiated against past owners or operators who have not violated this Declaration.

6. Severability. If any court or other tribunal determines that any provision of this Declaration is invalid or unenforceable, such provision shall be deemed to have been modified automatically to conform to the requirements for validity and enforceability as determined by such court or tribunal. In the event that the provision invalidated is of such a nature that it cannot be so modified, the provision shall be deemed deleted from this instrument as though it had never been included herein. In either case, the remaining provisions of this instrument shall remain in full force and effect.

7. Successors and Assigns. This Declaration shall be binding upon Owner and upon Owner's successors and assigns, and the Department, its agents, contractors, and employees, and to any other person performing remediation under the direction of the Department.

8. Termination.

(a) This Declaration shall terminate only upon filing of an instrument, executed by the Department, in the office of the Clerk/Register of Deeds and Mortgages of Union County, New Jersey, expressly terminating this Declaration.

(b) Owner may request in writing at any time that the Department modify or terminate this Declaration of Environmental Restrictions or execute termination proceedings based on, for example, the Owner's proposal that the Property does not pose an unacceptable risk to human health or the environment. Within 90 calendar days after receiving the request the Department shall either:

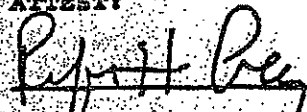
(i) execute the termination or modification Declaration; or

(ii) issue a draft notice of intent to deny.

The Department shall set forth in a draft notice of intent to deny the request its basis for its decision. The owner can respond to the draft denial by providing new or additional information or data. The Department shall review any such new or additional information and issue a final decision to execute the agreement or deny the request within 60 calendar days of the Department's receipt of the owner's response.

IN WITNESS WHEREOF, Owner has executed this instrument as of the date first written above.

ATTEST:


RUFUS H. CRAIG, Asst. Secretary

MACMILLAN BLOEDER OF AMERICA INC.

By: 
FRED V. ERNST, President

084024-0026

STATE OF Alabama }
COUNTY OF Montgomery } SS:

I certify that on September 24th, 1993, Fred V. Ernst, personally came before me, and this person acknowledged under oath, to my satisfaction that:

(c) this person is the President of MacMillan Bloedel of America Inc., the corporation named in this document;

(d) this person is the attesting witness to the signing of this document by the proper corporate office who is the [president/vice president] of the corporation;

(e) this document was signed and delivered by the corporation as its voluntary act and was duly authorized;

(f) this person knows the proper seal of the corporation which was affixed to this document; and

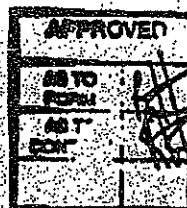
(g) this person signed this proof to attest to the truth of these facts.

ATTEST:

Rufus W. Gray
Rufus W. Gray, Assistant Secretary
Shirley L. Mann
Shirley L. Mann
Notary Public

Signed and sworn before me
on September 24th, 1993.

MY COMMISSION EXPIRES OCTOBER 31, 1994



DB4024-0027

All that certain lot, parcel or lot of land and premises situate, lying and being in the Township of Union, County of Union, New Jersey more particularly bounded and described as follows:

BEGINNING at a point of curve in the Southeastly side line of Lehigh Avenue said point of curve being distant 1717.95 feet easterly measured along said line of Lehigh Avenue from the easterly line of Galloping Hill Road and from said point of beginning running (1) North 60 degrees 45 minutes 20 seconds East and along said side line of said Lehigh Avenue a distance of 1000 feet to a point and thence (2) running in a Southeastly direction and at right angles to said side line of said Lehigh Avenue a distance of 350 feet to a point in the line of lands of Lehigh Valley Railroad Company; and thence (3) along the line of said Lehigh Valley Railroad Company South 60 degrees 45 minutes 20 seconds West and parallel with the said side line of Lehigh Avenue a distance of 1000 feet to a point and thence (4) running Northwestly and parallel with the second course hereof a distance of 350 feet to the said pint of curve and the point and place of beginning in the said side line of Lehigh Avenue.

EXCEPTING from the above described premises the parts or portions thereof conveyed by The Haskins Container Company, to Benston Realty Corporation (1) by deed dated November 24, 1947 and recorded on December 17, 1947 in said Register's Office in Book 1668 of Deeds at page 117 and (2) by deed dated February 21, 1951 and recorded on April 6, 1951 in said Register's Office in Book 1894 of Deeds at page 183, said excepted parts or portions being at the easterly side of the premises first above described and having a width of 51 feet more or less and a uniform depth of about 350 feet more or less.

DB4024-0028

EXHIBIT B

The area subject to the Declaration of Environmental Restrictions is the entire subsurface area of the Property, as to cadmium, and, Area C, as to PCBs, (see Exhibit C). The Property is described as:

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

BEGINNING at a point of curve in the Southeastly side line of Lehigh Avenue said point of curve being distant 1717.95 feet easterly measured along said line of Lehigh Avenue from the easterly line of Galloping Hill Road and from said point of beginning running (1) North 60 degrees 45 minutes 20 seconds East and along said side line of said Lehigh Avenue a distance of 1000 feet to a point and thence (2) running in a Southeastly direction and at right angles to said side line of said Lehigh Avenue a distance of 350 feet to a point in the line of lands of Lehigh Valley Railroad Company; and thence (3) along the line of said Lehigh Valley Railroad Company South 60 degrees 45 minutes 20 seconds West and parallel with the said side line of Lehigh Avenue a distance of 1000 feet to a point and thence (4) running Northwestly and parallel with the second course hereof a distance of 350 feet to the said point of curve and the point and place of beginning in the said side line of Lehigh Avenue.

EXCEPTING from the above described premises the parts or portions thereof conveyed by the Hankins Container Company, to Danston Realty Corporation (1) by deed dated November 24, 1947 and recorded on December 17, 1947 in said Register's Office in Book 1666 of Deeds at page 117 and (2) by deed dated February 21, 1952 and recorded on April 6, 1951 in said Register's Office in Book 1894 of Deeds at page 183, said excepted parts or portions being at the easterly side of the premises first above described and having a width of 51 feet more or less and a uniform depth of about 350 feet more or less.

The railroad of Area C shall serve as the only required engineering control at the property. Removal of the railroad may result in the requirement that other engineering controls or measures be put in place at Area C.

