IC Environmental Management, Inc.

25 Tia Place
Franklin, MA 02038

Phone: 508-498-8236
Fax: 508-541-7443

June 12, 2017

Mr. Tom DiPlacido Jr.
DiPlacido Development Corporation
850 Franklin Street, Suite 8
Wrentham, MA 02093

RE: Activity Use Limitation Summary
17 Lawrence Street, Norfolk, Massachusetts
ICEM Project: 1717

Dear Tom:

The following is a brief summary and background in connection with the recording of the Notice of Activity and Use Limitation (AUL) placed on the former Buckley & Mann property in August of 2001. Multiple environmental related assessments were performed at the Subject Site from 1986 through 2000 by Camp Dresser & McKee (CDM), now known as CDM Smith, which is a highly reputable environmental firm.

**Site History**

Based on a review of available information from previous investigations of the property, as well as records at the Norfolk Town Hall, the Buckley & Mann facility manufactured textile products at this location for over 90 years until production ended in 1994 and the operation was moved to Canton, MA. The Site has been vacant since 1994 and all existing buildings on the Site were demolished in 2011 with the exception of the concrete slabs.

As a result of an investigation in 1993, the identification of certain hazardous materials in soils and shallow groundwater, which were consistent with the types of materials used at the facility, exceeded reportable concentrations outlined in the Massachusetts Contingency Plan (MCP). This condition was reported to the MassDEP on January 15, 1993 and Release Tracking Number 3-000173 was issued, and an investigation of the Buckley & Mann property was conducted in a manner consistent with the requirements of the MCP.

The remediation plan consisted of on-site consolidation of contaminated soils, removal and off-site disposal of higher levels of lead and chromium soils, and off-site disposal of asbestos containing materials. In August of 2001, a Class A-3 Response Action Outcome (RAO) and Release Abatement Measure (RAM) Completion Report was submitted to the MassDEP by CDM. A Class A-3 RAO completed under the MCP means that a permanent solution to the release was achieved; that the level of oil and hazardous material in the environment has not been reduced to background

levels; that one or more activity and use limitations (AUL's) have been implemented to maintain a level of no significant risk (i.e., that no such substance of concern will present a significant risk of harm to health, safety, public welfare or the environment during any foreseeable period of time) and; oil and hazardous material at the disposal site do not exceed an upper concentration limit in soil or groundwater which would otherwise require further action. An AUL is a use restriction of the property covered by it to ensure that substances of concern will meet the State MCP-required level of cleanup and protection to ensure that substances will not present a risk of harm to health, safety, public welfare or the environment during any foreseeable period of time.

The RAO area of the Site, or the area where a permanent solution has been achieved, consists of approximately 12 acres. The areas designated under the AUL included Subarea A, the former landfill area east of the Tail Race and Subarea B, as well as the former wastewater treatment areas west of the Tail Race. The area utilized for on-site consolidation of contaminated materials "Consolidation Area" is located within Subarea A. Approximately 4,550 cubic yards of material was consolidated, including soil, building demolition debris, coal ash, textile debris, and abandoned equipment into the area covered by the AUL. The Consolidation Area was then graded, covered with a geotextile fabric and 3 feet of clean sand fill, and then was seeded to provide a vegetated cap. Please refer to the attached Site Map which outlines the RAO Boundary and AUL Boundary. Both soil and groundwater sampling was conducted in the area (both historically and recently) to demonstrate that there has been no migration of oil or hazardous materials beyond the boundaries of the AUL and Site, and which has detected no levels of substances requiring any further action, suggesting the cleanup remedy defined in the AUL has successfully mitigated risk to ensure that no such substance of concern will present a significant risk of harm to health, safety, public welfare or the environment during any foreseeable period of future which is the standard required to be achieved under the State MCP.

