

NOTICE OF ACTIVITY AND USE LIMITATION  
M.G.L. c. 21E, §6 and 310 CMR 40.0000

2002120301468 Bk:19738 Pg:1  
12/03/2002 15:53:00 OTHER Pg 1/14

Disposal Site Name: Mobil Facility S/S #01-311  
DEP Release Tracking No(s): 3-4069

This Notice of Activity and Use Limitation ("Notice") is made as of this 3<sup>rd</sup> day of ~~October~~ <sup>December</sup>, 2002, by ExxonMobil Oil Corporation (formerly known as Mobil Oil Corporation) of Fairfax, Virginia, together with its successors and assigns, (collectively "Owner").

WITNESSETH:

WHEREAS, ExxonMobil Oil Corporation is the owner in fee simple of that certain parcel of land located in the Town of Lynnfield, Essex County, Massachusetts, with the buildings and improvements thereon, pursuant to a deed recorded with the Essex County South District Registry of Deeds in Book 10896, Page 475;

WHEREAS, said parcel of land, which is more particularly bounded and described in Exhibit A, attached hereto and made a part hereof ("Property") is subject to this Notice of Activity and Use Limitation. The Property is shown on a plan recorded in the Essex County South District Registry of Deeds in Plan Book 113, Page 73;

WHEREAS, a portion of the Property ("Portion of the Property") is subject to this Notice of Activity and Use Limitation. The Portion of the Property is more particularly bounded and described in Exhibit A-1, attached hereto and made a part hereof. The Portion of the Property is shown on a plan recorded with the Essex County South District Registry of Deeds in Plan Book 362, Plan 55, and/or on a sketch plan attached hereto and filed herewith for registration;

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

WHEREAS, one or more response actions have been selected for the Portion of the Disposal Site in accordance with M.G.L. c.21E ("Chapter 21E") and the Massachusetts Contingency Plan, 310 CMR 40.0000 ("MCP"). Said response actions are based upon (a) the restriction of human access to and contact with oil and/or hazardous material in soil and/or (b) the restriction of certain activities occurring in, on, through, over, or under the Portion of the Property. The basis for such restrictions are set forth in an Activity and Use Limitation Opinion ("AUL Opinion"), dated October 17<sup>th</sup>, 2002, (which is attached hereto as Exhibit C and made a part hereof);

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

1. Activities and Uses Consistent with the AUL Opinion. The AUL Opinion provides that no substantial hazards remain (pursuant to 310 CMR 40.0000) so long as any of the following activities and uses occur on the Portion of the Property:

MARGINAL REFERENCE REQUESTED  
10896 PAGE 475

- i.) Commercial and industrial activities and uses including but not limited to, landscaping and routine maintenance of landscaped areas, vehicular and pedestrian traffic, vehicular parking, and other non-intrusive activities which do not cause and/or result in direct contact with, disturbance of, and/or relocation of, soil currently located greater than three feet below grade;
- ii.) Excavation associated with emergency or short term (three months or less) underground utility and/or construction work which is likely to disturb soil currently located greater than three feet below grade provided that it is conducted in accordance with a Soil Management Plan and a Health and Safety Plan prepared and implemented in accordance with Obligations (i) and (ii) of this Notice prior to the commencement of such activity;
- iii.) Activities and uses which are not identified by this Notice as being inconsistent with eliminating substantial hazards;
- iv.) Such other activities and uses which, in the Opinion of an LSP, shall present no greater risk of harm to health, safety, public welfare or the environment than the activities and uses set forth in this paragraph; and
- v.) Such other activities and uses not identified in Paragraph 2 as being Activities and Uses Inconsistent with the AUL.

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

- i.) Use of the Portion of the Property as a residence, school, nursery, daycare, recreational area, and/or other such use at which a child's presence is likely on a frequent basis;
- ii.) Any short-term (three months or less) activity including, but not limited to, excavation which is likely to disturb soil currently located greater than three feet below grade without the prior development and implementation of a Soil Management Plan and a Health and Safety Plan in accordance with Obligations (i) and (ii) of this Notice;
- iii.) Any long term (greater than three months) activity which is likely to disturb soil currently located greater than three feet below grade; and
- iv.) Relocation of soil currently located greater than three feet below grade to a shallower depth, unless such activity is first evaluated by a LSP who renders an Opinion which states that such relocation is consistent with maintaining a condition of no substantial hazard and/or no significant risk.

