



# CITY OF NEW BEDFORD

## CITY COUNCIL

April 12, 2018

*Ordered*, that that the Mayor is hereby authorized to execute, on behalf of the City of New Bedford, an Activity and Use Limitation (AUL) for the New Bedford Intermodal Center located at the Whale's Tooth Parking Lot, DEP Release Tracking Number 4-00118, in substantially the same form as the attached draft. The property is shown on City Assessor's Map 66, Lot 133.

**Form 1075**

**NOTICE OF ACTIVITY AND USE LIMITATION**

M.G.L. c. 21E, § 6 and 310 CMR 40.0000

Disposal Site Name: New Bedford Intermodal Center  
DEP Release Tracking No.(s): 4-00118

This Notice of Activity and Use Limitation ("Notice") is made as of this \_\_\_\_ day of \_\_\_\_\_, 2018, by The City of New Bedford, located at 133 William St., New Bedford, MA 02740, together with its successors and assigns (collectively "Owner").

**WITNESSETH:**

WHEREAS, The City of New Bedford, is the owner in fee simple of that certain parcel(s) of land located in New Bedford, Bristol County, Massachusetts with the buildings and improvements thereon, pursuant to a deed recorded with the Bristol County Registry of Deeds in Book 1778, Page 817;

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 Bristol County Registry of Deeds in Plan Book 107, Plan 103;

WHEREAS, the Property comprises part of a disposal site as the result of a release of oil and/or hazardous material. Exhibit B is a sketch plan showing the relationship of the 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 Disposal Site in accordance with M.G.L. c. 21E ("Chapter 21E") and the Massachusetts Contingency Plan, 310 CMR 40.0000 ("MCP"). Said response actions are based upon (a) the restriction of human access to and contact with oil and/or hazardous material in soil and/or (b) the restriction of certain activities occurring in, on, through, over or under the Property. A description of the basis for such restrictions, and the oil and/or hazardous material release event(s) or site history that resulted in the contaminated media subject to the Notice of Activity and Use Limitation 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 this Notice of Activity and Use Limitation are as follows:

1. Activities and Uses Consistent with Maintaining No Significant Risk Conditions.

The following Activities and Uses are consistent with maintaining a Permanent Solution and a condition of No Significant Risk and, as such, may occur on the Property pursuant to 310 CMR 40.0000:

- (i) Commercial and industrial uses of Property that do not disturb soils below the asphalt cap sub base and/or the geotextile barrier located beneath the grass areas and concrete sidewalk (see As-Builts included as Exhibit E);
- (ii) Activities and uses which are not identified by this Notice as being inconsistent with maintaining a condition of No Significant Risk;
- (iii) 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
- (iv) Such activities and uses not identified in the Section below titled: Activities and Uses Inconsistent With Maintaining No Significant Risk Conditions.

2. Activities and Uses Inconsistent with Maintaining No Significant Risk Conditions. The following Activities and Uses are inconsistent with maintaining a Permanent Solution and a condition of No Significant Risk and, as such, may not occur on the Property:

- (i) Activities or uses which may damage the asphalt cap or the geotextile barrier located beneath the grass areas and concrete sidewalk.

3. Conditions Set Forth in the AUL Opinion. The following obligations and/or conditions are necessary and shall be undertaken and/or maintained at the Property to maintain a Permanent Solution and a condition of No Significant Risk:

- (i) The Property Owner and/or User will maintain the three existing types of engineering controls constructed on the Property area subject to the AUL to eliminate the Imminent Hazard and to maintain a condition of No Significant Risk: 1) an asphalt cap (parking lot), 2) a concrete cap (sidewalks) underlain by clean fill and a geotextile separation barrier: and 3) grassy areas consisting of a clean soil separation layer, a warning indicator and a geotextile separation barrier. See Exhibit E – As Builts for construction

details. These existing engineering controls can be modified or replaced with an engineering control certified by an LSP to be equivalent or better at eliminating the Imminent Hazard and maintaining a condition of No Significant Risk.

