

IN ACCORDANCE WITH N.J.S.A. 58:10B-13, THIS DOCUMENT IS TO BE RECORDED IN THE SAME MANNER AS ARE DEEDS AND OTHER INTERESTS IN REAL PROPERTY.

Prepared by: _____
[Signature]

[Print name below signature]

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

[Print name below signature]

DEED NOTICE

This Deed Notice is made as of the ____ day of _____, _____, by **The City of Jersey City, 280 Grove Street, Jersey City, Hudson County, New Jersey 07302** (together with his/her/its/their successors and assigns, collectively "Owner").

1. THE PROPERTY. **The City of Jersey City, 280 Grove Street, Jersey City, Hudson County, New Jersey 07302** is the owner in fee simple of certain real property designated as Block 18901; Lots 1, 2 and a portion of 18 and Block 19803, Lots 1, 3-5 and 8-21 on the tax maps of the **City of Jersey City, Hudson County**; the New Jersey Department of Environmental Protection Program Interest Number (Preferred ID) for the contaminated site which includes this property is **568229**; and the property is more particularly described in Exhibit A, which is attached hereto and made a part hereof (the "Property").

2. REMEDIATION.

i. **Mr. John F. Tregidgo, LSRP License No. 585012** 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. **The City of Jersey City** has remediated contaminated soil at the Property, such that soil contamination remains in certain areas of the Property that contains contaminants in concentrations that do not allow for the unrestricted use of the Property; this soil

contamination is described, including the type, concentration and specific location of such contaminants, in Exhibit B, which is attached hereto and made a part hereof. As a result, there is a statutory requirement for this Deed Notice **and engineering 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, lessees and operators of the restrictions and the monitoring, maintenance, and biennial certification requirements outlined in this Deed Notice and required by law, as set forth herein.

5A. RESTRICTED AREAS. Due to the presence of contamination remaining at concentrations that do not allow for unrestricted use, the Owner has agreed, as part of the remedial action for the Property, to restrict the use of certain parts of the Property (the "Restricted Areas"); a narrative description of these restrictions is provided in Exhibit C, which is attached hereto and made a part hereof. The Owner has also agreed to maintain a list of these restrictions on site for inspection by governmental officials.

5B. RESTRICTED LAND USES. The following statutory land use restrictions apply to the Restricted Areas:

i. The Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-12.g(10), prohibits the conversion of a contaminated site, remediated to non-residential soil remediation standards that require the maintenance of engineering or institutional controls, to a child care facility, or public, private, or charter school without the Department's prior written approval, unless a presumptive remedy is implemented; and

ii. The Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-12.g(12), prohibits the conversion of a landfill, with gas venting systems and or leachate collection systems, to a single family residence or a child care facility without the Department's prior written approval.

5C. ENGINEERING CONTROLS. Due to the presence and concentration of these contaminants, the Owner has also agreed, as part of the remedial action for the Property, to the placement of certain engineering controls on the Property; a narrative description of these engineering controls is provided in Exhibit C.

6A. CHANGE IN OWNERSHIP AND REZONING.

i. The Owner and the subsequent owners and lessees, shall cause all leases, grants, and other written transfers of an interest in the Restricted Areas to contain a provision expressly requiring all holders thereof to take the Property subject to the restrictions contained herein and to comply with all, and not to violate any of the conditions of this Deed Notice. Nothing

contained in this Paragraph shall be construed as limiting any obligation of any person to provide any notice required by any law, regulation, or order of any governmental authority.

ii. The Owner and the subsequent owners shall provide written notice to the Department of Environmental Protection on a form provided by the Department and available at www.nj.gov/srp/forms within thirty (30) calendar days after the effective date of any conveyance, grant, gift, or other transfer, in whole or in part, of the owner's interest in the Restricted Area.

iii. The Owner and the subsequent owners shall provide written notice to the Department, on a form available from the Department at www.nj.gov/srp/forms, within thirty (30) calendar days after the owner's petition for or filing of any document initiating a rezoning of the Property to residential.

6B. SUCCESSORS AND ASSIGNS. This Deed Notice shall be binding upon Owner and upon Owner's successors and assigns, and subsequent owners, lessees and operators while each is an owner, lessee, or operator of the Property.

7A. ALTERATIONS, IMPROVEMENTS, AND DISTURBANCES.

i. The Owner and all subsequent owners and lessees shall notify any person, including, without limitation, tenants, employees of tenants, and contractors, intending to conduct invasive work or excavate within the Restricted Areas, of the nature and location of contamination in the Restricted Areas, and, of the precautions necessary to minimize potential human exposure to contaminants.

ii. Except as provided in Paragraph 7B, below, no person shall make, or allow to be made, any alteration, improvement, or disturbance in, to, or about the Property which disturbs any engineering control at the Property without first obtaining a soil remedial action permit modification pursuant to N.J.A.C. 7:26C-7. Nothing herein shall constitute a waiver of the obligation of any person to comply with all applicable laws and regulations including, without limitation, the applicable rules of the Occupational Safety and Health Administration.

iii. Notwithstanding subparagraph 7Aii., above, a soil remedial action permit modification is not required for any alteration, improvement, or disturbance provided that the owner, lessee or operator:

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

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

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

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

(E) Describes, in the next biennial certification the nature of the alteration, improvement, or disturbance, the dates and duration of the alteration, improvement, or disturbance, the name of key individuals and their affiliations conducting the alteration, improvement, or disturbance, a description of the notice the Owner gave to those persons prior to the disturbance.

