

ADR ENVIRONMENTAL

343A SUITE B US HWY 206
BRANCHVILLE, NJ 07826
OFFICE: 973-948-3530 FAX: 973-948-3972
WWW.ADRENVIRONMENTAL.COM
NJDEP LICENSE # US572155

October 13, 2020

Re: Response Action Outcome

Remedial Action Type: *Restricted Use with Permit Requirements*

Scope of Remediation: *ISRA Industrial Establishment as defined according to N.J.A.C. 7:26B - Entire Site*

Address: 586 54th Street
Municipality: West New York
County: Hudson
Block: 115 Lot: 21
Preferred ID: 229033
Communication Center # 19-10-25-1428-40
ISRA Case # E20040186

Dear Mr. Ventura:

As a Licensed Site Remediation Professional authorized pursuant to N.J.S.A. 58:10C to conduct business in New Jersey, I hereby issue this Response Action Outcome for the remediation of the industrial establishment as defined according to N.J.A.C. 7:26B. I directly oversaw and supervised all of the referenced remediation and personally reviewed and accepted all of the referenced remediation and based upon this work, it is my professional opinion that this remediation has been completed in compliance with the Administrative Requirements for the Remediation of Contaminated Sites (N.J.A.C. 7:26C), that is protective of public health, safety and the environment. Also, full payment has been made for all Department fees and oversight costs pursuant to N.J.A.C. 7:26C-4.

This remediation includes the completion of a Preliminary Assessment, Site Investigation, Remedial Investigation and Remedial Action as defined pursuant to the Technical Requirements for Site Remediation (N.J.A.C. 7:26E),

My decision in this matter is made upon the exercise of reasonable care and diligence and by applying the knowledge and skill ordinarily exercised by licensed site remediation professionals in good standing practicing in the State at the time these professional services are performed.

As required pursuant to N.J.A.C. 7:26C-6.2(b)2ii, a copy of all records related to the remediation that occurred at this location is being simultaneously filed with the New Jersey Department of Environmental Protection (Department). These records contain all information upon which I based my decision to issue this Response Action Outcome.

By operation of law a Covenant Not to Sue pursuant to N.J.S.A. 58:10B-13.2 applies to this remediation. The Covenant Not to Sue is subject to any conditions and limitations contained herein. The Covenant Not to Sue remains effective only as long as the real property referenced above continues to meet the conditions of this Response Action Outcome Restricted Use RAO and applicable permit RAP200001.

CONDITIONS

Pursuant to N.J.S.A. 58:10B-12o, **Carlos Ventura** and any other person who is liable for the cleanup and removal costs, and remains liable pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. shall inform the Department in writing, on a form available from the Department, within 14 calendar days after its name or address changes. Any notices you submit pursuant to this paragraph shall reference the above case numbers and shall be sent to:

New Jersey Department of Environmental Protection
Bureau of Case Assignment and Initial Notice
Mail Code 401-05H
401 East State Street, 5th floor
PO Box 420
Trenton, New Jersey 08625-0420

Any such name or address change may also trigger a transfer or modification of the remedial action permit pursuant to N.J.A.C. 7:26C-7.11 and 7.12.

Based on my professional opinion you have obtained all applicable permit(s) and authorization(s) to ensure this remedial action remains protective of public health, safety and the environment into the future provided that you, and any other persons responsible for conducting remediation, remain in full compliance with the terms and conditions of those permit(s) and authorization(s). The designated remedial action permit number is #RAP200001 effective April 6, 2020.

NOTICES

Building Interiors Not Addressed (Non-Child Care)

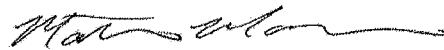
Please be advised that the remediation that is covered by this Response Action Outcome does not address the remediation of hazardous substances that may exist in building interiors or equipment, including, but not limited to, radon, asbestos and lead. As a result, any risks to human health presented by any building interior or equipment remains.

In concluding that this remediation has been completed, I am offering no opinions concerning whether either primary restoration (restoring natural resources to their pre-discharge condition) or compensatory restoration (compensating the citizens of New Jersey for the lost interim value of the natural resources) has been completed.

Pursuant to N.J.S.A. 58:10C-25, the Department may audit this Response Action Outcome and associated documentation up to three years following issuance. Based on a finding by the Department that a Response Action Outcome is not protective of public health, safety and the environment, the Department can invalidate the Response Action Outcome. Other justifications for the Department's invalidation of this Response Action Outcome are listed in the Administrative Requirements for the Remediation of Contaminated Sites at N.J.A.C. 7:26C-6, including, but not limited to, a Department audit following issuance of this document may be initiated at any time if: a) undiscovered contamination is found that was not addressed by the Response Action Outcome, b) if the Site Remediation Professional Licensing Board conducts an investigation of the Licensed Site Remediation Professional issuing the Response Action Outcome or, c) if the license of that person is suspended or revoked.

Thank you for your attention to these matters. If you have any questions, please contact me at (973)948-3530.

Sincerely,



Mathieu Morris,
Licensed Site Remediation Professional
#748537

c: Hudson Regional Health Commission
Clerk - Town of West New York
NJDEP Bureau of Case Assignment and Initial Notice



State of New Jersey

PHIL MURPHY
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CATHERINE R. MCCABE
Commissioner

SHEILA OLIVER
Lt. Governor

Site Remediation and Waste Management Program
Remediation Review Element
Bureau of Remedial Action Permitting
401 E. State Street
P.O. Box 420
Mail Code 401-055
Trenton, NJ 08625-0420
Phone: (609) 984-2990

March 31, 2020

RE: Soil Remedial Action Permit
Site: M&F Embroidery
Address: 586 54th Street
City: West New York Town
County: Hudson
SRP Program Interest #: 229033
Soil Remedial Action Permit #: RAP200001

Enclosed is a Soil Remedial Action Permit issued pursuant to the Site Remediation Reform Act, 58:10C-1 et seq. and the Administrative Requirements for the Remediation of Contaminated Sites at N.J.A.C. 7:26C-1 et seq. This permit becomes effective on April 6, 2020. Please note the referenced permit and program interest numbers and refer to them when corresponding with the Department.

The enclosed permit requires the permittee to conduct monitoring, maintenance and evaluation for compliance and effectiveness of the remedial action and its associated institutional control. The permit establishes all requirements necessary for demonstrating that the remedial action and control continue to be protective of public health, safety and the environment.

Requirement to Retain License Site Remediation Professional (LSRP)

The Technical Requirements for Site Remediation (Technical Requirements) at N.J.A.C. 7:26E-1.8 define remediation to include a remedial action. The

Technical Requirements further define remedial action such that "... A remedial action continues as long as an engineering control or an institutional control is needed to protect the public health and safety and the environment, and until all unrestricted use remediation standards are met." Therefore, a person who is implementing a remedial action that includes an engineering or institutional control is conducting remediation, and that person is required to hire a licensed site remediation professional (LSRP) pursuant to the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS; see N.J.A.C. 7:26C-2.3(a) and (b)).

At all times, an LSRP is required to be retained for a case that has a Deed Notice, Classification Exception Area, Soil Remedial Action Permit, and/or Ground Water Remedial Action Permit until the remedial action(s) is no longer needed to protect the public health and safety and the environment, and until all unrestricted use remediation standards are met. The LSRP must be retained to operate, maintain, and monitor the institutional and/or engineering controls at the site, to ensure that the remedial action(s) remains protective of public health and safety and the environment, and to ensure compliance with the requirements of the Deed Notice, Classification Exception Area, Soil Remedial Action Permit, and/or the Ground Water Remedial Action Permit. This includes but is not limited to site inspections, ground water sampling, biennial submission of a Soil and/or Ground Water Remedial Action Protectiveness/Biennial Certification Form and Report, responding to any activities involving the institutional and/or engineering controls at the site, and responding to any public inquiries regarding the current status of the site. It is the responsibility of the LSRP certifying the Remedial Action Permit application to inform the Responsible Entity of the requirement regarding LSRP retention for a case that has a Soil and/or Ground Water Remedial Action Permit.

An LSRP may be retained or dismissed for a case that has an approved Soil and/or Ground Water Remedial Action Permit through the New Jersey Department of Environmental Protection online portal (www.nj.gov/dep/online/) by choosing the "LSRP Retention" or "LSRP Release" submission type selection option within the "LSRP Notification of Retention or Dismissal" service, and choosing the "Remedial Action Permit" activity in the case selection page. Please note that the Bureau of Remedial Action Permitting records the LSRP Retention for pending Remedial Action Permit Applications so there is no need to perform this function online. Also note that the LSRP Comprehensive Report (datamine2.state.nj.us/DEP_OPRA/OpraMain/categories?category=SRRA) now includes information pertaining to approved Soil and Ground Water Remedial Action Permits to which the LSRP is assigned.

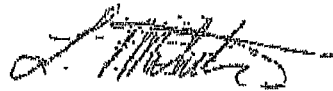
Annual Fees

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

Any changes to this contact should be brought to the Department's attention. Changes to fee billing contacts are updates and are not considered modifications to the permit.

The Department looks forward to future continued cooperation in working together to provide a healthy environment for the citizens of New Jersey and to protect its resources. Going forward, questions or comments regarding this permit should be addressed to Robert Steinhagen with the Bureau of Remedial Action Permitting at Robert.Steinhagen@dep.nj.gov or (609)633-1472.

Sincerely,



Lynne Mitchell, Assistant Director
Remediation Review Element

Enclosure

c: City Clerk, West New York
townclerk@westnewyorknj.org

West New York Town Health Department
milena@westnewyorknj.org

Hudson County Register
djennings@hcnj.us

Hudson Regional Health Commission
adequina@hudsonregionalhealth.org

Mathieu Morris
matt@adrenvironmental.com



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Site Remediation and Waste Management Program
DIVISION OF ENFORCEMENT, TECHNICAL & FINANCIAL SUPPORT
BUREAU OF ENVIRONMENTAL EVALUATION AND RISK ASSESSMENT
401 East State Street
P.O. Box 420, Mail Code 401-05W
Trenton, NJ 08623-0420
Tel: (609) 633-7413
Fax: (609) 633-2360

PHIL MURPHY
Governor

SHEILA OLIVER
Lt. Governor

CATHERINE MCCABE
Commissioner

Alternative Remedy Approval

November 21, 2019

Re:

586 34th Street
West New York, Hudson County
SRP PI# 229033

Dear Mr. Ventura,

The New Jersey Department of Environmental Protection (Department) has completed review of the Alternative Remedy Application for the subject site, received in the Bureau of Environmental Evaluation and Risk Assessment (BEERA) for review on November 18, 2019. The half-acre site consists of an existing two-story mixed-use building with a basement and a paved driveway along the west side of the building. The first floor of the building is used for commercial purposes and the second story is used as residential with two separate apartments. The site is underlain with soils containing low level polycyclic aromatic hydrocarbons (PAHs) and metals associated with historic fill contamination.

Pursuant to N.J.S.A. 58:10B-12(g), the Department is required to establish presumptive remedies for any remediation initiated after May 7, 2010, at a site or area of concern (AOC) where new construction or change of use is proposed for residential purposes, for use as a child care center, or as a public or private school. If a person responsible for conducting remediation, initiated remediation at a school, child care center or residence before May 7, 2010, they are not subject to presumptive remedy requirements. However, they may submit a Remedial Action Workplan (RAW) to the Department if that person desires pre-approval for an Alternative Remedy, which

was done for this site. Once a RAW is submitted with an Alternative Remedy proposal, Departmental approval must be obtained prior to implementation of the remedial action.

The licensed site remediation professional (LSRP) has determined that presumptive remedies are not feasible at the site due to its pre-existing construction and the nature and extent of contamination identified. Alternative remedies are proposed for both the existing building foundation and driveway area that offer a modified buffer and barrier layer thickness and annual inspections.

Existing Building Footprint:

<u>Presumptive Remedy:</u>	<u>Alternative Remedy proposal:</u>
Barrier: min 4" concrete	4" concrete
Buffer: min 4" sub base	2" stone aggregate
Demarcation: not required	none
Inspection: annual	annual

Concrete or Asphalt Surfaces (Driveway):

<u>Presumptive Remedy:</u>	<u>Alternative Remedy proposal:</u>
Barrier: min 4" concrete or asphalt	4" concrete plus 2 "asphalt (6" total)
Buffer: min 4" sub base	3" stone aggregate
Demarcation: visible contamination marker	visible change from sub base to fill
Inspection: annual	annual

BEERA finds the proposed Alternative Remedy for the driveway acceptable because the total depth of the buffer and barrier layers is greater than the presumptive remedy requirement.

The proposed Alternative Remedy for the existing building footprint will be acceptable to BEERA if the inspection schedule by the LSRP is increased to semi-annual (2x/yr). Because the PAHs and metals remaining in soils at the site are caused by historic fill and not due to a discharge, and because the buffer layer's reduction in the alternative remedy is offset by increased inspections of the building foundation, BEERA finds the Alternative Remedy acceptable with semi-annual inspections. BEERA notified the LSRP of an increased inspection frequency requirement when there is a reduced buffer and/or barrier layer thickness and the LSRP accepted in an email dated November 20, 2019.