- (ii) A Health and Safety Plan and a Soil Management Plan must be prepared and implemented prior to any penetrations of one or more of the engineering controls listed above in Section (i) /or commencement of any subsurface activities which may disturb contaminated soil located at beneath the engineering controls in the AUL area. The Health and Safety and the Soil Management plans must be developed and implemented in accordance with the following guidelines:

- (a) The Soil Management Plan must be prepared by an LSP and should describe appropriate soil excavation, handling, storage, transport, and disposal procedures and include a description of the engineering controls and health and safety 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;

- (b) A Certified Industrial Hygienist or other qualified individual sufficiently trained in worker health and safety requirements must prepare the Health and Safety Plan. The plan should clearly identify the location of the contaminated soil and specifically identify the types of personal protective equipment, monitoring devices, and engineering controls necessary to ensure that workers are not exposed to lead, arsenic, PCBs, and PAHs through dermal contact, ingestion, and/or the inhalation of particulate dusts. Workers who may come in contact with the contaminated soil must be trained in the requirements of the Health and Safety Plan, and the plan must be available on Site throughout the course of the project;

- (iii) The contaminated soil currently located beneath the current engineering controls listed above in Section (i) (see As-Builts included as Exhibit E) must remain inaccessible and may not be relocated to shallower depths unless an LSP renders an Opinion that such risk is consistent with maintaining a condition of No Significant Risk. Soil removed from beneath the Property engineering controls can be returned to its previous location prior to repairing the disturbed engineering control(s);
- (iv) Excavation associated with short term (three months or less) underground utility and/or construction activities which is likely to disturb PCB (or other) contaminated soil located beneath the asphalt cap system, provided it is conducted in accordance with the Soil Management Plan, a Health and Safety Plan and implemented in accordance with Obligations and Conditions Section (ii) above;
- (v) No soil may be removed from the AUL area without prior characterization for site COCs to ensure that material is handled and disposed of properly. MCP anti-degradation provisions must be observed for offsite soil disposal; and
- (vi) Annual monitoring and associated record-keeping activities must be performed to verify that the structural integrity of the engineering controls described in Section (i) above and illustrated in Exhibit E (As-Builts) are being properly maintained to prevent exposure to soil contaminated by lead, arsenic, and PCBs located beneath, and any of the Property engineering controls deemed to be breached must be immediately repaired and/or replaced with a comparable barrier to prevent future exposures to underlying contaminated soils.

4. Proposed Changes in Activities and Uses. Any proposed changes in activities and uses at the Property which may result in higher levels of exposure to oil and/or hazardous material than currently exist shall be evaluated by a Licensed Site Professional who shall render an Opinion, in accordance with 310 CMR 40.1080 et seq., as to whether the proposed changes are inconsistent with maintaining a Permanent Solution and a condition of No Significant Risk. 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 Permanent or Temporary Solution. 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 a Licensed Site Professional in accordance with 310 CMR 40.1080 et seq., and without additional response actions, if necessary, to maintain a condition of No Significant Risk.

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 a Licensed Site Professional in accordance with 310 CMR 40.1080 et seq., the owner or operator of the Property subject to this Notice at the time that the activities, uses and/or exposures change, shall comply with the requirements set forth in 310 CMR 40.0020.

6. Incorporation Into Deeds, Mortgages, Leases, and Instruments of Transfer. This Notice shall be incorporated either in full or by reference into all 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 in accordance with 310 CMR 40.1074(5).

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 Licensed Site Professional, and recorded and/or registered with the appropriate Registry of Deeds and/or Land Registration Office(s).

WITNESS the execution hereof under seal this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

City of New Bedford

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Jonathan F. Mitchell  
Mayor, City of New Bedford

**COMMONWEALTH OF MASSACHUSETTS**

Bristol, ss

On this \_\_\_\_ day of \_\_\_\_\_ 2018, before me, the undersigned notary public, personally appeared Jonathan F. Mitchell, Mayor, proved to me through satisfactory evidence of identification, which was a Massachusetts Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of the City of New Bedford.

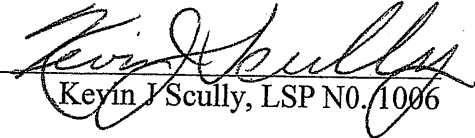
\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

# CERTIFICATION OF LICENSED SITE PROFESSIONAL

The undersigned Licensed Site Professional hereby certifies that in his opinion this Notice of Activity and Use Limitation is consistent with a Permanent Solution and maintaining a condition of No Significant Risk.