3. Obligations and Conditions Set Forth in the AUL Opinion. If applicable, obligations and/or conditions to be undertaken and/or maintained at the Portion of the Property to eliminate a substantial hazard as set forth in AUL Opinion shall include the following:

- i.) A Soil Management Plan must be prepared by a LSP and implemented prior to the commencement of any activity that is likely to disturb soil currently located greater than three feet below grade. The Soil Management Plan must be prepared in accordance with the guidelines discussed in the Activity and Use Limitation Opinion attached hereto as Exhibit C;
- ii.) A Health and Safety Plan must be prepared and implemented prior to the commencement of any activity that is likely to disturb soil currently located greater than three feet below grade. The Health and Safety Plan must be prepared in accordance with the guidelines discussed in the Activity and Use Limitation Opinion attached hereto as Exhibit C; and,
- iii.) The soil currently located greater than three feet below grade must remain at depth and may not be relocated, unless such activity is first appropriately evaluated by a LSP who

renders an Opinion which states that such relocation is consistent with maintaining a condition of no substantial hazard and/or no significant risk.

4. Proposed Changes in Activities and Uses. Any proposed changes in activities and uses at the Portion of the Property which may result in higher levels of exposure to oil and/or hazardous material than currently exist shall be evaluated by an LSP who shall render an Opinion, in accordance with 310 CMR 40.1080 *et seq.*, as to whether the proposed changes will invalidate the conclusion that no substantial hazards remain. Any and all requirements set forth in the Opinion to meet the objective of this Notice shall be satisfied before any such activity or use is commenced.

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


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

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

Owner hereby authorizes and consents to the filing and recordation and/or registration of this Notice, said Notice to become effective when executed under seal by the undersigned LSP, and recorded and/or registered with the appropriate Registry(ies) of Deeds and/or Land Registration Office(s).

WITNESS the execution hereof under seal this 20 day of <sup>November</sup>~~October~~, 2002.

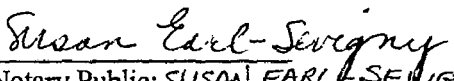
ExxonMobil Oil Corporation

by   
D.J. Fisher  
Agent & Attorney in fact Owner

COMMONWEALTH OF VIRGINIA  
COUNTY OF FAIRFAX

~~October~~ <sup>NOVEMBER</sup> 20, 2002

Then personally appeared the above-named D.J. Fisher and acknowledged the foregoing instrument to be his free act and deed before me,

  
Notary Public: SUSAN EARL SEVIGNY  
My Commission Expires: 12/31/04

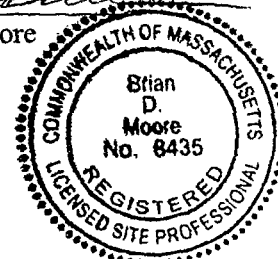
The undersigned LSP hereby certifies that he executed the aforesaid Activity and Use Limitation Opinion attached hereto as Exhibit C and made a part hereof and that in his Opinion this Notice of Activity and Use Limitation is consistent with the terms set forth in said Activity and Use Limitation Opinion.

Date: October 17, 2002



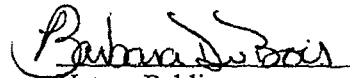
Brian D. Moore  
LSP SEAL

COMMONWEALTH OF MASSACHUSETTS  
COUNTY OF MIDDLESEX



October 17, 2002

Then personally appeared the above-named Brian D. Moore and acknowledged the foregoing instrument to be his free act and deed before me,



Notary Public:  
My Commission Expires: 7-5-09

**EXHIBIT A**

**Legal Description of Property Containing Area Subject to AUL**

That certain parcel of land situated at NW junction of Salem and Summer Streets in the Town of Lynnfield, County of Essex, and Commonwealth of Massachusetts described in the deed to Mobil Oil Corporation recorded with Essex County South District Registry of Deeds in Book 10896, Page 475 and bounded and described as follows:

Beginning at the southeasterly corner of the premises herein described, at a point formed by the intersection of the northerly line of said Salem Street with the westerly line of said Summer Street, which point is now marked by a steel bolt:

Thence the line runs S. 68° 50' 04", W. by Salem Street, ninety-seven and 97/100 (97.97) feet to a point;

Thence on a curved line by Salem Street, one hundred Forty-one and 14/100 (141.14) feet to a point;

Thence S. 44° 04' 24" W., still by said Salem Street, seven and 96/100 (7.96) feet to a point now marked by a stake;

Thence on a curved line forming the intersection of Salem Street, and a private way to shopping center, forty-one and 95/100 (41.95) feet to a point;

Thence N. 39° 46' 36" W., by said private way to shopping center, one hundred twenty-two and 72/100 (122.72) feet to a point;

Thence on a curved line measuring forty-nine (49) feet to a point;

Thence N. 72° 31' 04" E., two hundred twenty-seven and 26/100 (227.26) feet to a point;

Thence on a curved line measuring twenty and 81/100 (20.81) feet to a point;

Thence S. 59° 47' 26" E., by Summer Street, fifty-three and 42/100 (53.42) feet to a point;

Thence S. 31° 35' 56" E., sixty-six (66) feet to a point at the place and point of beginning.

The said boundaries are shown on a survey entitled: Plan of Land in Lynnfield, Massachusetts, Scale: 10 feet to the inch, Date: September 30, 1968, Surveyed for Mobil Oil Corporation, Surveyed by United Surveyors & Engineers, Braintree, Massachusetts the original of which is recorded in Essex County Southern District Registry of Deeds plan 113-73, and subject to existing easement, rights of way, restrictions, reservation, covenants, and other conditions of record.

**EXHIBIT A-1**  
**Legal Description of Portion of the Property Subject to AUL**

That certain Portion of the Property, said Property being located in Lynnfield, Essex County, Massachusetts and being more particularly described in Exhibit A, said Portion of the Property being shown as "Easement Area" on a plan entitled "Easement Plan in Lynnfield, Mass., Scale: 1" = 20', dated August 7, 2002, prepared by Ludwig Surveying Assoc., Inc.", recorded with Essex County Registry of Deeds in Plan Book 362, Plan 55, and being more particularly bounded and described as follows:

Beginning at the southeast corner of an existing building numbered 596 Salem Street, thence;

S 42-06-41 W for a distance of 28.05 feet to a point, thence;

S 39-32-43 W for a distance of 10.63 feet to a point, thence;

N 66-56-45 W for a distance of 28.08 feet to a point, said point being 24.2 feet northeasterly of an unnamed private way, thence;

N 00-48-45 E for a distance of 13.14 feet to a point, thence;

N 10-17-01 E for a distance of 15.34 feet to a point, thence;

S 85-01-56 E for a distance of 2.40 feet to the southwest corner of the building aforementioned, thence;

S 77-45-10 E along the southerly face of the aforementioned building for a distance of 47.19 feet to the point of beginning.

Said Portion of the Property contains 1,232 square feet, more or less, according to the aforementioned plan.

