



Joanne Rajoppi,
Union County Clerk
Union County, New Jersey
Recording Data Cover Page
Pursuant to N.J.S.A. 46:26A-5



Official Use Only - Recording Label

Received & Recorded Deed-1
Union County, NJ Inst# **19184** Pgs-23
6/16/2022 14:24
Joanne Rajoppi Consider. .00
County Clerk RT Fee .00
Operator
POTES



DATE OF DOCUMENT May 9, 2022	TYPE OF DOCUMENT DEED NOTICE
FIRST PARTY NAME 601 Lehigh Ave, LLC	SECOND PARTY NAME NJ Department of Environmental Protection- Program JK
ADDITIONAL FIRST PARTIES	ADDITIONAL SECOND PARTIES

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY	
BLOCK 605	LOT 15
MUNICIPALITY Union	CONSIDERATION
MAILING ADDRESS OF GRANTEE 345 Wall Street, Research Park, Princeton, NJ 08540	

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOKING & PAGING INFORMATION FOR ASSIGNMENTS, RELEASES, DISCHARGES & OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY	
ORIGINAL BOOK	ORIGINAL PAGE

UNION COUNTY, NEW JERSEY RECORDING DATA PAGE This cover page is for use in Union County, New Jersey only. Please do not detach this page from the original document as it contains important recording information and is part of the permanent record. Forms available at clerk.ucnj.org
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DB6468-0501

Instrument Number

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: Mark D. Fisher
[Signature]

Mark D. Fisher, LSRP (Lic #586626) – The ELM Group, Inc.

Recorded by: _____
[Signature, Officer of County Recording Office]

[Print name below signature]

DEED NOTICE

This Deed Notice is made as of the 9th day of May, 2022, by 601 Lehigh Ave, LLC (together with his/her/its/their successors and assigns, collectively "Owner").

1. THE PROPERTY. 601 Lehigh Ave, LLC, 601 Lehigh Avenue, Township of Union, Union County, New Jersey is the owner in fee simple of certain real property designated as Block 605, Lot 15, on the tax map of the Township of Union, Union County; the New Jersey Department of Environmental Protection Program Interest Number (Preferred ID) for the contaminated site which includes this property is 002761; and the property is more particularly described in Exhibit A, which is attached hereto and made a part hereof (the "Property").

2. REMEDIATION.

i. Mark D. Fisher, CHMM, LSRP License No. 586626 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. MacMillan Containers, a division of MacMillan Bloedel of America, Inc. has remediated contaminated soil at the Property, such that soil contamination remains at certain areas of the Property that contains contaminants in concentrations that do not allow for the unrestricted use of the Property. Such soil contamination is described, including the type, concentration and specific location of such contamination, and the existing engineering controls on the site are described, 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 controls 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, lessors, lessees and operators of the Property 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.

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, lessors, 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 30 calendar days after the effective date of any conveyance, grant, gift, or other transfer, in whole or in part, of the Owner's or subsequent 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, lessors, lessees and operators while each is an owner, lessor, lessee, or operator of the Property.

7A. ALTERATIONS, IMPROVEMENTS, AND DISTURBANCES.

i. The Owner and all subsequent owners, lessors, 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 retaining a licensed site remediation professional. 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. A soil remedial action permit modification is required for any permanent alteration, improvement, or disturbance and the owner, lessor, lessee or operator shall submit the following within 30 days after the occurrence of the permanent alteration, improvement, or disturbance:

(A) A Remedial Action Workplan or Linear Construction Project notification and Final Report Form, whichever is applicable;

(B) A Remedial Action Report and Termination of Deed Notice Form; and

(C) A revised recorded Deed Notice with revised Exhibits, and Remedial Action Permit Modification or Remedial Action Permit Termination form and Remedial Action Report.

iv. No owner, lessor, lessee or operator shall be required to obtain a Remedial Action Permit Modification for any temporary alteration, improvement, or disturbance, provided that the site is restored to the condition described in the Exhibits to this Deed Notice, and the owner, lessee, or operator complies with the following:

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

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

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

(D) Describes, in the next biennial certification the nature of the temporary alteration, improvement, or disturbance, the dates and duration of the temporary alteration, improvement, or disturbance, the name of key individuals and their affiliations conducting the temporary alteration, improvement, or disturbance, 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 an 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

vii. Submits to the Department of Environmental Protection within 60 calendar days after completion of the restoration of the engineering control, a report including: (a) the nature and likely cause of the emergency; (b) the measures that have been taken to mitigate the effects of the emergency on human health and the environment; (c) the measures completed or

implemented to restore the engineering control; and (d) any 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 recording a Department-approved Termination of Deed Notice, available at N.J.A.C. 7:26C Appendix C, with the Office of the County Clerk of Union County, New Jersey, expressly terminating this Deed Notice.

ii. Within 30 calendar days after recording a Department-approved Termination of Deed Notice, the owner of the property should 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, lessors, 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, lessors, 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, lessors, 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 well 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 all upland sediment sample locations within the restricted areas that exceed any soil 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 (square footage) 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: Site-wide Cap (Concrete Building Foundation, Asphalt Pavement, and Railroad Ballast): Exhibit C-2 includes a narrative description of Site-wide 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.

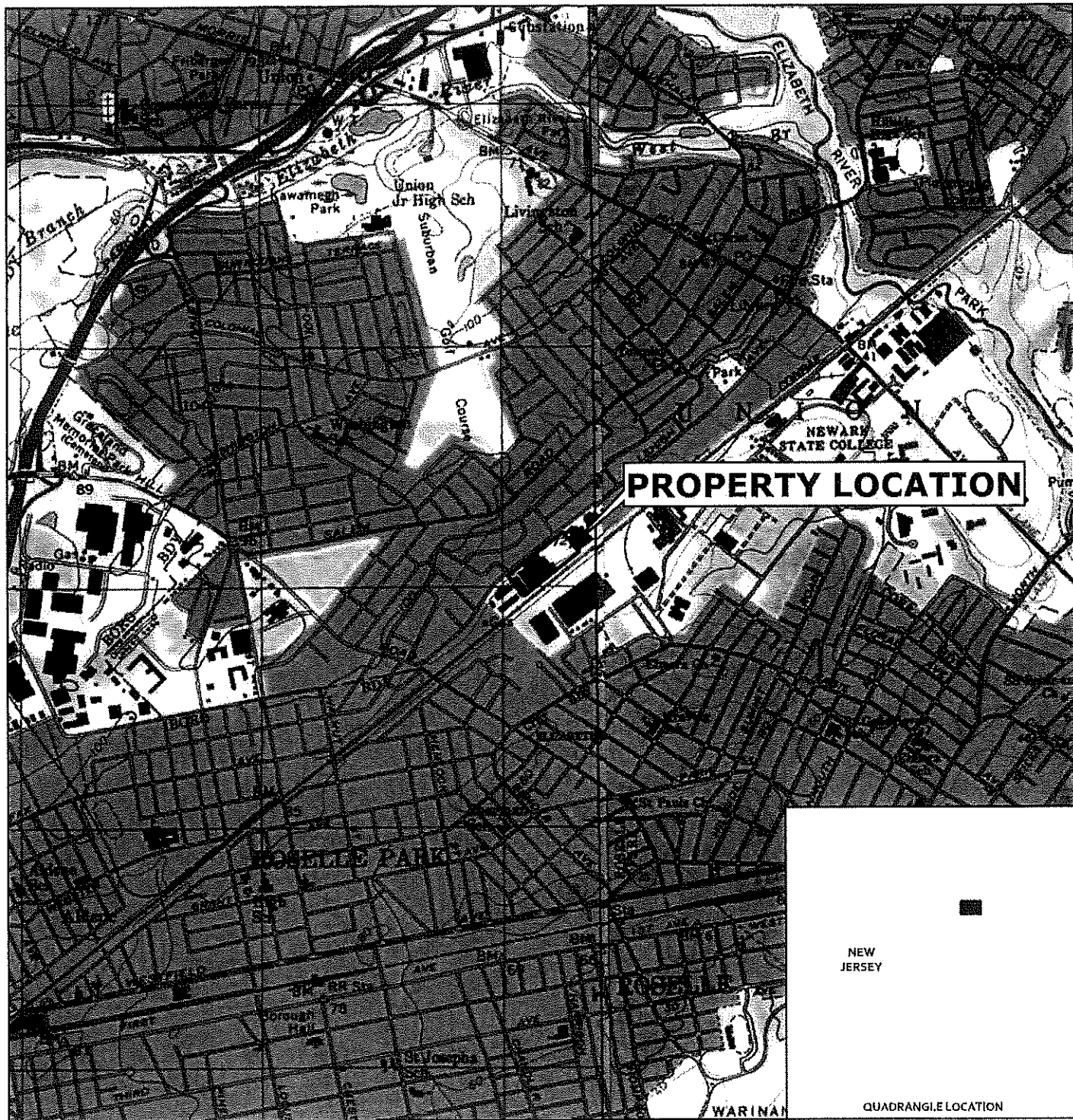
EXHIBIT A

Exhibit A-1 – Vicinity Map

Exhibit A-2-1 – Tax Map

Exhibit A-2-2 – Metes and Bounds Description

Exhibit A-3 – Property Map



LEGEND

APPROXIMATE PROPERTY BOUNDARY

STATE PLANE COORDINATES (NAD83)

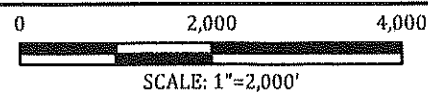
671,357 N, 560,743 E
CENTER OF PROPERTY

SOURCE:

1. U.S.G.S TOPOGRAPHIC QUADRANGLE ROSELLE NJ & ELIZABETH NJ/NY.
2. COPYRIGHT: © 2013 NATIONAL GEOGRAPHIC SOCIETY, I-CUBED.

TITLE:

EXHIBIT A-1
VICINITY MAP



LOCATION:

BLOCK 605, LOT 15
601 LEHIGH AVENUE
UNION, NEW JERSEY

PI#

002761

DATE:

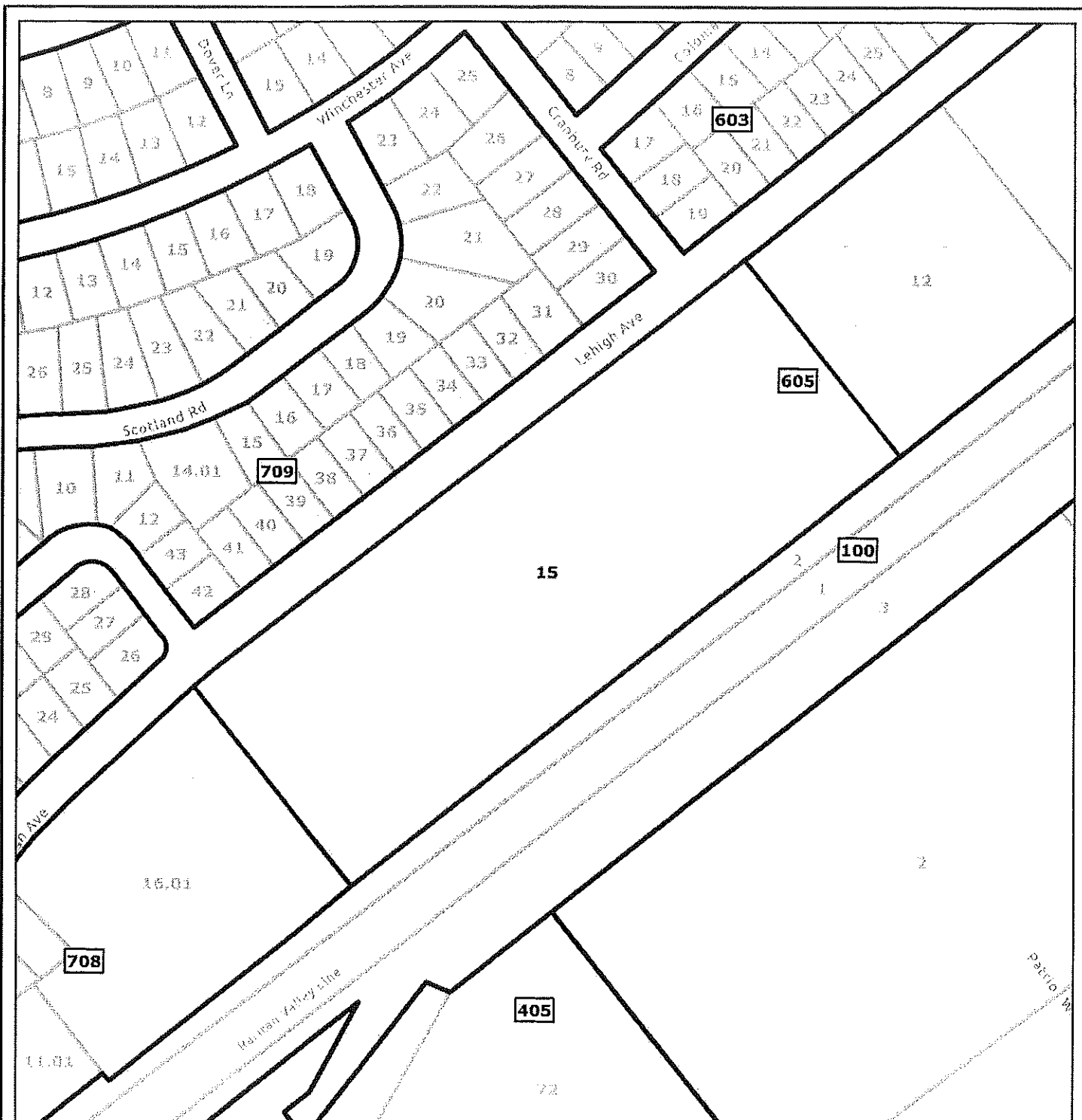
03/18/2022

FIG:

222002_SITELOCATIONMAP

THE ELM GROUP
345 WALL STREET, PRINCETON, NEW JERSEY 08540
4936 YORK ROAD, SUITE 1000, HOLLAND, PA 10920
2591 BAGLIONI CIRCLE, SUITE C45, HETHLEIGH, PA 18020
www.ExploreELM.com

DB6468-0510



LEGEND

- 15 APPROXIMATE PROPERTY BOUNDARY AND LOT ID
- 605 TAX BLOCK BOUNDARY AND ID
- TAX LOT BOUNDARY AND ID

SOURCE:
 1. STATEWIDE PARCEL COMPOSITE. NEW JERSEY OFFICE OF INFORMATION TECHNOLOGY, OFFICE OF GIS (NJOGIS).
 2. ESRI COMMUNITY MAPS CONTRIBUTORS, NYC OPENDATA, NEW JERSEY OFFICE OF GIS, © OPENSTREETMAP, MICROSOFT, ESRI, HERE, GARMIN, SAFEGRAPH, GEOTECHNOLOGIES, INC, METI/NASA, USGS, EPA, NPS, US CENSUS BUREAU, USDA.

EXHIBIT A-2-1 TAX MAP BLOCK 605, LOT 15	
N 	0 200 400 SCALE: 1"=200'
LOCATION: BLOCK 605, LOT 15 601 LEHIGH AVENUE UNION, NEW JERSEY	
PI #: 002761	 THE ELM GROUP 345 WALL STREET, PHILADELPHIA, NEW JERSEY 08540 4936 YORK ROAD, SUITE 1000, HOLLIDAY, PA 16920 2591 HAGLUND CIRCLE, SUITE C45, DOTHAN, AL 36020 www.ExploreELM.com
DATE: 05/03/2022	
FN: 222002_TAX_MAPR	

DB6468-0511

EXHIBIT A-2-2
METES AND BOUNDS DESCRIPTION

The property consists of the land and all the buildings and structures on the land in the Township of Union, County of Union, State of New Jersey. The Legal Description is:

Beginning at a point in the southeasterly line of Lehigh Avenue, said point being the dividing line between Lot 15 in Block 605 and Lot 16 in Block 708 on the Tax Map of the Township of Union, and running thence

- 1) North 60 degrees 45 minutes 20 seconds East, along said line of Lehigh Avenue, 949.00 feet, thence
- 2) South 29 degrees 14 minutes 40 seconds East, 350.00 feet to lands now or formerly of Conrail (and formerly The Lehigh Valley Railroad Company), thence
- 3) South 60 degrees 45 minutes 20 seconds West along the same, 949.00 feet, thence
- 4) North 29 degrees 14 minutes 40 seconds West, 350.00 feet to the point and place of Beginning.

The above description is in accordance with the July 11, 2006 survey prepared by Guarriello & Dec Assoc, LLC.

NOTE FOR INFORMATION:

Said premises are also known and designated as Lot 15 in Block 605 on the Tax Map of the Township of Union.