Date: 2/20, 2018

  
Kevin J. Scully, LSP NO. 1006

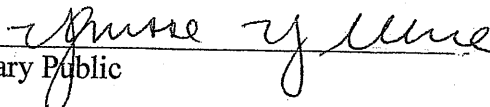
[Licensed Site Professional SEAL]



State of: New Hampshire ) SS  
County of: Hillsborough )

February 20<sup>th</sup>, 2018

On this 20 day of February, 201~~8~~, before me, the undersigned notary public, personally appeared Kevin J. Scully proved to me through satisfactory evidence of identification, which was a driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

  
Notary Public  
My Commission Expires:

YARISSA Y. UBIERRA, Notary Public  
State of New Hampshire  
My Commission Expires February 1, 2022

Upon recording, return to:

City of New Bedford  
Office of the City Solicitor  
City Hall, Rm. 203  
133 William St.  
New Bedford, MA 02740

CC:

Mikaela A. McDermott, City Solicitor  
Office of the City Solicitor  
City Hall, Rm. 203  
133 William St.  
New Bedford, MA 02740

## **Exhibit A**

### **Metes and Bounds Description for Rail Yard Map 66 Lot 133 Whale's Tooth Larking Lot**

Beginning at point on the eastern boundary line of the subject parcel in common with the northwest corner of New Bedford Assessors Map 66 Lot 101,

thence on a bearing of S 8°31'30.00" E along the eastern boundary of the subject parcel a distance of 597.44 feet +/- to a point,

thence on a curve to the left having a radius of 1,402.30 feet and a length of 214.51 +/- along the eastern boundary of the subject parcel to the southeast corner of the subject parcel,

thence on a bearing of N 52°36'51.00" W in the western boundary line of the subject parcel and along the east sideline of Acushnet Avenue a distance of 46.48 feet +/- to a granite bound,

thence on a bearing of N 37°17'00.00" W along the west boundary of the subject parcel in common with the east sideline of Acushnet Avenue a distance of 171.80 feet +/- to a granite bound,

thence on a curve to the right having a radius of 699.00 feet and a length of 182.57 +/- along the west boundary of the subject parcel to a granite bound,

thence on a curve to the right having a radius of 1,949.00 feet and a length of 196.80 +/- along the west boundary of the subject parcel to a granite bound,

thence on a curve to the right having a radius of 3,094.00 feet and a length of 10.20 +/- along the west boundary of the subject parcel to a granite bound,

thence on a bearing of N 6°56'19.00" W along the west boundary of the subject parcel a distance of 142.45 feet +/- to a granite bound,

thence on a curve to the left having a radius of 262.82 feet and a length of 132.20 +/- along the west boundary of the subject parcel to a granite bound,

thence on a bearing of N 10°22'56.00" W along the west boundary of the subject parcel a distance of 103.39 feet +/- to a granite bound at the northwest corner of the subject parcel,

thence on a bearing of N 80°43'32.00" E along the northern boundary of the subject parcel a distance of 233.25 feet +/- to the northeast corner of the subject parcel,

thence on a bearing of S 8°51'34.00" E along the eastern boundary of the subject parcel a distance of 14.88 feet +/- to a point on the north sideline of a utility easement,

thence continuing on the same line on a bearing of S 8°51'34.00" E along the eastern boundary of the subject parcel a distance of 21.84 feet +/- to a point on the south sideline of a utility easement,

thence continuing on the same line on a bearing of S 8°51'34.00" E along the eastern boundary of the subject parcel a distance of 82.36 feet +/- to a point,

thence for purposes of closure, on a bearing of S 27°19'11.18" W a distance of 3.76 feet +/- to a point in common with the northwest corner of the parcel at Map 66 Lot 101 and point of beginning.

The above described parcel contains an area of approximately 150,185 square feet (3.44 acres) and is more particularly shown in part on a Plan of Land in New Bedford, prepared for New Bedford Harbor Development Commission, by Hayward Boynton & Williams Inc., June 6, 1991 recorded in the Registry of Deeds Bristol County South District Plan Book 128 Page 27. This description accompanies an Activity Use Limitation Plan for Parcel 1 Map 66 Lot 133 dated March 28, 2014.