DB4024-0029

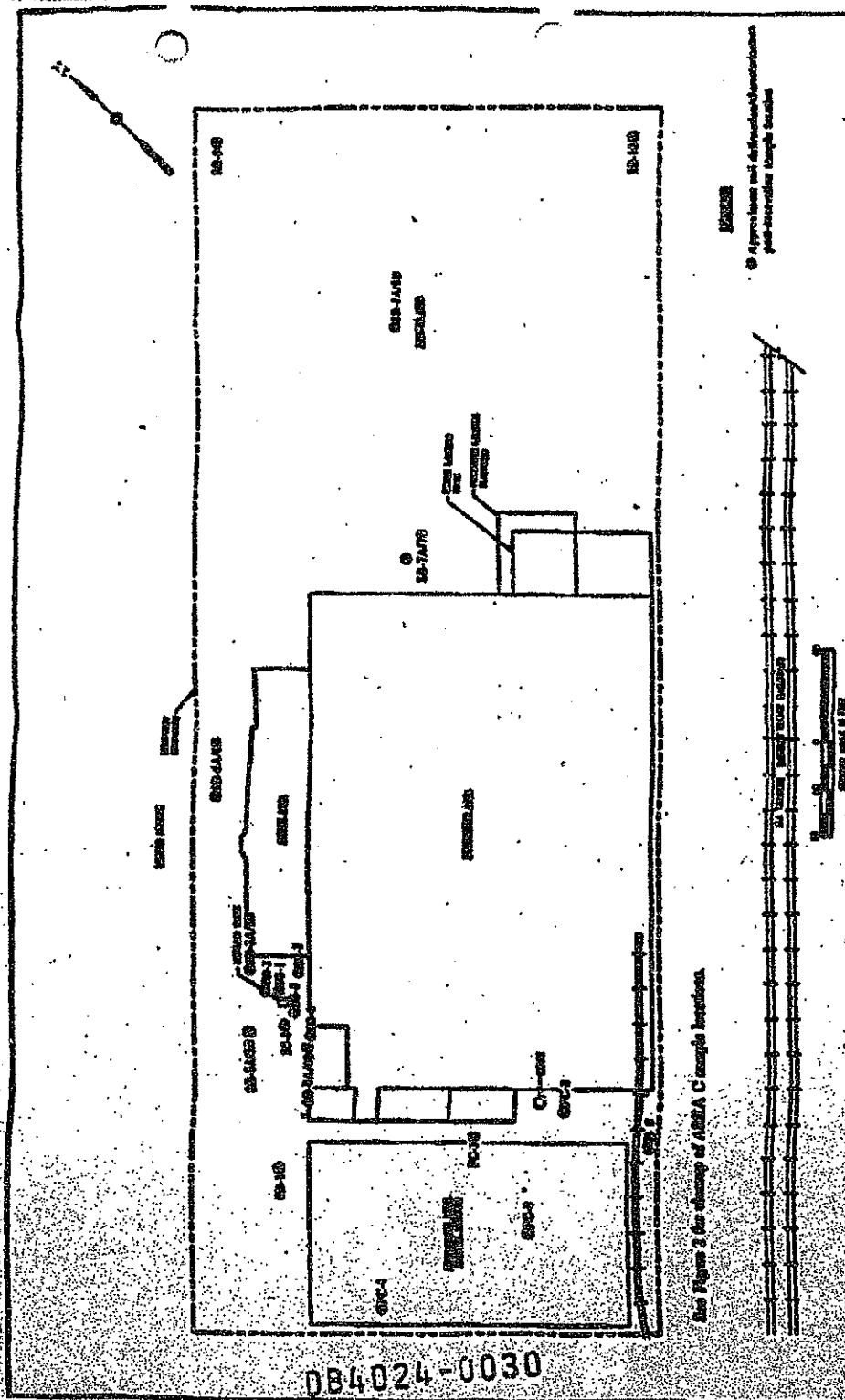


FIGURE 2 for cleanup of AREA C sample locations

10-100

Approximate soil delinquent locations
post-delinquent sample locations

 EA ENGINEERING, TECHNOLOGY, INC. 1000 N. 10TH ST. SUITE 100 DALLAS, TX 75201	MICHELLI BLADE CORPORATE, INC. 1000 N. 10TH ST. SUITE 100 DALLAS, TX 75201	FIGURE 1 SOIL DELINQUENT/POST EXCAVATION SAMPLING LOCATION MAP	DATE 8-19-93 SCALE 1"=400' PROJECT NO. 1071 0001 SHEET NO. 1071	DATE 8-19-93 SCALE 1"=400' PROJECT NO. 1071 0001 SHEET NO. 1071
	DRAWN BY NC CHECKED BY NC DATE 8-19-93	DRAWN BY NC CHECKED BY NC DATE 8-19-93	DATE 8-19-93 SCALE 1"=400' PROJECT NO. 1071 0001 SHEET NO. 1071	DATE 8-19-93 SCALE 1"=400' PROJECT NO. 1071 0001 SHEET NO. 1071

DB4024-0030

EXHIBIT C

Type, Concentration and Location of Contaminants

92A026-1031

TABLE 1 - RESULTS OF SELECTED SOIL SAMPLES

Sample Location	Units	Parameter	Depth (ft)	Results
FC-1	mg/kg	Cd	0-0.5	4.7BN
FC-2	mg/kg	Cd	0-0.5	2.5BN
FC-3	mg/kg	Cd	0-0.5	2.4BN
FC-4	mg/kg	Cd	0-0.5	2.1BN
SS-1	mg/kg	Cd	0-0.5	4.0
SS-2	mg/kg	Cd	0-0.5	4.7
SS-3	mg/kg	Cd	0-0.5	3.8
SS-4	mg/kg	Cd	0-0.5	4.6
SS-5	mg/kg	Cd	0-0.5	5.7
SB-1	mg/kg	Cd	4.0	3.5
SB-2A	mg/kg	Cd	1.0	2.3
SB-2B	mg/kg	Cd	7.0	2.3
SB-3	mg/kg	Cd	9.0	3.4
SB-4A	mg/kg	Cd	1.0	2.2
SB-4B	mg/kg	Cd	7.0	2.5
SB-5A	mg/kg	Cd	0.5	2.6
SB-5B	mg/kg	Cd	8.0	2.6
SB-6A	mg/kg	Cd	2.0	0.83
SB-6B	mg/kg	Cd	9.0	2.1
SB-7A	mg/kg	Cd	1.5	2.4
SB-7B	mg/kg	Cd	4.5	2.1
SB-8A	mg/kg	Cd	1.5	1.5
SB-8B	mg/kg	Cd	7.0	1.9
SB-9	mg/kg	Cd	1.0	2.3
SB-10	mg/kg	Cd	2.0	2.2

DB4024-0032

TABLE 1 - RESULTS OF SELECTED SOIL SAMPLES (cont'd)

Sample Location	Units	Parameter	Depth (ft)	Results
AREA C				
C-L1/C-S1 (soil)	mg/kg	PCB	0-0.5	3.786
C-L1/C-S1 (water)	ug/l	PCB	0-0.5	ND
C-11	mg/kg	PCB	2.75-3.25	ND
C-12	mg/kg	PCB	3.0-3.3	NA
C-13	mg/kg	PCB	2.75-3.0	ND
C-14	mg/kg	PCB	2.5-3.0	ND
C-15	mg/kg	PCB	2.5-3.0	ND
C-16	mg/kg	PCB	Fuel Line	ND
C-17	mg/kg	PCB	2.75-3.4	ND
C-18	mg/kg	PCB	3.5-4.25	ND
C-19	mg/kg	PCB	3.0-3.6	ND
C-20	mg/kg	PCB	2.75-3.25	ND
C-21	mg/kg	PCB	3.0-3.4	ND
C-22	mg/kg	PCB	2.2-2.75	ND
C-23	mg/kg	PCB	3.5-4.25	ND
C-24	mg/kg	PCB	2.0-2.5	0.320
C-25	mg/kg	PCB	2.0-2.5	ND
C-26	mg/kg	PCB	2.0-2.5	ND
C-27	mg/kg	PCB	2.0-2.5	0.562
C-28	mg/kg	PCB	2.0-2.5	0.607
C-29	mg/kg	PCB	2.0-2.5	5.100
C-30	mg/kg	PCB	2.0-2.5	ND
C-31	mg/kg	PCB	2.0-2.5	1.000J
C-32	mg/kg	PCB	2.0-2.5	1.018J
C-33	mg/kg	PCB	2.0-2.5	ND