Activities which are permitted within the AUL areas include passive and active recreational activities, use of the lagoons as stormwater runoff storage ponds, the maintenance of grassed areas up to a depth of three feet below ground surface, utility maintenance work not involving soil excavation or removal greater than three feet below ground surface, emergency utility work no longer than 8 consecutive hours or involving soil excavation greater than three feet below ground surface, or any non-invasive activity which does not disturb or compromise the integrity of the protective barrier or underlying contaminated soils. Activities which are prohibited within the AUL areas include excavation of soils greater than a depth of three feet below ground surface, any activity which may cause physical, chemical, or structural damage to the protective barrier, or any activity prohibited by Zoning Bylaws, regulatory programs, or deed restrictions.

The integrity of the protective barrier within the AUL area must be maintained and inspected annually, and the contaminated soil must remain beneath the barrier to prevent exposure via dermal contact, ingestion, and/or inhalation. As a result, no soil removal or other activities in the area subject to the AUL can be undertaken except for those permitted uses described in the AUL. Moreover, no additional protective measures are required other than those restrictions imposed under the terms of the AUL.

The most recent inspection of the Site found the protective barrier in the AUL area to be intact and that no uncontrolled exposure to contaminated soil was evident. The results of recent groundwater testing from monitoring wells in close proximity to the AUL area also did not indicate any issues with the protective barrier. I also understand that the MassDEP performed an on-site inspection of the Site, including the area restricted by the AUL, back in 2015, and found no issues with the AUL. It is my understanding that your proposed residential projects will not be constructed on or near the area subject to the AUL, and permanent restrictions imposed by the AUL will not be modified as a part of the projects.

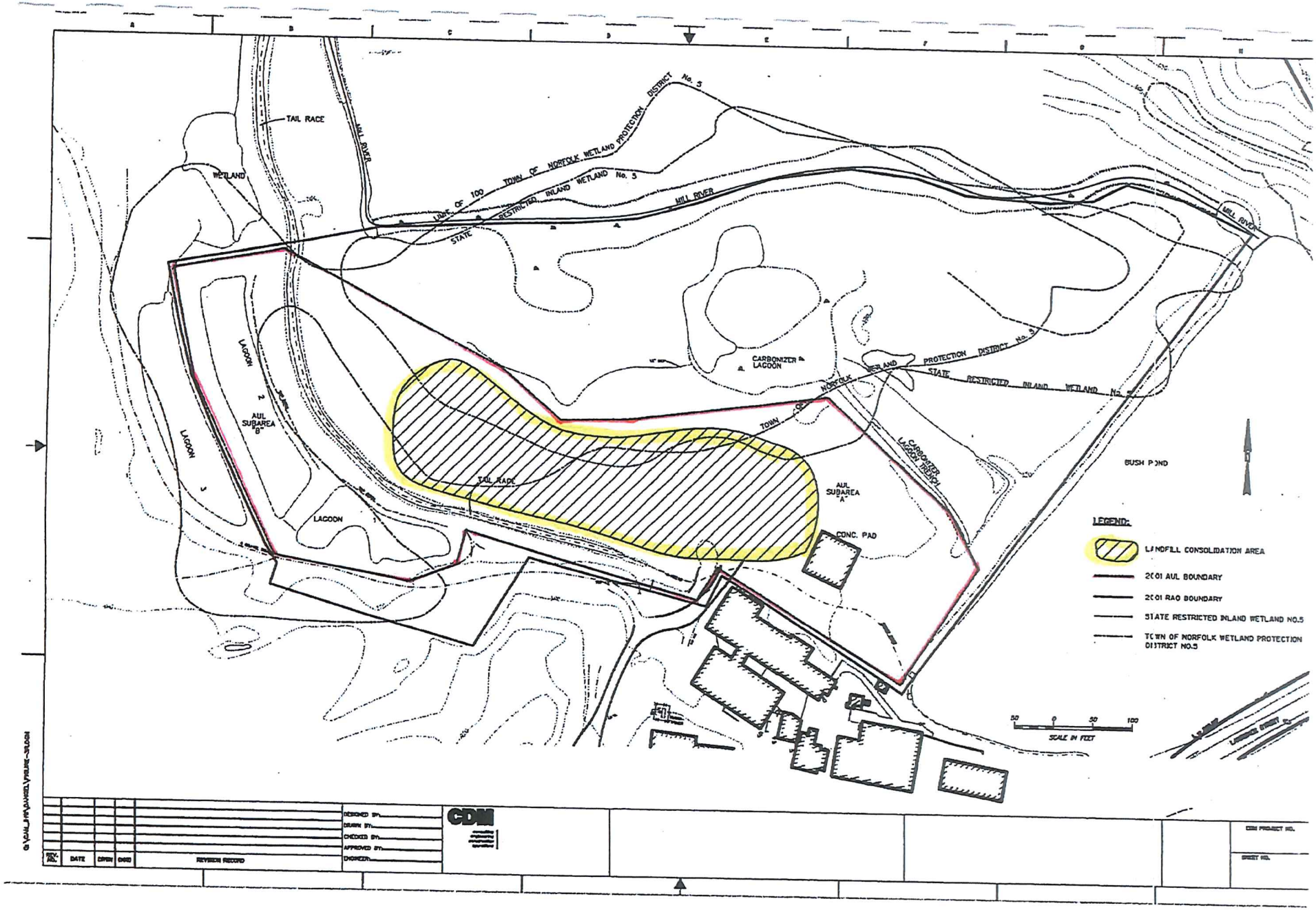
If you have any questions or require additional information regarding the AUL, please contact me at your convenience.