## **EXHIBIT B**

**SKETCH PLAN SHOWING BOUNDARIES OF AREA SUBJECT TO  
THE ACTIVITY & USE LIMITATION IN RELATION TO  
BOUNDARIES OF PROPERTY AND DISPOSAL SITE**

## NOTES & ANNOTATIONS:

1. The plan for Map 66 Lot 133 was compiled using existing recorded plans and other city plans and gathered information as referenced below and may have required rotation and translation adjustments from original bearings in order to compose an appropriate overall fit.
2. This plan and the accompanying metes and bounds description is intended to be used for establishing the appropriate Activity Use Limitation boundary particular to each referenced parcel and shall not be used for other purposes or for property line determination.
3. The entire parcel at Map 66 Lot 133 is subject to the Activity Use Limitation.

## REFERENCE PLANS:

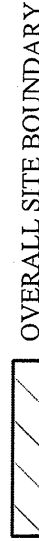
1. Plan of Land in New Bedford, prepared for New Bedford Harbor Development Commission, by Hayward-Boynton & Williams Inc., June 6, 1991 Recorded in Registry of Deeds Bristol County South District PB 128 PG 27.
2. Disposition Map Parcel No.3 Lot B-1, Lot C & Lot D, North Terminal Urban Renewal Project Mass R-109, prepared by New Bedford Redevelopment Authority, September 26, 1979, recorded in Registry of Deeds Bristol County South District PB 111 PG 150.

## SUBJECT PARCEL 1

MAP 66 LOT 133 WHALES TOOTH PARKING LOT  
CITY OF NEW BEDFORD  
PARTIAL MEASUREMENTS BASED ON PLAN BK 128 PG 27  
AREA 150,185 SF (3.44 Ac) +/-



SUBJECT PARCEL AUL LIMITS



OVERALL SITE BOUNDARY

GRAPHIC SCALE



( IN FEET )  
1 inch = 100 ft.

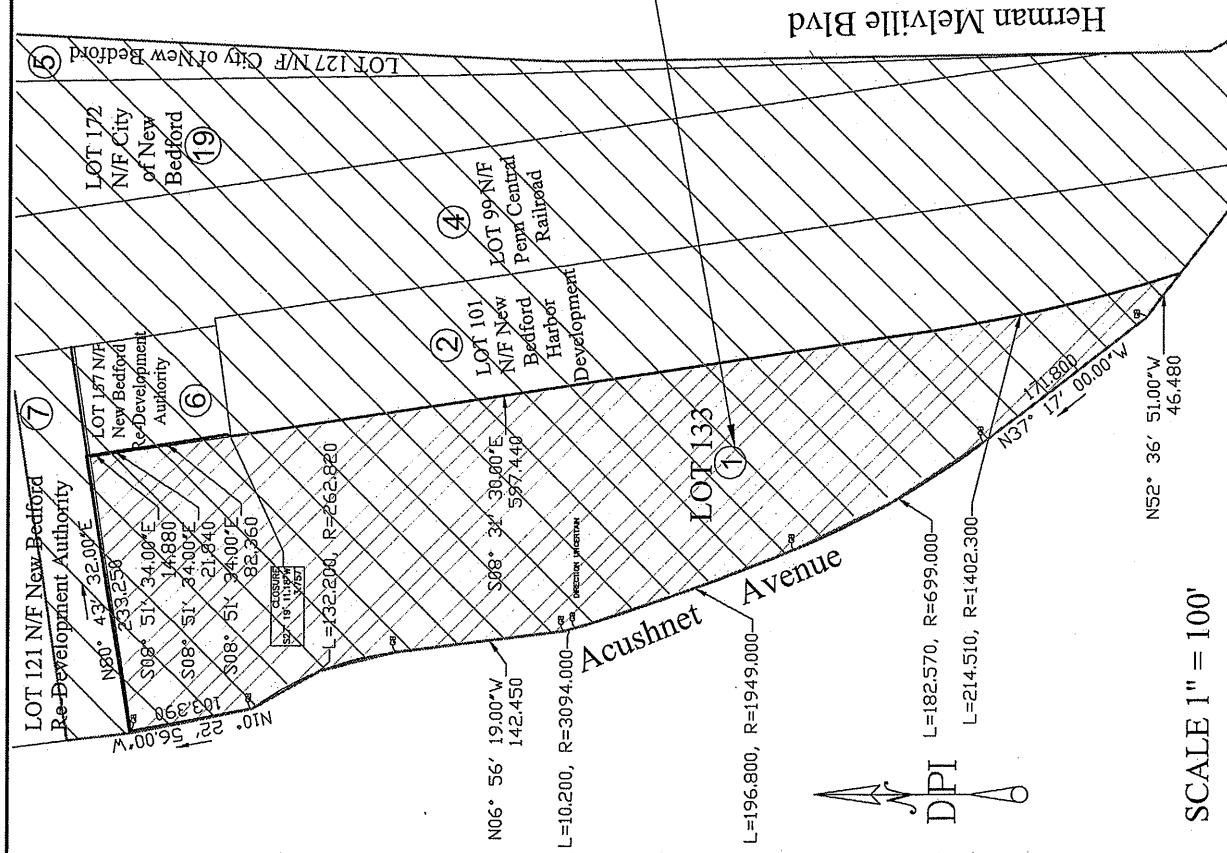
ACTIVITY USE LIMITATION PLAN  
PARCEL ① MAP 66 LOT 133  
WHALES TOOTH PARKING LOT