7B. EMERGENCIES. In the event of an emergency which presents, or may present, an unacceptable risk to the public health and safety, or to the environment, or immediate environmental concern, see N.J.S.A. 58:10C-2, any person may temporarily breach an engineering control provided that that person complies with each of the following:

i. Immediately notifies the Department of Environmental Protection of the emergency, by calling the DEP Hotline at 1-877-WARNDEP or 1-877-927-6337;

ii. Hires a Licensed Site Remediation Professional (unless the Restricted Areas includes an unregulated heating oil tank) to respond to the emergency;

iii. Limits both the actual disturbance and the time needed for the disturbance to the minimum reasonably necessary to adequately respond to the emergency;

iv. Implements all measures necessary to limit actual or potential, present or future risk of exposure to humans or the environment to the contamination;

v. Notifies the Department of Environmental Protection when the emergency or immediate environmental concern has ended by calling the DEP Hotline at 1-877-WARNDEP or 1-877-927-6337; and

vi. Restores the engineering control to the pre-emergency conditions as soon as possible, and provides notification to the Department of Environmental Protection within sixty (60) calendar days after completion of the restoration of the engineering control, including: (a) the nature and likely cause of the emergency; (b) the potential discharges of or exposures to contaminants, if any, that may have occurred; (c) the measures that have been taken to mitigate the effects of the emergency on human health and the environment; (d) the measures completed or implemented to restore the engineering control; and (e) the changes to the engineering control or site operation and maintenance plan to prevent reoccurrence of such conditions in the future.

8. TERMINATION OF DEED NOTICE.

i. This Deed Notice may be terminated only upon filing of a Termination of Deed Notice, available at N.J.A.C. 7:26C Appendix C, with the office of the Register of Deeds and Mortgages of Hudson County, New Jersey, expressly terminating this Deed Notice.

ii. Within thirty (30) calendar days after the filing of a Termination of Deed Notice, the owner of the property shall apply to the Department for termination of the soil remedial action permit pursuant to N.J.A.C. 7:26C-7.

9. ACCESS. The Owner, and the subsequent owners, lessees and operators agree to allow the Department, its agents and representatives access to the Property to inspect and evaluate the continued protectiveness of the remedial action that includes this Deed Notice and to conduct additional remediation to ensure the protection of the public health and safety and of the environment if the subsequent owners, lessees and operators, during their ownership, tenancy, or operation, and the Owner fail to conduct such remediation pursuant to this Deed Notice as required by law. The Owner, and the subsequent owners and lessees, shall also cause all leases, subleases, grants, and other written transfers of an interest in the Restricted Areas to contain a provision expressly requiring that all holders thereof provide such access to the Department.

10. ENFORCEMENT OF VIOLATIONS.

i. This Deed Notice itself is not intended to create any interest in real estate in favor of the Department of Environmental Protection, nor to create a lien against the Property, but merely is intended to provide notice of certain conditions and restrictions on the Property and to reflect the regulatory and statutory obligations imposed as a conditional remedial action for this site.

ii. The restrictions provided herein may be enforceable solely by the Department against any person who violates this Deed Notice. To enforce violations of this Deed Notice, the Department may initiate one or more enforcement actions pursuant to N.J.S.A. 58:10-23.11, and N.J.S.A. 58:10C, and require additional remediation and assess damages pursuant to N.J.S.A. 58:10-23.11, and N.J.S.A. 58:10C.

11. SEVERABILITY. If any court of competent jurisdiction determines that any provision of this Deed Notice requires modification, such provision shall be deemed to have been modified automatically to conform to such requirements. If a court of competent jurisdiction determines that any provision of this Deed Notice is invalid or unenforceable and the provision is of such a nature that it cannot be modified, the provision shall be deemed deleted from this instrument as though the provision had never been included herein. In either case, the remaining provisions of this Deed Notice shall remain in full force and effect.

12A. EXHIBIT A. Exhibit A includes the following maps of the Property and the vicinity:

i. Exhibit A-1: Vicinity Map - A map that identifies by name the roads, and other important geographical features in the vicinity of the Property (for example, USGS Quad map, Hagstrom County Maps);

ii. Exhibit A-2: Metes and Bounds Description - A tax map of lots and blocks as wells as metes and bounds description of the Property, including reference to tax lot and block numbers for the Property;

iii. Exhibit A-3: Property Map - A scaled map of the Property, scaled at one inch to 200 feet or less, and if more than one map is submitted, the maps shall be presented as overlays, keyed to a base map; and the Property Map shall include diagrams of major surface topographical features such as buildings, roads, and parking lots.

12B. EXHIBIT B. Exhibit B includes the following descriptions of the Restricted Areas:

i. Exhibit B-1: Restricted Area Map - A separate map for each restricted area that includes:

(A) As-built diagrams of each engineering control, including caps, fences, slurry walls, (and, if any) ground water monitoring wells, extent of the ground water classification exception area, pumping and treatment systems that may be required as part of a ground water engineering control in addition to the deed notice

(B) As-built diagrams of any buildings, roads, parking lots and other structures that function as engineering controls; and

(C) Designation of all soil and sediment sample locations within the restricted areas that exceed any soil or sediment standard that are keyed into one of the tables described in the following paragraph.

ii. Exhibit B-2: Restricted Area Data Table - A separate table for each restricted area that includes either (A) or (B) through (F):

(A) Only for historic fill extending over the entire site or a portion of the site and for which analytical data are limited or do not exist, a narrative that states that historic fill is present at the site, a description of the fill material (e.g., ash, cinders, brick, dredge material), and a statement that such material may include, but is not limited to, contaminants such as PAHs and metals;

(B) Sample location designation from Restricted Area map (Exhibit B-1);

(C) Sample elevation based upon mean sea level;

(D) Name and chemical abstract service registry number of each contaminant with a concentration that exceeds the unrestricted use standard;

(E) The restricted and unrestricted use standards for each contaminant in the table;
and

(F) The remaining concentration of each contaminant at each sample location at each elevation.

12C. EXHIBIT C. Exhibit C includes narrative descriptions of the institutional controls and engineering controls as follows:

i. Exhibit C-1: Deed Notice as Institutional Control: Exhibit C-1 includes a narrative description of the restriction and obligations of this Deed Notice that are in addition to those described above, as follows:

(A) Description and estimated size of the Restricted Areas as described above;

(B) Description of the restrictions on the Property by operation of this Deed Notice;
and

(C) The objective of the restrictions.

ii. Exhibit C-2: 24 inches of Clean Fill: Exhibit C-2 includes a narrative description of 24 inches of Clean Fill 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.

iii. Exhibit C-2: Polychlorinated Biphenyl (PCB) Management Area: Exhibit C-2 includes a narrative description of Polychlorinated Biphenyl (PCB) Management Area 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.

iv. Exhibit C-2: Storm Water Detention Basin: Exhibit C-2 includes a narrative description of Storm Water Detention Basin as follows:

(A) Description of the engineering control;

(B) The objective of the engineering control; and

(C) How the engineering control is intended to function.