Respectfully,
IC Environmental Management, Inc.

Peter F. Cook
President

PFC/fm

Attachment



TAIL RACE
WETLAND
MILL RIVER
LIMIT OF 100 TOWN OF NORFOLK WETLAND PROTECTION DISTRICT No. 5
STATE RESTRICTED INLAND WETLAND No. 5
MILL RIVER
MILL RIVER
CARBONIZER LAGOON
TOWN OF NORFOLK WETLAND PROTECTION DISTRICT No. 5
STATE RESTRICTED INLAND WETLAND No. 5
LAGOON 2
AUL SUBAREA "B"
LAGOON 3
LAGOON 1
TAIL RACE
AUL SUBAREA "A"
CARBONIZER LAGOON TRENCH
CONC. PAD
BUSH POND
LEGEND:
LANDFILL CONSOLIDATION AREA
2001 AUL BOUNDARY
2001 RAO BOUNDARY
STATE RESTRICTED INLAND WETLAND NO.5
TOWN OF NORFOLK WETLAND PROTECTION DISTRICT NO.5
50 0 50 100
SCALE IN FEET
REV. NO.
DATE
DRWN
CHKD
REVISION RECORD
DESIGNED BY:
DRAWN BY:
CHECKED BY:
APPROVED BY:
ENGINEER:
CDM
CDM PROJECT NO.
SHEET NO.

Form 1075

Notice of Activity and Use Limitation
M.G.L. 21E §6 and 310 CMR 40.0000

893755
Norfolk County Registry District
RECEIVED FOR REGISTRATION
AUG 20 2001
11 O'CLOCK 32 m A M
NOTED ON CERTIFICATE NO. 154753
IN REGISTRATION BOOK 774 PAGE 153

Disposal Site Name: Buckley & Mann Inc.

DEP Release Tracking No.(s): 3-0173

This Notice of Activity and Use Limitation ("Notice") is made as of this 17th day of August, 2001, by the, Buckley & Mann Inc., Richard Mann, President, 11 Northwood Drive, Walpole, , Massachusetts 02081, together with its successors and assigns (collectively "Owner").

WITNESSETH

WHEREAS, Buckley & Mann Inc., Norfolk County, Massachusetts, is the Owner in fee simple of that certain parcel of land located in Norfolk, Norfolk County, Massachusetts, with the buildings and improvements thereon ("Property").

WHEREAS, said parcel of land, which is more particularly bounded and described in Exhibit A, attached hereto and made a part hereof ("Property") is subject to this Notice of Activity and Use Limitation. The Property is shown on a plan registered in Norfolk County Land Registration Office, Certificate Of Title No. 154753, Book 774, Page 153.

WHEREAS, a portion of the Property ("Portion of the Property") is subject to this Notice of Activity and Use Limitation. The Portion of the Property is more particularly bounded and described in Exhibit A-1, and shown in plans Exhibit A-2 and Exhibit A-3, attached hereto and made a part hereof.