The Department has determined that the Alternative Remedy proposed for Block 115, Lot 21 is in compliance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E, the Alternative and Presumptive Remedy guidance document and other applicable requirements. The

Department hereby approves the Alternative Remedy effective the date of this letter. The Remedial Action Report for the site must include a deed notice and a soil Remedial Action Permit, as well as applicable forms and fees.

If you have any questions regarding this Alternative Remedy approval please contact, Erica Snyder in BEERA at 609-984-0325 or erica.snyder@dep.nj.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kevin Schick".

Kevin Schick
Bureau Chief BEERA

cc: Mathieu Morris, LSRP
Erica Snyder, BEERA/NJDEP

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

SOIL REMEDIAL ACTION PERMIT Deed Notice with Engineering Control

The New Jersey Department of Environmental Protection hereby grants you a Remedial Action Permit pursuant to N.J.S.A. 58:10C-1 et seq. and N.J.A.C. 7:26C-1 et seq. for the facility/activity named in this document. This permit is the regulatory mechanism used by the Department to help ensure your remedial action will be protective of human health and the environment.

This permit establishes the monitoring, maintenance, and evaluation requirements for determining the effectiveness of the deed notice's engineering control.

Site: **M&F Embroidery**

<u>Facility Address:</u> 586 54th Street West New York Town, NJ 07093 Hudson County Block: 115 Lot: 21	<u>SRP PI #:</u> 229033 <u>Permit #:</u> RAP200001 <u>Issuance Date:</u> 03/31/2020 <u>Effective Date:</u> 04/06/2020
<u>Person Responsible for Conducting the Remediation - Co-Permittee:</u> 	
<u>Property Owner - Co-Permittee:</u> <u>Same as above</u>	

I. Authority

The Department is issuing this permit in accordance with N.J.S.A. 58:10C-1 et seq. and N.J.A.C. 7:26C-1et seq.

II. Permit Requirements

A. MONITORING REQUIREMENTS

1. The permittee shall retain a Licensed Site Remediation Professional (LSRP) for the Soil Remedial Action Permit until the remedial action is no longer needed to protect the public health and safety

SRP PI #: 229033 Soil Remedial Action Permit #: RAP200001

and the environment, and until all unrestricted use remediation standards are met. The LSRP must be retained to operate, maintain, and monitor the institutional and/or engineering controls at the site, to ensure that the remedial action remains protective of public health and safety and the environment, and to ensure compliance with the requirements of the Soil Remedial Action Permit. This includes but is not limited to site inspections, biennial submission of a Soil Remedial Action Protectiveness/Biennial Certification Form and Report, responding to any activities involving the institutional and/or engineering controls at the site, and responding to any public inquiries regarding the current status of the site. [N.J.A.C. 7:26C- 2.3(a and b)]

2. The permittee shall conduct monitoring and maintenance pursuant to Exhibit C of the attached Deed Notice. [N.J.A.C. 7:26C- 7.8(a)2]
3. The permittee shall conduct periodic inspections of each engineering control to determine its integrity, operability, and effectiveness. [N.J.A.C. 7:26C- 7.8(b)2]
4. The permittee shall conduct periodic inspections of any excavations or disturbances that have resulted in unacceptable exposure to the soil contamination. The permittee shall maintain a detailed maintenance and evaluation log. [N.J.A.C. 7:26C- 7.8(b)]

B. REMEDIAL ACTION PROTECTIVENESS/BIENNIAL CERTIFICATION FORM

1. Reporting Requirements

- a. The permittee shall prepare and submit to the Department a Remedial Action Protectiveness/Biennial Certification Form every two years following the anniversary of the date of the effective date of this permit. The certification shall be submitted on the required form provided by the Department. Submit a Remedial Action Protectiveness/Biennial Certification Form biennially from the effective date of this permit. [N.J.A.C. 7:26C- 7.7(a)1]

2. Evaluation Requirements

- a. The permittee shall hire a Licensed Site Remediation Professional to prepare and certify that the remedial action continues to be protective of the public health and safety and the environment. [N.J.A.C. 7:26C- 1.5(a)2]
- b. The permittee shall conduct the remediation in accordance with all applicable statutes, rules, and guidance. [N.J.A.C. 7:26C- 1.2(a)]
- c. The permittee shall provide the results of the periodic inspections required under the monitoring requirements of this permit. [N.J.A.C. 7:26C- 7.8(c)]
- d. The Remedial Action Protectiveness/Biennial Certification Form shall include an evaluation of any actual or pending zoning or land use changes to determine if these changes are consistent with the use restrictions contained in the attached deed notice/declaration of environmental restriction. If the evaluation finds that the engineering/institutional controls are no longer protective of the public health and safety and the environment, the permittee shall implement appropriate remedial action to ensure that the engineering/institutional controls are protective of the public health and safety and the environment. [N.J.A.C. 7:26C- 7.8(b)1]
- e. The Remedial Action Protectiveness/Biennial Certification Form shall include a comparison of the laws, Remediation Standards, and other regulations applicable at the time the engineering or institutional control was established with any relevant subsequently promulgated or modified laws or regulations to determine whether the engineering or institutional control remains protective.

The results shall be provided in table format, comparing of applicable laws, regulations, and standards. [N.J.A.C. 7:26C- 7.8(b)3]

C. FINANCIAL ASSURANCE REQUIREMENTS

1. Innocent Purchaser

a. The person responsible for the remediation and the property owner certified that the permittees are not liable pursuant to the Spill Act, purchased the contaminated property before May 7, 2009, and therefore exempted from the requirement to establish financial assurance pursuant to N.J.S.A. 58:10C-19.c(2). [N.J.A.C. 7:26C- 7.10(c)2]

D. FEES

1. For each year hereafter on the anniversary of the effective date of this permit, the Department shall invoice the permittees the amount of the annual Remedial Action Permit Fee. [N.J.A.C. 7:26C- 4.6]

E. PERMIT TRANSFERS

1. The permittee shall, no later than 60 days after the sale or transfer of the property, or transfer of the operation of the property, or termination of a lease, submit a Remedial Action Permit Transfer/Change of Ownership Application and pay the permit transfer fee to the Department. [N.J.A.C. 7:26C- 7.11(b)]

F. PERMIT MODIFICATIONS

1. Soil Permit Modifications

a. The permittee shall apply to have the Department modify a Remedial Action Permit after a change in the remedial action pursuant to N.J.A.C. 7:26C-6.4. [N.J.A.C. 7:26C- 7.12(b)1]

b. The permittee shall apply to have the Department modify a Remedial Action Permit after a modification of the engineering or institutional controls, which will result in changes to the exhibits in the deed notice or in the notice in N.J.A.C. 7:26C-7.2(c)2. [N.J.A.C. 7:26C- 7.12(b)2]

c. The permittee shall apply to have the Department modify a Remedial Action Permit after the permittee changes its address. [N.J.A.C. 7:26C- 7.12(b)3]

G. PERMIT TERMINATIONS

1. A request for a permit termination can be filed by submitting a Remedial Action Permit Application to terminate the permit to the Department when the remedial action meets all applicable remediation standards without the need for the Remedial Action Permit and the remedial action is protective of the public health and safety and of the environment without the presence of the Remedial Action Permit. [N.J.A.C. 7:26C- 7.13]

H. FORM SUBMITTAL

1. Any forms, applications or documents required by this chapter that can be submitted in an electronic format shall be submitted electronically 90 days after the date that the Department informs the public in the New Jersey Register that the relevant electronic application is functional. [N.J.A.C. 7:26C- 1.6(c)]

2. All submissions required pursuant to this permit shall be made on forms approved and available from the Department. These forms and instructions for completing these forms can be found at <http://www.nj.gov/dep/srp/srra/forms>. [N.J.A.C. 7:26C- 1.6]

I. RESTRICTED LAND USES

1. Contaminated sites remediated to non-residential soil remediation standards that require the maintenance of engineering and/or institutional controls cannot be converted to a child care facility, public, private or charter school without the Department's prior approval, unless a presumptive remedy is implemented pursuant to the Presumptive Remedies for Soil Contamination at Schools, Child Care Centers, and Residences. [N.J.A.C. 7:26E- 5.3]

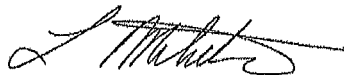
III. Permit Schedule

Permit Effective Date: 04/06/2020	
Submission Requirement	Due Date
Submit a Remedial Action Protectiveness/Biennial Certification Form	04/06/2022
Submit a Remedial Action Protectiveness/Biennial Certification Form	04/06/2024
Submit a Remedial Action Protectiveness/Biennial Certification Form	04/06/2026
Submit a Remedial Action Protectiveness/Biennial Certification Form	04/06/2028
Submit a Remedial Action Protectiveness/Biennial Certification Form	04/06/2030
Submit a Remedial Action Protectiveness/Biennial Certification Form	04/06/2032
Submit a Remedial Action Protectiveness/Biennial Certification Form	04/06/2034
Submit a Remedial Action Protectiveness/Biennial Certification Form	04/06/2036
Submit a Remedial Action Protectiveness/Biennial Certification Form	04/06/2038
Submit a Remedial Action Protectiveness/Biennial Certification Form	04/06/2040
Submit a Remedial Action Protectiveness/Biennial Certification Form	04/06/2042
Submit a Remedial Action Protectiveness/Biennial Certification Form	04/06/2044
Submit a Remedial Action Protectiveness/Biennial Certification Form	04/06/2046
Submit a Remedial Action Protectiveness/Biennial Certification Form	04/06/2048
Submit a Remedial Action Protectiveness/Biennial Certification Form	04/06/2050

Note: Remedial Action Protectiveness/Biennial Certification Forms are required to be submitted according to the schedule, and shall continue to be submitted until the Permit is terminated or modified.

Your Soil Remedial Action Permit under Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-1 et seq. has been approved by the New Jersey Department of Environmental Protection.

Sincerely,



Lynne Mitchell, Assistant Director
Remediation Review Element

ADR ENVIRONMENTAL

343A SUITE B US HWY 206
BRANCHVILLE, NJ 07826
OFFICE: 973-948-3330 FAX: 973-948-3972
WWW.ADRENVIRONMENTAL.COM
NJDEP LICENSE # US572155

REMEDIAL ACTION REPORT

Embroidery
586 54th Street
West New York, NJ 07093
PI # 229033
Case Tracking #42530
ISRA Case #E20040186

Prepared By:
ADR ENVIRONMENTAL
343A SUITE B US HWY 206
BRANCHVILLE, NJ 07826

Mathieu Morris
NJDEP LSRP Lic. No. 748537

OCTOBER 2019

Hudson County Recording Data Page Honorable Diane Coleman Hudson County Clerk 	Official Use Only - Barcode  201909100100091530 1/24 09/10/2019 11:46:10 AM DEED Bk: 9435 Pg: 889 Diane Coleman Hudson County, Register of Deeds Receipt No. 1661469
Official Use Only - Record & Return	Official Use Only - Record & Return
Date of Document:	Type of Document: Deed Notice
First Party Name: KC Ventura LLC	Second Party Name:
Additional Parties:	

SS SEE 56115
 54125

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY	
Block: 115	Lot: 21
Municipality: West New York	
Consideration: \$00.00	
Mailing Address of Grantee: 5401 Jackson Avenue aka 586 54th Street, West New York, New Jersey 07093	

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOKING & PAGING INFORMATION FOR ASSIGNMENTS, RELEASES, SATISFACTIONS, DISCHARGES & OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY	
Original Book:	Original Page:

HUDSON COUNTY RECORDING DATA PAGE Please do not detach this page from the original document as it contains important recording information and is part of the permanent record.

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: _____
Mathieu D. Morris, LSRP

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

[Print name below signature]

DEED NOTICE

This Deed Notice is made as of the 11th day of Sept, 2019, by **KC Ventura LLC, 5401 Jackson Street a/k/a/ 586 54th Street, West New York, New Jersey 07093** (together with his/her/its/their successors and assigns, collectively "Owner").

1. THE PROPERTY. **KC Ventura LLC, 5401 Jackson Street a/k/a/ 586 54th Street, West New York, New Jersey 07093** is the owner in fee simple of certain real property designated as Block 115 Lot 21, on the tax map of the **Town of West New York, Hudson County**; the New Jersey Department of Environmental Protection Program Interest Number (Preferred ID) for the contaminated site which includes this property is **229033 (Preferred ID)**; and the property is more particularly described in Exhibit A, which is attached hereto and made a part hereof (the "Property").

2. REMEDIATION.

i. Mathieu D. Morris, *LSRP License No. 74853* 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. KC Ventura LLC 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 *Hudson County Register's Office of Hudson 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 in square feet 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: Asphalt and Concrete Cap: Exhibit C-2 includes a narrative description of the Asphalt and Concrete Cap as an Engineering Control 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.