DB4024-0033

TABLE 1 - RESULTS OF SELECTED SOIL SAMPLES (cont'd)

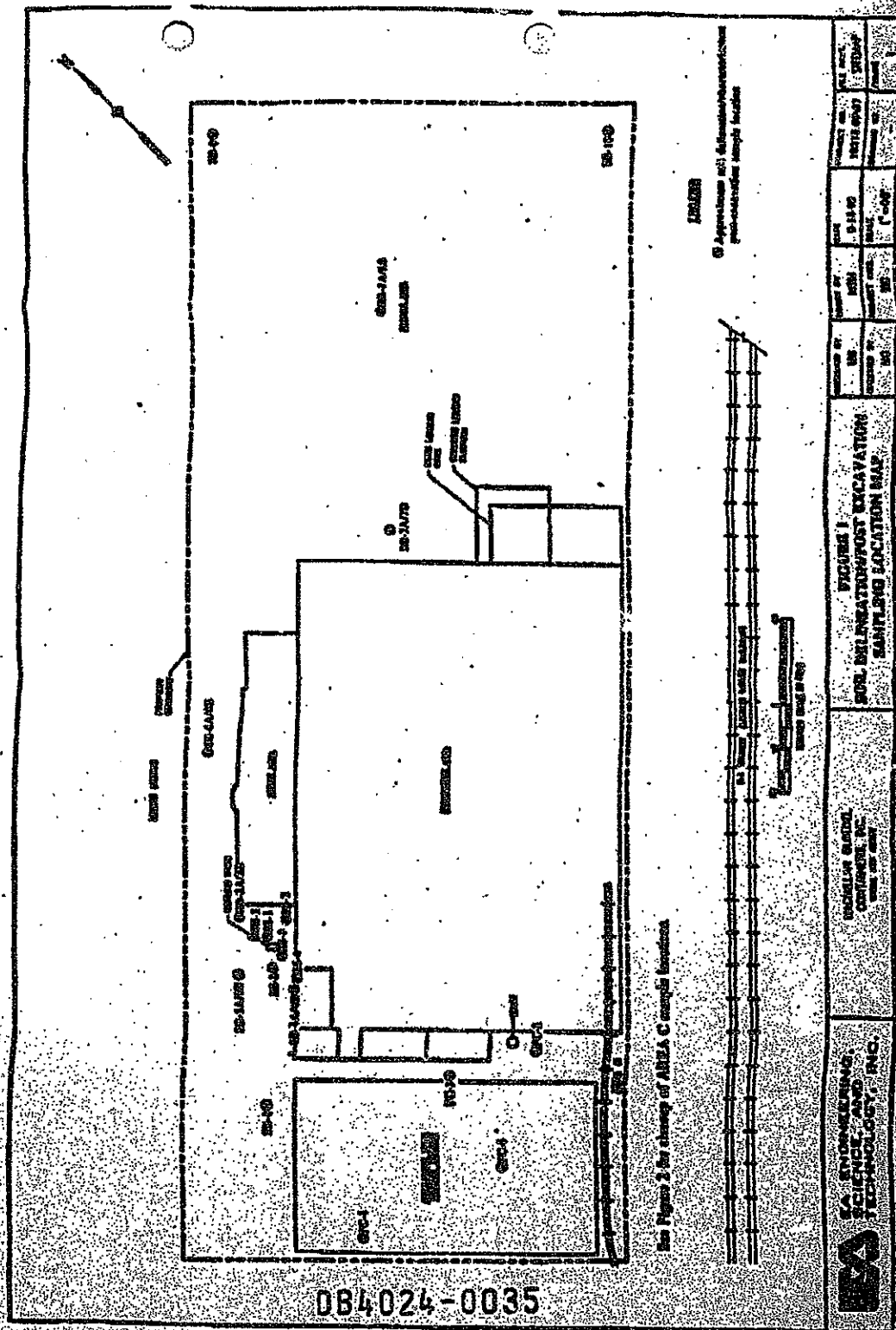
Sample Location	Units	Parameter	Depth (ft)	Results
C-34	mg/kg	PCB	2.0-2.5	ND
C-35	mg/kg	PCB	2.0-2.5	ND
C-36	mg/kg	PCB	2.0-2.5	ND
C-37	mg/kg	PCB	2.0-2.5	ND
C-38	mg/kg	PCB	2.0-2.5	ND
C-39	mg/kg	PCB	2.0-2.5	ND

Notes:

- ND = Not detected.
- B = Indicates compound was detected in the blank.
- N = Indicates spike recovery non-compliance.
- J = Indicates estimated quantity.
- NA = Compound not analyzed for.

All PCBs detected are Aroclor-1260.

084024-0034



Approximate soil & groundwater
contamination sample locations

PROJECT INFORMATION		DATE		BY		REVISION		APPROVED	
PROJECT NO.	DB4024-0035	DATE	9-18-90	BY	DB	REVISION	1	APPROVED	DB
PROJECT NAME	FOR CHEMIST OF AREA C sample locations	DATE	9-18-90	BY	DB	REVISION	1	APPROVED	DB
PROJECT LOCATION	FOR CHEMIST OF AREA C sample locations	DATE	9-18-90	BY	DB	REVISION	1	APPROVED	DB
PROJECT DESCRIPTION	FOR CHEMIST OF AREA C sample locations	DATE	9-18-90	BY	DB	REVISION	1	APPROVED	DB

FOR CHEMIST OF AREA C sample locations

FOR CHEMIST OF AREA C sample locations

FOR CHEMIST OF AREA C sample locations

Ref: Harold Weisman
4 Becker Lane Rd.
Roseland, N.J. 07068-2788

43,000 pd

47743

DB4024-0037

END OF DOCUMENT

Field Inspection Report

PI#: 002761

Site Name: Lehigh Business Center / Formerly MacMillan Bloedel

Address: 601 Lehigh Avenue, Union, Union County

Block: 605 Lot: 15

Date of Inspection: 7/25/19

Inspector's Name: Amy DaSilva

Did you have contact with any person(s) during your inspection? ☒-YES ☐-NO

Contact Person(s): Joel Stern, Windsor Global, Property Manager

1.) Deed Notice Inspection:

A. Engineering Control Type (please check all that apply): ☒-Cap ☒-Asphalt ☒-Concrete ☐-Fence
☒-Landscaping ☐-Soil ☐-Other (please explain) _____

B. Current Property Use (please check all that apply): ☒-Commercial ☐-Industrial ☐-Residential ☐-Mixed
Use ☐-School ☐-Child Care ☐-Park ☐-Recreational Area ☐-Other (please explain) _____

2.) Inspector performed inspection by: (please check all that apply): ☐-Viewing site from public property.
☒-Went on site to conduct inspection.