WHEREAS, the Property comprises part of a disposal site as the result of a release of oil and/or hazardous material. Exhibit B is a sketch plan showing the relationship of the Portion of the Property subject to this Notice of Activity and Use Limitation to the boundaries of said disposal site (to the extent such boundaries have been established). Exhibit B is attached hereto and made a part hereof; and

WHEREAS, one or more response actions have been selected for the Disposal Site in accordance with M.G.L. c. 21E ("Chapter 21E") and the Massachusetts Contingency Plan, 310 CMR 40.0000 ("MCP"). Said response actions are based upon (a) the restriction of human access to and contact with oil and/or hazardous material in soil and/or (b) the restriction of certain activities occurring in, on, through, over or under the Property. The basis for such restrictions is set forth in an Activity and Use Limitation Opinion ("AUL Opinion"), dated August 17, 2001, (which is attached hereto as Exhibit C and made a part hereof). See also DEP Form BWSC-114, attached hereto as Exhibit D.

NOW, THEREFORE, notice is hereby given that the activity and use limitations set forth in said AUL Opinion are as follows:

1A. Permitted Activities and Uses Set Forth in the AUL Opinion for the former landfill area east of the Tail Race, Subarea A. The AUL Opinion provides that a condition of No Significant Risk to health, safety, public welfare, or the environment exists for any foreseeable period of time (pursuant to 310 CMR 40.0000) so long as the following activities and uses occur on the Property:

i) Passive and active recreational activities including, but not necessarily limited to, activity on the

grassed area for children, sitting on benches or sitting or lying on the ground surface;

ii) Maintenance of grassed areas, planting and seeding up to a depth of three feet below ground surface, installation of fencing with intrusion limited to driving of posts;

iii) Utility maintenance work either not involving soil excavation and removal, or involving soil excavation to a depth of no greater than three feet below ground surface;

iv) Emergency utility repair work, lasting no longer than eight consecutive hours and involving the excavation of no more than twenty (20) cubic yards of soil from depths of greater than three feet below ground surface. Such excavated soil must be returned to depth in its entirety at the conclusion of the repair work. The protective barrier layer, which includes a woven geotextile and three feet of overlying soils, must be replaced with a protective barrier layer of like and comparable construction, materials and specifications immediately following completion of the repair work. If soil removal from the site is to occur or the activity will occur for a duration greater than eight consecutive hours and/or more than twenty (20) cubic yards of soil from depths greater than three feet below ground surface are to be excavated, a Health and Safety Plan to address potential exposures and a Soil Management Plan must be developed;

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

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

1B. Permitted Activities and Uses Set Forth in the AUL Opinion for the former wastewater treatment lagoons west of the Tail Race, Subarea B. The AUL Opinion provides that a condition of No Significant Risk to health, safety, public welfare, or the environment exists for any foreseeable period of time (pursuant to 310 CMR 40.0000) so long as the following activities and uses occur on the Property:

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

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

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

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

2A. Activities and Uses Inconsistent with the AUL Opinion for the former landfill area east of the Tail Race, Subarea A. Activities and uses which are inconsistent with the objectives of this Notice of

Activity and Use Limitation, and which, if implemented at the Property, may result in a significant risk of harm to health, safety, public welfare, or the environment or in a substantial hazard, are as follows:

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

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

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

2B. Activities and Uses Inconsistent with the AUL Opinion for the former wastewater treatment lagoons west of the Tail Race, Subarea B. Activities and uses which are inconsistent with the objectives of this Notice of Activity and Use Limitation, and which, if implemented at the Property, may result in a significant risk of harm to health, safety, public welfare, or the environment or in a substantial hazard, are as follows:

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

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

3A. Obligations and Conditions Set Forth in the AUL Opinion for the former landfill area east of the Tail Race, Subarea A. If applicable, obligations and/or conditions to be undertaken and/or maintained at the Property to maintain a condition of No Significant Risk as set forth in the AUL Opinion shall include the following:

i) The performance of any activities including, but not limited to, excavation which could cause the removal, damage, and/or disturbance of the protective barrier layer and/or contaminated soil located beneath it without the prior development and implementation of a Health and Safety Plan and a Soil Management Plan in accordance with the guidelines discussed in the AUL Opinion attached hereto as Exhibit C to this Notice of AUL;