Commonly known as 601 Lehigh Avenue, Union, New Jersey



LEGEND



APPROXIMATE PROPERTY BOUNDARY



0 150 300



SCALE: 1" = 150'

TITLE:

EXHIBIT A-3
PROPERTY MAP

LOCATION:

BLOCK 605, LOT 15
601 LEHIGH AVENUE
UNION, NEW JERSEY

PI#:

002761

DATE:

05/03/2022

FILENAME:

222002_PROPERTY_Map.mxd



THE elm GROUP

345 WALL STREET, PRINCETON, NEW JERSEY 08540
4936 YORK ROAD, SUITE 1000, HOLLIS, PENNSYLVANIA 19028
2593 BAGLYOS CIRCLE, SUITE C15, BETHLEHEM, PENNSYLVANIA 18020
www.ElmGroup.com

SOURCE:
1. SOURCE: ESRI, MAXAR, GEOEYE, EARTHSTAR GEOGRAPHICS, CNES/AIRBUS DS, USDA, USGS, AEROGRIID,
IGN, AND THE GIS USER COMMUNITY

DB6468-0513

EXHIBIT B

Exhibit B-1-1 - Restricted Area Map

Exhibit B-1-2 - Engineering Controls Site-Wide Cap Map

Exhibit B-1-3 - Engineering Control Construction Details

Exhibit B-2 - Chemical Concentration Table



LEGEND



APPROXIMATE PROPERTY BOUNDARY



RESTRICTED AREA (3775.88 SQUARE FEET)



SOIL BORING LOCATION AND ID



SOURCE:
1. BASEMAP: GOOGLE EARTH, 2022.



0 50 100

SCALE: 1" = 50'

TITLE:

EXHIBIT B-1-1
RESTRICTED AREA MAP

LOCATION: BLOCK 605, LOT 15
601 LEHIGH AVENUE
UNION, NEW JERSEY

PI#: 002761

DATE: 05/03/2022

FILENAME:
222002_Restricted_Area_Map.mxd



THE ELM GROUP

345 WALL STREET PRINCETON, NEW JERSEY 08540
4930 YORBA ROAD, SUITE 1000, IQUICONG, PENNSYLVANIA 19725
2591 BAYVIEW CIRCLE, SUITE 205, BETHLEHEM, PENNSYLVANIA 18020
www.elmgroup.com

DB6468-0515

LEGEND



APPROXIMATE PROPERTY BOUNDARY

ASPHALT PAVED AREA
(734.28 SQUARE FEET)

CONCRETE PAVED AREA
(491.66 SQUARE FEET)

RAILROAD BALLAST AREA
(2549.93 SQUARE FEET)



SOURCE:
1. BASEMAP: GOOGLE EARTH, 2022.



0 50 100

SCALE: 1" = 50'

TITLE:

EXHIBIT B-1-2
ENGINEERING CONTROLS SITE-WIDE CAP MAP

LOCATION:
BLOCK 605, LOT 15
601 LEHIGH AVENUE
UNION, NEW JERSEY

PI#: 002761

DATE: 05/03/2022

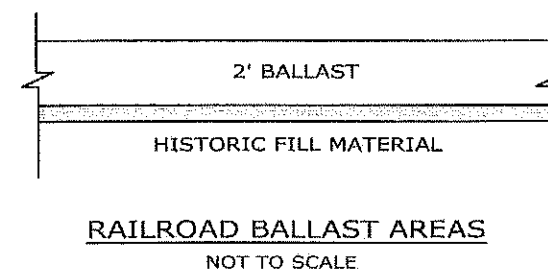
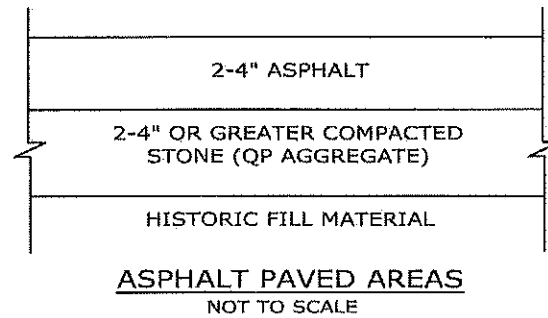
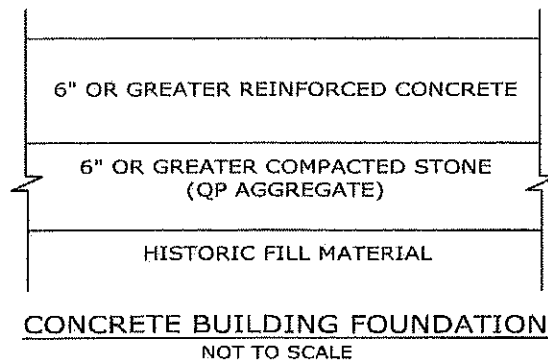
FILENAME:
222002_Engineering_Controls_Map.mxd