3.) Site security (please check all that apply). Site access: ☐-Security Guard ☐-Locked Fence ☒-Secure Structure
☐-Camera surveillance
Site Security: ☐-Site has no security that was observed during the inspection.
☒-Public has access to the site.
☐-Site appears to be abandoned.

4.) Result of the inspection, the engineering control is (please check all that apply):
☒-Maintained ☐-Not Maintained ☐-Contamination is exposed.

5.) Were any modifications made to the engineering control? ☐-YES ☒-NO. If yes, please explain _____

6.) Were any photos taken during the inspection? ☒-YES ☐-NO

Field Inspector's inspection findings.

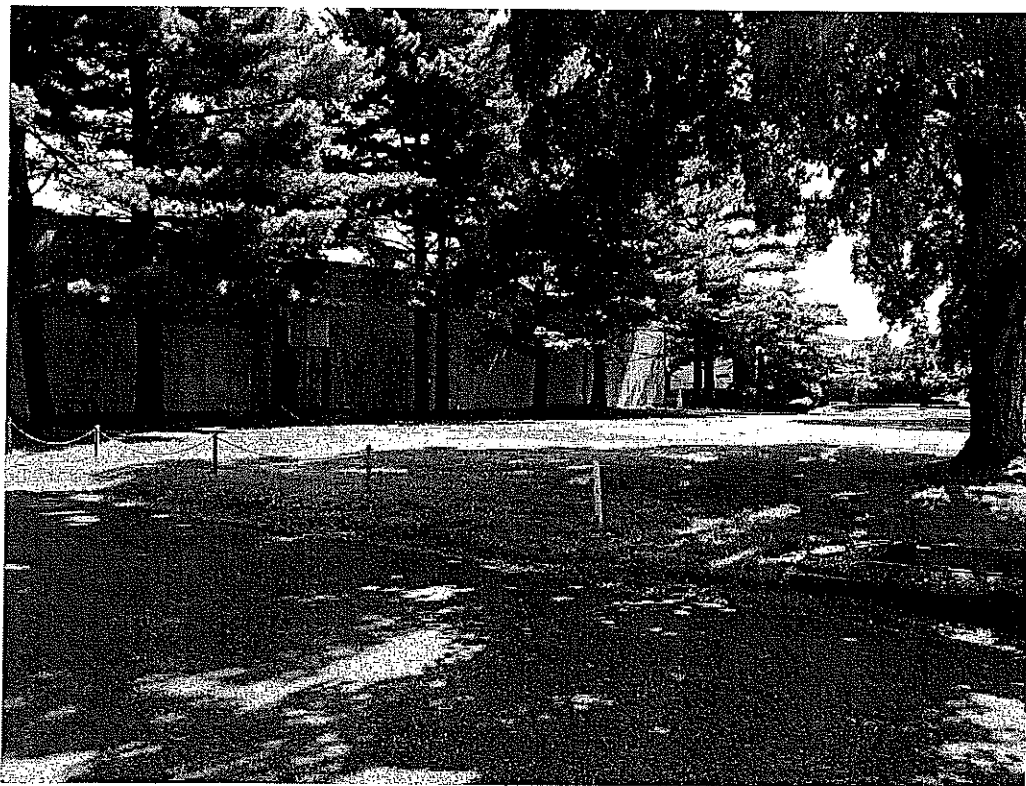
Formerly known as MacMillan Bloedel, this property is used for commercial purposes and is known as Lehigh Business Center. This is a multi-tenant building; Kym & Alexxa Logistics, Inc. and Windsor Global are tenants.

The mapped deed notice area in NJ GeoWeb is a small area behind the building near the train tracks with soils that exceeded the soil standards for PCBs. However, according to the Deed Notice, the entire property contains the environmental restriction since the soils exceeded the soil standards for cadmium. DEP asked that the NJ GeoWeb be updated to also include the entire Block 605 Lot 15.

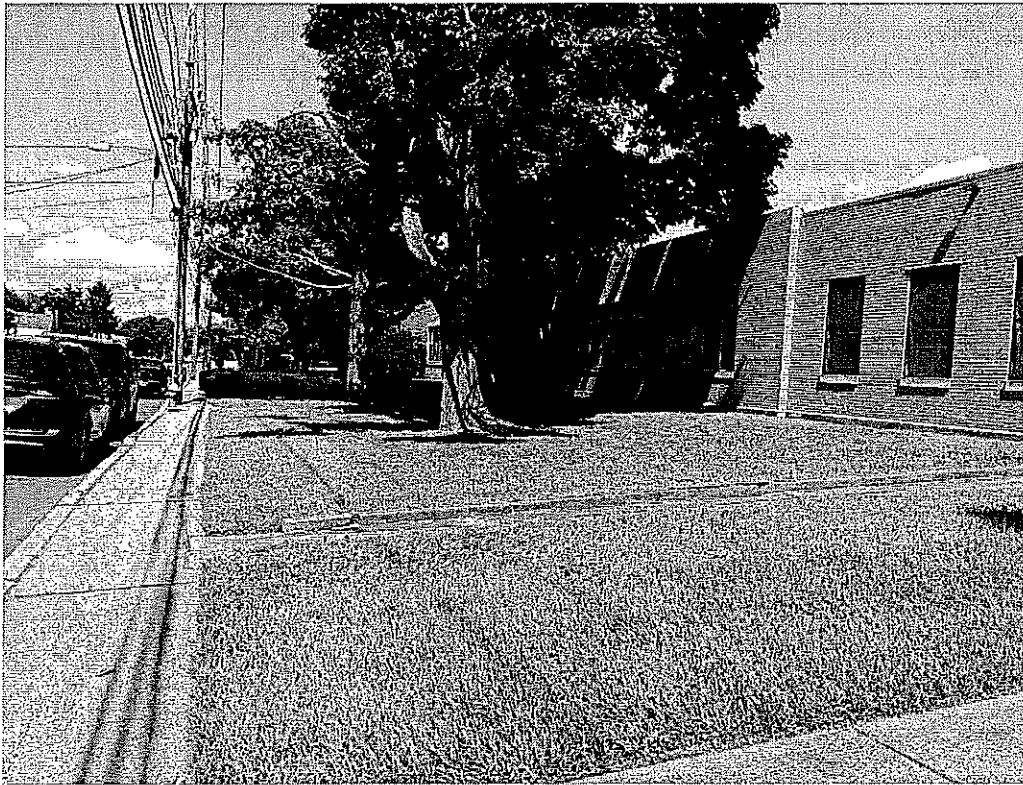
The Deed Notice does not describe any engineering control descriptions; it only described that the property would remain non-residential use. It is important to note that across Lehigh Avenue is all residential properties. According to the tables in the Deed Notice the highest level of cadmium was 5.7 mg/kg which does not exceed the current SRS for cadmium which is 78 ppm, but an LSRP has evaluate the protectiveness and ensure that soil samples did not exceed the current standards. While the front of the property and northern parking area are accessible to the public, the south-east side of the property with the PCB exceedance is not accessible to the public because it is fenced off. The front of the property is landscaped with mostly lawn area. The lawn was in good condition unlike at the time of the 2014 inspection. The northern asphalt parking area exhibits some areas where gravel or dirt are exposed; however, the Deed Notice did not specify engineering controls.