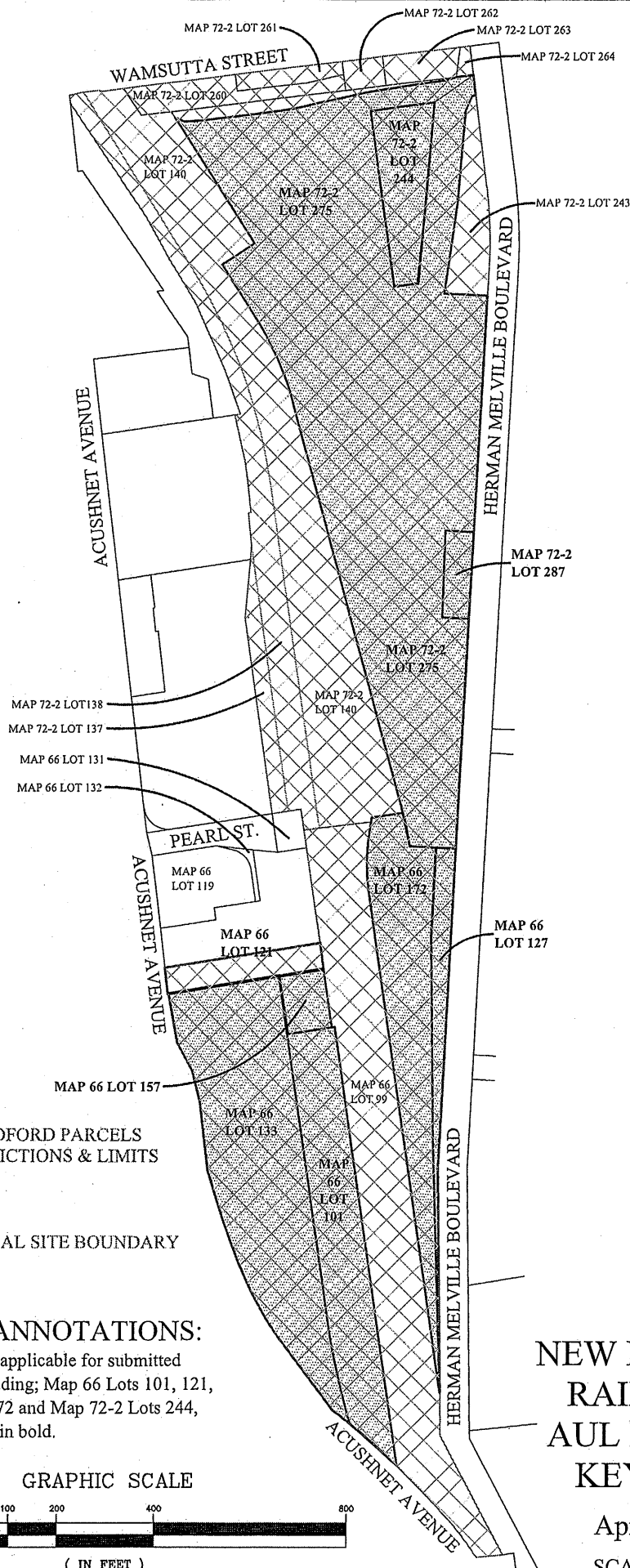
August 25, 2015

DPI FILE: Z:\CIVIL 3D PROJECTS\RAIL YARD FENCE\PARCEL 1 MAP 66 LOT 133

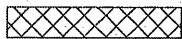
EXHIBIT

SCALE 1" = 100'





CITY OF NEW BEDFORD PARCELS  
WITH AUL RESTRICTIONS & LIMITS



OVERALL DISPOSAL SITE BOUNDARY

### NOTES & ANNOTATIONS:

1. This key plan is applicable for submitted AUL plans including: Map 66 Lots 101, 121, 127, 133, 157, 172 and Map 72-2 Lots 244, 275, 287 shown in bold.