THE EIM GROUP

345 WALL STREET, PRINCETON, NEW JERSEY 08540
4936 YORK ROAD, SUITE 1000, HOLLAND, PENNSYLVANIA 19128
2591 BAGLASS CIRCLE, SUITE C-05, BETHEL, PENNSYLVANIA 16802
www.eimgroup.com

DB6468-0516



TITLE: EXHIBIT B-1-3	
ENGINEERING CONTROL CONSTRUCTION DETAILS	
LOCATION:	BLOCK 605, LOT 15 601 LEHIGH AVENUE UNION, NEW JERSEY
DATE:	05/03/2022
FILENAME:	222002_EXHIBITS
LAYOUT:	ENG CONTROLS
 THE elm GROUP 345 WALL STREET, PHILADELPHIA, NEW JERSEY 08104 4235 YORK ROAD, SUITE 1000, BOLINGBROOK, PENNSYLVANIA 15026 2591 ENGLAND CIRCLE, BETHELEHEM, PENNSYLVANIA 18020 www.ElmgrouPELM.com	

DB6468-0517

Exhibit B-2
Chemical Concentration Table
Deed Notice for the Property Located at
Block 605, Lot 15
Union, Union County, New Jersey

Sample ID	Sample Depth (ft bgs)	Sample Elevation (ft msl)	Contaminant of Concern	CAS RN	NJDEP SRS (mg/kg)	Concentration (mg/kg)
C-24	2.0-2.5	77-76.5	PCB	1336-36-3	0.25	0.320
C-27	2.0-2.5	77-76.5	PCB	1336-36-3	0.25	0.562
C-28	2.0-2.5	77-76.5	PCB	1336-36-3	0.25	0.607
C-29	2.0-2.5	77-76.5	PCB	1336-36-3	0.25	5.100
C-31	2.0-2.5	77-76.5	PCB	1336-36-3	0.25	1.000J
C-32	2.0-2.5	77-76.5	PCB	1336-36-3	0.25	1.018J

*Notes:

NJDEP SRS = 2021 NJDEP Residential Ingestion-Dermal Soil Remediation Standard

J = estimated value

DB6468-0518

EXHIBIT C

Exhibit C-1 – Institutional Control Description
Exhibit C-2 – Description of Engineering Control



EXHIBIT C-1

Institutional Control – Deed Notice

(A) Description and Estimated Size of the Restricted Areas

The Restricted Area, consisting of a portion of the property, encompasses a 3775.88 square foot area of soil beginning at 2.0 feet below ground surface (77 feet above mean sea level) and extending to a depth of 2.5 feet below ground surface (bgs) (76.5 feet above mean sea level). The Restricted Area is depicted within the Restricted Area Map (Exhibit B-1).

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

The Restricted Area is depicted on the Restricted Area Map (Exhibit B-1-1). Through operation of this Deed Notice, no owner shall make or allow to be made, any alteration, improvement, or disturbance in, to, or about the Restricted Area which disturbs any engineering control, or which creates an unacceptable risk of exposure to humans or the environment to contamination in the Restricted Area without complying with the requirements of this Deed Notice.

(C) Objective of Restrictions

The objective of the institutional control is to ensure that the engineering controls for the Restricted Area remain protective of public health and the environment for as long as the contamination exists above a concentration that would allow for unrestricted use, control human exposure to the Restricted Area, establish monitoring and maintenance requirements for the engineering controls/area, and provide notification of the Restricted Area to future property owners/operators.

EXHIBIT C-2

Engineering Controls

Description of Engineering Control: Cap

The Restricted Area, consisting of a portion of the property, encompasses a 3775.88 square foot area of soil beginning 2.0 feet below ground surface (77 feet above mean sea level) and extending to a depth of 2.5 feet below ground surface (bgs) (76.5 feet above mean sea level). The Restricted Area is depicted within the Restricted Area Map (Exhibit B-1-1).