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

ATTEST:

The City of Jersey City

By Steven M. Fulop, Mayor

[Print name and title]

[Signature]

STATE OF NEW JERSEY
COUNTY OF HUDSON

SS.:

I certify that on _____, 20__, Mr. Steven M. Fulop, on behalf of the City of Jersey City personally came before me, and this person acknowledged under oath, to my satisfaction, that:

(a) this person is the Mayor of the City of Jersey City, the corporation named in this document;

(b) this person is the attesting witness to the signing of this document by the proper corporate officer who is the Mayor of the City of Jersey City;

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

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

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

[Signature]

[Print name and title of attesting witness]

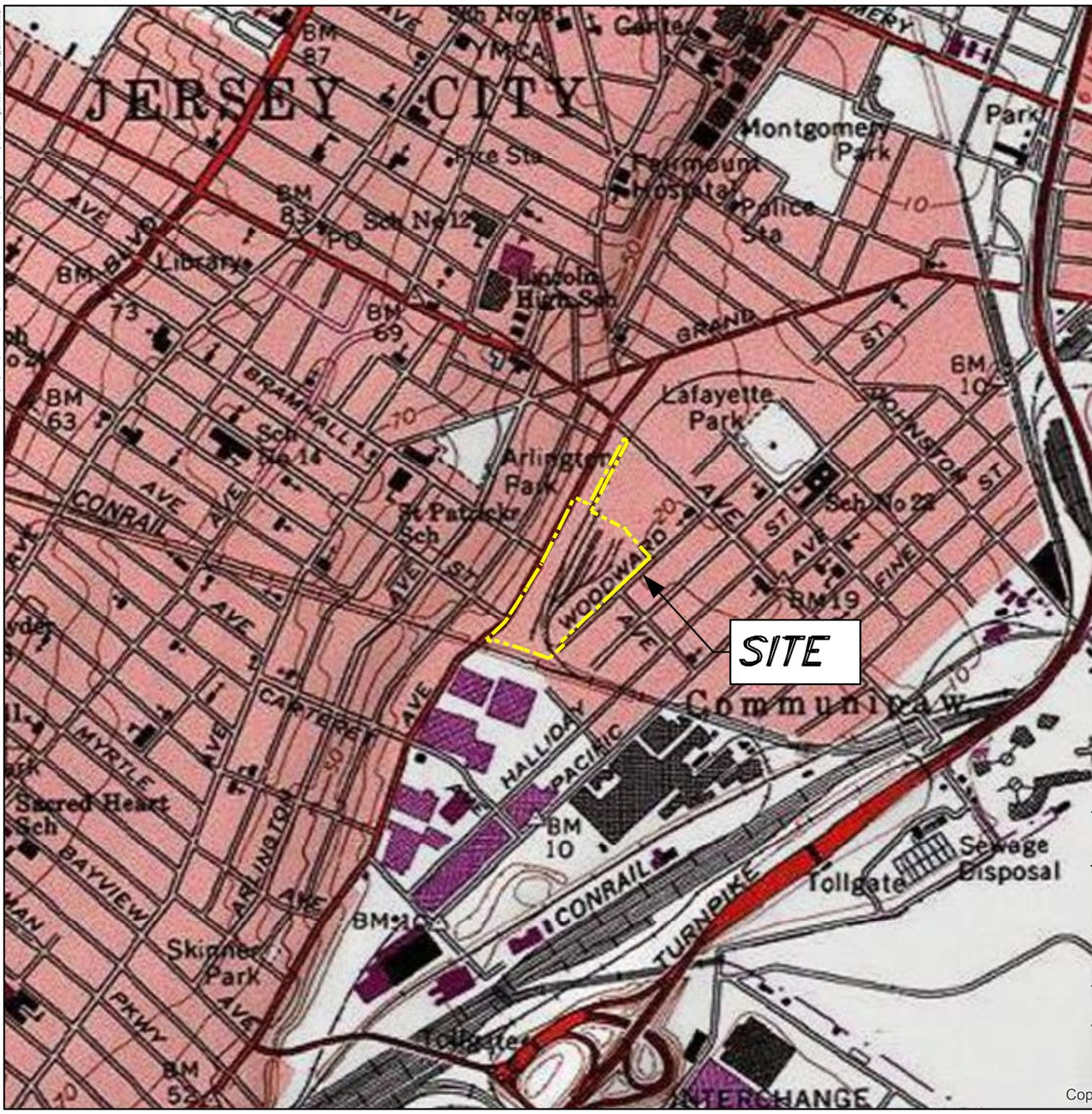
Signed and sworn before me on _____, 20__

_____, Notary Public

[Print name and title]

EXHIBIT A

0:\In\Projects\08080 - CPA\08080-64 Morris Canal\GIS\REMEDATION\Video\Figures\071113\DN_EXA-1.mxd



--- PROPERTY BOUNDARY

SOURCE: NY-JERSEY CITY QUADRANGLE, UNITED STATES GEOLOGICAL SURVEY (USGS), NATIONAL GEOGRAPHIC DATED 2002.



1 INCH = 1,000 FEET

PROJECT: BERRY LANE PARK

LOCATION: FOOT OF BERRY LANE ROAD
CITY OF JERSEY CITY
HUDSON COUNTY, NEW JERSEY

DRAWING TITLE: VICINITY MAP

DRAWN BY:	N.K.	JOB NUMBER:	697-12
CHECKED BY:	J.T.	FILE:	DN_EXA-1
DATE:	08/15/13	EXHIBIT	A-1



Copy

EXHIBIT A-2

**942, 944, 946, 948, 958-960, 964, 966, 968, 970, 972, 976, 978, 980, 984,
990, 1000 Garfield Avenue
65 and 75 Woodward Street and 1 Berry Road
Block 18901, Lots 1, 2 and a portion of 18
Block 19803, Lots 1, 3-5 and 8-21
City of Jersey City, Hudson County, New Jersey**