**EXHIBIT B**

**Sketch Plan**

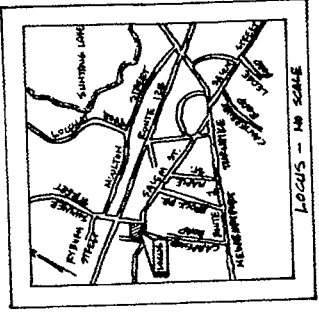
PLAN BOOK 362 PLAN 55

STATE OF MASSACHUSETTS  
DEPARTMENT OF CONSERVATION  
DIVISION OF LANDS

Received September 22, 2002

with \_\_\_\_\_  
\_\_\_\_\_

Witness:  
*John G. Blum*  
Register of Deeds



*David W. [Signature]*



# EASEMENT PLAN IN LYNNFIELD, MASS.

DATE: AUGUST 7, 2002

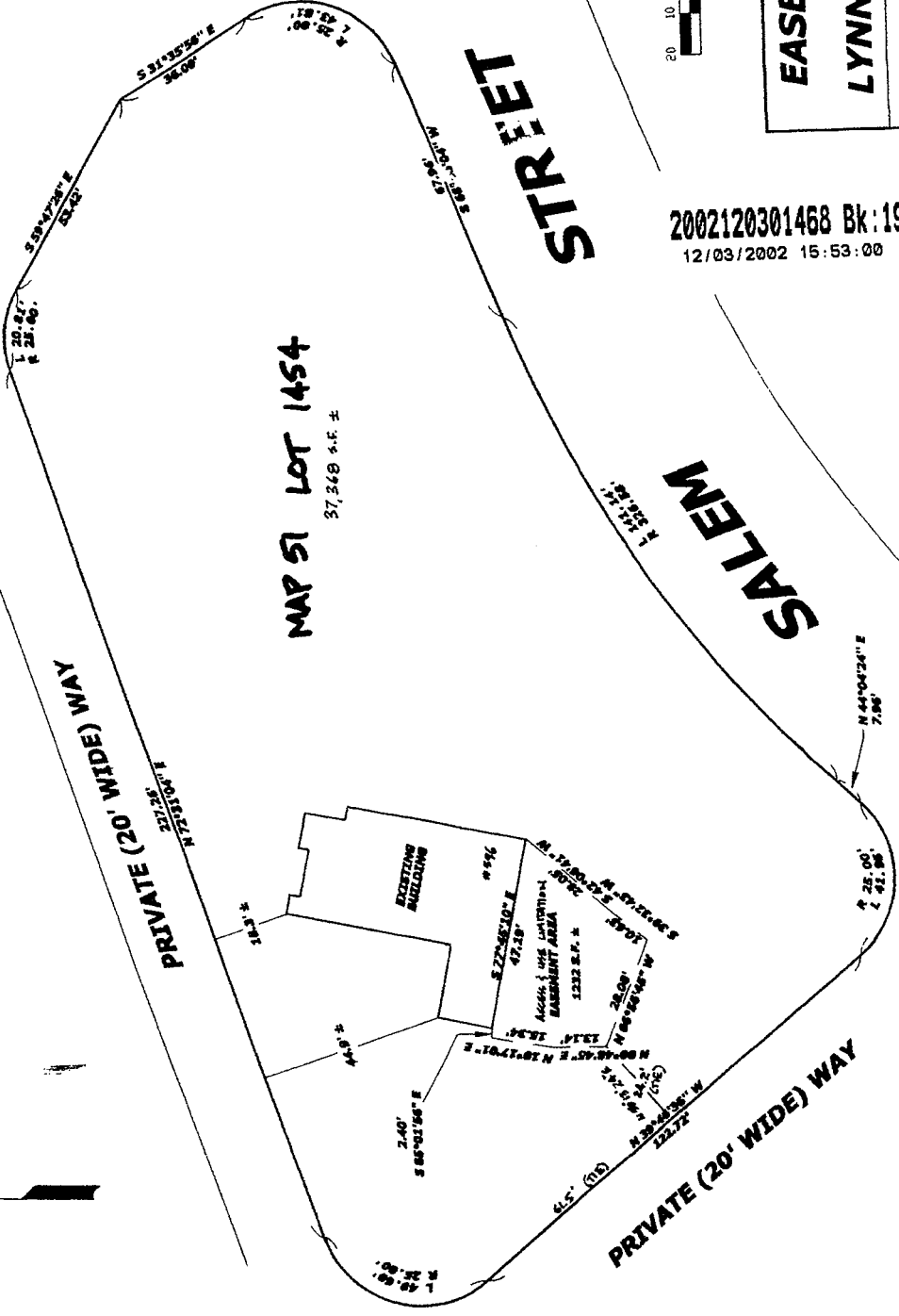
PREPARED FOR:  
GSC  
15 BONAZZOLI AVE  
HUDSON, MA 01749

REVISIONS:

LUDWIG SURVEYING ASSOC INC  
3 LITTLETON RIDGE RD  
WESTPORT, MA 01886  
(978) 392-5658

55 / 362

REFERENCES:  
EASEMENT Plan Book 104 113  
"Boundary and Topographic Plan" by State Associates dated July 2, 1991



2002120301468 Bk:19738 Pg:8  
12/03/2002 15:53:00 OTHER Pg 8/14

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING THE PROPERTY INTO EASEMENTS, AND THE LINES OF THE EASEMENTS AND WAYS SHOWN ARE THOSE OF THE PUBLIC OR PRIVATE STREETS OR WAYS AS ALREADY ESTABLISHED, AND THAT NO INTERFERENCES FOR THE DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