WITNESS:

KC Ventura LLC

Arlene Acevedo
Notary Public of the State of NJ

By [Signature]
Carlos Ventura, Managing Member

ARLENE ACEVEDO

A Notary Public of New Jersey

STATE OF NEW JERSEY
COUNTY OF HUDSON
My Commission Expires August 20, 2020

I certify that on 09/11, 2019, **Carlos Ventura**, personally came before me, and this person acknowledged under oath, to my satisfaction, that this person:

- (a) Is a managing member of KC Ventura LLC, the corporation named in this document;
- (b) Signed, sealed, and delivered this document as his or her act and deed in his capacity as a managing member of KC Ventura LLC and;
- (c) this document was signed and delivered by such managing member as its voluntary act, duly authorized.

Arlene Acevedo
Notary Public of the State of New Jersey
ARLENE ACEVEDO
A Notary Public of New Jersey
My Commission Expires August 20, 2020

586 54th Street, West New York, NJ
Block 115, Lot 21
DEED NOTICE

EXHIBIT A-1

Vicinity Map: USGS Map, Weehawken Quadrangle



Name: WEBHAWKEN
Date: 7/1/88
Scale: 1 inch equals 2000 feet

Location: 040° 47' 16.8" N 074° 01' 21.6" W
Caption: Exhibit A-1: Vicinity Map
ME Emboldery
PI #229033

586 54th Street, West New York, NJ
Block 115, Lot 21
DEED NOTICE

EXHIBIT A-2

Metes and Bounds Description
&
Tax Map

DESCRIPTION OF LAND
TAX LOT 21 - BLOCK 115
586 54th Street
TOWN OF WEST NEW YORK
HUDSON COUNTY, NEW JERSEY

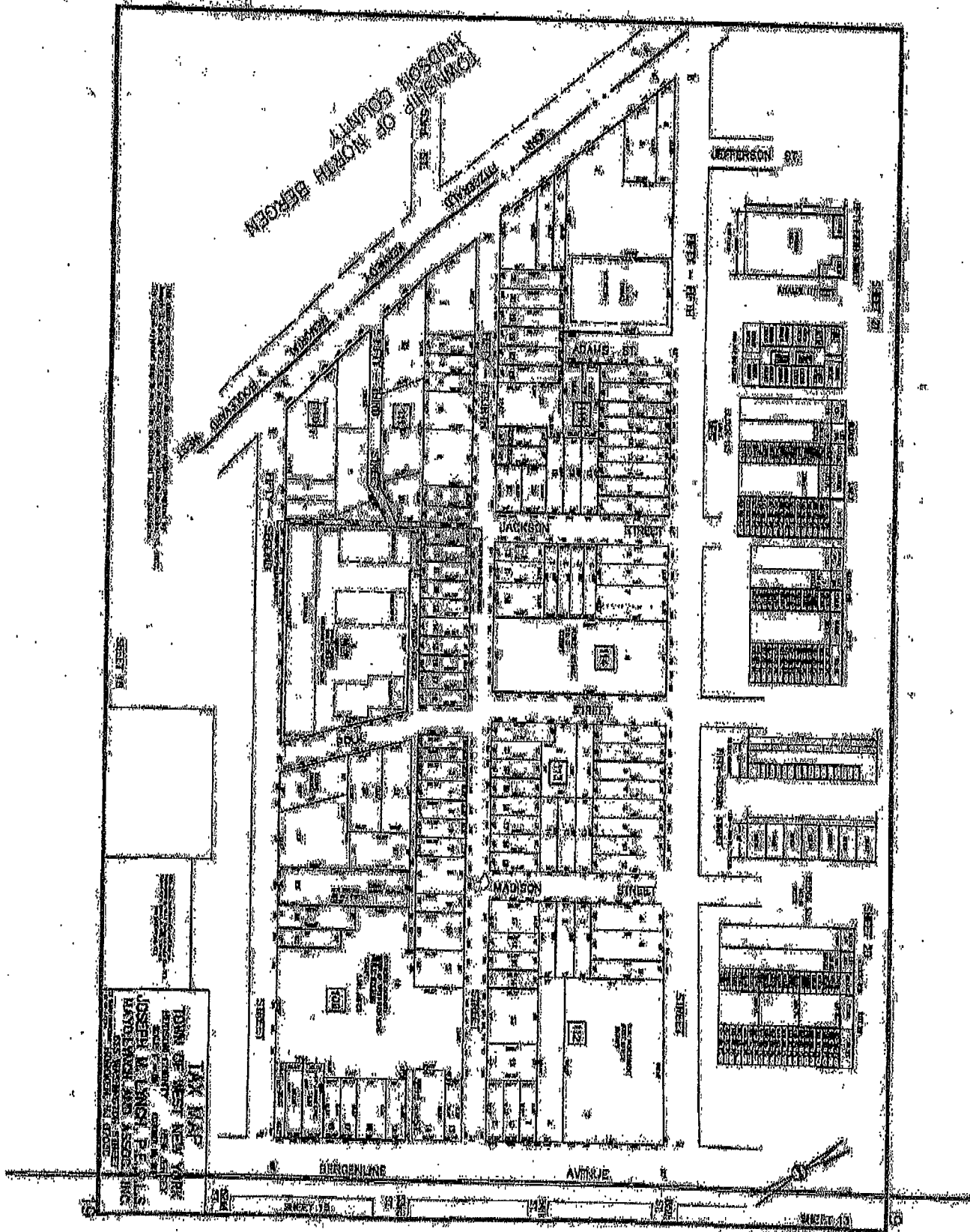
BEGINNING at a point formed by the intersection of the northeasterly right of way line of 54th Street, a 35' wide right of way, with the northwesterly right of way line of Jackson Street, a 40' wide right of way, running, thence;

- 1) Along said northeasterly line of 54th Street, **North 41 degrees 30 minutes West 62.60 feet** to a point, thence;
- 2) Leaving said 54th Street and parallel with Jackson Street, **North 48 degrees 30 minutes East 34.00 feet** to a point, thence;
- 3) Parallel with 54th Street, **South 41 degrees 30 minutes East 62.60 feet** to a point in said northwesterly line of Jackson Street, thence;
- 4) Along said northwesterly line, **South 48 degrees 30 seconds West 34.00 feet** to the point and place of **BEGINNING**.

The above description is drawn in accordance with a certain map entitled, "Survey of Land, Tax Lot 21 - Block 115, 586 Fifty-Fourth Street, Town of West New York, Hudson County, New Jersey," prepared by Derek J. Kennedy, Professional Land Surveyor, dated August 21, 2019.

 08.21.2019

Derek J. Kennedy Date
Professional Land Surveyor
New Jersey Lic. No. 24GS04327100



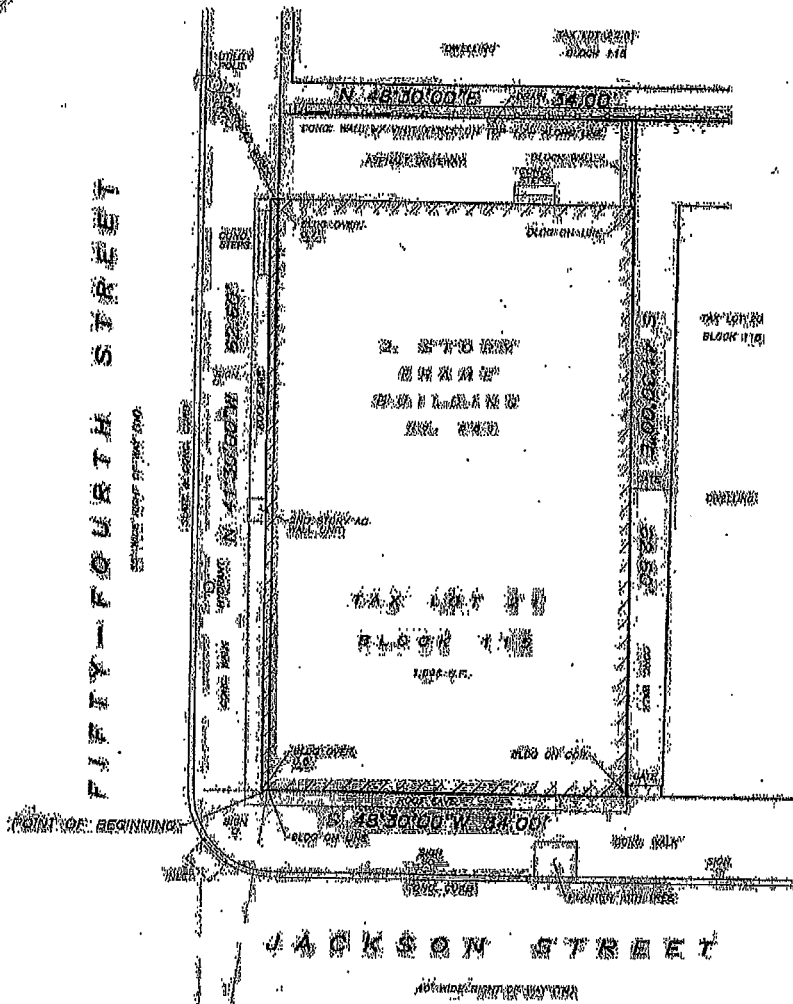
586 54th Street, West New York, NJ
Block 115, Lot 21
DEED NOTICE

Exhibit A-3

Existing Conditions Survey by Derek J. Kennedy & Associates, LLC
Dated 8/2/19 and unrevised



FIFTY-FOURTH STREET



JACKSON STREET

NOTES:
1. THIS SURVEY WAS MADE BY DEREK J. KENNEDY & ASSOCIATES, LLC, A PROFESSIONAL LAND SURVEYING FIRM, ON BEHALF OF THE TOWN OF WEST NEW YORK, NEW JERSEY.
2. THE SURVEY WAS MADE IN ACCORDANCE WITH THE NEW JERSEY LAND SURVEYING ACT, N.J.S.A. 15:27.
3. THE SURVEY WAS MADE USING A TOTAL STATION AND A GPS RECEIVER.
4. THE SURVEY WAS MADE ON THE 15TH DAY OF MAY, 2018.
5. THE SURVEY WAS MADE AT THE REQUEST OF THE TOWN OF WEST NEW YORK, NEW JERSEY.
6. THE SURVEY WAS MADE FOR THE PURPOSE OF DETERMINING THE BOUNDARIES OF TAX LOT 21, BLOCK 115.
7. THE SURVEY WAS MADE IN ACCORDANCE WITH THE NEW JERSEY LAND SURVEYING ACT, N.J.S.A. 15:27.
8. THE SURVEY WAS MADE USING A TOTAL STATION AND A GPS RECEIVER.
9. THE SURVEY WAS MADE ON THE 15TH DAY OF MAY, 2018.
10. THE SURVEY WAS MADE AT THE REQUEST OF THE TOWN OF WEST NEW YORK, NEW JERSEY.



 DEREK J. KENNEDY PROFESSIONAL LAND SURVEYOR NEW JERSEY LICENSE NO. 21650432100	EXISTING CONDITIONS SURVEY	
	TAX LOT 21 - BLOCK 115 580 FIFTY-FOURTH STREET TOWN OF WEST NEW YORK	
	HUDSON COUNTY	NEW JERSEY
	DEREK J. KENNEDY & ASSOCIATES, LLC 18 AUGUSTA HILL ROAD, AUGUSTA, NEW JERSEY 07822 Tel: 908.444.4444 Fax: 908.444.4444 Email: dkennedy@dkennedy.com Website: www.dkennedy.com	

586 54th Street, West New York, NJ
Block 115, Lot 21
DEED NOTICE

Exhibit B-1 (A&B)

Diagram titled "Exhibit B-1 (A&B) - Restricted Area Map" - by ADR Environmental,
dated 8-22-19 and unrevised.

686 54th Street, West New York, NJ
Block 115, Lot 21
DEED NOTICE

Exhibit B-1 (C)

Diagram titled "Exhibit B-1 (C) - Sample Location Map" by ADR Environmental, dated
8-12-19 and unrevised

586 54th Street West New York, NJ
Block 115, Lot 21
DEED NOTICE

Exhibit B-2

Restricted Area Data Table

380 5th Street, West New York, NJ
Block 115, Lot 21
Easement Notice

Exhibit B-2 - Restricted Area Data Table

Location	Depth (feet)	Contaminant	Chemical Abstract Service Number	Remaining Concentration (Mg/Kg)	RDCSCC
DE-1	0.5-1.0	Lead	7439-92-1	498	400
DE-2	0.5-1.0	Lead	7439-92-1	809	400
DE-3	1.5-2.0	Lead	7439-92-1	415	400

86034 Street, West New York, NJ
Block 115, Lot 21
Deed Notice.

Exhibit C-1

(A) This Deed Notice pertains to Block 115, Lot 21 and contains 2,128 square feet or 0.049 acre;

(B) This Deed Notice prohibits any use of the restricted area that would result in direct contact with contaminated soil; this Deed Notice requires the current owner to monitor and maintain this restriction, as well as to certify biennially that the Deed Notice conditions remain in place; and this Deed Notice serves to inform subsequent owners, lessees, and operators of the restrictions and requirements imposed upon the property.