Description of Property

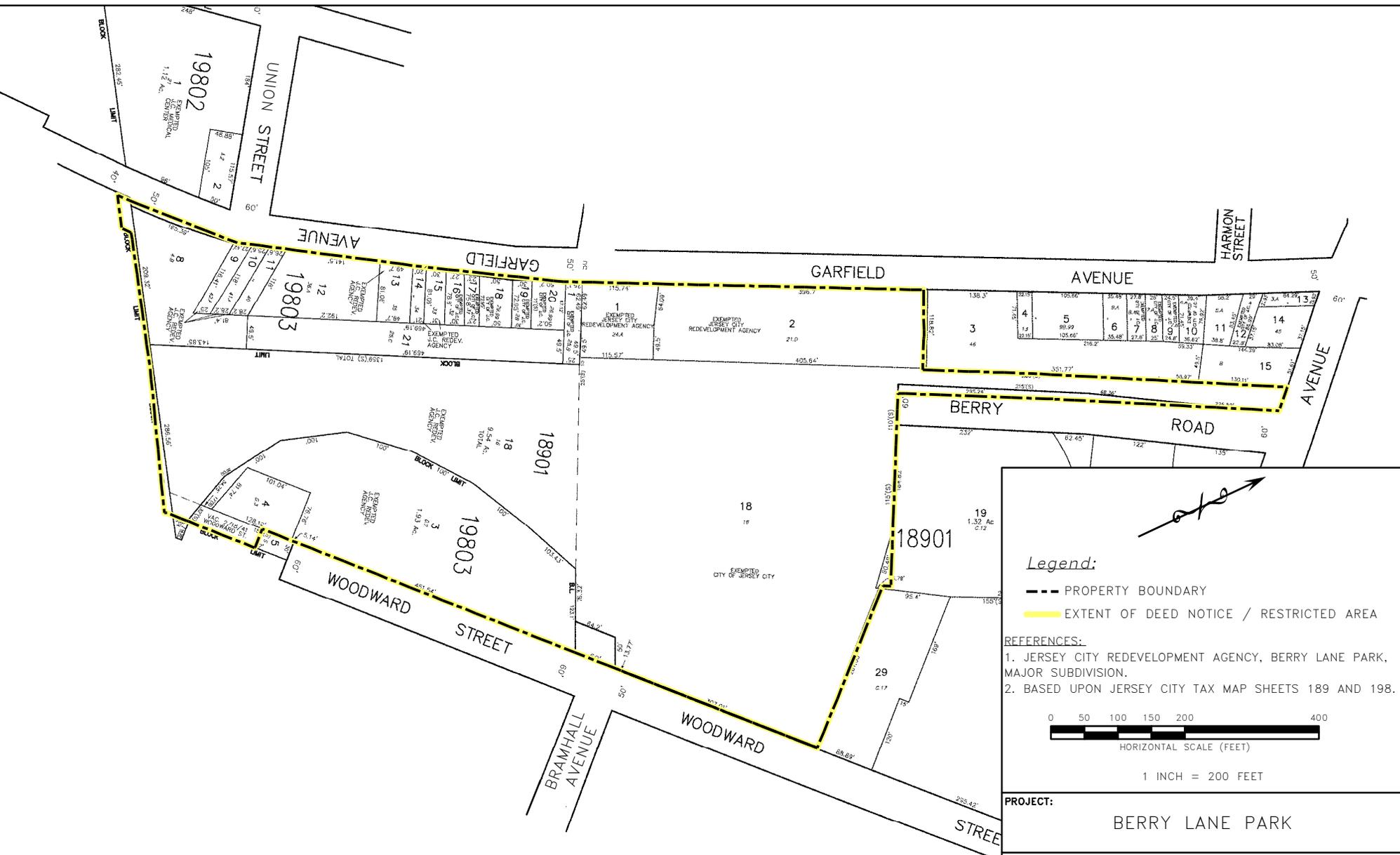
The Property is located at 942, 944, 946, 948, 958-960, 964, 966, 968, 970, 972, 976, 978, 980, 984, 990, 1000 Garfield Avenue, 65 and 75 Woodward Street and 1 Berry Road, Jersey City, County of Hudson, New Jersey. The Property is depicted on the City of Jersey City Tax Maps Sheets 189 and 198 as Tax Lots 1, 2 and a portion of 18 within Tax Block 18901 and Tax Lots 1, 3-5 and 8-21 within Tax Block 19803. The Tax Map depicting this Property is presented as Exhibit A-2a.

A Deed Notice (Institutional Control) and the Engineering Control in the form of a cap consisting of 24 inches Clean Fill, Polychlorinated Biphenyl (PCB) Management Area, Stormwater Detention Basin, and Concrete Silos apply to the entire Property.

The extent of the Deed Notice (Restricted Area) and Engineering Control (Cap) are presented in Exhibit A-2 and A-3.

Metes and Bounds Description of the Property

The Metes and Bounds description of the Property is provided in the Legal Description from the Deed. The Metes and Bounds description of the Property is provided on the following pages.



Legend:

- PROPERTY BOUNDARY
- EXTENT OF DEED NOTICE / RESTRICTED AREA

REFERENCES:

1. JERSEY CITY REDEVELOPMENT AGENCY, BERRY LANE PARK, MAJOR SUBDIVISION.
2. BASED UPON JERSEY CITY TAX MAP SHEETS 189 AND 198.

0 50 100 150 200 400
HORIZONTAL SCALE (FEET)