### GRAPHIC SCALE



( IN FEET )  
1 inch = 200 ft.

## NEW BEDFORD RAIL YARD AUL PROJECT KEY PLAN

April 11, 2016

SCALE 1" = 200'

## **Exhibit C**

### **Activity Use Limitation Opinion ( AUL - Whale's Tooth Parcel Lot 66-133)**

In accordance with the Massachusetts Contingency Plan at 310 CMR 40.1704, this Activity and Use Limitation Opinion has been prepared to support a Notice of Activity and Use Limitation (AUL) on the subject industrial Property (Property) located in the Former Conrail Railyard Site (Site) located at Herman Melville Blvd, New Bedford, MA 02740. The former Conrail Yard Site is located in New Bedford, Bristol County, Massachusetts at 41°38'30.0" north latitude and 70°55'35.6" west longitude and is approximately 32-acres in size. The Property, is located on the southwestern side of the Site and is bounded to the west by Acushnet Avenue, is identified in New Bedford property records as Map 66 Lot 133 (See Exhibit B). The Engineering Controls present on this property and codified by this AUL are part of a larger, multi-property engineering control constructed in order to achieve a Permanent Solution.

At the time of the recording of the AUL, the Property is zoned for industrial use.

#### Site History

Historical records were identified dating back to 1888 and these records indicate that much of the Site is constructed on land reclaimed from the Acushnet River Basin. Site grounds were gradually reclaimed from the Acushnet River basin from 1888 to 1924. Land to the east of the Site continued to be reclaimed from the Acushnet River up until 2004. Between 1888 and 1906, the Site was occupied by coal and wood yards. By 1924, the Site had been developed by the railroad as a freight transshipping and marshalling yard. Significant rail freight transshipment activities at the Site concluded in the 1980s. In 2004 the site was redeveloped for use as an Intermodal Rail Facility.

#### Reasons for Activity and Use Limitations

The Site is defined as the portion of the railyard and adjacent properties that were affected by the historic releases of lead, arsenic, polycyclic aromatic hydrocarbons (PAHs), and polychlorinated biphenyls (PCBs). Imminent Hazards were identified at the Site, which include the Property subject to this AUL, during previous Site investigations that are detailed in the Phase II report. The Imminent Hazards were related to potential exposure to shallow surface soils that are contaminated with lead, arsenic, and PCBs. There were no Upper Concentration Limit exceedances of Site COCs measured on this Property, including the Property Subject to this AUL.

In response to the identified Imminent Hazards, the City has employed the following engineering controls on the area of the Property subject to the AUL: 1) an asphalt cap (parking lot), 2) a concrete cap (sidewalks) underlain by clean fill and a geotextile separation barrier; and 3) grassy areas consisting of a clean soil separation layer, a warning indicator and a geotextile separation barrier. See Exhibit E – As-Builts for construction details.

A Phase III evaluation of potential permanent remedial actions determined that the most cost-effective permanent solution that achieves a condition of No Significant Risk is to leave the contaminated soils in place and to maintain the protective barriers constructed during Site IRA activities. An AUL is required to ensure the proper maintenance of these barriers.

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

The AUL Opinion provides that a condition of No Significant Risk to health, safety, public welfare or the environment exists for any foreseeable period of time (pursuant to 310 CMR 40.0000) so long as any of the following activities and uses occur on the Property:

- (i) Commercial and industrial uses of Property that do not disturb soils below the asphalt cap sub base and/or the geotextile barrier located beneath the grass areas and concrete sidewalk (see As-Builts included as Exhibit E);
- (ii) Activities and uses which are not identified by this Notice as being inconsistent with maintaining a condition of No Significant Risk;
- (iii) 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
- (iv) Such activities and uses not identified in the Section below titled: Activities and Uses Inconsistent with the AUL Opinion;

#### 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 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) Activities or uses which may damage the asphalt cap or the geotextile barrier located beneath the grass areas and concrete sidewalk.