(C) The objective of the restrictions are to provide for public health and safety and to protect the environment.

346 3/4 Street West New York, NY
Block 115, Lot 21
Deed Notice

Exhibit C-2

1. Exhibit C-2: Asphalt and Concrete Cap as Engineering Control: Exhibit C-2 includes a narrative description of the Asphalt and Concrete Cap as follows:

(A) A paved driveway and concrete basement floors will serve as engineering controls over the entire property which consists of 280 square feet of asphalt and 458 square feet of concrete.

(B) The objective of the engineering control is to protect public health and safety by restricting direct contact with the impacted materials and also to prevent migration of contamination via surface runoff from precipitation.

(C) The impacted area will be covered by asphalt and concrete thus preventing direct contact of soil.

09/18/2019 11:46:10 AM
DEED
NUMBER OF PAGES : 24
SSPANN

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
1.0 INTRODUCTION	1
1.1 Background	1
1.2 Site Condition	2
1.3 Site Utilities	2
2.0 PREVIOUS ADR SITE INVESTIGATION – AUGUST 18, 2015	2
2.1 Investigation of AOC 2 – Drum Storage Area (Basement)	2
2.2 Investigation of AOC 3 – Air Vents and Ducts	3
2.3 Investigation of AOC 4 – Drum Storage Area (Outside)	3
2.4 Discovery, Investigation, and Remediation of AOC 5 – Outside Drain	3
2.5 Investigation of AOC 1B – 350/550-gallon Fuel Oil UST	4
2.6 Remedial Investigation of Historic Fill	4
3.0 SITE INVESTIGATION AND REMEDIAL INVESTIGATION CONCLUSIONS	5
4.0 REMEDIAL ACTION FOR AOC 6 HISTORIC FILL	6
5.0 ECOLOGICAL RECEPTORS	7
6.0 TOTAL REMEDIAL COST	7
7.0 CONCLUSIONS	7

FIGURES

- 1 Site Location Map - USGS
- 2 Site Plan
- 3 AOC Map
- 4 Sample Location Map – 8-18-2015
- 5 Sample Location Map – 10-23-2015
- 6 Soil Boring Locations – 12-30-2015
- 7 Restricted Area Map

APPENDIX

- A Deed Notice Recorded at Hudson County

1.0 INTRODUCTION

1.1 Background

The property in question is located at 586 54th Street, West New York, Hudson County, New Jersey (herein referred to as the Subject Property) and was the previous location of M&F Embroidery. The subject property consists of approximately 0.049 acres and contains a two-story mixed use building with a basement. The first floor is currently vacant but has historically been used as an embroidery business and the second floor is currently used as residential with two separate apartments. There is a paved driveway/alley along the west side of the building. Concrete city sidewalks border the building on the southwest and southeast sides.

During a property transaction in 2004, a General Information Notice (GIN) was filed by the previous owners; Fakhri & Mariam Elayan. In response to the GIN, the NJDEP stated in a letter dated June 9, 2004 that the subject property is subject to ISRA requirements which include the completion of a Preliminary Assessment (PA) and if required a Site Investigation (SI), Remedial Investigation (RI), and Remedial Action (RA) with corresponding reports. The NJDEP provided notice letters on September 10, 2004, February 5, 2005, and May 20, 2005 that they had not received the items which were required per ISRA. Finally, in early 2015, Brockerhoff Environmental Services, LLC (Brockerhoff) was hired to conduct a PA.

In their PA report, Brockerhoff identified the following 5 Areas of Concern:

- 1A: Former 1,000-gallon fuel oil UST-NJDEP Case #94-09-29-1332-06
- 1B: 350/550-gallon fuel oil UST
- 2: Drum Storage Area (basement)
- 3: Air vents and ducts
- 4: Abandoned 55-gallon drum (contents unknown)

In review of NJDEP records it was discovered that the former 1,000-gallon heating oil UST had leaked and was assigned case #94-09-29-1332-06. Remediation was performed and a No Further Action letter (NFA) was issued by NJDEP. It was therefore determined by Brockerhoff that this AOC required no further investigation. It was determined that the following four AOCs required further investigation:

- 1B: 350/550-gallon fuel oil UST
- 2: Drum Storage Area (basement)
- 3: Air vents and ducts
- 4: Abandoned 55-gallon drum (contents unknown)

The four AOCs identified as requiring additional investigation are shown on Figure 3, the AOC Map.

M&F Embroidery
Block 115, Lot 21

1.2 Physical Setting

As per NJAC 7:26E 3.2 (a)3, the site location is depicted on a portion of the Weehawken-NJ USGS topographical quadrangle map, **Figure 1**. The site is identified on municipal tax maps as Block 115, Lot 21 and is in a combined commercial and residential neighborhood. Site features can be seen in **Figure 2**, the M&F Embroidery Site Plan.

1.3 Site Utilities

The site is heated by natural gas and is serviced by town water and sewage.

2.0 PREVIOUS ADR SITE INVESTIGATION – August 18, 2015

ADR was contracted by the previous owner, Mariam Elayan and the current owner Carlos Ventura, to conduct a Site Investigation at the subject property. On August 18, 2015, an investigation was conducted that focused on AOCs 2, 3, & 4 identified in Brinkerhoff's PA. The map Brinkerhoff submitted to the NJDEP as part of their PA was used to determine the locations of the AOCs.

2.1 Investigation of AOC 2 – Drum Storage Area (Basement)

On August 18, 2015 ADR Environmental investigated the area where a 55-gallon drum of unknown contents was stored, according to the Brinkerhoff PA. This drum storage area was located in the basement of the building on site. However, the location of AOC 2 shown on the map titled "Site Plan with Areas of Concern" included in the Brinkerhoff PA appears to be inaccurate. The location shown on the map is within the middle section of the basement which is inaccessible and is mostly rock. The only accessible sections of the basement are on the west and east sides of the M&F building. Each of these sections have a concrete floor and separate stairs for access. Since it could not be determined where the location of the drum actually was, and the drum was no longer present, two (2) soil samples were obtained as part of the investigation of AOC 2, one at the eastern basement section and one at the western basement section. At each location a hammer-drill was used to bore through the concrete and then a soil boring was conducted utilizing a driven one-inch macro core sleeve. Two (2) soil samples, identified as D1 and D2, were obtained at 0.5' – 1.0' below ground surface (bgs), and were analyzed for NJDEP EPH Category 2 and PAH compounds. Laboratory analytical results indicated no exceedances of NJDEP's most stringent remediation standards. It was determined that No further investigation of AOC 2 was warranted. Refer to the Site Investigation and Remedial Investigation Report, dated July 2016 for details. The sample locations are shown on **Figure 4**, the Sample Location Map – 8-18-15.

2.2 Investigation of AOC 3 – Air Vent and Ducts

On August 18, 2015 ADR Environmental investigated the area where an air vent and ducts were identified in the Brinkerhoff PA. The air vent and ducts were located on the eastern side of the building and vented above the city sidewalk. It was determined that sampling this area was not required because if any contaminants vented out of the building and dripped onto the concrete sidewalk they would have been washed over the concrete and into a nearby catch basin which is an inlet into the city storm water system. No further investigation was recommended.

2.3 Investigation of AOC 4 – Drum Storage Area (Outside)

On August 18, 2015 ADR Environmental investigated the area where a 55-gallon drum of unknown contents was stored, according to the Brinkerhoff PA. This drum storage area was located in the alley that runs along the western side of the building on site. A hammer-drill was used to bore through the concrete and then a soil boring was conducted utilizing a driven one-inch macro core sleeve. A soil sample, identified as "DRUM", was obtained at 0.75' – 1.25' below ground surface (bgs) which was directly below the concrete and gravel. The soil sample was analyzed for NJDEP EPH Category 2 and TCL/TAL. Analytical results indicated Lead and Mercury were present at levels slightly above NJDEP DIGWSSL. Refer to the Site Investigation and Remedial Investigation Report, dated July 2016 for details. The sample location is shown on Figure 4, the Sample Location Map – 8-18-15.

2.4 Discovery, Investigation, and Remediation of AOC 5 – Outside Drain

On August 18, 2015, during the investigation of previously known AOCs, ADR Environmental discovered a drain located in the concrete alleyway on the west side of the M&F Embroidery building. It was determined that this drain may have taken runoff possibly contaminated from onsite activities associated with the embroidery operation and a site investigation was warranted. On the same day the steel drain cap was removed and a one-inch macro core sleeve was driven into the soil and a sample was obtained from 1.0-1.5 feet bgs. The sample was analyzed for NJDEP EPH Category 2 and TCL/TAL. Various PAH compounds, metals, and Methylene Chloride were present at levels above NJDEP standards. On October 23, 2015, the drain was excavated to remove the contaminants. The completed excavation measured 4' by 4' by 1.5' deep. Four sidewall samples and one base sample were obtained and analyzed for PAH compounds, Antimony, Cadmium, Lead, Mercury, and Zinc. Laboratory analytical results of the post-excavation soil samples indicated various metals were detected above NJDEP remediation standards in several samples. During the remedial excavation, ash, cinder, crushed brick, and asphaltic materials were observed. The metals and benzo(a)pyrene that were found above NJDEP standards are also commonly associated with historic fill. It was therefore concluded that the contamination is associated with historic fill and no further investigation of the drain itself is recommended. Refer to the Site Investigation and Remedial Investigation Report, dated

July 2016 for details. The sample locations are shown on **Figure 4**, the Sample Location Map – 8-18-15 and **Figure 5**, the Sample Location Map – 10-23-15.

2.5 Investigation of AOC 1B – 350/550-gallon Fuel Oil UST

On October 23, 2015, ADR used a JD 50 excavator to remove the concrete sidewalk and overburden to uncover the heating oil UST located on the south side of the M&F Embroidery building. It was discovered that the UST was a 550-gallon tank which had been previously cut open and cleaned. No holes were observed in the tank shell and there was no indication that a leak had occurred. Two tank invert and one piping soil samples were obtained and analysis indicated no exceedances of NJDEP Soil Remediation Criteria. No further investigation of AOC 1B was recommended. Refer to the Site Investigation and Remedial Investigation Report, dated July 2016 for details. The sample locations are shown on **Figure 5**, the Sample Location Map – 10-23-15.

2.6 Remedial Investigation of Historic Fill (AOC-6)

In December 2015, five (5) borings were conducted at various locations throughout the subject site to investigate the presence of historic fill. Each boring is described as follows:

Boring B-1

Soil boring B-1 was conducted at the location of the drain and previous excavation where historic fill was first observed. The purpose of this boring was to determine the depth of historic fill. A slide hammer was used to advance a one-inch macro core sleeve to a depth of 7.0' bgs. Using visual observations, it was determined that historic fill was present to a depth of 6.0' bgs. No sample was collected from this boring.

Boring B-2

Soil boring B-2 was conducted at the north end of the concrete alley that runs along the western side of the M&F building. This boring was used to delineate the historic fill both horizontally to the property's edge as well as vertically. A slide hammer was used to advance a one-inch macro core sleeve to a depth of 5.0' bgs. Using visual observations, it was determined that historic fill was present to a depth of 3.5' bgs. No sample was collected from this boring.

Boring B-3

Soil boring B-3 was conducted at the south end of the concrete alley that runs along the western side of the M&F building. This boring was used to delineate the historic fill both horizontally to the property's edge as well as vertically. A slide hammer was used to advance a one-inch macro core sleeve to a depth of 7.0' bgs. Using visual observations, it was determined that historic fill was present to a depth of 6.0' bgs. No sample was collected from this boring.

Boring B-4

Soil boring B-4 was conducted at the east end of the narrow concrete alley that runs along the northern side of the M&F building. This boring was used to delineate the historic fill both horizontally to the property's edge as well as vertically. A slide hammer was used to advance a one-inch macro core sleeve to a depth of 5.0' bgs. Using visual observations, it was determined that historic fill was present to a depth of 3.0' bgs. No sample was collected from this boring.

Boring B-5

A shallow boring was conducted in the west side of the basement of the M&F building. Due to shallow rock the boring could only be advanced to a depth of 1.0' bgs. Using visual observations, it was determined that historic fill was present from 0.0 to 1.0' bgs. A sample, labeled HF-1, was obtained from the macro core and was placed into laboratory supplied containers. The soil sample was analyzed for TCL/TAL and EPH Category 2. Analytical results indicated Antimony, Manganese, and Mercury above DIGWSSL and Lead above RDCSRs.

The soil boring locations are shown on **Figure 6**, the Soil Boring Location Map – 12-30-15.

