



State of New Jersey

PHIL MURPHY
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Contaminated Site Remediation & Redevelopment

SHAWN M. LATOURETTE
Commissioner

TAHESHA L. WAY
Lt. Governor

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 3, 2024

Yisroel Eckstein
Authorized Representative
ENTERPRISE REALTY ASSOC
601 Lehigh Avenue
Union, NJ 07083

Jeremy Stenberg
Member
601 LEHIGH AVENUE LLC
800 South Pointe Drive, 701
Miami, FL 33139

RE: **Soil Remedial Action Permit**
Site: Lehigh Business Center
A/K/A: Macmillan Bloedel Container Co
Address: 601 Lehigh Ave
City: Union Twp
County: Union
SRP Program Interest #: 002761
Soil Remedial Action Permit #: RAP220001

Dear Mr. Eckstein and Mr. Stenberg:

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 10, 2024. 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 a Licensed 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 licensed site remediation professional (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.

The Department, the Commissioner of the Department, and the Administrator of the Spill Compensation Fund reserve all authority and rights against all persons named as a permittee with respect to liability for all costs and damages, including but not limited to damages for injury to, destruction of, or loss of natural resources (including the costs to conduct primary restoration to pre-discharge conditions and compensatory restoration damages) and for the costs of any natural resource damage assessments. The Department and the Commissioner of the Department further reserve their authorities and rights to seek all available relief, including equitable relief and the right to require any person responsible for the contamination at or migrating from the site to address natural resource injuries. Any approvals provided herein are without prejudice to the above-referenced authorities and rights.

Annual Fees

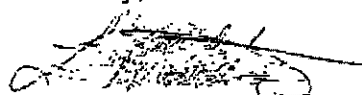
Please be aware that there are annual fees associated with this permit in accordance with N.J.A.C. 7:26C-4.6. These annual permit fees will be handled by invoicing the fee billing contact we have on record:

Jeremy Stenberg
Member
601 Lehigh Ave LLC
800 South Pointe Drive, 701
Miami, FL 33139
Phone: (917) 621-6071
Email: jeremy@bay-st.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 Crystal Pirozek with the Bureau of Remedial Action Permitting at Crystal.Pirozek@dep.nj.gov.

Sincerely,



Lynne Mitchell, Assistant Director
Remediation Review Element

Enclosure

cc: Municipal Clerk (via email)
Union Township Department of Health (via email)
Union County Clerk (via email)
Union County Office of Health Management (via email)
Mark Fisher, LSRP (via email)

New Jersey Department of Environmental Protection



Bureau of Remedial Action Permitting
401 East State Street
P.O. Box 420
Mail Code 401-05S
Trenton, NJ 08625-0420
Phone: (609) 984-2990

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: Lehigh Business Center
A/K/A: Macmillan Bloedel Container Co

Facility Address:

601 Lehigh Ave
Union Twp, NJ 07083
Union County

SRP PI #: 002761

Permit #: RAP220001

Issuance Date: 05/03/2024

Effective Date: 05/10/2024

Person Responsible for Conducting the Remediation - Co-Permittee:

Yisroel Eckstein
Authorized Representative
ENTERPRISE REALTY ASSOC
601 Lehigh Avenue
Union, NJ 07083
Phone: (973) 344-5700
Email: yisroel@windsorglobal.com

Property Owner - Co-Permittee:

Jeremy Stenberg
Member
601 LEHIGH AVENUE LLC
800 South Pointe Drive, 701
Miami, FL 33139
Phone: (917) 621-6071
Email: jeremy@bay-st.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 Licensed Site Remediation Professional (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 Attachment A of the Soil Remedial Action Permit. [N.J.A.C. 7:26C- 7.8(a)]
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. Small Business

a. The person responsible for the remediation and the property owner certified that the permittees are owners or operators of a small business who is responsible for performing a remediation at his or her business property and therefore exempted from establishing financial assurance pursuant to N.J.S.A. 58:10C19.c(2). [N.J.A.C. 7:26C- 7.10(c)6]

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 Action 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: 05/10/2024	
Submission Requirement	Due Date
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/10/2026
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/10/2028
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/10/2030
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/10/2032
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/10/2034
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/10/2036
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/10/2038
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/10/2040
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/10/2042
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/10/2044
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/10/2046
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/10/2048
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/10/2050
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/10/2052
Submit a Remedial Action Protectiveness/Biennial Certification Form	05/10/2054

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.

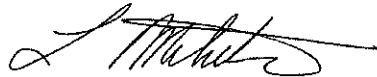
The Department, the Commissioner of the Department, and the Administrator of the Spill Compensation Fund reserve all authority and rights against all persons named as a permittee with respect to liability for all costs and damages, including but not limited to damages for in-

SRP PI #: 002761 Soil Remedial Action Permit #: RAP220001

jury to, destruction of, or loss of natural resources (including the costs to conduct primary restoration to pre-discharge conditions and compensatory restoration damages) and for the costs of any natural resource damage assessments. The Department and the Commissioner of the Department further reserve their authorities and rights to seek all available relief, including equitable relief and the right to require any person responsible for the contamination at or migrating from the site to address natural resource injuries. Any approvals provided herein are without prejudice to the above-referenced authorities and rights.

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,

A handwritten signature in black ink, appearing to read 'L. Mitchell', with a stylized flourish extending to the right.

Lynne Mitchell, Assistant Director
Remediation Review Element

IV. Attachments:

- A. Monitoring and Maintenance Plan
- B. Deed Notice

Attachment A
Monitoring and Maintenance Plan for
Soil Remedial Action Permit

Case Information:

Preferred ID:	002761
RAP Number:	RAP220001
Case Name:	Macmillan Bloedel Container Co
Address:	601 Lehigh Ave
City:	Union Twp
County:	Union County

Monitoring and Maintenance Schedule:

Deed Notice Area	Institutional /Engineering Control	Inspection Schedule
Area C	Asphalt Cap	Biennially
Area C	Concrete Cap	Biennially
Area C	Impermeable Cover	Biennially

Attachment B
Deed Notice