Obligations and Conditions Set Forth in the AUL Opinion

If applicable, obligations and/or conditions to be undertaken and/or maintained at the Property to maintain a condition of No Significant Risk as set forth in the AUL Opinion shall include the following:

- (i) The Property Owner and/or User will maintain the three existing types of engineering controls constructed on the Property area subject to the AUL to eliminate the Imminent Hazard and to maintain a condition of No Significant Risk: 1) an asphalt cap (parking lot), 2) a concrete cap (sidewalks) underlain by clean fill and a geotextile separation barrier; and 3) grassy areas consisting of a clean soil separation layer, a warning indicator and a geotextile separation barrier. See Exhibit E – As Builts for construction details. These existing engineering controls can be modified or replaced with an engineering control certified by an LSP to be equivalent or better at eliminating the Imminent Hazard and maintaining a condition of No Significant Risk;
- (ii) A Health and Safety Plan and a Soil Management Plan must be prepared and implemented prior to any penetrations of one or more of the engineering controls listed above in Section (i) /or commencement of any subsurface activities which may disturb contaminated soil located at beneath the engineering controls in the AUL area. The Health and Safety and the Soil Management plans must be developed and implemented in accordance with the following guidelines:
  - (a) The Soil Management Plan must be prepared by an LSP and should describe appropriate soil excavation, handling, storage, transport, and disposal procedures and include a description of the engineering controls and health and safety 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;
  - (b) A Certified Industrial Hygienist or other qualified individual sufficiently trained in worker health and safety requirements must prepare the Health and Safety Plan. The plan should clearly identify the location of the contaminated soil and specifically identify the

types of personal protective equipment, monitoring devices, and engineering controls necessary to ensure that workers are not exposed to lead, arsenic, PCBs, and PAHs through dermal contact, ingestion, and/or the inhalation of particulate dusts. Workers who may come in contact with the contaminated soil must be trained in the requirements of the Health and Safety Plan, and the plan must be available on Site throughout the course of the project;

- (iii) The contaminated soil currently located beneath the current engineering controls listed above in Section (i) (see As-Built included as Exhibit E) must remain inaccessible and may not be relocated to shallower depths unless an LSP renders an Opinion that such risk is consistent with maintaining a condition of No Significant Risk. Soil removed from beneath the Property engineering controls can be returned to its previous location prior to repairing the disturbed engineering control(s);
- (iv) Excavation associated with short term (three months or less) underground utility and/or construction activities which is likely to disturb PCB (or other) contaminated soil located beneath the asphalt cap system, provided it is conducted in accordance with the Soil Management Plan, a Health and Safety Plan and implemented in accordance with Obligations and Conditions Section (ii) above;
- (v) No soil may be removed from the AUL area without prior characterization for site COCs to ensure that material is handled and disposed of properly. MCP anti-degradation provisions must be observed for offsite soil disposal; and
- (vi) Annual monitoring and associated record-keeping activities must be performed to verify that the structural integrity of the engineering controls described in Section (i) above and illustrated in Exhibit E (As-Built) are being properly maintained to prevent exposure to soil contaminated by lead, arsenic, and PCBs located beneath, and any of the Property engineering controls deemed to be breached must be immediately repaired and/or replaced with a comparable barrier to prevent future exposures to underlying contaminated soils.

#### Proposed Changes in Activities and Uses

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

#### Violation of a Permanent Solution With Conditions

The activities, uses and/or exposures upon which this Notice is based shall not change at any time 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 this Property subject to this Notice at the time that the activities, uses and/or exposures change, shall comply with the requirements, including MADEP notification, set forth in 310 CMR 40.0020.

## **Exhibit D**

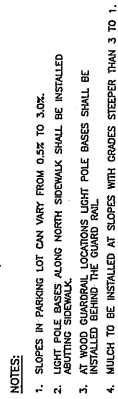
**Proof of Signatory Authority  
To Impose AUL on  
City of New Bedford Property  
Bristol County Registry of Deeds  
Book 1778 Page 817  
Plan Book 107 Plan Page 103  
Map 66 Lot 133**

**TO BE PROVIDED BY CITY**

## **Exhibit E**

### **Parcel Engineered Barrier As-Builts**





TYPICAL PARKING LOT SECTION  
NTS

	PROJECT NUMBER	DRAWN BY:	DESIGN BY:	CHECK BY:	PLAN NO.	ISSUE
	SCALE: AS NOTED					
	DATE:				SHEET C-8	