1 INCH = 200 FEET

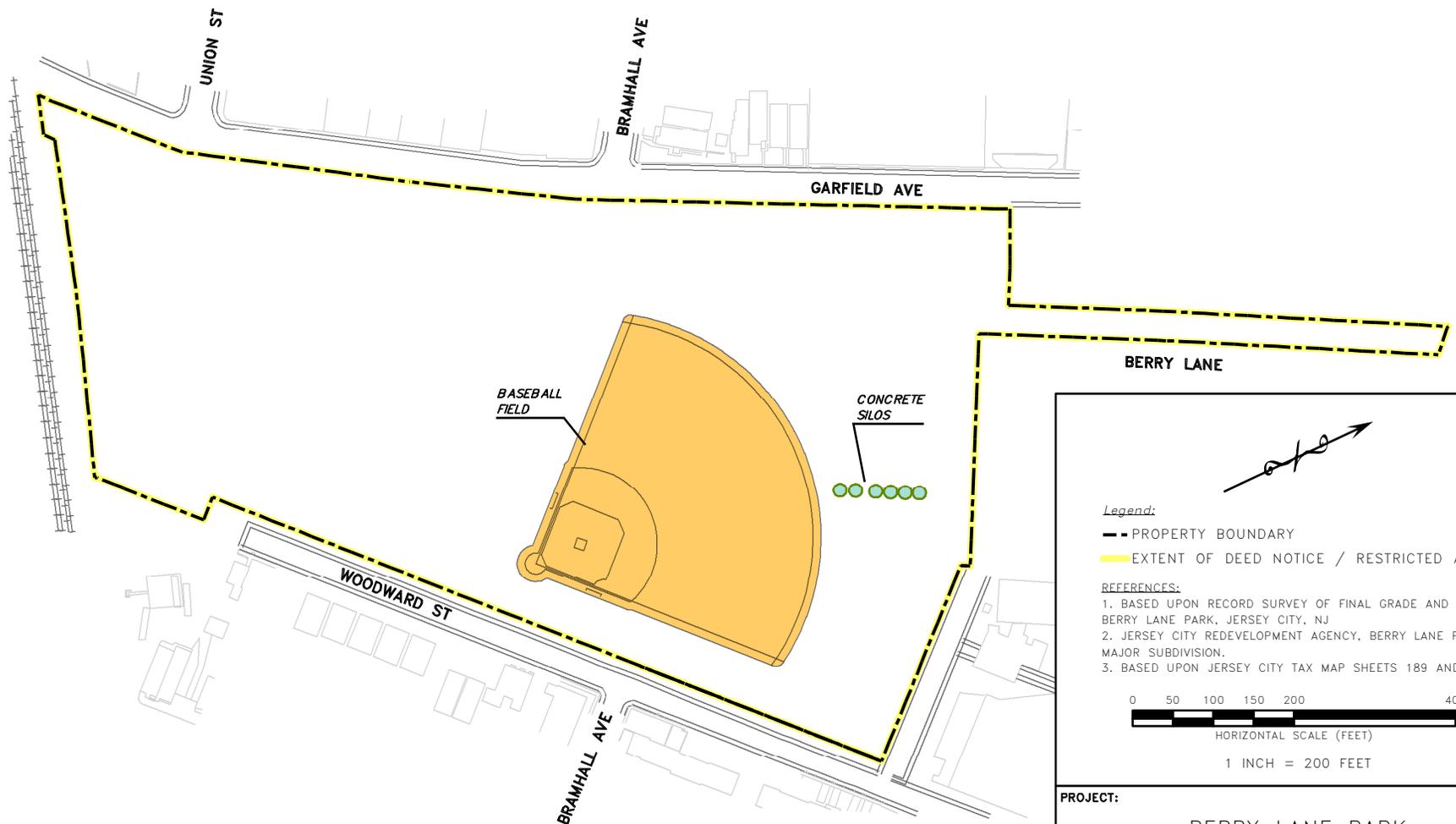
PROJECT: BERRY LANE PARK

LOCATION: FOOT OF BERRY LANE ROAD
CITY OF JERSEY CITY
HUDSON COUNTY, NEW JERSEY

DRAWING TITLE: TAX MAP

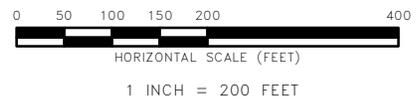
DRAWN BY:	N.K.	JOB NUMBER:	B80-64
CHECKED BY:	J.T.	FILE:	DN_EXA-2
DATE:	01/30/2014	EXHIBIT	A-2





Legend:
 - - - PROPERTY BOUNDARY
 - - - EXTENT OF DEED NOTICE / RESTRICTED AREA

- REFERENCES:**
1. BASED UPON RECORD SURVEY OF FINAL GRADE AND CAP; BERRY LANE PARK, JERSEY CITY, NJ
 2. JERSEY CITY REDEVELOPMENT AGENCY, BERRY LANE PARK, MAJOR SUBDIVISION.
 3. BASED UPON JERSEY CITY TAX MAP SHEETS 189 AND 198.