The property and building appear maintained. The Restricted Use NFA dated February 23, 1994 and the Deed Notice recorded on September 24, 1993 are posted in the *Attachment List*.

A LSRP and a RAP for Soils is required. Biennial Certifications are overdue.



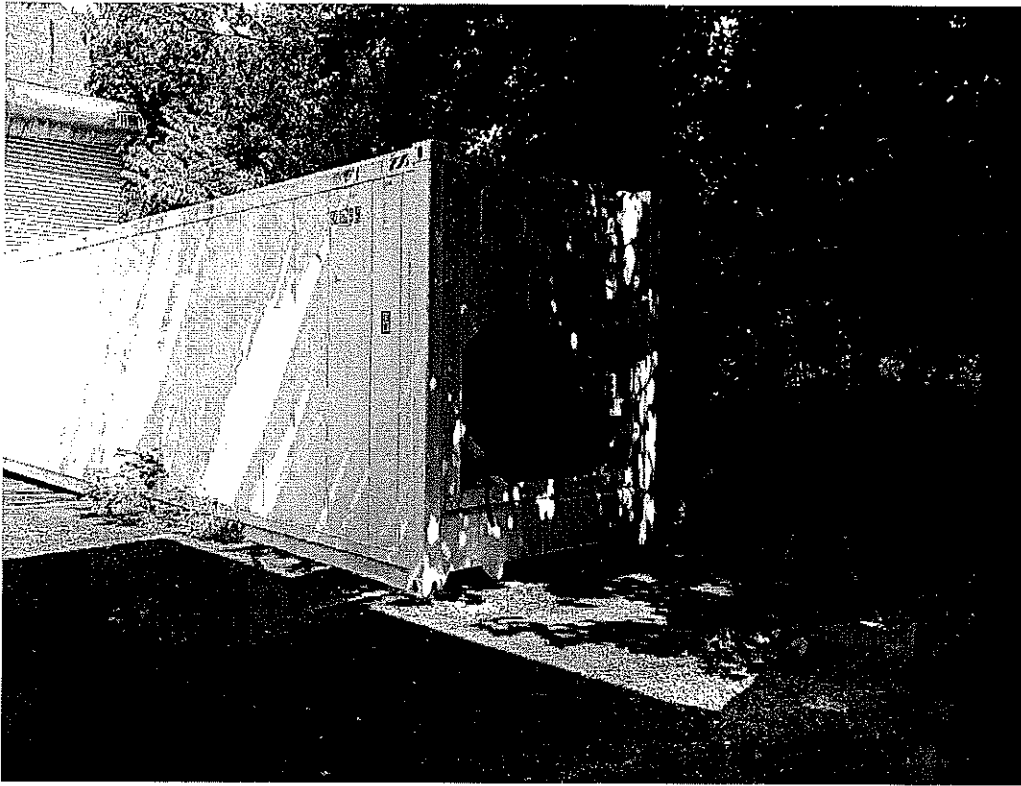
From north-west driveway looking south.



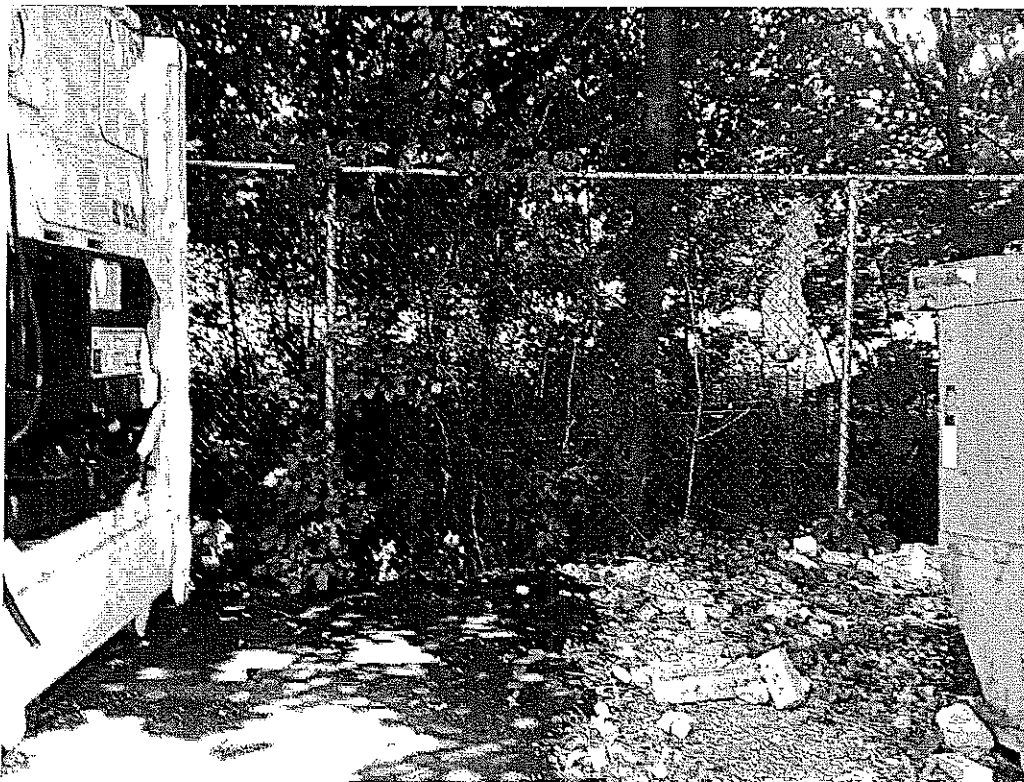
From north-west driveway looking north-east (along Lehigh Avenue).