I FURTHER CERTIFY THAT THIS PLAN HAS BEEN PREPARED FOLLOWING THE UNIFORM INSTRUCTIONS



**EXHIBIT C**  
**Activity and Use Limitation Opinion**

2002120301466 Bk:19738 Pg:9  
12/03/2002 15:53:00 OTHER Pg 9/14

Subject Site: Mobil Facility S/S#01-311  
596 Salem Street  
Lynnfield, Massachusetts  
DEP Site #3-4069

**Site History**

In 1992, subsurface investigative activities commenced in the subject property area with the installation of ten (10) groundwater monitoring wells on and adjacent to the Mobil property. Based on the results of preliminary subsurface investigative activities, the Massachusetts Department of Environmental Protection (DEP) listed the subject property as a Location to Be Investigated on August 14, 1992, and assigned Release Tracking Number (RTN) 3-4069 to this case.

In May 1992, a former drywell located on the southwest side of the existing service station building was excavated and closed pursuant to the EPA-directed Underground Injection Control (UIC) Program. Soil excavation activities completed in this area resulted in the excavation and disposal of approximately 10 cubic yards of soil from the area of the former drywell. The continued assessment activities completed at this site confirmed the presence of petroleum hydrocarbons, volatile organic compounds, and metals in both soil and groundwater samples collected from the subject property. A Supplemental Phase I - Initial Site Investigation and a Numerical Ranking System (NRS) Scoresheet were submitted to the DEP in support of a Tier II Classification Submittal for RTN 3-4069 in August 1997.

Additional Comprehensive Site Assessment activities completed following submittal of the Phase I Report included additional groundwater monitoring well installation, soil boring advancement, and soil and groundwater sample collection and analyses. Based on the results of the additional assessment work, a Phase II - Comprehensive Site Assessment (Phase II) Report was submitted to DEP in August 2001 indicating Comprehensive Remedial Actions were required to address the conditions associated with RTN 3-4069. This Report was accompanied by a Phase III - Remedial Action Plan (RAP) and a Phase IV - Remedy Implementation Plan (RIP), which identified and evaluated potential remediation alternatives, and selected and outlined the schedule and scope of the intended Comprehensive Remedial Actions to address conditions associated with RTN 3-4069.

The Phase III - RAP submitted to DEP in August 2001 selected the alternatives of Selective Soil Excavation and Natural Attenuation/Biodegradation (also referred to as Monitored Natural Attenuation, or MNA) for the soil and groundwater located at this disposal site, respectively. Additional soil borings were advanced in the area of the former drywell in November 2001 to collect soil samples for laboratory analyses in accordance with the activities set forth in the Phase IV - RIP.

An evaluation of the analytical results from the additional soil samples collected from the vicinity of the drywell indicated that risk to human health, safety, public welfare, or the environment associated with the impact in the vicinity of the former drywell could be mitigated through the application of a Notice of an Activity and Use Limitation (AUL) on this specific portion of the subject property. Accordingly, a Phase III/Phase IV Addendum was submitted to DEP in August 2002 outlining the revised selection of MNA for the remaining portion of the disposal site predicated on the implementation of this Notice of AUL to maintain no substantial hazard conditions in the vicinity of the former drywell area.

DEP Guidance documents indicate that mitigation of potential exposures through application of Notices of AUL should be conservatively designed for portions of properties rather than entire parcels of land in order to not be overly restrictive. Accordingly, the Notice of AUL and AUL Opinion presented herein specifically target that portion of the disposal site referred to as both the "Portion of the Property" and "the AUL Area."

A professional survey of the AUL Area has been completed in accordance with DEP Guidance documents, and a Plan depicting this "Easement Area" has been recorded with Essex County Registry in Plan Book 362, Plan 55. A reproduction of this recorded plan is included in Exhibit B as the Sketch Plan.

### **Reason for Activity and Use Limitation**

The Phase II activities completed at the subject property identified volatile organic compounds (VOCs), petroleum hydrocarbon fractions, and metals adsorbed to soil and/or dissolved in groundwater at the subject site. Petroleum hydrocarbons that have been detected in soil samples collected from this site include benzene, toluene, ethylbenzene, xylenes (BTEX), methyl tert-butyl ether (MTBE), polynuclear aromatic hydrocarbons (PAHs), volatile and extractable petroleum hydrocarbons (VPH and EPH) fractions, and total petroleum hydrocarbons ('generic' TPH). Soil sample analytical results combined with the field headspace screening analyses conducted during subsurface investigative activities indicate the petroleum impacted soil at this property exists at a depth of greater than three (3) feet below grade in the vicinity of the former drywell location.