PROJECT:
 BERRY LANE PARK

LOCATION:
 FOOT OF BERRY LANE ROAD
 CITY OF JERSEY CITY
 HUDSON COUNTY, NEW JERSEY

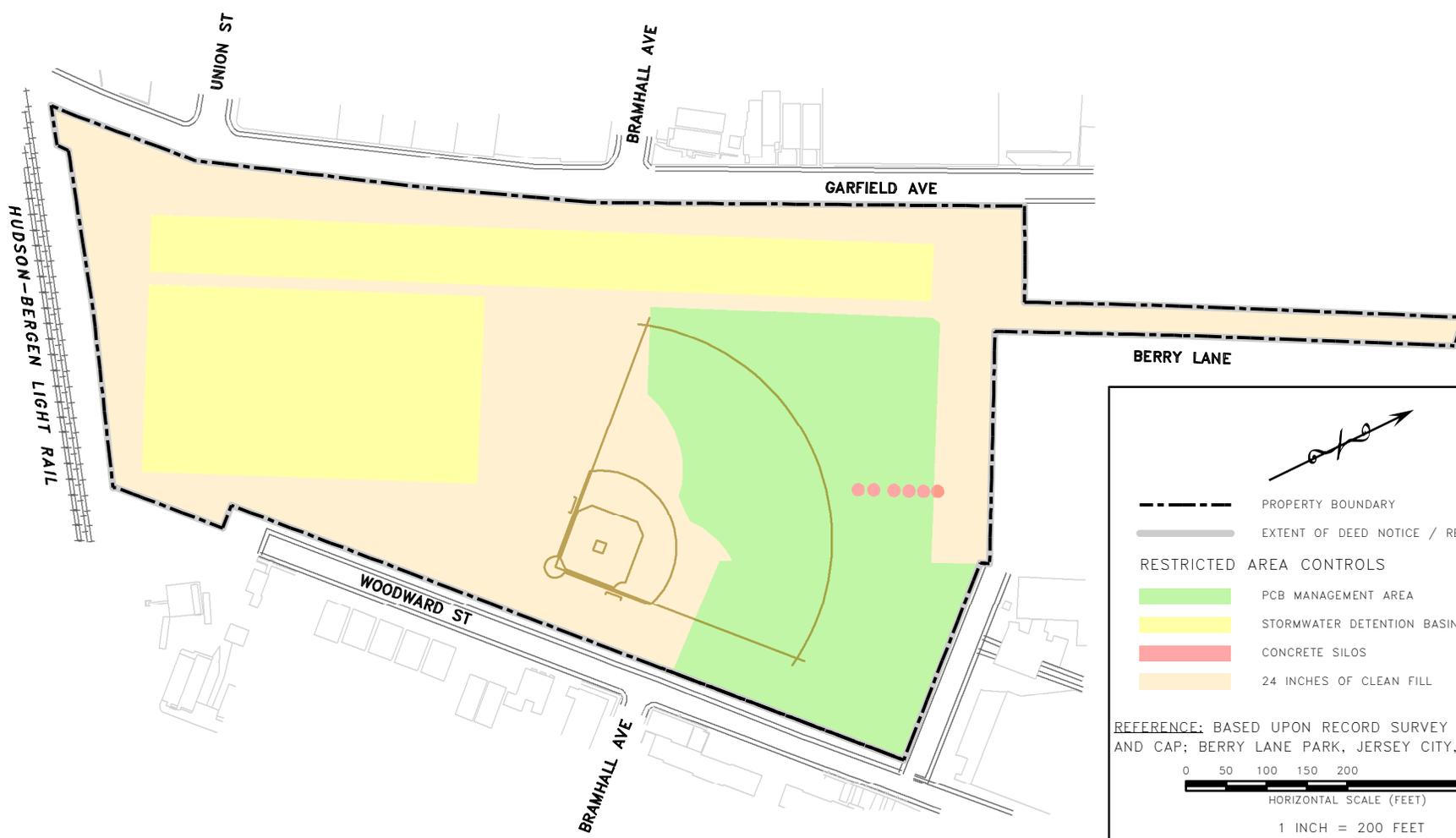
DRAWING TITLE:
 PROPERTY MAP

DRAWN BY:	N.K.	JOB NUMBER:	B80-64
CHECKED BY:	J.T.	FILE:	DN_EXA-3
DATE:	01/30/2014	EXHIBIT	A-3



EXHIBIT B

C:\Env\Projects\00088 - JCHA\00088-64 Morris Canal\GIS\REMEDATION\Final\Figure07113.DWG - EXB-1.mxd



BERRY LANE

- PROPERTY BOUNDARY
- EXTENT OF DEED NOTICE / RESTRICTED AREA

RESTRICTED AREA CONTROLS

- PCB MANAGEMENT AREA
- STORMWATER DETENTION BASIN
- CONCRETE SILOS
- 24 INCHES OF CLEAN FILL

REFERENCE: BASED UPON RECORD SURVEY OF FINAL GRADE AND CAP; BERRY LANE PARK, JERSEY CITY, NJ.