3.0 SITE INVESTIGATION AND REMEDIAL INVESTIGATION CONCLUSIONS

A Preliminary Assessment, prepared by Brockerhoff Environmental Services, LLC, identified four (4) AOCs on the subject property: AOC 1B – 350/550-gallon fuel oil UST, AOC-2 – Drum Storage Area, AOC-3 – Air Vents and Ducts, and AOC-4 – Abandoned 55-gallon drum. ADR Environmental conducted a site investigation and found no contamination at the AOC 1B, AOC-2, and AOC-3 locations. Lead and Mercury were found above NJDEP DIGWSSL in the soil below AOC-4. During the site investigation activities, a drain located in the driveway along the west side of the building was identified as an additional AOC (AOC-5). After a small remedial excavation at the drain location was conducted, it was determined that historic fill was present. The contamination consisted of metals and PAHs that are commonly associated with historic fill, therefore no further investigation of AOC-5 is warranted. A remedial investigation for historic fill was then conducted and it was determined that historic fill is present site-wide and to a maximum depth of 6.0 feet bgs. Because of the presence of historic fill site-wide it was also determined that the contamination found at AOC-4 is also attributable to historic fill, therefore no further investigation is warranted at AOC-4.

The only remaining contaminated area of concern associated with the M&F Embroidery site is AOC-6 Historic Fill.

4.0 REMEDIAL ACTION FOR AOC-6 HISTORIC FILL

During site investigation and remedial investigation activities at the M&F Embroidery property, historic fill was visually characterized through a combination of remedial excavation and the installation of soil borings. Historic fill was identified throughout the site and was found to a maximum depth of six (6) feet bgs. As detailed in the Site Investigation / Remedial Investigation Report, dated July 2016, several soil samples were obtained from the historic fill. Several metals as well as benzo(a)pyrene were detected at levels above NJDEP DIGWSSL, however these screening levels do not apply to historic fill material. Lead was detected above RDCSR\$ in two samples (samples DE-4 & HF-1) and above NRDCSR\$ in another soil sample (sample DE-2). Several borings were advanced throughout the property to visually characterize the extent of the historic fill.

Due to lead being distributed throughout the property at levels above residential and non-residential standards it was determined that capping of the historic fill along with a deed notice is the most practical remediation.

Eighty-eight (88) percent of the subject property is covered by a two-story building with a partial basement. There is a basement of 330 square feet located on the west side of the building and a basement of 128 square feet in size located in the east side of the building. The basements were inspected and found to have four-inch thick concrete floors that are a suitable cap for the historic fill. Due to rock outcroppings, the remainder of the building has no access to a basement therefore there is no exposure to historic fill.

The remaining twelve percent of the property consists of a thirty-four (34) foot long by eight (8) foot wide driveway (272 square feet). This driveway has a concrete base of approximately four (4) inches and is covered with another two (2) inches of asphalt. Existing site features as well as the asphalt and concrete capped areas are depicted on Figure 7, the Restricted Area Map.

The subject property is currently commercial use on the first floor and residential on the second floor. Due to the residential use a presumptive remedy was used with the exception of a visible contamination boundary marker. It was determined that since the concrete and asphalt caps were already in place it would be impractical and cost prohibitive to remove the existing caps in order to install the visible contamination boundary marker only to again cap the areas with concrete and asphalt. An Alternative Remedial Action application was submitted and approved by the Department prior to the issuance of the Response Action Outcome -- Restricted Use.

A deed notice with institutional and engineering controls was recorded at Hudson County on September 18, 2019. It was recorded in book 9435 on page 859 and a copy is included in Appendix A.

5.0 ECOLOGICAL RECEPTORS

No ecological receptors are located within 200 feet of the subject property boundary. No further ecological investigation is warranted.

6.0 TOTAL REMEDIAL COST

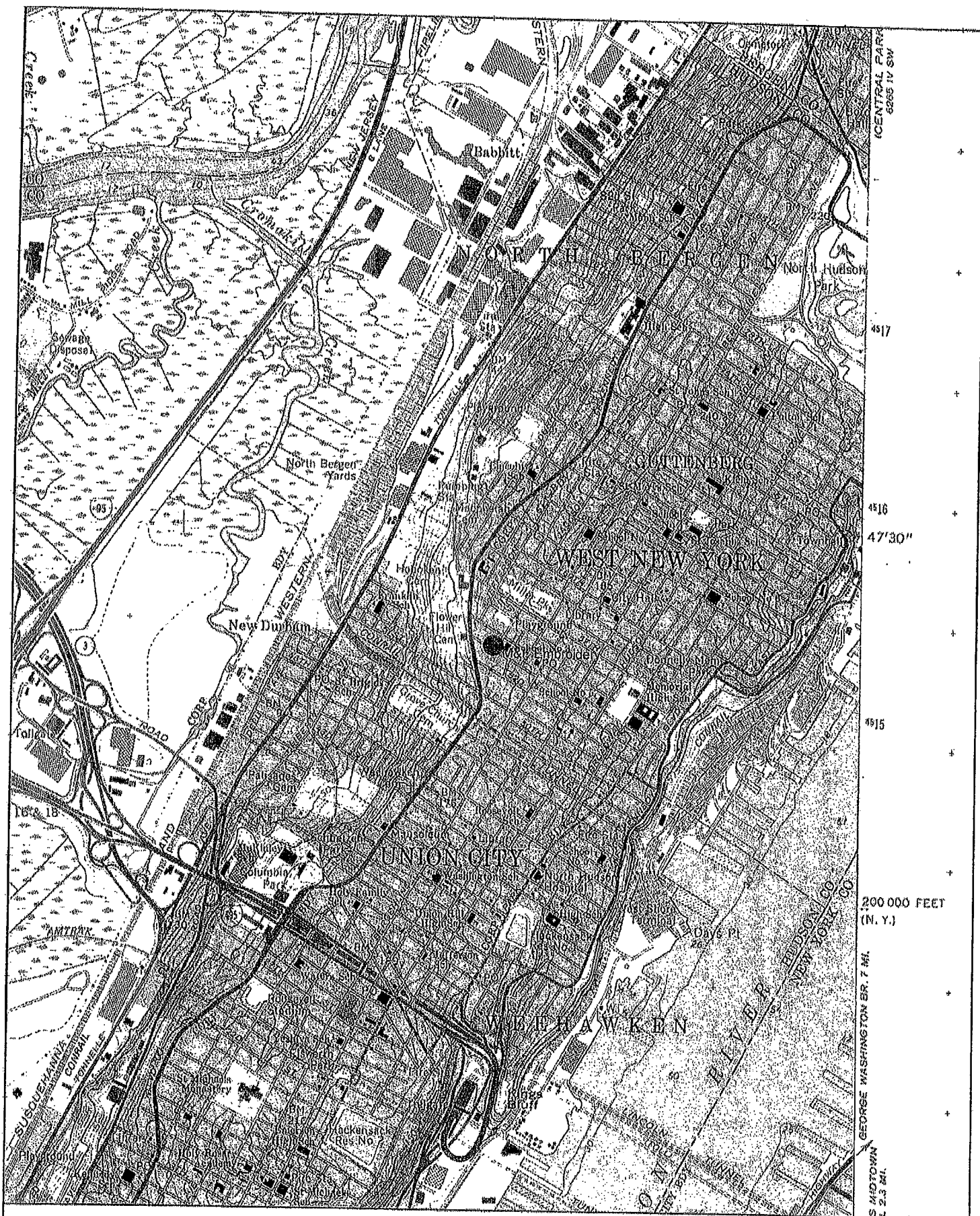
The total cost of the site investigation, remedial investigation, and remedial action, to date, amounts to \$78,257.33. The cost includes the site investigation sampling, remedial investigation sampling, removal of the 550-gallon UST, soil excavation, soil disposal, clean fill, LSRP oversight and reporting.

7.0 CONCLUSIONS

As part of NJDEP ISRA requirements, a Preliminary Assessment was conducted in 2015 in which four (4) AOCs were identified as requiring further investigation. During a site investigation conducted August 18, 2015, an additional AOC was identified, bring the total to five (5) AOCs that required additional investigation as follows: AOC-1 – 350/550-gallon fuel oil UST, AOC-2 – Drum Storage Area in Basement, AOC-3 – Air Vents and Ducts, AOC-4 – Abandoned 55-gallon drum, and AOC-5 – Outside Drain. The site investigation analytical results indicated no exceedances at AOC-2 or AOC-3 and no further investigation was recommended. On October 23, 2015, the 550-gallon fuel oil UST (AOC-1) was closed by removal and it was determined that no leak had occurred; no further investigation was recommended for AOC-1.

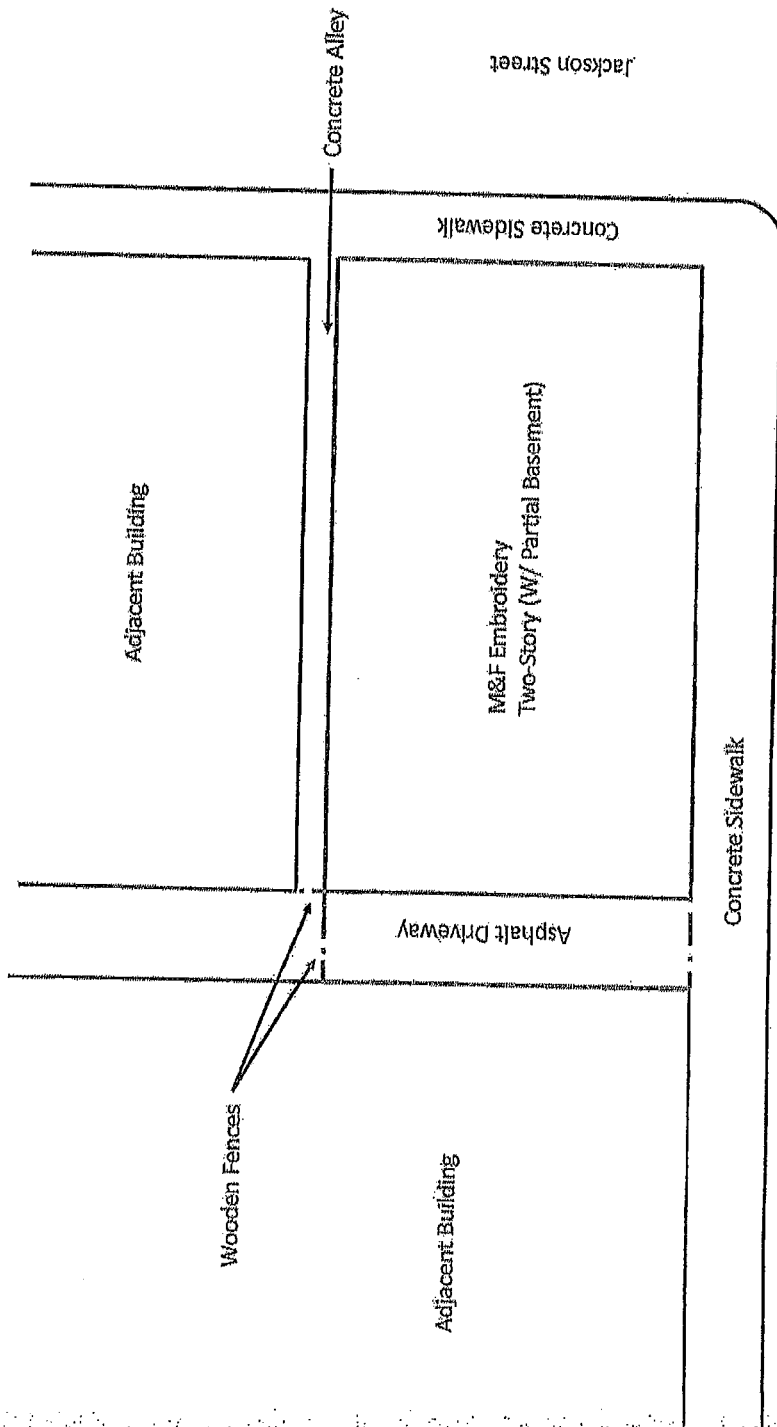
Site Investigation soil samples obtained at AOC-4 (Outside Drum Storage Area) indicated exceedances of Lead and Mercury above only DIGWSSL. Site Investigation soil samples obtained at AOC-5 (outside drain) indicated exceedances of PAH compounds, metals, and methylene chloride. On October 23, 2015, a small remedial excavation was completed, and post-excavation soil samples indicated lead above RDCSRS in one sample and lead above NRDCSRS in another. Historic fill, including ash, cinder, crushed brick, and asphaltic materials were observed in the excavation. In December of 2015, a remedial investigation of historic fill was conducted site wide by installing several soil borings and visually inspecting for the presence of historic fill. Visual observations indicated historic fill was present site wide to a depth of 6.0 feet bgs. One soil sample was obtained from the basement area and analysis revealed lead above RDCSRS. It was determined that the contaminants at AOC-4 and AOC-5 were attributable to historic fill.

The historic fill is covered by engineering controls which consist of a paved driveway and concrete floors in the basement of the building on site. The remediation of the site-wide contaminated historic fill consists of the capping and a deed notice as engineering and institutional controls. The deed notice has been recorded at Hudson County. A Remedial Action Permit – Soil has been submitted to NJDEP for review and approval. Upon approval of the Remedial Action Permit, a Response Action Outcome – Restricted Use will be issued.