The Risk Characterization completed for this site as part of the Phase II indicated that a condition of no significant risk of harm to human health, public welfare, or the environment exists could not be demonstrated for the site given current and potential future site activities and uses. Based on the exposure assessment completed for this site (including data collected in November 2001) in preparation of the report submitted to DEP in August 2002, it was determined that a Notice of AUL and AUL Opinion should be executed for the former drywell area on the subject property to eliminate hazards associated with potential human exposure to petroleum-hydrocarbon impacted soil in the area of the former drywell in this area.

This AUL is being implemented with the intent of eliminating uncontrolled potential future exposures to the hydrocarbon-impacted soil documented to exist at this specific Portion of the Property. It is through the restrictions, obligations, and conditions set forth in this Notice of AUL and AUL Opinion that soil located at depths of greater than three feet below grade at this property will remain undisturbed, and activities that have the potential to render this soil more accessible are evaluated by licensed professionals prior to those activities taking place, thereby eliminating potential future risk(s)/hazard(s) associated with such activities or uses.

Upon completion and recordation of this Notice of AUL and AUL Opinion, response actions at the subject property will continue in accordance with the provisions set forth in the Massachusetts Contingency Plan, 310 CMR 40.0000. Periodic evaluations of potential risk(s)/hazard(s) posed by residual concentrations of the oil and/or hazardous materials associated with RTN 3-4069 will continue, at minimum, until such time that "no significant risk" may be demonstrated. In conjunction with future risk characterization activities completed at this site, it is anticipated that the obligations, terms, and conditions of this Notice of AUL may be Amended, Ratified, Confirmed, and/or Terminated in accordance with the applicable DEP Regulations and Guidance Documents.

### **Activities and Uses Consistent with the AUL Opinion**

The AUL Opinion provides that no substantial hazards remain (pursuant to 310 CMR 40.0000) so long as any of the following activities and uses occur on the Portion of the Property:

- i.) Commercial and industrial activities and uses including but not limited to, landscaping and routine maintenance of landscaped areas, vehicular and pedestrian traffic, vehicular parking, and other non-intrusive activities which do not cause and/or result in direct contact with, disturbance of, and/or relocation of, soil currently located greater than three feet below grade;

2002120301468 Bk:19738 Pg:10

12/03/2002 15:53:00 OTHER Pg 10/14

- ii.) Excavation associated with emergency or short term (three months or less) underground utility and/or construction work which is likely to disturb soil currently located greater than three feet below grade provided that it is conducted in accordance with a Soil Management Plan and a Health and Safety Plan in accordance with Obligations (i) and (ii) of this Opinion prior to the commencement of such activity;
- iii.) Activities and uses which are not identified by this Opinion as being inconsistent with eliminating substantial hazards; and
- iv.) Such other activities and uses which, in the Opinion of a LSP, shall present no greater risk of harm to health, safety, public welfare, or the environment than the activities and uses set forth in this paragraph; and
- iv.) Such other activities and uses not identified herein as being Activities and Uses Inconsistent with the AUL.

**Activities and Uses Inconsistent with the AUL Opinion**

Activities and uses which are inconsistent with the objectives of this AUL Opinion, and which, if implemented at the Portion of the Property, may result in a significant risk of harm to health, safety, public welfare or the environment or in a substantial hazard, are as follows:

- i.) Use of the portion of the property as a residence, school, nursery, daycare, recreational area, and/or other such use at which a child's presence is likely on a frequent basis;
- ii.) Any short-term (three months or less) activity including, but not limited to, excavation which is likely to disturb soil currently located greater than 3 feet below grade without the prior development and implementation of a Soil Management Plan and a Health and Safety Plan in accordance with Obligations (i) and (ii) of this Opinion;
- iii.) Any long term (greater than three months) activity which is likely to disturb soil currently located greater than three feet below grade; and
- iv.) Relocation of soil currently located greater than three feet below grade to a shallower depth, unless such activity is first evaluated by a LSP who renders an Opinion which states that such relocation is consistent with maintaining a condition of No Significant Risk.