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

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

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

3B. Obligations and Conditions Set Forth in the AUL Opinion for the former wastewater treatment lagoons west of the Tail Race, Subarea B. If applicable, obligations and/or conditions to be undertaken and/or maintained at the Property to maintain a condition of No Significant Risk as set forth in the AUL Opinion shall include the following:

i) The performance of any activities including, but not limited to, excavation which could cause the removal, damage, and/or disturbance of the soil located in the lagoons without the prior development and implementation of a Soil Management Plan in accordance with the guidelines discussed in the AUL Opinion attached hereto as Exhibit C to this Notice of AUL.

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

4. Proposed Changes in Activities and Uses. Any proposed changes in activities and uses at the Property which may result in higher levels of exposure to oil and/or hazardous material than currently exist shall be evaluated by an LSP who shall render an Opinion, in accordance with 310 CMR 40.1080 *et seq.*, as to whether the proposed changes will present a significant risk of harm to health, safety, public welfare or the environment. Any and all requirements set forth in the Opinion to meet the objective of this Notice shall be satisfied before any such activity or use is commenced.

5. Violation of a Response Action Outcome. The activities, uses and/or exposures upon which this Notice is based shall not change at any time to cause a significant risk of harm to health, safety, public welfare, or the environment or to create substantial hazards due to exposure to oil and/or hazardous material with the prior evaluation by an LSP in accordance with 310 CMR 40.1080 *et seq.*, and without additional response actions, if necessary, to achieve or maintain a condition of No Significant Risk or to eliminate substantial hazards.

If the activities, uses and/or exposures upon which this Notice is based change without the prior evaluation and additional response actions determined to be necessary by an LSP in accordance with 310 CMR 40.1080 *et seq.*, the owner and operator of the Property subject to this Notice at the time that the activities, uses and/or exposures change, shall comply with the requirements set forth in 310 CMR 40.0020.

6. Incorporation Into Deeds, Mortgages, Leases and Instruments of Transfer. This Notice shall be incorporated either in full or by reference into all deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer, whereby an interest in and/or a right to use the Property or a portion thereof is conveyed.

Owner hereby authorizes and consents to the filing and registration of this Notice, said Notice to become effective when executed under seal by the undersigned LSP, and registered with the appropriate Land Registration Office.

WITNESS the execution hereof under seal this 17TH day of AUGUST, 2001.

OWNER: Buckley & Mann Inc.

BY: _____
Richard Mann, President + Treasurer

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS Date: 17 August 2001

Then personally appeared the above named Richard Mann and acknowledged the foregoing to be ~~her~~ the free act and deed before me, of Buckley + Mann Inc Joseph A. Capezzuto, Notary
Joseph A. Capezzuto

Notary Public:
My Commission Expires: June 12, 2003

The undersigned LSP hereby certifies that he executed the aforesaid Activity and Use Limitation Opinion attached hereto as Exhibit C and made a part hereof and that in his Opinion, this Notice of Activity and Use Limitation is consistent with the terms set forth in said Activity and Use Limitation Opinion.

COMMONWEALTH OF MASSACHUSETTS
ROBERT A. DANGEL
No. 7798
REGISTERED
LICENSED SITE PROFESSIONAL

Date: 17TH Day of AUGUST 2001 _____
LSP Name
(LSP Seal)

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS Date:

Then personally appeared the above named Robert A. Dangel and acknowledged the foregoing to be his free act and deed before me, as Principal Scientist of Camp Dresser & McKee Inc.
Joseph A. Capezzuto, Notary
Joseph A. Capezzuto

Notary Public:
My Commission Expires: June 12, 2003

Upon recording, return to:
Richard Mann
11 Northwood Drive
Walpole, Massachusetts 02081

## EXHIBIT A

## DESCRIPTION OF LAND CONTAINING AREAS SUBJECT TO AUL

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

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

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

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

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

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

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

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

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

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

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

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

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

Southerly again ninety (90.00) feet, and

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

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

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

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

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

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

Northerly by land now or formerly of James Foley et al, eleven hundred fourteen and 75/100 (1114.75) feet;

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

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

Northeasterly by lands of sundry adjoining owners, twenty-two hundred fifty-three and 63/100 (2253.63) feet.