Name: WEEHAWKEN
 Date: 1/1/88
 Scale: 1 inch equals 2000 feet

Location: 040° 47' 15.8" N 074° 01' 21.0" W
 Caption: Exhibit A-1; Vicinity Map
 ME Emboldery
 PI #229033

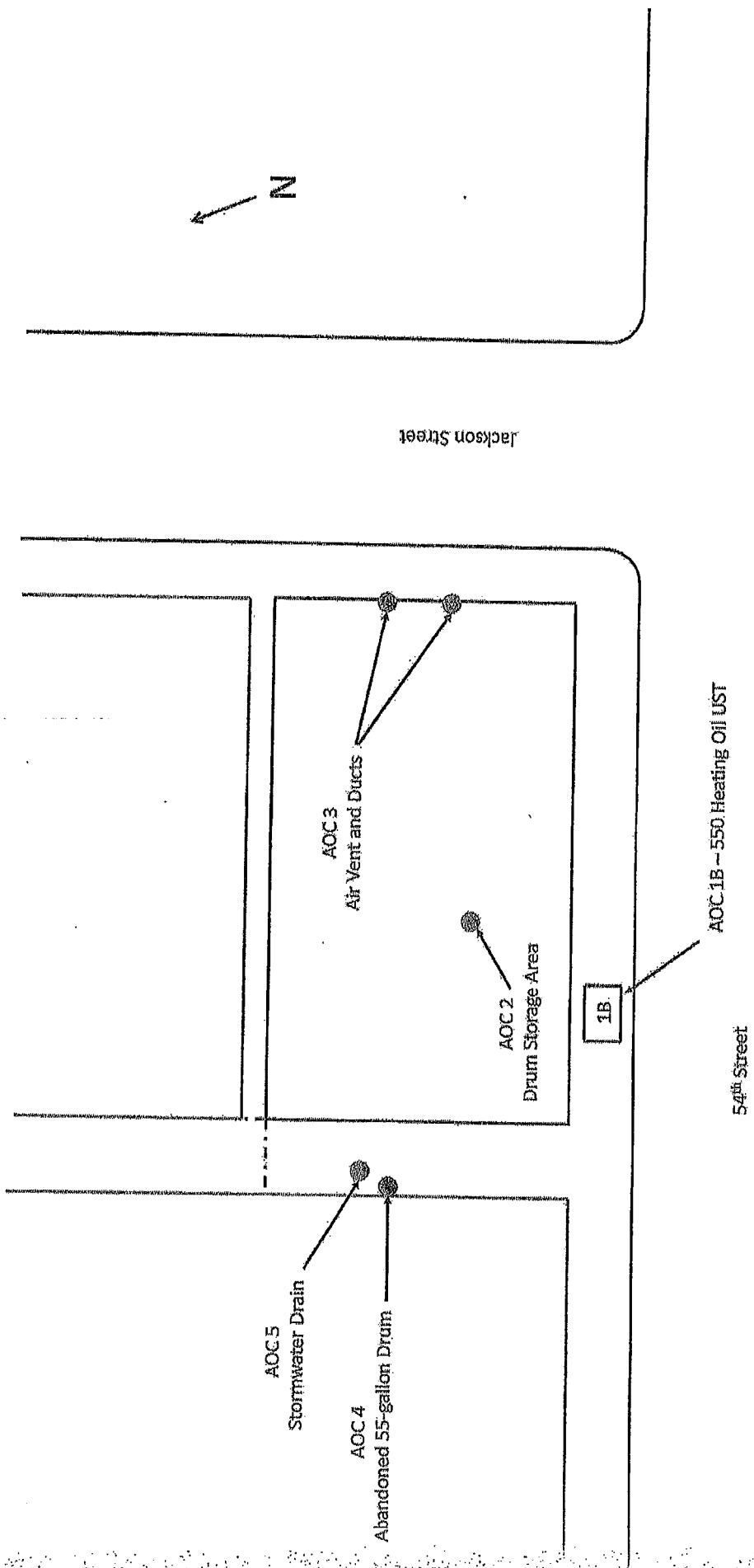


Legend

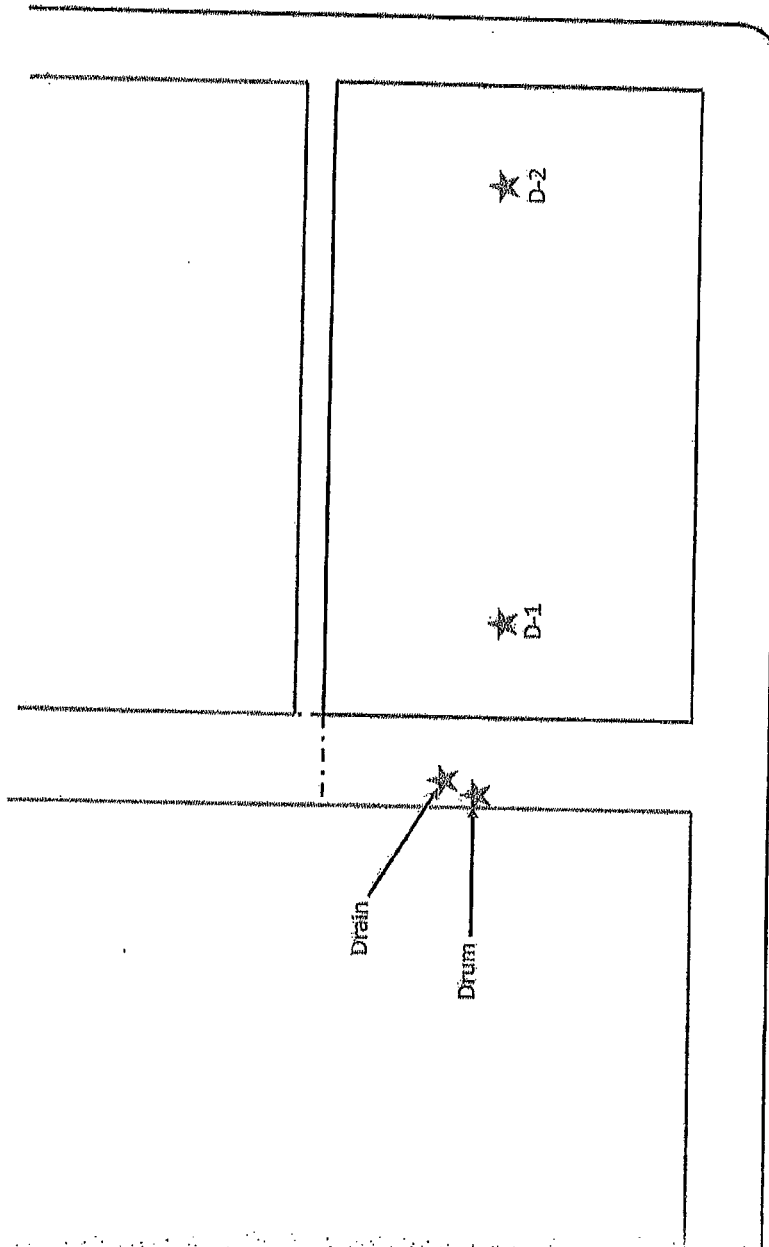
--- Property Boundary

54th Street

Figure 2 – Site Plan
M&F Embroidery
586 54th Street
West New York, NJ
ADR Environmental
343A Suite B US Hwy 206
Branchville, NJ
SCALE 1" = 10'
DATE: June/23/2019



AOC Map
M&F Embroidery
586 54th Street
West New York, NJ
ADR Environmental
343A Suite B US Hwy 206
Branchville, NJ
SCALE 1" = 10'
DATE: 5/12/2016 FIGURE NO. 3



Sample ID	Depth (ft)	Compound	Result	RDCSRS	DIGWSSL
DRUM	0.75-1.25	Lead	95.1	400	90
		Miscary	0.111	23	0.1
DRAIN	0.5-1.0	Benzo(a)anthracene	1.03	0.6	0.3
		Benzo(b)fluoranthene	0.758	0.6	2
		Benzo(e)pyrene	1.60	0.2	0.2
		Antimony	16.1	31	6
		Cadmium	7.18	78	2
		Lead	1650	400	90
		Mercury	0.439	23	0.1

*Sample IDs not listed have no exceedances

54th Street

Sample Location Map -- 8-18-2015

M&F Embroidery

586 54th Street

West New York, NJ

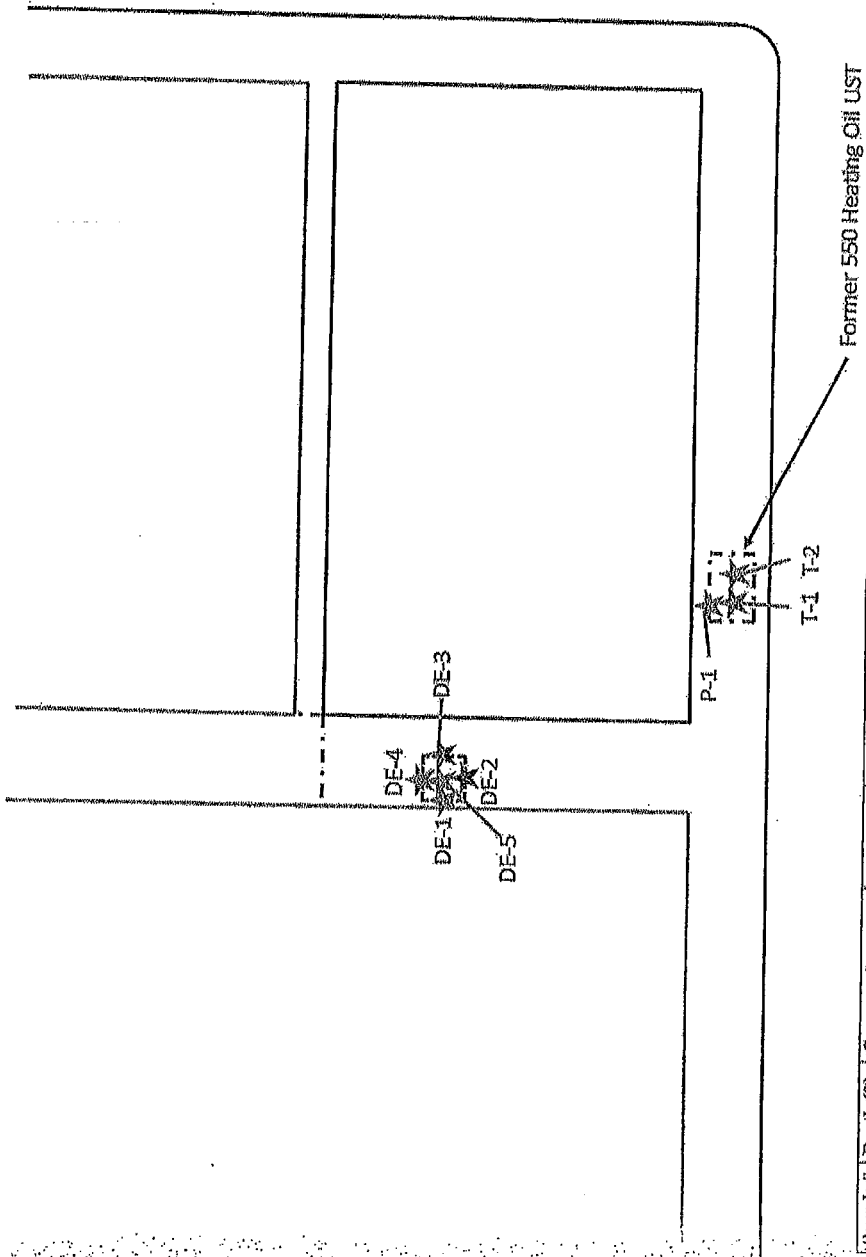
ADR Environmental

343A Suite B US Hwy 206

Branchville, NJ

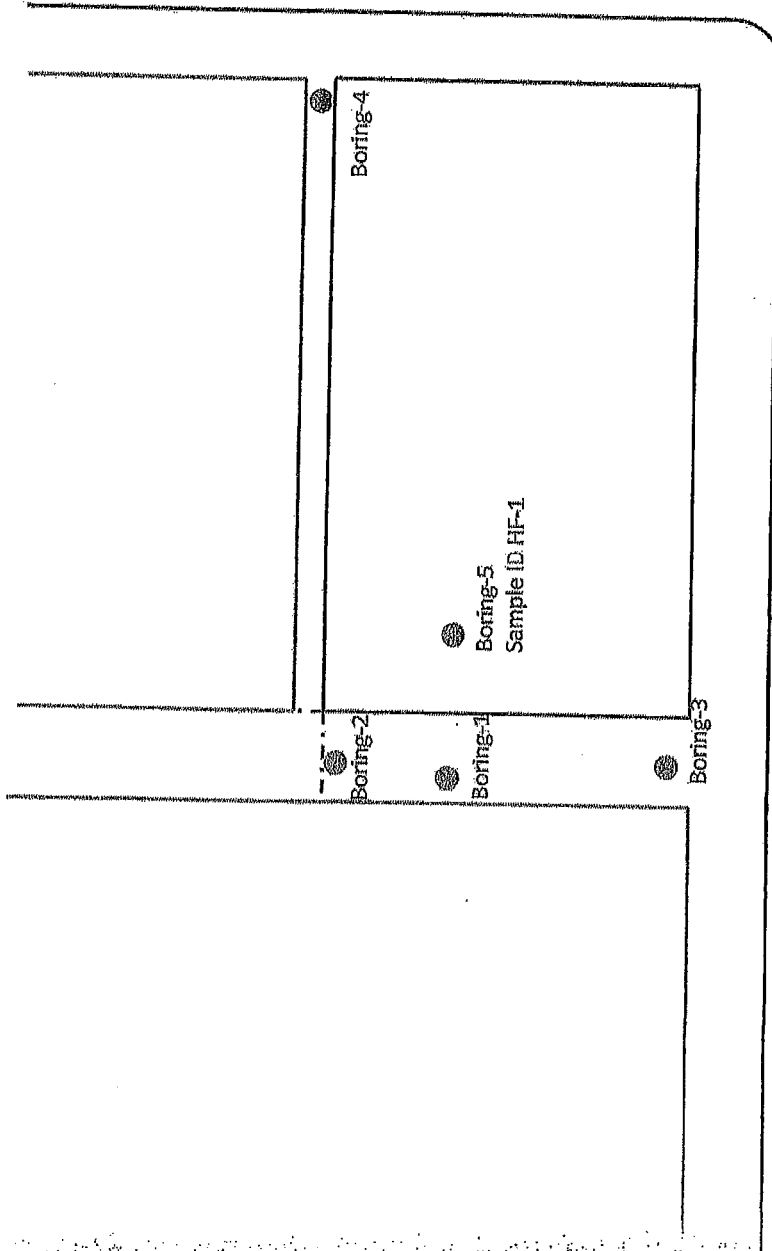
SCALE 1"= 10'