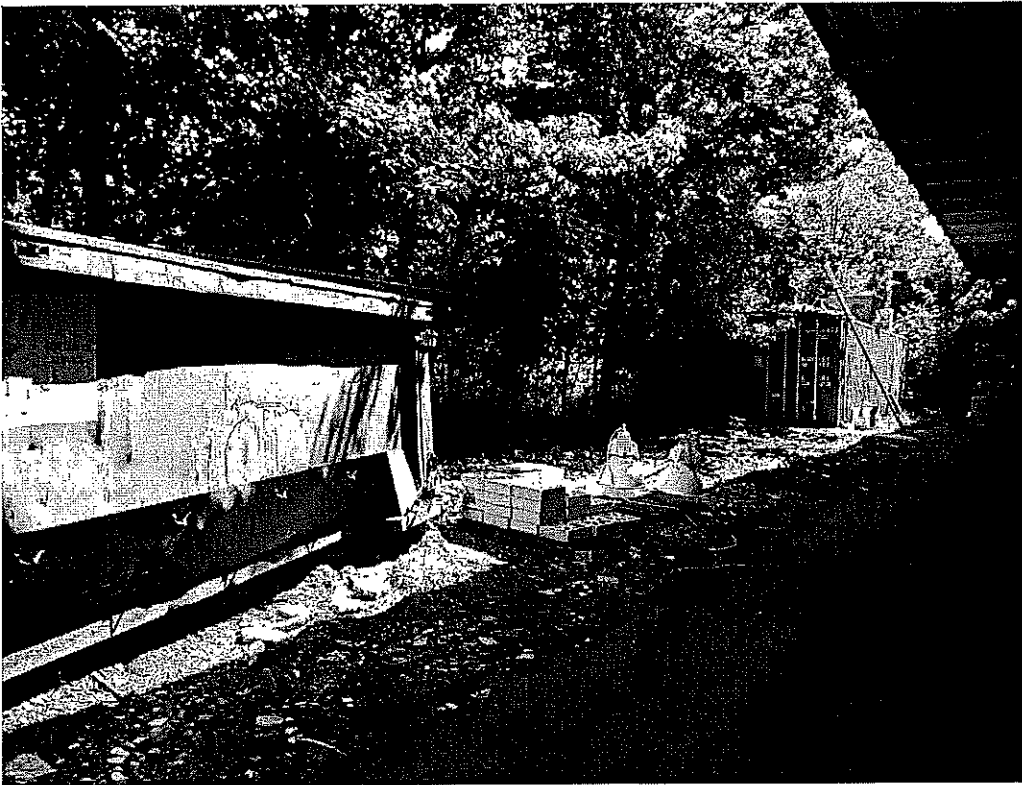
From north-west driveway looking south-east towards the back of the property.



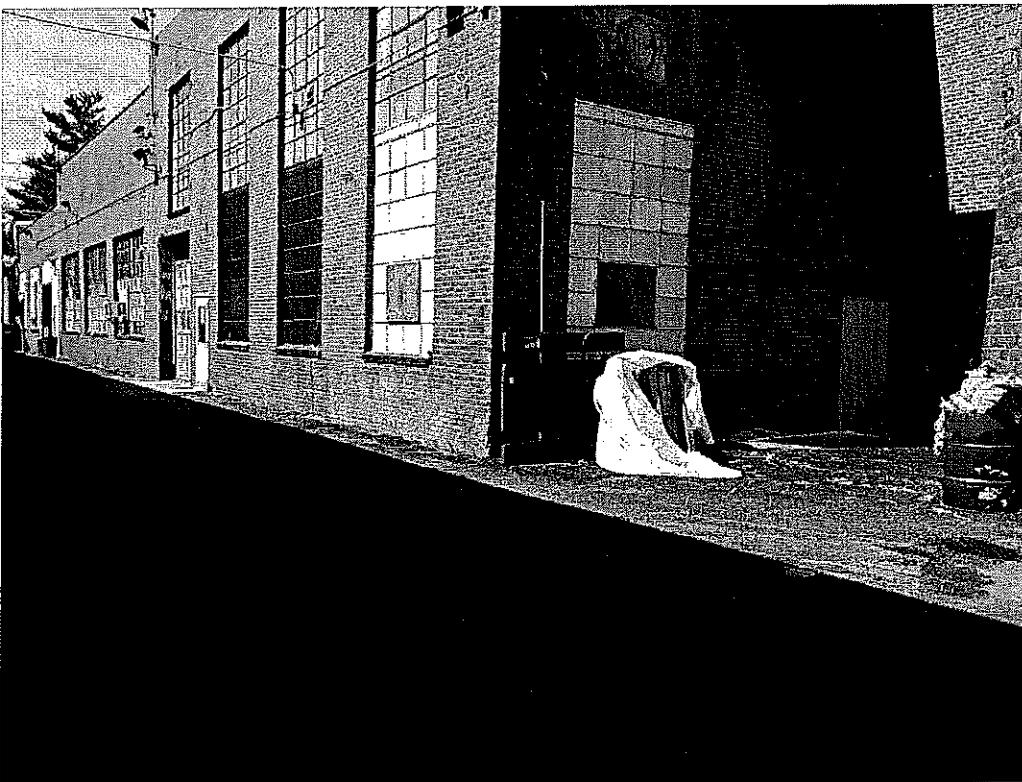
Rear of north-west driveway, beyond fence is train tracks.



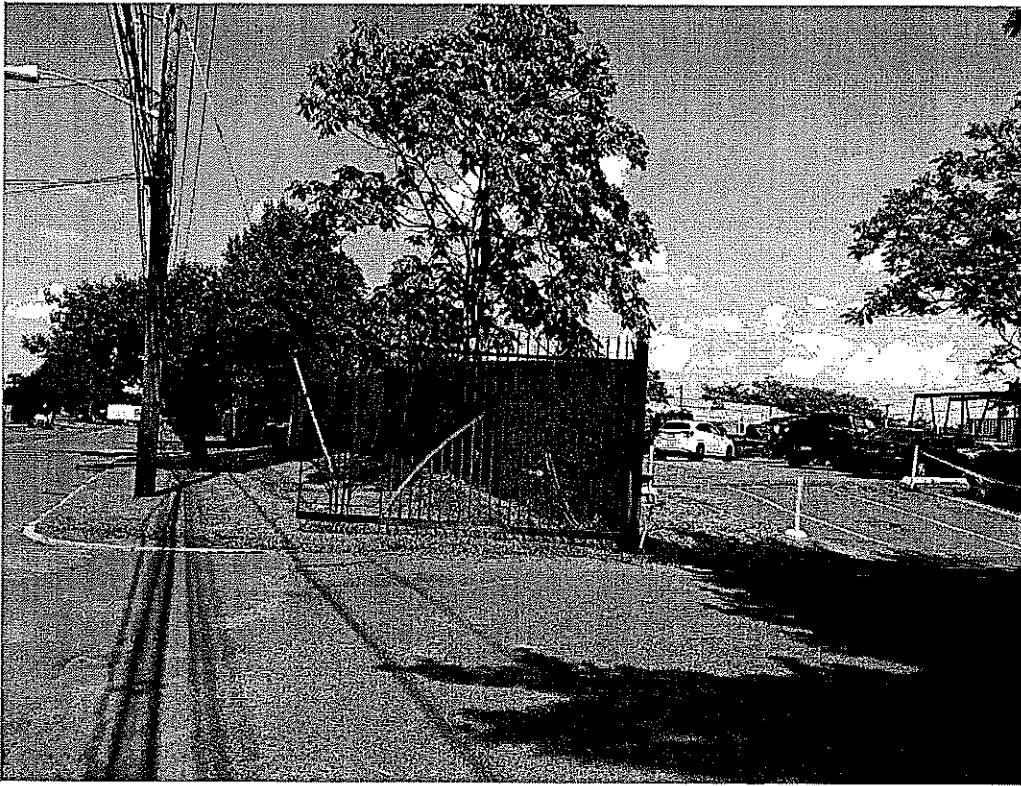
Rear of north-west driveway.