The existing Engineering Control for the Restricted Area is a Sitewide Cap consisting of asphalt paved area, concrete paved area, and railroad ballast area (Exhibit B-1-2), as described below:

- *Asphalt Paved Area:* 734.28 square feet of the Restricted Area is capped with asphalt paving. The asphalt cap consists of 2-4 inches of asphalt overlying 2-4 inches of subbase, overlying compacted subgrade.
- *Concrete Paved Area:* 491.66 square feet of the Restricted Area is capped with concrete and serves as a building foundation. The concrete cap consists of 6 inches of concrete overlying 6 inches of subbase, overlying compacted subgrade.
- *Railroad Ballast Area:* 2549.93 square feet of the Restricted Area is capped with the railbed (i.e., railroad ballast) which extends, widthwise, from the southeast property boundary to, roughly, four (4) feet northeast of the track. The clean soil cap consists of two (2) feet of crushed concrete/railroad ballast.

The objective of the Engineering Control is to reduce/restrict access to the site and prevent possible direct human contact with documented subsurface contaminants. Construction details for the above Engineering Control are provided in Exhibits B-1-3.

All current and subsequent owners, operators and lessees will be advised of the above referenced Engineering Controls and conditions and will be provided copies of the Deed Notice pursuant to the Deed Notice provisions and N.J.A.C. 7:26C-7.

Monitoring, Maintenance, and Certification of Engineering Controls

In accordance with N.J.A.C. 7:26E-8.5 and 8.7, and N.J.S.A. 58:10B-13.1a(2)(a), the following monitoring and maintenance of the Engineering Controls will be completed for the Restricted Area:

1. An inspection of the Engineering Control for the Restricted Area will be completed at least once every year to:
 - a. Confirm the integrity, operability, and effectiveness of the Engineering Controls in the Restricted Area and confirm that the Engineering Controls are maintained as detailed in the Deed Notice for the Restricted Area;

EXHIBIT C-2

Engineering Controls

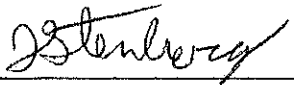
Description of Engineering Control: Cap

- b. Confirm that the Engineering Controls are being maintained such that the remedial action continues to be protective of public health and safety and of the environment;
 - c. Confirm that use of the Restricted Area is in compliance with conditions and restriction detailed in paragraphs 4 through 7 of the Deed Notice; and
 - d. Assess whether the Engineering Controls are in compliance with applicable laws, remediation standards, or other regulations promulgated subsequent to the establishment of the Engineering Controls.
 2. The results of all inspections, maintenance, and repairs (corrective actions following disturbances, excavations, alterations) of the Engineering Controls shall be documented, which will be made available on site to the NJDEP upon request.
 3. Documentation of the completion of inspections of the Engineering Controls will be submitted to NJDEP every two years and will include:
 - a. Appropriate Site location information (Site Name, Address, Tax Lot and Block Number, Site Number, Case Number, Date of the Response Action Outcome Letter which included engineering/institutional controls);
 - b. A description of the physical characteristics of the Site including current site operations and a description of each remedial action for the Site that included Engineering/Institutional Controls;
 - c. Documentation of the inspection dates and results pursuant to items 1a, 1b, and 1c above;
 - d. Results of the assessment of the Engineering Controls versus newly promulgated laws, remediation standards, or other regulations pursuant to 1d above;
 - e. Descriptions of any corrective actions taken to meet the requirements of 1a, 1b, or 1c above, if any;
 - f. Certification that the Engineering Controls continue to operate as designed and remain protective of public health and safety, and the environment; and
 - g. Submission of the NJDEP's Engineering Control Biennial Certification Form (or subsequent required documentation or NJDEP form) to the appropriate NJDEP program.

13. SIGNATURES. IN WITNESS WHEREOF, Owner has executed this Deed Notice as of the date first written above.

ATTEST: 601 Lehigh Ave, LLC

By: Jeremy Stenberg



Jeremy Stenberg, Member

STATE OF NEW YORK
SS.:
COUNTY OF NEW YORK

I certify that on May 9, 2022, Jeremy Stenberg personally came before me, and this person acknowledged under oath, to my satisfaction, that:

(a) this person is an authorized signatory and Manager of 601 Lehigh Ave, LLC, the corporation named in this document;

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

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

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

Signed and sworn before me on the 09th day of May, 2022
, Notary Public

MURALLAH NAZERALI
Notary Public, State of New York
No. 91NA6227598
Qualified in New York County
Term Expires September 7, 2024

THE ELM GROUP INC
ATTN: MARK FISHER
345 WALL STREET RESEARCH PARK
PRINCETON NJ 08540
** End of Document **
Deed

Inst.#
19184

Paid
Recording Fee 255.00
RT Fee .00

DB 6468-0523