DATE: 5/27/2016 FIGURE NO. 4



Sample #	Depth (ft)	Compound	Result	RDCSRS	DIGWSSL
DE-1	0.5-1.0	NO EXCEEDANCES			
DE-2	0.5-1.0	Benz(a)pyrene	0.27	0.2	0.2
		Calcium	2.84	78	2
		Lead	809	400	50
		Mercury	0.352	23	0.1
DE-3	0.5-1.0	Lead	164	400	90
		Mercury	0.28	23	0.1
DE-4	0.5-1.0	Benz(a)pyrene	0.437	0.2	0.2
		Lead	177	400	90
		Mercury	0.278	23	0.1
DE-5	1.5-2.0	Lead	415	400	90

Sample Location Map -- 10-23-15
M&F Embroidery
586 54th Street
West New York, NJ
ADR Environmental
343A Suite B US Hwy 206
Branchville, NJ
SCALE 1" = 10'
DATE: 5/27/2016 FIGURE NO. 5



Jackson Street

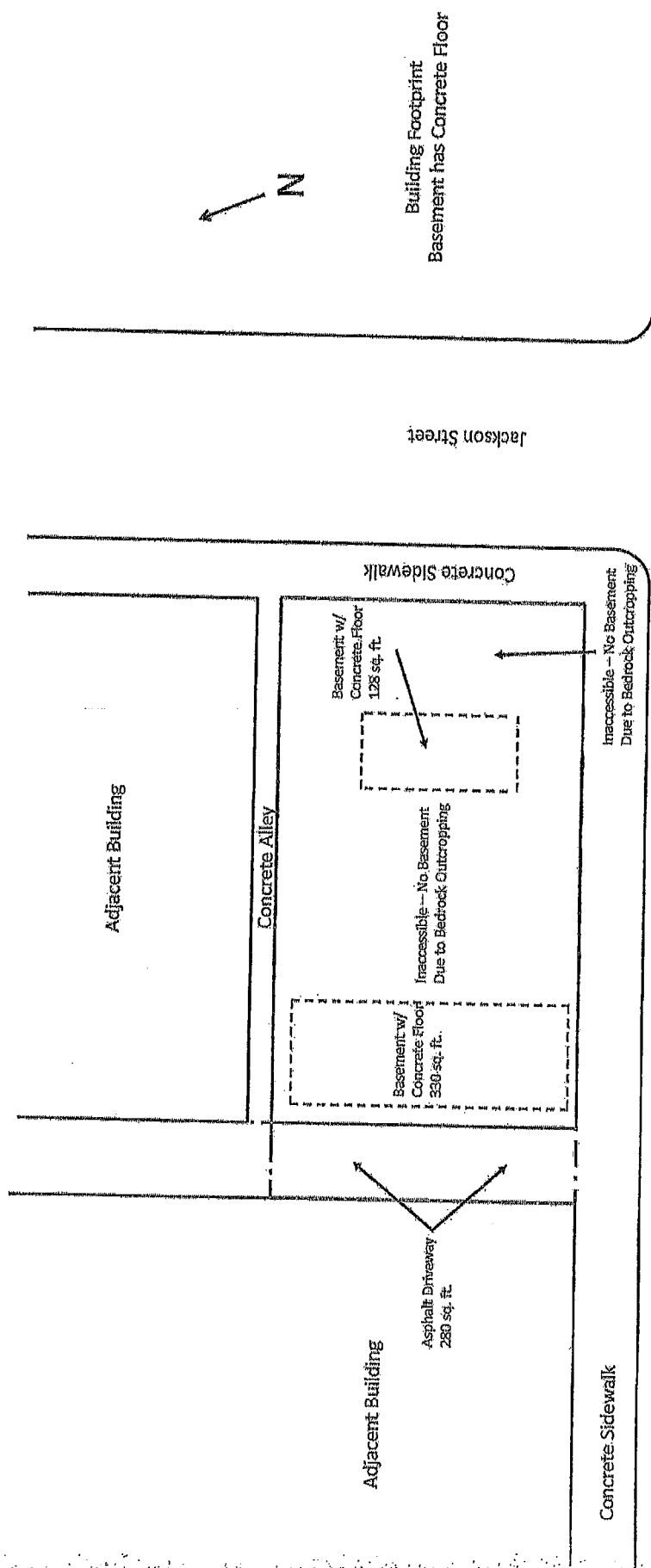
54th Street

Legend

● Borings Conducted 12-30-2015

Sample #	Depth (ft)	Compound	Result	RDGSRS	DICWSSL
HF-1	0.5-1.0	Antimony	6.08	31	6
		Lead	498	406	90
		Manganese	303	11000	65
		Mercury	0.183	23	0.1

Soil Boring Locations - 12-30-15
M&F Embroidery
586 54th Street
West New York, NJ
ADR Environmental
343A Suite B-US Hwy 206
Branchville, NJ
SCALE 1" = 10'
DATE: 5/27/2016: FIGURE NO. 6



Legend

- Property Boundary
- Basement Area

Restricted Area Map
M&F Embroidery
586 54th Street
West New York, NJ

ADR Environmental
343A Suite B US Hwy 206
Branchville, NJ
SCALE 1" = 10'

DATE: 8/22/2019 - Figure 7

Hudson County Recording Data Page Honorable Diane Coleman Hudson County Clerk	Official Use Only -- Barcode  20190919010001530 1/24 09/18/2019 11:48:10 AM DEED Bk: 8438 Pg: 889 Diane Coleman Hudson County, Register of Deeds Receipt No. 1551489
Official Use Only -- Record & Return	Official Use Only -- Record & Return
Date of Document:	Type of Document: Deed Notice
First Party Name: KC Ventura LLC	Second Party Name:
Additional Parties:	

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY	
Block: 115	Lot: 21
Municipality: West New York	
Consideration: \$00.00	
Mailing Address of Grantee: 5401 Jackson Avenue aka 586 64th Street, West New York, New Jersey 07093	

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOKING & PAGING INFORMATION FOR ASSIGNMENTS, RELEASES, SATISFACTIONS, DISCHARGES & OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY	
Original Book:	Original Page:

HUDSON COUNTY RECORDING DATA PAGE Please do not detach this page from the original document as it contains important recording information and is part of the permanent record.

88 58024 560115

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: Mathieu D. Morris, LSRP

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

[Print name below signature]

DEED NOTICE

This Deed Notice is made as of the 11th day of Sept, 2019, by KC Ventura LLC, 5401 Jackson Street a/k/a/ 586 54th Street, West New York, New Jersey 07093 (together with his/her/its/their successors and assigns, collectively "Owner").

1. THE PROPERTY. KC Ventura LLC, 5401 Jackson Street a/k/a/ 586 54th Street, West New York, New Jersey 07093 is the owner in fee simple of certain real property designated as Block 115 Lot 21, on the tax map of the Town of West New York, Hudson County; the New Jersey Department of Environmental Protection Program Interest Number (Preferred ID) for the contaminated site which includes this property is 229033 (Preferred ID); and the property is more particularly described in Exhibit A, which is attached hereto and made a part hereof (the "Property").

2. REMEDIATION.

i. Mathieu D. Morris, LSRP License No. 74853 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. KC Ventura LLC 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.

1. 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 *Hudson County Register's Office* of Hudson 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.

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 in square feet 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: Asphalt and Concrete Cap: Exhibit C-2 includes a narrative description of the Asphalt and Concrete Cap as an Engineering Control 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.

WITNESS:

KC Ventura LLC

Arlene Acevedo
Notary Public of the State of NJ

By [Signature]
Carlos Ventura, Managing Member

ARLENE ACEVEDO
A Notary Public of New Jersey
STATE OF NEW JERSEY My Commission Expires
COUNTY OF HUDSON August 20, 2020

I certify that on 09/11, 2019, Carlos Ventura, personally came before me, and this person acknowledged under oath, to my satisfaction, that this person:

- (a) Is a managing member of KC Ventura LLC, the corporation named in this document;
- (b) Signed, sealed, and delivered this document as his or her act and deed in his capacity as a managing member of KC Ventura LLC and;
- (c) this document was signed and delivered by such managing member as its voluntary act, duly authorized.

Arlene Acevedo
Notary Public of the State of New Jersey
ARLENE ACEVEDO
A Notary Public of New Jersey
My Commission Expires
August 20, 2020

586 54th Street, West New York, NJ
Block 115, Lot 21
DEED NOTICE

EXHIBIT A-1

Vicinity Map -- USGS Map, Weehawken Quadrangle



Name: WEBB HAWKEN
Date: 1/1/88
Scale: 1 inch equals 2000 feet

Location: 040° 42' 16.8" N 078° 01' 21.0" W
Caption: Exhibit A-1: Vicinity Map
ME Emboldery
R44280033

880 54th Street, West New York, NJ
Block 115, Lot 21
DEED NOTICE

EXHIBIT A-2

Mets and Bounds Description
&
Tax Map

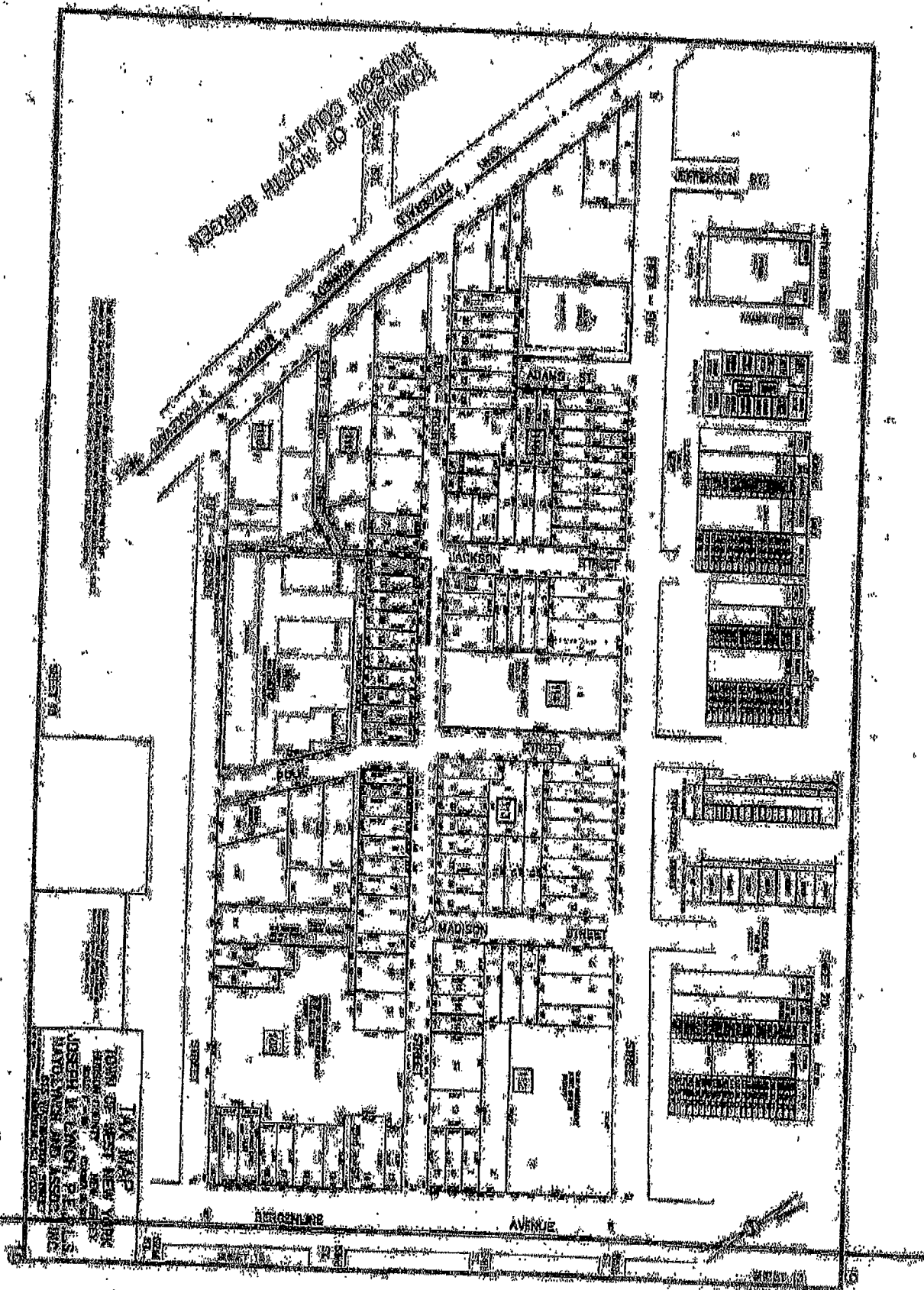
DESCRIPTION OF LAND
TAX LOT 21 - BLOCK 115
586 54th Street
TOWN OF WEST NEW YORK
HUDSON COUNTY, NEW JERSEY