Rear of north-west driveway.



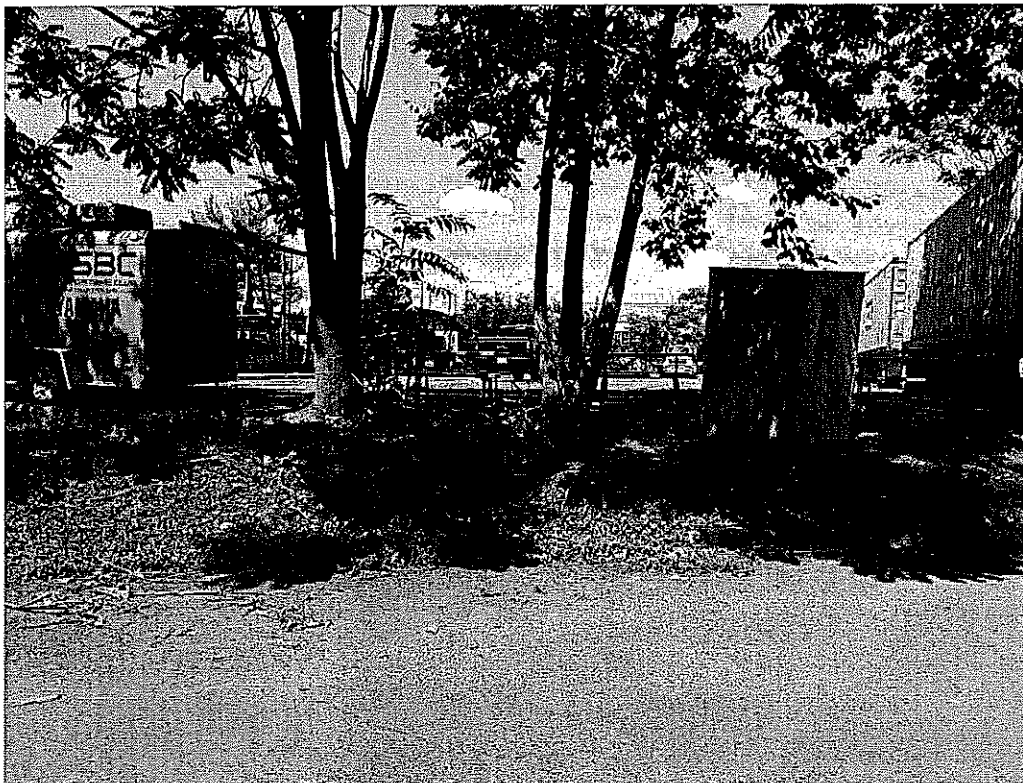
From rear of north-west driveway looking north.



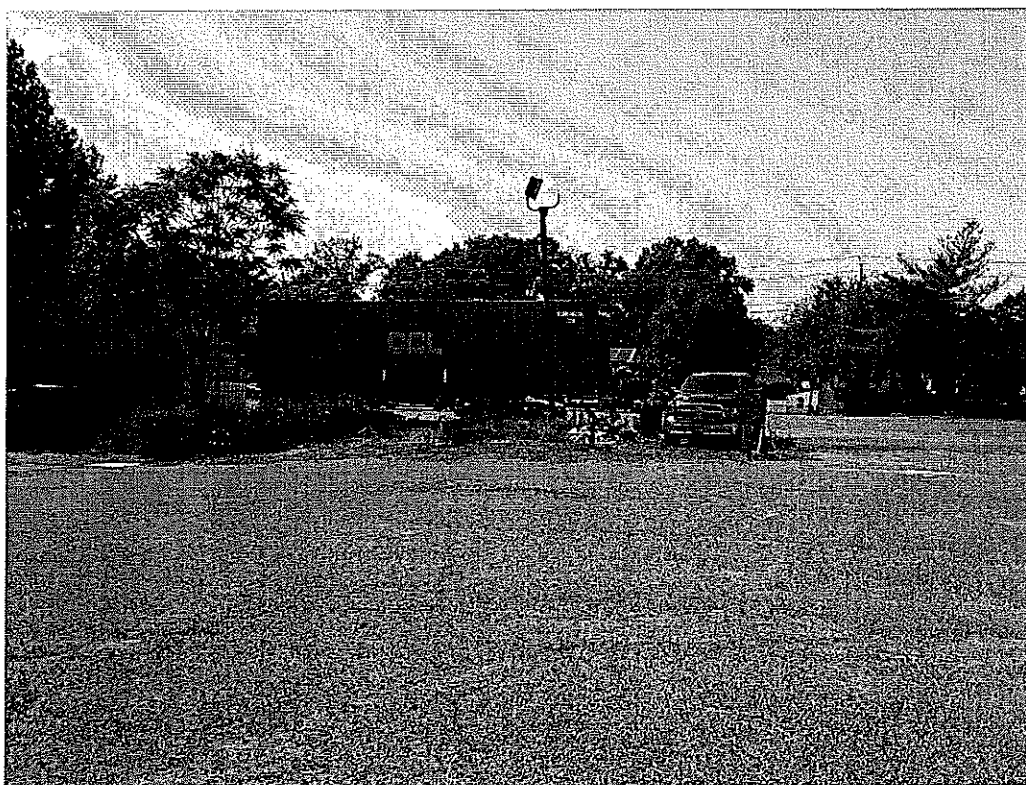
Middle driveway looking north-east along Lehigh Avenue.