HORIZONTAL SCALE (FEET)
1 INCH = 200 FEET

PROJECT:
BERRY LANE PARK

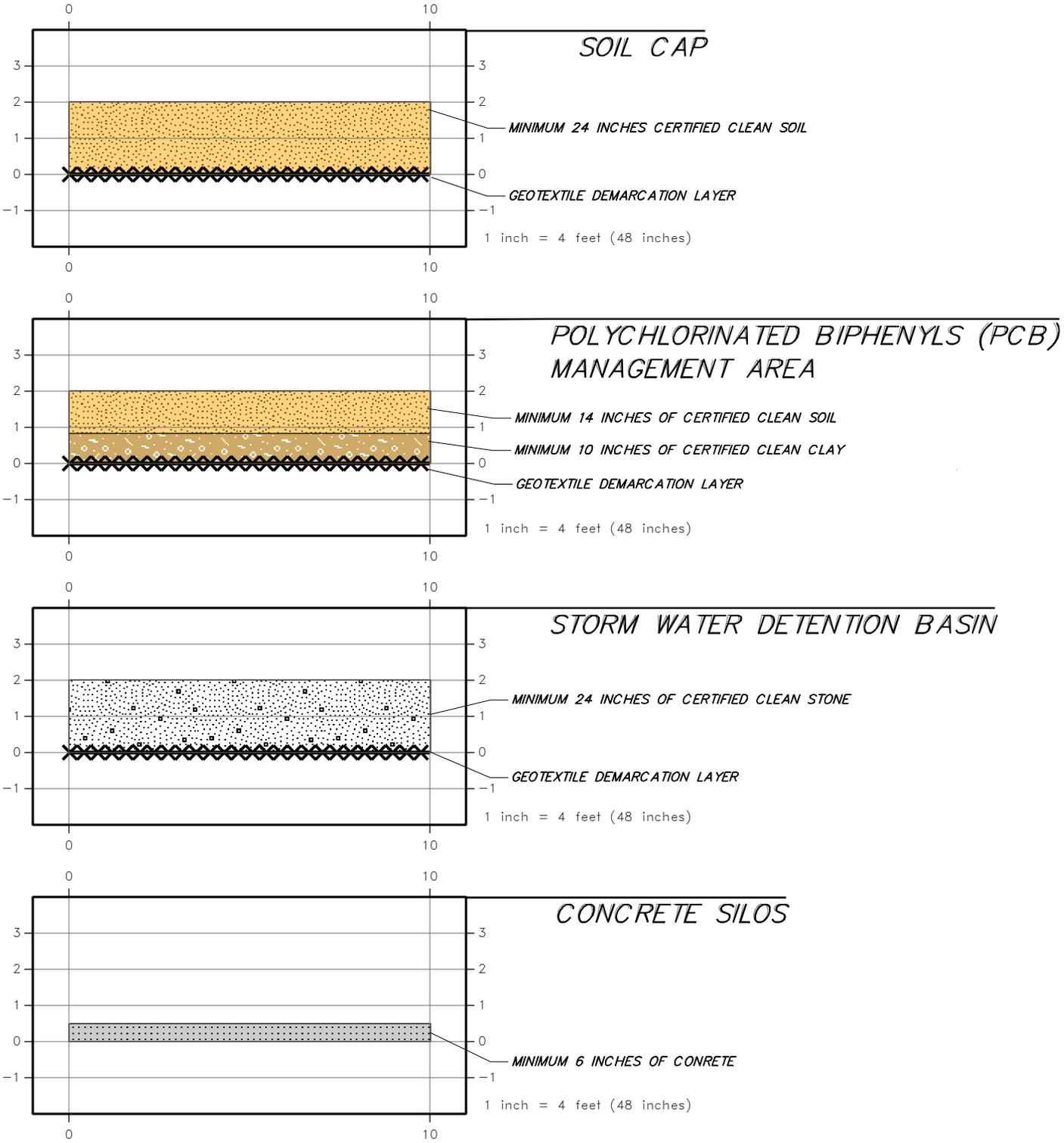
LOCATION:
FOOT OF BERRY LANE ROAD
CITY OF JERSEY CITY
HUDSON COUNTY, NEW JERSEY

DRAWING TITLE:
DEED NOTICE:
RESTRICTED AREA

DRAWN BY:	N.K.	JOB NUMBER:	B80-64
CHECKED BY:	J.T.	FILE:	DN_EXB-1
DATE:	01/30/14	EXHIBIT	B-1



C:\env\Projects\00080 - JCHA B00080-64 Morris_Cmaha\GIS\DEMARCATION\Final\Figures\071113\DN_EXB-1b_CAP.mxd

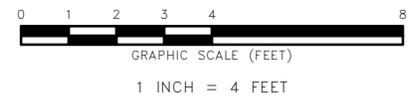


Legend:

- CERTIFIED CLEAN SOIL
- CERTIFIED CLEAN CLAY
- CERTIFIED CLEAN STONE
- CONCRETE
- GEOTEXTILE DEMARCATION

NOTES:

1. BASED UPON RECORD SURVEY OF FINAL GRADE AND CAP; BERRY LANE PARK, JERSEY CITY, NJ
2. JERSEY CITY REDEVELOPMENT AGENCY, BERRY LANE PARK, MAJOR SUBDIVISION.



PROJECT:
BERRY LANE PARK

LOCATION:
FOOT OF BERRY LANE ROAD
CITY OF JERSEY CITY
HUDSON COUNTY, NEW JERSEY

DRAWING TITLE:
CAP DETAILS

DRAWN BY:	N.K.	JOB NUMBER:	B80-64
CHECKED BY:	J.T.	FILE:	DN_EXB-1B
DATE:	01/30/2014	EXHIBIT	B-1b



EXHIBIT B-2

**942, 944, 946, 948, 958-960, 964, 966, 968, 970, 972, 976, 978, 980, 984, 990, 1000
Garfield Avenue
65 and 75 Woodward Street and 1 Berry Road
Block 18901, Lots 1, 2 and a portion of 18
Block 19803, Lots 1, 3-5 and 8-21
City of Jersey City, Hudson County, New Jersey**

The Property is approximately 14-acres and is located at 942, 944, 946, 948, 958-960, 964, 966, 968, 970, 972, 976, 978, 980, 984, 990, 1000 Garfield Avenue, 65 and 75 Woodward Street and 1 Berry Road. The Site is bound to the south by Hudson Bergen Light Rail Train (HBLRT), to the west by Garfield Avenue, to the east by Woodward Street and to the north by Communipaw Avenue. The Property is owned by the City of Jersey City and is designated as Tax Lots 1, 2 and a portion of 18 within Tax Block 18901 and Tax Lots 1, 3-5 and 8-21 within Tax Block 19803 on the Tax Map for the City of Jersey City.

Description of Restricted Area

The restricted area encompasses the soil located beneath the entire Property. Environmental investigations indicate the Property is underlain by fill material which is located from elevation 5.50 to 19.86 North American Vertical Datum 1988 (NAVD 88). The historic fill material consists of concrete, brick, glass, and fly ash intermixed with various types of soil. The historic fill is known to contain contaminants including select PAHs (benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[k]fluoranthene, dibenzo[a,h]anthracene, indeno[1,2,3-cd]pyrene) and select metals (arsenic, beryllium, cadmium, copper, lead, zinc) that exceed the New Jersey Department of Environmental Protection's (NJDEP's) Residential Direct Contact Soil Remediation Standards (RDCSRS) and Non-Residential Direct Contact Soil Remediation Standards (NRDCSRS) last revised May 7, 2012.

In addition to historic fill, total PCBs were also identified within the Property at concentrations which exceed the NJDEP's RDCSRS and/or NRDCSRS last revised May 7, 2012. Total PCBs were identified at concentrations ranging from 0.229 mg/kg in soil sample WM-21-4B to 9.294 mg/kg in soil sample WM-9A. No PCB concentrations are known to exist within the Property in excess of the United States Environmental Protection Agency (USEPA) Self Implementing High Occupancy Criteria of 10 mg/kg.

It should be noted that in accordance with the NJDEP's Remedial Action Work Plan Approval for Property 12 (Woodward Metals) dated May 3, 2012 and USEPA 30 Day Notice approval as part of the redeveloped of the Property PCB impacted soil was excavated and reused within the Property but its reuse was limited to the PCB Management Area. As a consequence of this, sample specific exceedance locations are not provided but rather a range of PCB concentrations from 0.229 mg/kg to 9.294 mg/kg has been applied to the PCB Management Area. This range is based upon previous soil sample data from within Property 12 (Woodward Metals). The PCB Management Area is depicted on Exhibit B-2.

EXHIBIT C

EXHIBIT C-1

942, 944, 946, 948, 958-960, 964, 966, 968, 970, 972, 976, 978, 980,
984, 990, 1000 Garfield Avenue
65 and 75 Woodward Street and 1 Berry Road
Block 18901, Lots 1, 2 and a portion of 18
Block 19803, Lots 1, 3-5 and 8-21
City of Jersey City, Hudson County, New Jersey

DETAILS OF THE INSTITUTIONAL CONTROL

(A) General Description of this Deed Notice

(1) Property Description and estimated size of the Restricted Areas

The entire Property is approximately 14-acres which is owned by the City of Jersey City and is designated and is designated as Tax Lots 1, 2 and a portion of 18 within Tax Block 18901 and Tax Lots 1, 3-5 and 8-21 within Tax Block 19803 on the Tax Map for the City of Jersey City.