## EXHIBIT A-1

## DESCRIPTION OF AREA SUBJECT TO AUL

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

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

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

Southeasterly fifty and 00/100 (50.00) feet;

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

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

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

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

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

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

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

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

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

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

# EXHIBIT A-2

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

DATE: AUGUST 15, 2001

REGISTERED LAND SURVEYOR

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

DATE: AUGUST 15, 2001

REGISTERED LAND SURVEYOR

PLAN OF LAND
IN
NORFOLK, MA
SCALE: 1"= 150' AUGUST 15, 2001

TOOMEY-MUNSON & ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
89 ACCESS RD., UNIT 12, NORWOOD, MA 02062

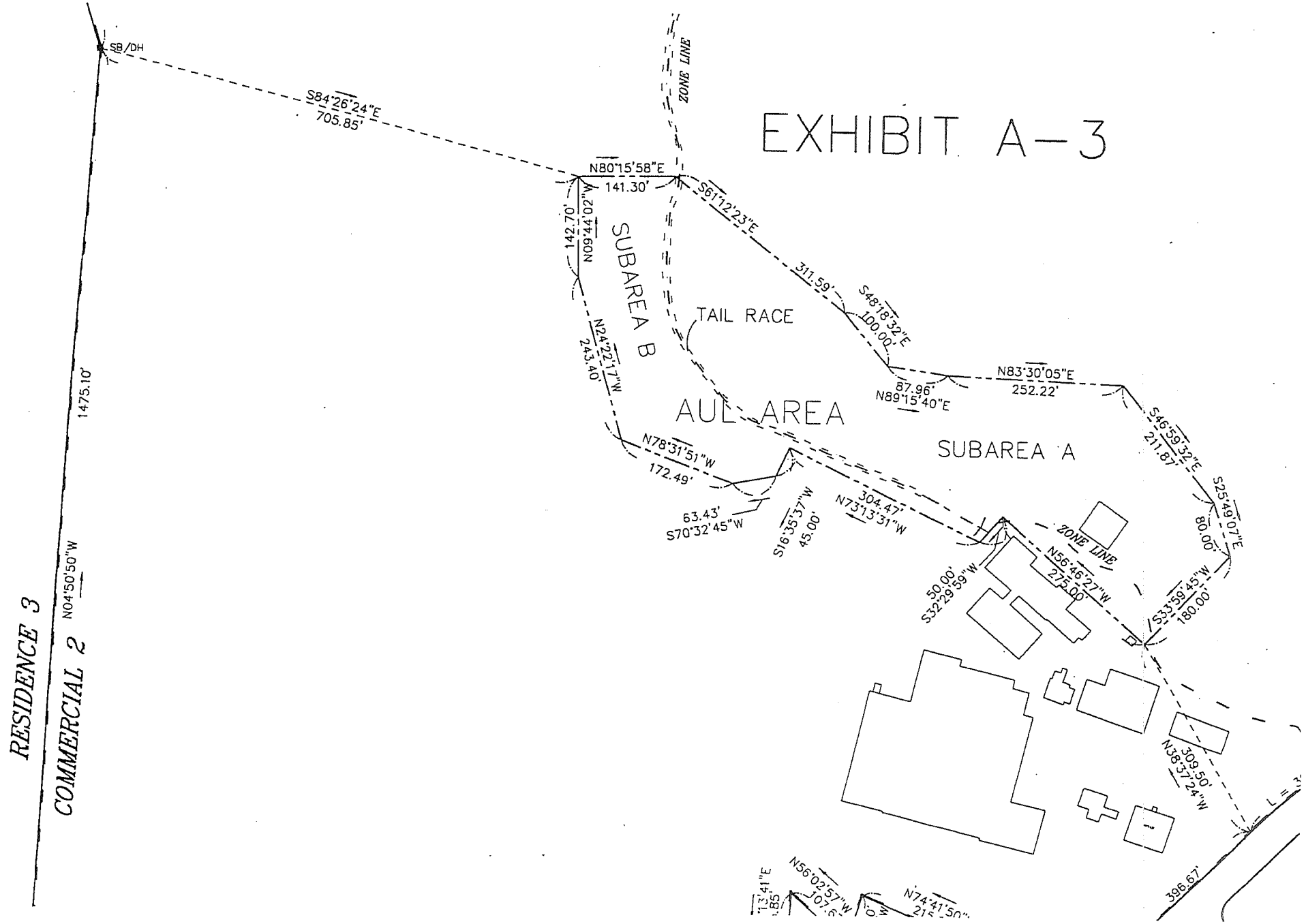
REVISIONS

SHEET 1 OF 1

1344-01

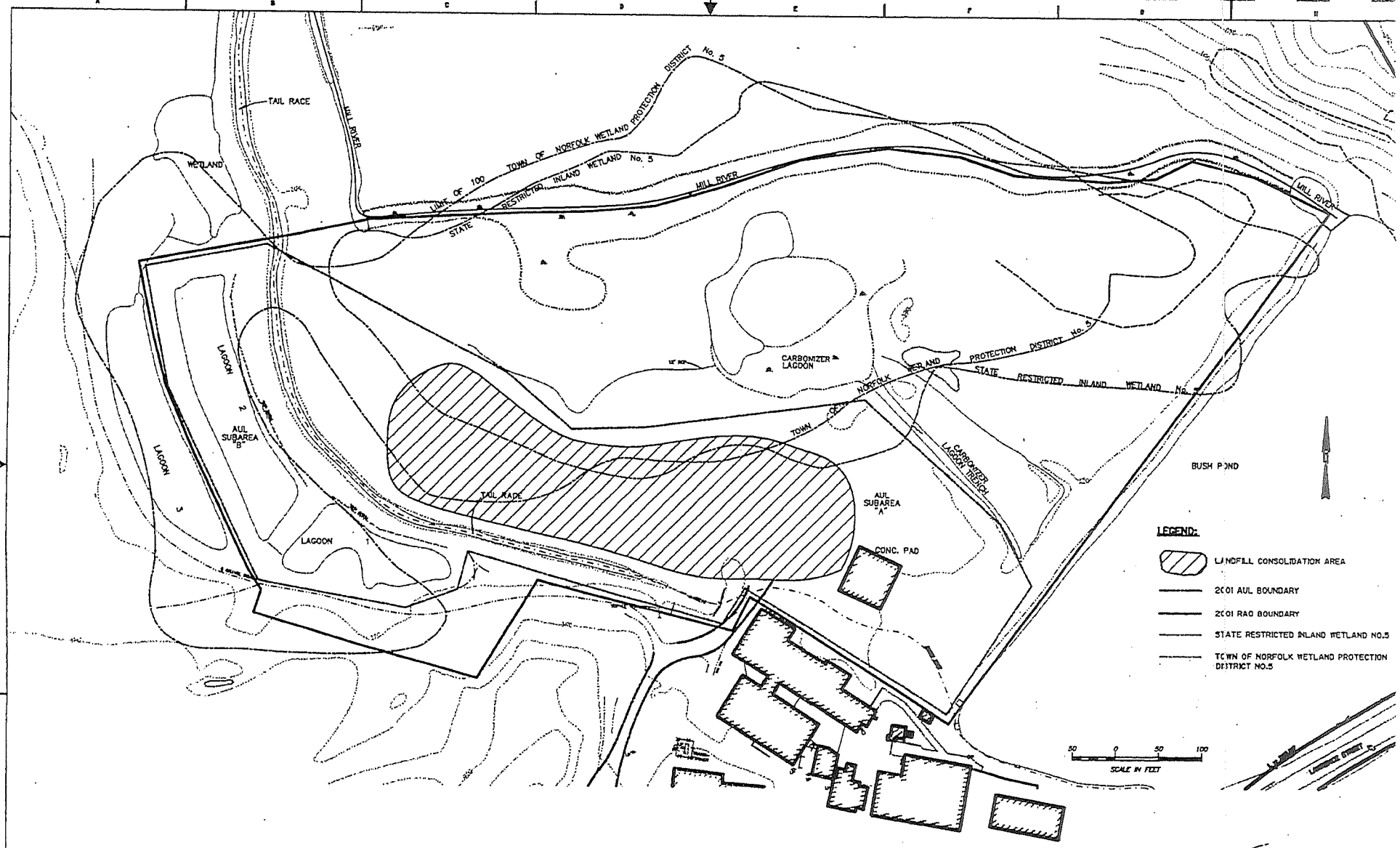
EXHIBIT A-3
BUCKLEY & MANN INC.
ACTIVITY AND USE LIMITATION
AUGUST 2001

# EXHIBIT A-3



SB/DH
S84°26'24"E
705.85'
ZONE LINE
N80°15'58"E
141.30'
S61°12'23"E
142.70'
N09°44'02"W
SUBAREA B
311.59'
S48°18'32"E
100.00'
TAIL RACE
N24°22'17"W
243.40'
87.96'
N89°15'40"E
N83°30'05"E
252.22'
AUL AREA