BEGINNING at a point formed by the intersection of the northeasterly right of way line of 54th Street, a 35' wide right of way, with the northwesterly right of way line of Jackson Street, a 40' wide right of way, running, thence;

- 1) Along said northeasterly line of 54th Street, **North 41 degrees 30 minutes West 62.60 feet** to a point, thence;
- 2) Leaving said 54th Street and parallel with Jackson Street, **North 48 degrees 30 minutes East 34.00 feet** to a point, thence;
- 3) Parallel with 54th Street, **South 41 degrees 30 minutes East 62.60 feet** to a point in said northwesterly line of Jackson Street, thence;
- 4) Along said northwesterly line, **South 48 degrees 30 seconds West 34.00 feet** to the point and place of **BEGINNING.**

The above description is drawn in accordance with a certain map entitled, "Survey of Land, Tax Lot 21 - Block 115, 586 Fifty-Fourth Street, Town of West New York, Hudson County, New Jersey," prepared by Derek J. Kennedy, Professional Land Surveyor, dated August 21, 2019.

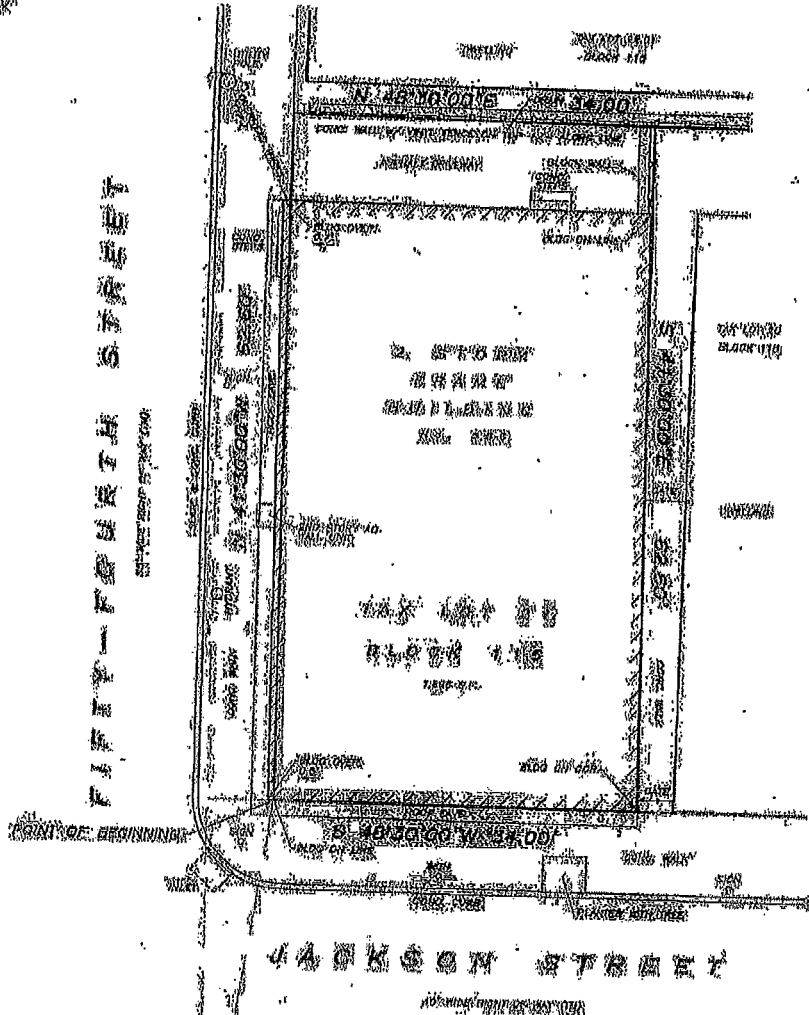

Derek J. Kennedy 08.21.2019
Professional Land Surveyor Date
New Jersey Lic. No. 24G504327100



686 54th Street, West New York, NJ
Block 115, Lot 29
DEED NOTICE

Exhibit A-3

Existing Conditions Survey by Derek J. Kennedy & Associates, LLC
Date: 8/21/19 and unrevised



NOTED: THE SURVEYOR HAS REVIEWED THE RECORDS OF THE TOWN OF WEST NEW YORK AND HAS FOUND NO RECORDS OF ANY PREVIOUS SURVEYS OF THIS LOT. THE SURVEYOR HAS ALSO REVIEWED THE RECORDS OF THE TOWN OF WEST NEW YORK AND HAS FOUND NO RECORDS OF ANY PREVIOUS SURVEYS OF THIS LOT.

DATE: 02/22/2014

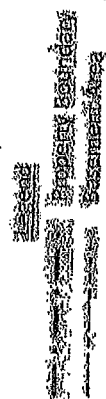


PROFESSIONAL LAND SURVEYOR NEW JERSEY LICENSE NO. 24654327101 Derek J. Kennedy	EXISTING CONDITIONS SURVEY	
	TAX LOT 21 - BLOCK 115 580 FIFTY-FOURTH STREET TOWN OF WEST NEW YORK HUDSON COUNTY, NEW JERSEY	
	Derek J. Kennedy & Associates, LLC 18 AUGUSTA HILL ROAD, AUGUSTA, NEW JERSEY 07822	

586 54th Street, West New York, NJ
Block 175, Lot 21
DEED NOTICE

Exhibit B-1 (A&B)

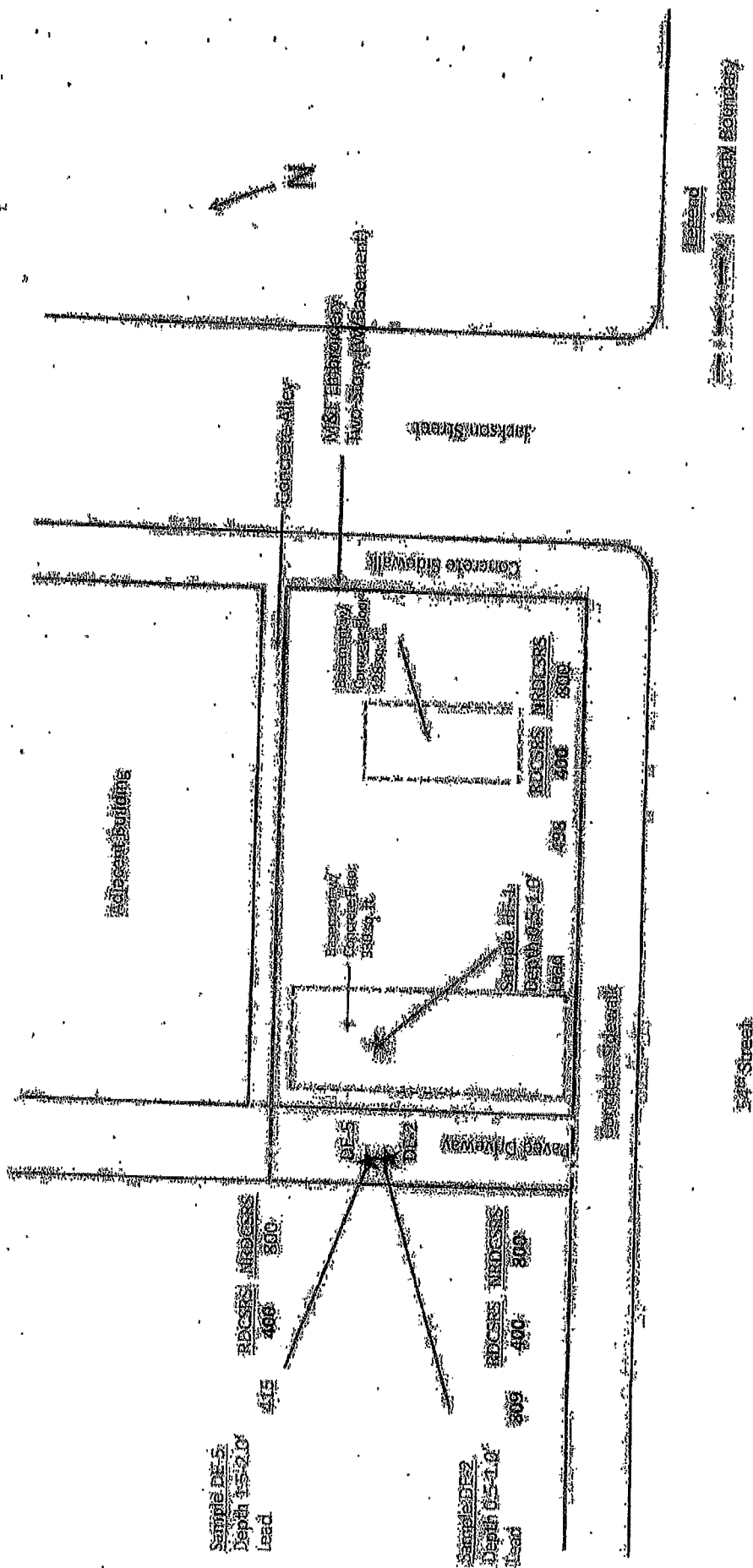
Diagram titled "Exhibit B-1 (A&B) - Restricted Area Map" - by ADR Environmental,
dated 8-22-19 and unrevised.

[illegible]

686 54th Street, West New York, N.J.
Block 115, Lot 21
DEED NOTICE

Exhibit B-1 (C)

Diagram titled "Exhibit B-1 (C) - Sample Location Map" by ADR Environmental, dated
8-12-19 and unrevised

[illegible]

586 54th Street West New York, NJ
Block 115, Lot 21
DEED NOTICE

Exhibit B-2

Restricted Area Data Table

560 5th Street, West New York, NJ
Block 116, Lot 21
Dead Notice

Exhibit B-2 - Restricted Area Data Table

Location	Depth (feet)	Contaminant	Chemical Abstract Service Number	Remaining Concentration (Mg/Kg)	RDCSC
DB-1	0.5-1.0	Lead	7439-92-1	498	400
DB-2	0.5-1.0	Lead	7439-92-1	309	400
DB-3	1.5-2.0	Lead	7439-92-1	415	400

38372 Street, West New York, NJ
Block 115, Lot 21
Deed Notice

Exhibit C-1

(A) This Deed Notice pertains to Block 115, Lot 21 and contains 2,128 square feet of land (0.049 acres).

(B) This Deed Notice prohibits any use of the restricted area that would result in direct contact with contaminated soils. This Deed Notice requires the current owner to monitor and maintain this restriction as well as to certify biennially that the Deed Notice conditions remain in place, and this Deed Notice serves to inform subsequent owners, lessees, and operators of the restrictions and requirements imposed upon the property.

(C) The objective of the restrictions are to provide for public health and safety and to protect the environment.

38520 Street West New York, NY
Block 118, Lot 21
Dead Notice

Exhibit C-2

11. Exhibit C-2: Asphalt and Concrete Cap as Engineering Control: Exhibit C-2 includes a narrative description of the Asphalt and Concrete Cap as follows:

- (A) A paved driveway and concrete basement floors will serve as engineering controls over the entire property which consists of 280 square feet of asphalt and 458 square feet of concrete.
- (B) The objective of the engineering control is to protect public health and safety by restricting direct contact with the impacted materials and also to prevent migration of contamination via surface runoff from precipitation.
- (C) The impacted area will be covered by asphalt and concrete thus preventing direct contact of soil.

09/19/2019 11:46:10 AM
DEED
NUMBER OF PAGES : 24
ESPANN