The restricted area encompasses the entire Property. This Deed Notice (Institutional Control) is being applied based on the presence of Historic Fill related contaminants and total PCBs. Previous investigations conducted at the Property identified Historic Fill from elevation of 5.50 to 19.86 North American Vertical Datum 1988 (NAVD 88).

(2) Description of the Restrictions on the Property by operation of this Deed Notice

The Property has an Institutional Control in the form of this Deed Notice and an Engineering Control in the form of a cap consisting of 24 inches of Clean Fill, a Polychlorinated Biphenyl (PCB) Management Area, Storm Water Detention Basin and Concrete Silos. It should be noted that the Site is not applicable to the Presumptive Remedies as specified NJDEP's *Site Remediation Program's Presumptive Remedy Technical Guidance* dated August 13, 2013, Version 2.0.

(3) The objective of the restrictions

The objective of the restrictions is to ensure that the Institutional and Engineering Controls remain protective of the public health and safety, and of the environment. They also provide a mechanism by which the NJDEP can limit human activities at or near the Property in order to ensure the effectiveness of the remedial action.

EXHIBIT C-1

**942, 944, 946, 948, 958-960, 964, 966, 968, 970, 972, 976, 978, 980,
984, 990, 1000 Garfield Avenue
65 and 75 Woodward Street and 1 Berry Road
Block 18901, Lots 1, 2 and a portion of 18
Block 19803, Lots 1, 3-5 and 8-21
City of Jersey City, Hudson County, New Jersey**

(B) Description of the Monitoring

- (1) For Disturbances of Soil in the Restricted Area

Refer to Clause 7A of the Deed Notice for specifics related to notification, health and safety and possible permit modification requirements.

- (2) For any Land Use Changes

The Property will be monitored to check the current land use and for any land use changes.

Should the Owner wish to initiate a rezoning of the Property, then the Owner shall provide written notice to the NJDEP within thirty (30) calendar days after the petition for, or filing of any rezoning application, in accordance with Deed Notice Clause 6A.

- (3) For Current Land Use

The current land use on the Property will be monitored for consistency with the restrictions in this Deed Notice.

- (4) For any newly promulgated or modified laws, standards or regulations

Newly promulgated or modified laws, standards or regulations will be checked to ensure that the Engineering and Institutional Controls are in compliance.

- (5) For any new standards, regulations or laws

Same as (4) above.

(C) Items to be included in the Biennial Certification

- (1) A monitoring report will be maintained by the responsible party or his designate. The report describes the specific activities, pursuant to (A) and (B), above, conducted in support of the biennial certification for this Deed Notice via the NJDEP's Remedial Action Protectiveness/Biennial Certification Form – Soil.

EXHIBIT C-2

942, 944, 946, 948, 958-960, 964, 966, 968, 970, 972, 976, 978, 980,
984, 990, 1000 Garfield Avenue
65 and 75 Woodward Street and 1 Berry Road
Block 18901, Lots 1, 2 and a portion of 18
Block 19803, Lots 1, 3-5 and 8-21
City of Jersey City, Hudson County, New Jersey

DETAILS OF THE ENGINEERING CONTROLS

(A) General Description of the Engineering Controls:

(1) The Property has Engineering Controls in the form of a cap over the Property in its entirety, which includes the following:

- **Soil Cap**
 - 24 inches certified clean fill
 - Geotextile demarcation
- **Polychlorinated Biphenyls (PCB) Management Area**
 - Minimum 14 inches of certified clean soil
 - Minimum 10 inches of certified clean clay
 - Geotextile demarcation
- **Storm Water Detention Basin**
 - Minimum 24 inches of certified clean virgin quarried stone
 - Geotextile demarcation
- **Concrete Silos**
 - Minimum 6 inches of concrete

(2) The objective of these Engineering Controls is to:

- Eliminate the potential for human contact with contaminated soil.
- Prevent infiltration of precipitation into the contaminated soil, thereby reducing the volume of contaminated groundwater.
- Eliminate the potential for the generation of airborne particulate contamination and public exposure to airborne particulates.
- Eliminate the potential for erosion or off-site migration of contaminated soil due to storm runoff.

(3) The Engineering Controls placed on the entire Property are intended to function as a barrier during the lifetime of this Deed Notice.

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(B) Description of the Operation and Maintenance

(1) Inspections of the Engineering Control will be performed every three (3) months in order to determine its integrity, operability, and effectiveness;

(2) During each inspection, the Engineering Control in question will be checked to assess that it continues as designed and intended - to be protective of the public health and safety and of the environment;

(3) During any alteration, excavation or disturbance of the Engineering Control, the property manager or his designate will be present to check that any such activity is timely and appropriately addressed to maintain the integrity of the Engineering Control;

(4) During each inspection, the Engineering Control will be inspected to ensure that it is being properly maintained and its integrity remains so that the remedial action continues to be protective of the public health and safety and of the environment;

(5) A record of the self-inspection dates, name of the inspector, results of the inspection and condition(s) of this Engineering Control will be recorded in an Engineering Control Inspection Log Book to be kept at the Property. A copy will also be retained by the Owner.

(6) New standards, regulations, or laws.

Newly promulgated or modified laws, standards or regulations will be checked to ensure that the engineering and institutional controls are in compliance.

Cap Disturbance

In the event that the cap is disturbed as a result of utility installation/repair or other below grade work that is necessary, the cap will be restored according to the following procedure:

- 1) The impervious and pervious surfaces will be removed as necessary.
- 2) Underlying contaminated fill material will be removed as necessary and staged separately on top of plastic; if work cannot be completed in the same

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day, the soil pile will be covered with plastic to limit contact with the elements.

- 3) Dust control measures will be implemented in the work area by wetting the soil.
- 4) Upon completion of work the cap will be restored by returning the staged, contaminated fill material to the excavation, and compacting and restoring the impervious and/or pervious surfaces.

If the generation of surplus contaminated fill material cannot be avoided, this material shall be disposed of in accordance with applicable NJDEP protocols.