**Obligations and Conditions**

If applicable, obligations and/or conditions to be undertaken and/or maintained at the Portion of the Property to eliminate a substantial hazard as set forth in this AUL Opinion shall include the following:

- i.) A Soil Management Plan must be prepared by a LSP and implemented prior to the commencement of any activity that is likely to disturb soil currently located greater than three feet below grade. The Soil Management Plan should describe appropriate soil excavation, handling, storage, transport, and disposal procedures and include a description of the engineering controls and air monitoring procedures necessary to ensure that workers and receptors in the vicinity are not affected by fugitive dust or particulates. On-site workers must be informed of the requirements of the Soil Management Plan, and the plan must be available on-site throughout the course of the project;
- ii.) A Health and Safety Plan must be prepared by a certified Industrial Hygienist or other qualified individual sufficiently trained in worker health and safety requirements and implemented prior to the commencement of any activity which is likely to disturb soil currently located greater than three feet below grade. The Health and Safety Plan should specify the type of personal protection (i.e., clothing, respirators), engineering controls, and environmental monitoring necessary to prevent worker exposures to petroleum-impacted soil through dermal contact, ingestion, and/or inhalation. Workers must be informed of the requirements of the Health and Safety Plan and the plan must be available on-site throughout the course of the project; and,

- iii.) The soil currently located greater than three feet below grade must remain at depth and may not be relocated, unless such activity is first appropriately evaluated by a LSP who renders an Opinion which states that such relocation is consistent with maintaining a condition of No Significant Risk.

### Summary and Conclusions of AUL Opinion

This AUL Opinion has been prepared for implementation of a Notice of AUL for a release of oil or hazardous materials at the subject Disposal Site. Based on the reference documents (see below) and by placing an AUL on the previously described Portion of the Property ("the AUL Area"), it is the opinion of the undersigned that a condition of no substantial hazard is viewed to currently exist associated with the petroleum-hydrocarbon impacted soil identified at the subject site.

### Reference Documents

This AUL Opinion is based on the information presented in:

- The Massachusetts Contingency Plan, 310 CMR 40.0000, effective October 1, 1993, as revised through October 31, 1999;
- "Guidance on Implementing Activity and Use Limitations, Interim Final Policy #WSC 99-300" prepared by the Massachusetts Department of Environmental Protection, May, 1999;
- "Phase II - Comprehensive Site Assessment Report, Phase III-Remedial Action Plan, and Phase IV-Remedy Implementation Plan, Mobil Facility #13228 (Formerly 01-311), 596 Salem Street, Lynnfield, Massachusetts, DEP RTN 3-4069," prepared by GSC, August, 2001.
- "Phase III/IV Addendum and Completion Statement, and Remedy Operation Status Submittal, Mobil Facility S/S #01-311, 596 Salem Street, Lynnfield, Massachusetts, DEP RTN 3-4069," prepared by GSC, August 2002.
- DRAFT "Substantial Hazard Evaluation and AUL Submittal, Mobil Facility S/S #01-311, 596 Salem Street, Lynnfield, Massachusetts, DEP RTN 3-4069," prepared by GSC, October, 2002.

### LSP Certification of AUL Opinion


Name of Organization: Geologic Services Corporation

2002120301468 Bk:19738 Pg:12  
12/03/2002 15:53:00 OTHER Pg 12/14

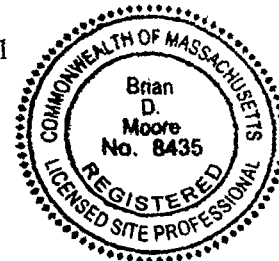
LSP Name: Brian D. Moore Title: Senior Project Manager

Telephone: (978) 568-8740 Ext. 237

I attest that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this attestation, and in my professional judgement, this AUL opinion and form complies with the provisions of M.G.L. c. 21A, §§ 19-19J, 309 CMR, M.G.L. c. 21E, 310 CMR 40.0000, and all other laws, regulations, orders, permits, and approvals applicable to such AUL opinion. I am aware that significant penalties may result, including, but not limited to, possible fines and imprisonment, if I willfully submit information, which I know to be false, inaccurate or incomplete.