SUBAREA A
S46°59'32"E
211.87'
N78°31'51"W
172.49'
S25°49'07"E
80.00'
63.43'
S70°32'45"W
S16°35'37"W
45.00'
304.47'
N73°13'31"W
ZONE LINE
N56°46'27"W
275.00'
50.00'
S32°29'59"W
S33°59'45"W
180.00'
309.50'
N38°37'24"W
396.67'
N56°02'57"W
N74°41'50"
1475.10'
N04°50'50"W
RESIDENCE 3
COMMERCIAL 2

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




| REV. NO. | DATE | DRWN | CHKD | REVISION RECORD |
|---|---|---|---|---|

DESIGNED BY:
DRAWN BY:
CHECKED BY:
APPROVED BY:
ENGINEER:

CDM

BUCKLEY & MANN PROPERTY
NORFOLK, MASSACHUSETTS

RAO REPORT

EXHIBIT "B"
SKETCH PLAN

CDM PROJECT NO. 1121-25944

SHEET NO.

FIGURE 3

## EXHIBIT C

## ACTIVITY AND USE LIMITATION OPINION

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

*Site History*

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

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

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

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

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

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

In 1992, B&M applied for and received a Waiver from direct Bureau of Waste Site Cleanup, Department of Environmental Protection (DEP), oversight under the Massachusetts Contingency Plan (MCP). The site identification number is 3-0173. *[Note: The MCP is the Commonwealth of Massachusetts's code of regulations for the notification, assessment and cleanup of disposal sites where a release of oil and/or hazardous materials has occurred.]* Under the 1993 revisions to the MCP, the site was classified Tier II, non-priority.

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

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

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

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

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

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

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

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

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

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

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

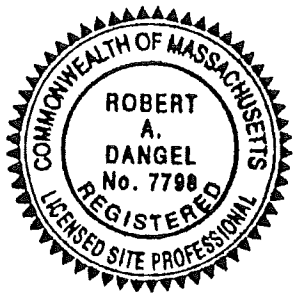
(a) The Health and Safety Plan must be prepared by a Certified Industrial Hygienist or other qualified professional familiar with worker health and safety procedures and requirements. The level of personal protection and engineering controls, dust mitigation measures and perimeter monitoring needed to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

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

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

Robert A. Dangel, Licensed Site Professional

August 17, 2001
Date



## ACTIVITY & USE LIMITATION (AUL) OPINION FORM

Pursuant to 310 CMR 40.1070 - 40.1084 (Subpart J)

Release Tracking Number: 3 - 0173

C. LSP OPINION: (continued)

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

Telephone: 617-452-6267 Ext.:

FAX: 617-452-8267

LSP Signature:

Date: August 17, 2004

COMMONWEALTH OF MASSACHUSETTS
ROBERT A. DANGEL
No. 7798
REGISTERED
LICENSED SITE PROFESSIONAL

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