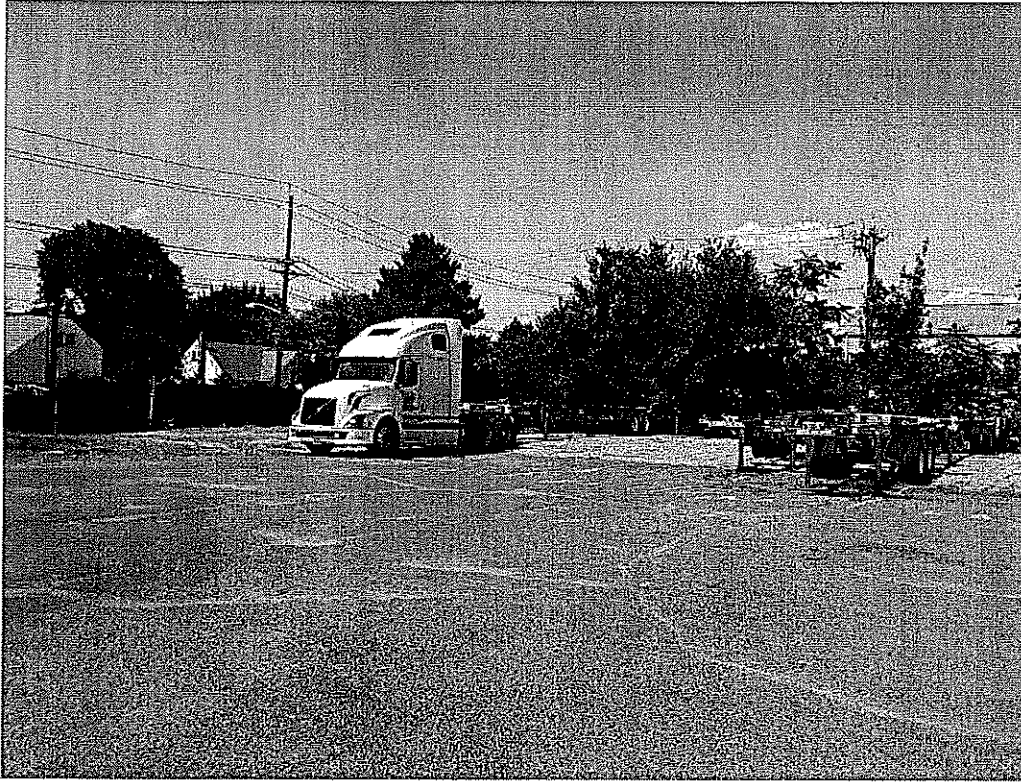
North parking area, looking north-east.



North parking area, looking north-east.



North parking area, looking west.



North parking area, looking north.



State of New Jersey

Department of Environmental Protection

Robert C. Shinn, Jr.
Commissioner

Bureau of Field Operations P.O. Box 435
401 East State Street
Trenton, N.J. 08625-0435

FEB 23 1994

Nicola DeGirolamo
NJS Carpentry, Inc.
601 Lehigh Avenue
Union, NJ 07083-7625

Re: Entire Site, Restricted Use, No Further Action Letter and Covenant Not to Sue
Industrial Establishment: NJS Carpentry, Inc.
601 Lehigh Avenue Union, Union County
Block 605 Lot 15
ISRA Case #98048
ISRA Transaction: Sale of Property/Sale of Business
Expedited Review Affidavit dated: January 20, 1998

Dear Mr. DeGirolamo:

Pursuant to N.J.S.A. 58:10B-13.1 and N.J.A.C. 7:26C, the New Jersey Department of Environmental Protection (Department) makes a determination that no further action is necessary for the remediation of the industrial establishment as specifically referenced above, except as noted below, so long as NJS Carpentry, Inc. did not withhold any information from the Department. This action is based upon information in the Department's case file and NJS Carpentry, Inc.'s final certified affidavit dated January 20, 1998. In issuing this No Further Action Determination and Covenant Not to Sue, the Department has relied upon the certified representations and information provided to the Department.

By issuance of this No Further Action Determination, the Department acknowledges the certification by NJS Carpentry, Inc. that a Preliminary Assessment and as applicable a Site Investigation pursuant to the Technical Requirements for Site Remediation (N.J.A.C. 7:26E) for the industrial establishment.

NO FURTHER ACTION CONDITIONS

As a condition of this No Further Action Determination NJS Carpentry, Inc. as well as each subsequent owner, lessee and operator (collectively Successors) shall comply with each of the following:

Name and Address Changes

Pursuant to N.J.S.A. 58:10B-12, NJS Carpentry, Inc. and the Successors shall inform the Department in writing whenever its name or address changes, within 14 calendar days after the change.

Deed Notice

Pursuant to N.J.S.A. 58:10B-13a, NJS Carpentry, Inc. and the Successors shall ensure that the Deed Notice filed on September 24, 1993 with Union County Recording Office is complied with including maintenance of applicable engineering controls. The deed notice can be found at the Union County Clerk Office in recording book 4024, page 23.

Pursuant to N.J.S.A. 58:10B-13b, an owner of a property on which a Deed Notice has been recorded shall notify any

person who intends to excavate on the site of the nature and location of any contamination existing on the site and of any conditions or measures necessary to prevent exposure to contaminants.

Classification Exception Area

Pursuant to N.J.A.C. 7:9-6, NJS Carpentry, Inc. and the Successors shall comply with the provisions of Classification Exception Area as previously established for the referenced industrial establishment.

COVENANT NOT TO SUE

The Department issues this Covenant Not to Sue pursuant to N.J.S.A. 58:10B-13.1. That statute requires a covenant not to sue with each no further action letter. However, in accordance with N.J.S.A. 58:10B-13.1, nothing in this Covenant shall benefit any person who is liable, pursuant to the Spill Compensation and Control Act (Spill Act), N.J.S.A. 58:10-23.11, for cleanup and removal costs and the Department makes no representation by the issuance of this Covenant, either express or implied, as to the Spill Act liability of any person.

The Department covenants, except as provided in the preceding paragraph, that it will not bring any civil action against the following:

- (a) the person who undertook the remediation;
- (b) subsequent owners of the subject property;
- (c) subsequent lessees of the subject property; and
- (d) subsequent operators at the subject property,

for the purposes of requiring remediation to address contamination which existed prior to the date of the affidavit for the real property at the industrial establishment identified above, or payment of cleanup and removal costs for such additional remediation.

The person who undertook the remedial action, and each subsequent owner, lessee and operator, during that person's ownership, tenancy or operation, shall maintain those controls and conduct periodic compliance monitoring in the manner the Department requires.

Any person who may benefit from this Covenant is barred from making a claim against the Spill Compensation Fund, N.J.S.A. 58:10-23.11i, and the Sanitary Landfill Facility Contingency Fund, N.J.S.A. 13:1E-105, for any costs or damages relating to the remediation covered by this Covenant. All other claims against these funds will be controlled by the corresponding statutes and their implementing regulations.

Pursuant to N.J.S.A. 58:10B-13.1d, this Covenant does not relieve any person from the obligation to comply in the future with laws and regulations. The Department reserves its right to take all appropriate enforcement for any failure to do so.

The Department may revoke this Covenant at any time after providing notice upon its determination that either:

- (a) any person with the legal obligation to comply with any condition in this No Further Action Letter has failed to do so; or
- (b) any person with the legal obligation to maintain or monitor any engineering or institutional control has failed to do so.

This Covenant Not to Sue, which the Department has executed in duplicate, shall take effect immediately once the person who undertook the remediation has signed and dated the Covenant Not to Sue in the lines supplied below and the Department has received one copy of this document with original signatures of the Department and the person who undertook the remediation.

Name: _____

Signature: _____

Title: _____

Dated: _____

NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Name: Vincent S. Krisak

Signature: V. S. Krisak

Title: Section Chief

Dated: 2-20-98

Thank you for your attention to these matters. If you have any questions, please contact Sheila Migliarino, Case Manager at (609) 292-2461.

Sincerely,

V. S. Krisak
Vincent S. Krisak, Section Chief
Bureau of Field Operations

c: Union Township Board of Health
Ann Marie Rizzuto, Esq.
Frank C. Natitus, Clayton Environmental Consultants
Sheila Migliarino, BFO Case Manager