Signature: 

Seal



Date: October 17, 2002

License Number: 8435



**ACTIVITY & USE LIMITATION (AUL) OPINION FORM**

Release Tracking Number

Pursuant to 310 CMR 40.1070 - 40.1084 (Subpart J)

3 - 4069

**COMPLETE THIS FORM AND ATTACH AS AN EXHIBIT TO THE AUL DOCUMENT TO BE RECORDED AND/OR REGISTERED WITH THE REGISTRY OF DEEDS AND/OR LAND REGISTRATION OFFICE.**

**A. LOCATION OF DISPOSAL SITE AND PROPERTY SUBJECT TO AUL:**

Disposal Site Name: Mobil Facility S/S#01-311

**2002120301468 Bk:19738 Pg:13**

12/03/2002 15:53:00 OTHER Pg 13/14

Street: 596 Salem Street

Location

City/Town: Lynnfield

ZIP Code: 01940

Address of property subject to AUL, if different than above. Street: "Easement Area" - Refer to Notice of AUL

City/Town: Lynnfield

ZIP Code: 01940

**B. THIS FORM IS BEING USED TO:** (check one)

- Provide the LSP Opinion for a **Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1074 (complete all sections of this form).
- Provide the LSP Opinion for an **Amended Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1081(4) (complete all sections of this form).
- Provide the LSP Opinion for a **Termination of a Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1083(3) (complete all sections of this form).
- Provide the LSP Opinion for a **Grant of Environmental Restriction**, pursuant to 310 CMR 40.1071, (complete all sections of this form).
- Provide the LSP Opinion for an **Amendment of Environmental Restriction**, pursuant to 310 CMR 40.1081(3) (complete all sections of this form).
- Provide the LSP Opinion for a **Release of Environmental Restriction**, pursuant to 310 CMR 40.1083(2) (complete all sections of this form).

**C. LSP OPINION:**

I attest under the pains and penalties of perjury that I have personally examined and am familiar with this submittal, including any and all documents accompanying this submittal. In my professional opinion and judgment based upon application of (i) the standard of care in 309 CMR 4.02(1), (ii) the applicable provisions of 309 CMR 4.02(2) and (3), and (iii) the provisions of 309 CMR 4.03(5), to the best of my knowledge,

- > if Section B indicates that a **Notice of Activity and Use Limitation** is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1074(1)(b);
- > if Section B indicates that an **Amended Notice of Activity and Use Limitation** is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1080(1) and 40.1081(1);
- > if Section B indicates that a **Termination of a Notice of Activity and Use Limitation** is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1083(3)(a);
- > if Section B indicates that a **Grant of Environmental Restriction** is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1071(1)(b);
- > if Section B indicates that an **Amendment to a Grant of Environmental Restriction** is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1080(1) and 40.1081(1);
- > if Section B indicates that a **Release of Grant of Environmental Restriction** is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1083(3)(a).

I am aware that significant penalties may result, including, but not limited to, possible fines and imprisonment, if I submit information which I know to be false, inaccurate or materially incomplete.

- Check here if the Response Action(s) on which this opinion is based, if any, are (were) subject to any order(s), permit(s) and/or approval(s) issued by DEP or EPA. If the box is checked, you MUST attach a statement identifying the applicable provisions thereof.

SECTION C IS CONTINUED ON THE NEXT PAGE.



**ACTIVITY & USE LIMITATION (AUL) OPINION FORM**

Pursuant to 310 CMR 40.1070 - 40.1084 (Subpart J)

Release Tracking Number

3 - 4069

**C. LSP OPINION: (continued)**

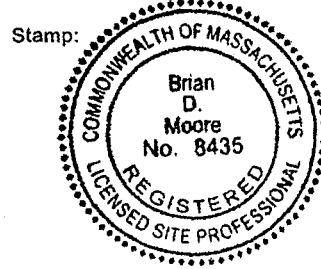
LSP Name: Brian D. Moore LSP #: 8435

Telephone (978) 568-8740 Ext.: 237

FAX: (978) 568-9316

LSP Signature: 

Date: 10/17/02



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

**2002120301468 Bk:19738 Pg:14**

12/03/2002 15:53:00 OTHER Pg 14/14